

SPECIAL MEETING OF COUNCIL

Notice is hereby given of a
Special Meeting of Council
to be held in the James Young Room,
Lerderderg Library, Bacchus Marsh on
Wednesday 18 February 2015,
commencing at 5:00 p.m.

Members:

Cr. Paul Tatchell (Mayor)	Central Ward
Cr. Allan Comrie	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Spain	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Cr. Pat Toohey	Woodlands Ward

Officers:

Mr. Rob Croxford	Chief Executive Officer
Ms. Natalie Abbott	A/General Manager Corporate Services
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING

2. ACKNOWLEDGEMENT TO COUNTRY

We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.

3. PRESENT

4. APOLOGIES

5. DISCLOSURE OF INTERESTS OR CONFLICTS OF INTEREST

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

- a direct interest
 - (section 77A, 77B)
- an indirect interest (see below)
 - indirect interest by close association (section 78)
 - indirect financial interest (section 78A)
 - indirect interest because of conflicting duty (section 78B)
 - indirect interest because of receipt of gift(s) (section 78C)
 - indirect interest through civil proceedings (section 78D)

Time for Disclosure of Conflicts of Interest

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

- (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
- (b) remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

6. PRESENTATIONS/DEPUTATIONS

The Council has made provision in the business of the Special Meeting of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Presentations or deputations are required to be conducted in accordance with the requirements contained within the **Presentation/Deputations Protocols and Procedural Guidelines**.

Persons wishing to make a presentation or deputation to the Council on a matter included in the agenda shall inform Council by 1pm on the Friday prior to the meeting by contacting the Chief Executive Officer's Office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address the Council on the item. No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

List of Persons making Presentations/Deputations other than in relation to a planning item listed on the agenda:

As listed.

7. BUSINESS

7.1 Amendment C51 – Bacchus Marsh Activity Centre Structure Plan – Consideration of Panel Report and Adoption

Introduction

File No.: 13/06/058
Author: Damien Drew
General Manager: Satwinder Sandhu

Background

Amendment C51 is a Council-initiated amendment to give effect to the recommendations of the *Bacchus Marsh Activity Centre Structure Plan 2011*, which was adopted by Council on 7 December, 2011.

Council prepared the Structure Plan, with substantial financial assistance provided by the State Government, in response to the recommendations of the *Growing Moorabool, Economic Development Strategy and Action Plan*. This Strategy recommended that Council should prepare a Structure Plan for a concentrated centre of activity in the core of Bacchus Marsh, which includes extra retail floor space, offices, service industries, medical and professional suites and a range of residential offerings.

The purpose of the Structure Plan is to: *“reflect the needs and aspirations of the community and reinforce Bacchus Marsh as a preferred location for activity with a suitable mix of commercial, retail, community and recreational activities to meet needs locally, reduce the town’s escape expenditure and increase local employment opportunities.”*

At its Ordinary Meeting held on 7 December, 2011, Council resolved to adopt the Structure Plan and to seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment (C51) for the purpose of implementing the recommendations of the *Bacchus Marsh Activity Centre Structure Plan 2011*.

On 31 January, 2012, Council requested authorisation from the Minister for Planning to prepare and exhibit the amendment to the Moorabool Planning Scheme. Consequently, the Minister for Planning authorised the preparation and exhibition of Amendment C51 on 16 February, 2012.

The authorisation required that consultation occur with the regional office of the (former) Department of Planning and Community Development as part of the preparation of the amendment, including the proposed planning provisions, prior to exhibition.

Internal reviews and consultation occurred through the period from 16 February, 2012, and on 19 February, 2013, the Minister for Planning extended the Authorisation A02186 granted to Council to prepare the planning scheme amendment C51 to the Moorabool Planning Scheme.

Amendment C51 proposes to implement the recommendations of the Activity Centre Structure Plan, as follows:

- Amending the Municipal Strategic Statement (Clause 21.07 - Bacchus Marsh) to align the objectives and strategies with the recommendations of the Structure Plan.
- Including the *Bacchus Marsh Activity Centre Structure Plan 2011* as a reference document in Clause 21.11.
- Incorporating eight (8) new Design and Development Overlays in the Moorabool Planning Scheme, which introduce specific built form and urban design requirements to ensure that new development respects the prevailing character of the town.
- Rezoning the area of land known as the 'Taverner Street Development Area', which is currently zoned Farming to Residential 1, and applying a Development Plan Overlay (DPO4) and Environmental Audit Overlay (EAO) to the land.
- Applying a Development Plan Overlay (DPO5) over the land affected by the route of 'The Greenway' as described within the Bacchus Marsh Activity Centre Structure Plan 2011. In addition, DPO5 will facilitate the provision of the road connection between Simpson Street and Waddell Street, parallel to Main Street.

Amendment C51 was placed on public exhibition between 30 May and 28 June, 2013, including notices in local papers and individual letters to all affected property owners.

On 3 July 2013, Council resolved to accept late submissions for Amendment C51 Bacchus Marsh Activity Centre Structure Plan up to 24 July, 2013, a period of three (3) weeks to enable ratepayers and residents to complete submissions to the plan.

A total of 17 submissions were received in response to the amendment, six (6) during the formal public exhibition period, and eleven (11) late submissions. The submissions included, nine (9) of opposition, three (3) offering no objection but making comment, one (1) offering support in principle but requesting alterations/changes, and four (4) indicating support for, or no objection to, the Amendment.

Key issues raised in the submissions included:

- The role of the Structure Plan;
- The Main Street Precinct, including the Civic Precinct and application of DDO11;
- Proposed 'Greenway' and possible adverse impacts on property values and development potential of the land, and the absence of any mechanism to provide compensation for affected landowners;

- Rezoning of the area identified as the 'Taverner Development Area'; and
- Application of the new Commercial Zones in the Town Centre.

On 18 September, 2013, Council resolved to request the appointment of a Planning Panel by the Minister for Planning to consider the submissions received. Council resolved to submit the exhibited amendment to the Panel, subject to the recommended changes.

The Panel Hearing was held on 29, 30, and 31 January, 2014 in Bacchus Marsh and Council received the Panel Report on 24 March, 2014.

In summary, the Panel found that the Amendment C51 to the Moorabool Planning Scheme is supported by the State and Local Planning Policy Frameworks. However, it recommended that the Amendment be adopted, subject to a number of modifications.

In addition, the Panel commended Council and its consultants for the extensive work, which has been undertaken, in setting the future strategic direction for development at Bacchus Marsh.

Prior to the receipt of the C51 Panel Report, Council requested that the Residential Zones Standing Advisory Committee review the introduction of the new residential zones into the Moorabool Planning Scheme. A draft amendment (C72) to implement the new residential zones in Bacchus Marsh, Ballan and Gordon was prepared by Council for the Advisory Committee's consideration.

However, Council's draft Amendment C72 to implement the new residential zones was based on more recent strategic work than the Activity Centre Structure Plan. Consequently, there were some differences between the controls included in the exhibited C51 Design and Development Overlays and the schedules to the new residential zones included in draft Amendment C72.

Thus, prior to considering the Panel's Report for this Amendment, Council officers had been awaiting the release of the recommendations of the Residential Zones Standing Advisory Committee and the Minister for Planning's decision on Amendment C72, in relation to the application of the New Residential Zones in the municipality.

The review of the recommendations of the Standing Advisory Committee and the approved Amendment C72 was necessary to ensure consistency between the planning controls being applied by the two amendments and to avoid unnecessary duplication of controls.

This report considers the Panel Report received in relation to Amendment C51 and recommends the adoption of the Amendment, modified in accordance with the Panel recommendations and the outcomes of Amendment C72, which applied the New Residential Zones in the municipality.

New Residential Zones

On 1 July, 2013, the Victorian State Government introduced a suite of new planning zones, which will supersede and / or replace current zones within all Victorian planning schemes.

These zone reforms introduce different controls and generate different built form outcomes. The general intent is to more clearly emphasise where development should occur through directed growth zones (RGZ) and zones where neighbourhood character takes precedent (NRZ).

In addition, the new suite of Residential Zones came into effect on 15 July, 2013 and aim to:

- Improve the range of residential zones to better manage growth and protect and maintain liveability and neighbourhood character;
- Simplify requirements with greater certainty and clearer rules;
- Allow a broader range of activities to be considered; and
- Provide greater clarity about the type of use and development, which can be expected in residential areas.

These amendments (amongst other matters) removed the Residential 1 (R1), Residential 2 (R2) and Residential 3 (R3) zones from all planning schemes and introduced three new zones - the General Residential Zone (GRZ), Neighbourhood Residential Zone (NRZ) and Residential Growth Zone (RGZ).

The Minister for Planning required all Councils to implement the reformed residential zones by 30 June, 2014. Where a Council had not finalised an amendment to implement the new residential zones by 1 July, 2014, it was stipulated that the General Residential Zone would be implemented as the 'default' zone to replace all land zoned Residential 1, 2 and 3.

A Standing Advisory Committee was appointed by the Minister for Planning on 5 February, 2014 to report on proposals to rezone land from the Residential 1, 2 and 3 Zones to the new Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone.

The purpose of the Committee was to advise the Minister for Planning on the method and suitability of the application of the proposed new residential zones into local planning schemes.

In addition, the Standing Advisory Committee was intended to support Councils to review matters related to introducing the new residential zones into their local planning schemes within the required timeframe.

Councils were offered the opportunity to have draft amendments to apply the new Residential Zones considered by the Advisory Committee and Moorabool Shire was one of 14 Councils, which accepted this offer.

Council prepared draft Amendment C72 to implement the new Residential Zones in Bacchus Marsh, Ballan and Gordon based on recently completed and current strategic work. The draft amendment sought to link the zone translation with the draft Housing Strategy for Bacchus Marsh to better guide how, where, and in what form, future housing is to occur in the town.

Draft Amendment C72 was placed on public notification by Council in March/April 2014. The advertising of the draft amendment enabled proposed community feedback and input in response to the implement the new residential zones.

Council and submitters presented their views to the Residential Zone Standing Advisory Committee at a hearing conducted in Bacchus Marsh in May 2014.

Matters considered by the Advisory Committee included the implications of the proposed use of the suite of residential zones on the capacity to accommodate projected population growth in the municipality.

In addition, the Committee considered the correlation between the proposed application of the new zones with overlay controls, such as, Heritage Overlays, Design and Development Overlays, and Development Plan Overlays.

However, the report of the Standing Advisory Committee was not released, and a decision was not made on draft Amendment C72, prior to 30 June, 2014.

Consequently, the State Government implemented Amendment VC 116 on 1 July, which applied the General Residential Zone to land within the former Residential 1 and Residential 2 Zones of Bacchus Marsh.

On 25 September, 2014, the Residential Zone Standing Advisory Committee Report was released by the Minister for Planning.

The conclusions of the Residential Zone Standing Advisory Committee, in relation to Bacchus Marsh, were as follows:

- Over-use of the Neighbourhood Residential Zone (NRZ) when the General Residential Zone should be more likely applied.
- The NRZ was inappropriate to apply to newly developing greenfield sites, such as, Stonehill and Underbank.
- Some of the standards proposed could not be strategically justified e.g., 20 per cent site coverage in the NRZ3 Schedule; e.g., 400 square metre lot size standard in the NRZ1 zone.
- Application of the GRZ around activity centres with the GRZ1 and GRZ2 schedules as per Council recommendations seems to be well accepted and strategically sound. These areas were considered desirable for increase housing choice and infill opportunities.

Amendment C72 – New Residential Zones

Following the release of the report of the Residential Zone Standing Advisory Committee, Amendment C72 was gazetted on 9 October, 2014. The approved Amendment included a number of changes as per the recommendations of the Residential Zone Standing Advisory Committee.

It retained the General Residential Zone in Bacchus Marsh and applied zone schedules to the Central and Inner Residential Areas, as proposed in Council's submission to the Standing Advisory Committee. These areas account for approximately 10 per cent of residential land in Bacchus Marsh.

The General Residential Zone - Schedule 2 (GRZ2) has been applied to designated areas within the Bacchus Marsh Activity Centre, and designated areas near Maddingley Park and the Bacchus Marsh Railway Station.

Schedule 3 to the General Residential Zone - (GRZ3) has been applied to designated areas near community and retail facilities, such as, Bacchus Marsh and Melton Regional Hospital.

The Schedules to the General Residential Zone provide for variations to ResCode standards as follows:

GRZ Schedule 2

The schedule includes variations to the following ResCode standards:

- Minimum street setback (Standards A3 and B6) of five metres;
- Maximum site coverage (Standards A5 and B8) of 70 per cent (instead of 60 per cent); and
- Maximum front fence height (Standards A20 and B32) of 1.2 metres.

GRZ Schedule 3

The schedule includes variations to the following ResCode Standards:

- Minimum street setback (Standards A3 and B6) of six metres;
- Landscape Standard B13 changed to require the provision of one tree per 600 square metres of lot size with at least one tree in the front setback (with trees > four metres height and > three metres canopy at maturity); and
- Maximum front fence height (Standards A20 and B32) of 1.2 metres.

Proposal

Council's Municipal Strategic Statement (MSS) identifies the opportunities for consolidated activity in the town centre as follows: *"Central Bacchus Marsh has potential to establish a best practice example of transport-oriented Activity Centre planning. Significantly-sized parcels of land between the railway station and Main Street and between Fiskin and Grant Streets provide opportunity for planned residential and mixed-use urban development"*.

Moorabool Shire Council's Municipal Strategic Statement (MSS) identifies further strategic work relating specifically to Bacchus Marsh. This further strategic work includes:

Prepare and adopt a Local Area Structure Plan for the land between the railway station and Main Street and between Fiskin and Grant Streets as shown in the Growing Moorabool Economic Development Strategy.

The Structure Plan included an Implementation Strategy, which foreshadowed an amendment to incorporate the strategic directions of the Structure Plan into the Moorabool Planning Scheme.

Thus, the implementation of the *Bacchus Marsh Activity Centre Structure Plan 2011* via Amendment C51 will complete this item of further strategic work identified in the MSS.

The Amendment

Amendment C51 was subsequently prepared and included the implementation of the recommendations of the *Bacchus Marsh Activity Centre Structure Plan 2011* by:

- Amending the Municipal Strategic Statement (Clause 21.07 Bacchus Marsh) to align the objectives and strategies with the recommendations of the Activity Centre Structure Plan.
- Including the *Bacchus Marsh Activity Centre Structure Plan 2011* as a reference document in Clause 21.11.
- Incorporating eight (8) new Design and Development Overlays in the Moorabool Planning Scheme, which introduce specific built form and urban design requirements to ensure that new development respects the prevailing character of the town.
- Rezoning the area of land known as the 'Taverner Street Development Area', which is currently zoned Farming to Residential 1.
- Applying a Development Plan Overlay (DPO4) and Environmental Audit Overlay (EAO) to the Taverner Street Development Area.
- Applying a Development Plan Overlay (DPO5) over the land described as 'The Greenway' within the Bacchus Marsh Activity Centre Structure Plan 2011.

Each of the Design and Development Overlay Schedules contains a preferred character statement and design objectives to ensure that new development accords with the preferred character statement. In addition, the design objectives seek to provide an appropriate landscape setting for the interface between development and the future 'Greenway'. The Overlay Schedules ensure that planning approval is not required to construct one dwelling on a lot, or extend or alter an existing dwelling, if specified requirements are met.

DPO5 aims to ensure that the location of the 'Greenway' is identified prior to the commencement of development on the affected land. The alignment of the 'Greenway' is required to be determined to enable this key design and development objective of the Structure Plan to be implemented.

In addition, DPO5 will facilitate the provision of the road connection between Simpson Street and Waddell Street, parallel to Main Street. At present, the Planning Scheme does not contain any policy direction or controls, which are necessary under the planning system to facilitate the provision of this link.

The Development Plan Overlay is proposed to be applied to the 'Taverner Development Area', to ensure that subdivision and development occurs in an orderly controlled manner, is designed to respond to the objectives of the Structure Plan, and achieves a master planned development outcome.

Application of the Environmental Audit Overlay (EAO) to the Taverner Street Development Area is necessary, as there is potential that the land could be contaminated due to its intensive horticultural use. It must be demonstrated that the land is free from contamination prior to being used for residential purposes.

Public Exhibition Process

Amendment C51 was exhibited in accordance with the provisions of the Planning and Environment Act 1987 between 30 May and 28 June, 2013. Notice was provided to all relevant Government Departments, Statutory Authorities and affected landowners and occupiers. Notices were placed in the Moorabool News, Council's web site, Government Gazette and the Moorabool Matters publications.

During the public exhibition period, Council officers met with a number of affected landowners.

A total of 17 submissions, including eleven (11) late submissions, were received in response to Amendment C51, of which nine (9) are objections, three (3) offer no objection but make comment, one (1) offers support in principle but requests alterations/changes, and four (4) indicate support for, or no objection to, the Amendment.

The relatively low number of submissions is indicative of a degree of community acceptance of Council's strategic directions for the activity centre and surrounds.

Submissions not supporting the amendment primarily related to:

- The role of the Structure Plan;
- Main Street Precinct, including the Civic Precinct and application of DDO11;
- Proposed 'Greenway' and possible adverse impacts on property values and development potential of the land, and the absence of any mechanism to provide compensation for affected landowners;
- Rezoning of the area identified as the 'Taverner Development Area'; and
- Application of the new Commercial Zones in the Town Centre.

Following receipt of the Panel Report by Council, an owner of a property the eastern side of Fiskin Street enquired about the rezoning of the Taverner Street land. The owner was given the opportunity to make a late submission to Council and the Minister, however, a submission is yet to be received.

Panel Process

An Independent Panel was appointed by the Minister for Planning to consider and hear submissions in response to Amendment C51 on 11 October, 2013, under the provisions of Sections 153 and 155 of the *Planning and Environment Act 1987*.

It is important to note that the basic role of a panel is to:

- Give submitters an opportunity to be heard in an independent forum and in an informal, non-judicial manner. A panel is not a court of law.
- Give independent advice to the planning authority (Council) and the Minister for Planning about an amendment and about submissions referred to it. A panel makes a recommendation to the planning authority. It does not formally decide whether the amendment is to be approved.

All submitters were notified of the Panel Hearing by Planning Panels Victoria and given the opportunity to present to the Panel. All submissions were considered by the Panel, even if the submitter did not make a presentation at the Hearing.

Prior to the Panel Hearing, Council officers identified several drafting discrepancies and suggested a number of improvements to the exhibited documentation, which formed part of Council's submission to the Panel.

The Panel conducted its public hearing on 29, 30 and 31 January, 2014 at the Lerderderg Library. In addition to Council, seven parties made written and oral submissions at the hearing. Expert town planning evidence was presented on behalf of Council and three of the submitters, Abacus Bacchus Marsh Trust (Bacchus Marsh Village Shopping Centre) and Mr Alex Ng (Foodworks), and Mr S and Mrs A Provenzano. Expert evidence in relation to acoustic engineering and buffer constraint assessment was presented on behalf of Mr David Mega in relation to the Taverner Street rezoning.

In reaching its conclusions and recommendations, the Panel read and considered all of the submissions and a range of other material, which was provided by Council and other parties. This material included written submissions, evidence and verbal presentations.

The Panel Report is included in Attachment 1 to this report.

Panel Findings and Recommendations

In summary, the Panel found that the Amendment is supported by the State and Local Planning Policy Frameworks. The Panel commended Council and its consultants for the extensive work which has been undertaken in setting the future strategic direction for development at Bacchus Marsh. However, the Panel did not support the referencing of the Activity Centre Structure Plan in the Moorabool Planning Scheme.

In the Panel's opinion, the Structure Plan is not required to be referenced in the Planning Scheme as the principal matters contained in the Plan have either been incorporated into Clause 21.07 or the Schedules to the Development Plan Overlay and the Design and Development Overlay.

In relation to the 'Greenway', the Panel supported having a dedicated pedestrian-cycle link between the Main Street commercial area and the railway station.

There was broad acceptance by the parties at the Hearing that the strategic aim of achieving a safe pedestrian and cycle link, separated from vehicular traffic, and extending between Main Street and the Railway Station was desirable and would benefit the Bacchus Marsh community. Issues raised by the submitters related to the form of this link, its location and the area of land required to accommodate the link.

It was submitted by legal counsel representing the major land owners affected by the proposed 'Greenway' at the Hearing, that the 'Greenway' which extended the length of his clients' land, was above and beyond any normal requirement. If it was to proceed as proposed, the submission of counsel was that it should either be by way of a Public Acquisition Overlay or provision of another form of compensation to his clients.

In its findings, the Panel acknowledged the unique opportunity to provide an excellent landscape and pedestrian/cycle environment as part of any development of the vacant land south of Main Street, the major part of which is in single ownership. However, it emphasised that the design solution needs to be equitable, to prevent the cost being borne by one or two landowners. Thus, the Panel did not support Council's position that the link should be in the 'Greenway' form originally proposed under the Structure Plan and in the Amendment.

Whilst the Panel did not believe that the location and design of the pedestrian/cycle link needs to be predetermined, it was mindful of the poor pedestrian/cycle outcomes of many large format retail and supermarket developments. These poor outcomes have occurred despite the existence of the Activity Centre Guidelines and other policy objectives for some time.

Accordingly, the Panel determined that reference to the pedestrian/cycle link in Clause 21.07 of the Planning Scheme and a revised Development Plan Overlay Schedule would be appropriate, and will provide Council with the strategic and statutory basis to achieve an appropriate pedestrian/cycle link between Main Street and the railway station.

Based on the discussions which occurred during the Panel 'workshop', Council prepared a revised version of DPO5 and renamed it the 'Bacchus Marsh Activity Centre Link'. As directed by the Panel, this version of the DPO was circulated to all parties ten days after the conclusion of the Hearing.

The Panel supported the Schedules to the DPO and DDO generally as revised by Council, post exhibition, but with some additional minor revisions. Revisions recommended by the Panel include the deletion of the maps of the areas to which the Design and Development Overlays apply and the diagrams, from the Schedules. These maps and diagrams were deemed to be unnecessary as each of the Schedules will be identified on the Overlay Maps of the Planning Scheme and details of setbacks and heights of buildings are specified in the Schedules.

In relation to the rezoning of the Taverner Street land for residential purposes, the Panel concluded that the residential use of the land is supported by its designation under the Strategic Framework Plan in the MSS and by the use of neighbouring land to its north and west. The Panel recommended that, as stated in the evidence presented during the Hearing, noise readings should be taken when the concrete batching plant in Park Street is operating and, if these readings are to the satisfaction of Council, the rezoning could proceed.

In conclusion, the Panel recommended that Amendment C51 to the Moorabool Planning Scheme be adopted, subject to a number of modifications.

The Panel recommendations and Council officer's response are outlined below:

1. *Clause 21.07 be amended to delete reference to the Structure Plan and the Strategic Vision Plan.*

Officer comments

As previously stated, the Panel concluded that the inclusion of the principal elements of the Structure Plan in the MSS and Overlays means that it is not required to be referenced in the Planning Scheme.

In addition, the Panel considered that the Strategic Vision Plan at Clause 21.07-2 was unhelpful, particularly as it applies to the Commercial 1 Zone land, and it should be deleted. Furthermore, the Panel noted that the precinct boundaries of the Strategic Vision Plan were different in the versions contained in the Structure Plan Report and Clause 21.07 under the Amendment.

Officers agree with the Panel recommendation to delete reference to the Structure Plan and the Strategic Vision Plan from Clause 21.07.

It is considered that the 'Strategic Vision Plan' included in the exhibited Clause 21.07 would add little value to the Clause and may cause confusion when interpreting the Planning Scheme.

Deleting the reference to the Structure Plan in the Clause is a minor change and will not affect the intent of the Amendment, as the principal elements of the Structure Plan are retained in the objectives and strategies contained within Clause 21.07.

2. *Clause 21.07 be amended to add the following strategy:
Encourage civic and community uses on land west of Lord Street, in the vicinity of the library and public hall.*

Officer comments

Given the Panel's conclusions that the Strategic Vision Plan should be deleted from Clause 21.07-2 and the Structure Plan should not be referenced in the Planning Scheme, it recommended that a Strategy should be added to encourage the location of community uses at the eastern end of the Activity Centre.

Whether a Civic Precinct supporting community uses occurs in this area will depend on demand for and funding of such uses, by the public and/or private sectors. The Panel noted that the relocation of the Council offices has possibly diminished the focus this precinct may have previously possessed.

It is noted that the recommendation merely seeks to encourage civic uses in the vicinity of the library and public hall, and does not preclude the land from being used in accordance with the provisions of the Commercial 1 Zone.

Officers agree with the Panel recommendation and have revised the relevant amendment documentation accordingly.

3. *Clause 21.11 be amended to delete the Bacchus Marsh Structure Plan as a Reference Document to the Moorabool Planning Scheme.*

Officer comment

Officers agree with the Panel recommendation not to include the Bacchus Marsh Activity Centre Structure Plan as a Reference Document in Clause 21.11 of the Planning Scheme.

Based on the changes recommended by the Panel in its report, substantial revision of the Structure Plan would be required to enable the Minister for Planning to consider its retention as a Reference Document. This work would need to be completed prior to the Amendment being adopted by Council and submitted for Ministerial approval.

Therefore, it is concurred that the inclusion of the principal elements of the Structure Plan in the MSS (objectives and strategies of Clause 21.07) and Overlay controls no longer necessitates the document to be referenced in the Planning Scheme.

4. *Map 35 be amended to include Graham Street, north of Waddell Street and land on its west side, in Schedule 11 to the Design and Development Overlay.*

Officer comments

As part of the Panel preparation process, it was realised that an incorrect version of the Design and Development Overlay (DDO) mapping was inadvertently included as part of the exhibited Amendment. The incorrectly exhibited version of the mapping omitted small areas from the proposed DDOs, including land at No. 5 Graham Street.

Notification was provided to the owners of the affected properties following the Panel Directions Hearing, which did not result in any submissions being received opposing their inclusion in the DDOs.

Therefore, the Panel recommendations support the overlay maps being amended to include this land (No. 5 Graham Street) in DDO11, which in the Panel's opinion will not transform the Amendment.

Officers agree with the Panel recommendation and have revised the relevant amendment documentation accordingly.

5. *Schedule 5 to the Development Plan Overlay be adopted in the amended form included in Appendix D.*

Officer comments

It should be noted that the provision of a high quality pedestrian/cycle link from Main Street to the Bacchus Marsh Railway Station was one of the key design and development objectives of the Activity Centre Structure Plan.

To ensure that this objective can be attained it is necessary to apply a planning control to land, which is likely to contain the 'Bacchus Marsh Activity Centre Link' formerly known as 'The Greenway'.

As part of the Amendment, Schedule 5 to the Development Plan Overlay is proposed to be applied to land affected by the likely route of the 'Activity Centre Link'.

This Schedule provides the mechanism to ensure that the alignment of the 'Activity Centre Link' is determined via the preparation and approval of a development plan (master plan) for the land. It provides the ability for the landowners to integrate their development with the 'Activity Centre Link', and achieve a high quality urban design outcome, which complements the character of Bacchus Marsh. In addition, preparation of a development plan will ensure that development, which might prejudice the route of the 'Activity Centre Link', does not occur.

It was submitted on behalf of the major landowners affected by the proposed 'Greenway', Mr and Mrs Provenzano, that it was above and beyond any normal development requirement. In their view, if the 'Greenway' was to proceed as proposed, it should be by way of either a Public Acquisition Overlay or another form of compensation to affected owners.

The owners of the other property, which may have the 'Greenway' route bisecting their land, submitted that it would severely limit the land's development potential.

As previously mentioned, the Panel acknowledged that the provision of a high quality pedestrian/cycle link from Main Street to the Railway Station is a unique opportunity for Bacchus Marsh. However, it determined that the link should be achieved without unduly burdening the two affected landowners.

Therefore, the Panel did not support Council's position that the 'Greenway' should remain in the form proposed under the Structure Plan and in the exhibited Amendment.

The Panel held an informal 'workshop' with Council and affected submitters as part of the Hearing, when alternatives relating to the vision and requirements for a north/south pedestrian/cycle link were discussed.

In summary, the findings from the workshop were:

- **Clause 21.07-6:** should be amended to refer to the objective of achieving a high quality pedestrian/cycle link between Main Street and the Werribee River, as part of any development of the vacant land.
- An alternative name for DPO5 could be the '**Bacchus Marsh Activity Centre Link**'.

- **DPO5:** should be amended to clarify the requirements for the pedestrian/cycle link:
 - Include the following requirement for the Commercial 1 Zone land - *to provide requirements for a safe, attractive linkage connecting Waddell and Main Streets which connects to the residential land to the south and provides separation between pedestrian/cyclists and vehicles in a safe speed environment.*
 - Include the following requirement for the Residential 1 Zone land - *to provide a safe attractive and direct linkage connecting the railway station with Waddell Street and which connects to the linkage through the commercial land to the north.*
- **DDO9:** amend the wording to reflect the need for development to provide and address the pedestrian/cycle link.

At the conclusion of the Hearing, the Panel provided the opportunity for Council to comment on draft revisions made to DPO5 - 'Bacchus Marsh Greenway' during the Panel 'workshop'. Council provided its comments to the Panel in the form of a revised DPO Schedule and circulated it to all parties ten days after the conclusion of the Panel Hearing. Circulation of the revised DPO Schedule provided the parties who attended the Panel Hearing the opportunity to submit comments, if they wished, to the Panel.

After considering the changes discussed and generally agreed to at the 'workshop', and Council's additional comments, the Panel prepared a revised form of Clause 21.07-6 and Schedules to the Development Plan Overlay and Design and Development Overlay, included as Appendices C, D and E of the Panel Report.

The Panel considered that these revisions, which strengthen the wording of Clause 21.07, and DPO5, DDO9 and DDO11, will provide Council with the strategic and statutory basis to achieve an appropriate pedestrian/cycle link between Main Street and the railway station.

Officers agree with the Panel recommendation and have revised the relevant amendment documentation accordingly.

6. *Schedules 9 and 11 to the Design and Development Overlay be adopted in the amended forms included in Appendix E of this Report.*

Officer comments

The revisions to DDO9 and DDO11 recommended by the Panel will achieve the provision of adequate control over the layout and detailed design of future development to ensure that the community's aspirations for the Structure Plan are met.

These Overlays provide Council with the statutory basis to achieve an appropriate form of development in the Main Street Precinct and along the pedestrian/cycle link between Main Street and the railway station.

Officers agree with the Panel recommendation and have revised the relevant amendment documentation accordingly.

7. *Map 37 be amended to include 52 Graham Street in Schedule 9 of the Design and Development Overlay.*

Officer comments

No. 52 Graham Street was another of the properties inadvertently omitted from the DDOs in the exhibited Amendment.

A meeting held with the owner of this property prior to the Panel Directions Hearing alerted Council Officers to the error in the DDO mapping exhibited as part of the Amendment.

Notification was provided to the owners of this property following the Panel Directions Hearing. The submission received in response to this notification did not oppose the Amendment but sought clarification in relation to setbacks on the property, as required by Melbourne Water from the northern bank of the Werribee River.

Therefore, the Panel supported the overlay maps being amended to include this property, which in the Panel's opinion will not transform the Amendment.

Officers agree with the Panel recommendation and have revised the relevant amendment documentation accordingly.

8. *Map 37 be amended to delete Schedule 5 to the Development Plan Overlay from land south of the Werribee River.*

Officer comments

The Panel has noted that there is a discrepancy between the Schedule and Planning Scheme Map for DPO5 - 'Bacchus Marsh Activity Centre Link' (formerly the 'Greenway'). While the Schedule refers to it as applying to land *north of Werribee River*, the Map shows it extending further to the south, over Boyes Close and the property to its east, on the northern side of Taverner Street. Based on the submissions and information provided to it by Council, the Panel did not see any need to apply DDO5 to this land.

Officers agree with the Panel recommendation and have revised the relevant amendment documentation accordingly. A separate DPO (DPO4) will be applied to the subject land as part of this Amendment (Refer to comment on Panel Recommendations 9 and 10 below).

9. *The Taverner Street land be rezoned to Residential 1, subject to actual noise readings taken at the concrete batching plant being to the satisfaction of the Planning Authority.*

Officer comments

Based on the submissions and evidence provided in relation to this land, the Panel concluded that the residential use of the land north of Taverner Street is supported by its designation under the Strategic Framework Plan in the MSS and by the use of neighbouring land to its north and west.

However, the Panel was concerned that the evidence to support the reduction of the threshold buffer set out at Clause 52.10, in relation to the 'Alsafe' concrete batching plant was not available.

Given the evidence presented at the Hearing in relation to noise emissions, the Panel believes that before a final decision is made in relation to the rezoning of this land, arrangements should be made to take actual noise levels readings at the 'Alsafe' concrete batching plant located in Park Street.

The Panel found that:

- *"Based on its inspection and evidence provided to it, it accepts that currently the concrete batching plant operates on an infrequent basis.*
- *The buffer between the plant and land on the north side of Taverner Street complies with EPA Guidelines.*
- *Based on actual noise readings being obtained while the plant is operating, that show the appropriate buffer is provided to the satisfaction of the Council, the rezoning of the land can proceed."*

Following the release of the Panel Report, Council officers advised the consultant acting on behalf of the future developer of the land that further information was required before a final decision can be made in relation to the rezoning.

Further noise testing of the concrete batching plant has now been undertaken on behalf of the future developer. The consultants had attended the site on a number of occasions, both before and after the Panel Hearing, however, the batching plant was not in operation on any of those occasions. The Concrete Batching Plant Noise Testing Report is included in Attachment 2 to this report.

Attended noise measurements were taken on 16 June, 2014 to characterise and assess the potential noise impact from the operation of the 'Alsafe' concrete batching plant at the Taverner Street site.

The noise measurements were performed under simulated plant operating conditions as the plant was not operational at the time the measurements were conducted.

The noise assessment has been conducted with consideration to the industrial noise criteria set out under the State *Environment Protection Policy No. N-1 (SEPP N-1)* (Victorian Government, 1989), which have been derived in previous GHD report entitled *C51 Bacchus Marsh- Taverner Street: Noise Assessment Report (January 2014)*.

Based on the assumption that the noise measurements of the simulated plant operating conditions are representative of the typical day-to-day operating conditions at the plant, the noise survey results indicated that the industrial noise emanating from the 'Alsafe' concrete batching plant complies at the Taverner Street site boundary and, therefore, would be compliant within the overall area.

Therefore, it is considered that the results of this noise testing demonstrate that the 'Alsafe' concrete batching plant is unlikely to cause unreasonable noise problems for future residents of the Taverner Street land, and the rezoning should proceed.

10. *Based on the rezoning of the Taverner Street land, Schedule 4 to the Development Plan Overlay and Schedule 5 to the Design and Development Overlay be adopted in the amended forms included in Appendices D and E respectively.*

Officer comments

Although submitters argued that application of the two Overlays to the land as proposed under the Amendment was a duplication of controls, the Panel supported their retention.

As stated earlier, the purpose of applying the Development Plan Overlay to the 'Taverner Development Area' is to ensure that subdivision and development is designed to respond to the objectives of the Structure Plan, occurs in an orderly manner, and achieves a master planned development outcome.

The exhibited DPO Schedule set out the requirements for preparation of the Development Plan and the matters to which the Plan must respond. These matters include infrastructure and servicing, siting and design, environmentally sustainable design and construction, open space and landscaping, traffic and movement, and environmental considerations.

However, the Panel did not support the need for a social impact assessment to be included as a requirement of the Development Plan, having regard to the facilities provided in the vicinity and that the subject land only has an area of approximately 11 hectares.

In the case of the Design and Development Overlay (DDO5), its purpose to guide the siting and design of dwellings will continue after the provisions of DPO4 have been satisfied.

Revised versions of these Schedules, to correct mapping and typographical errors were outlined in Council's submission to the Panel. Some further minor corrections were made to these documents in response to questions of the Panel at the Hearing, and the revised Schedules were forwarded to the Panel post-hearing.

The revised versions of these Schedules are included in *Appendices D and E* of the Panel Report.

Officers agree with the Panel recommendation and have revised the relevant amendment documentation accordingly.

11. *Schedule 6, 7, 8, 10 and 12 to the Design and Development Overlay be adopted in the amended forms included in Appendix F.*

Officer comments

Council did not receive any submissions in relation to Schedules 6, 7, 8, 10 and 12 of the Design and Development Overlay.

As part of the Panel preparation process, it was realised that some changes to the wording of the exhibited Schedules 6, 7, 8, 10 and 12 of the Design and Development Overlay was required to correct typographical errors, clarify provisions, and more accurately reflect the intent of the Structure Plan.

Revised versions of these Schedules, to correct mapping and typographical errors were outlined in Council's submission to the Panel. Some further minor corrections were made to these documents in response to questions of the Panel at the Hearing, and the revised Schedules were forwarded to the Panel post-hearing.

The minor corrections made by Council to the subject Schedules are supported by the Panel.

Officers agree with the Panel recommendation and have revised the relevant amendment documentation accordingly.

12. *Map 35 be amended to include land on the north side of Turner Street, east of Clarinda Street in Schedule 10 of the Design and Development Overlay.*

Officer comments

The Panel supported the inclusion in DDO10 of the small areas inadvertently omitted from the exhibited Amendment. Notification provided to the owners of these properties following the Panel Directions Hearing did not result in any submissions being received opposing their inclusion. Therefore, the Panel supports the overlay map being amended to include this area, which in the Panel's opinion will not transform the Amendment.

Officers agree with the Panel recommendation, and have revised the relevant amendment documentation accordingly.

Changes required to Amendment C51 subsequent to the application of the new Residential Zones

As stated earlier, Amendment C72 made revisions to the default application of the General Residential Zone in the municipality, including the application of scheduled requirements (GRZ2 and GRZ3) Schedules to land in the 'central' and 'inner' residential areas around activity centres in Bacchus Marsh.

The gazetted Schedules to the GRZ specify requirements in relation to minimum street setbacks (GRZ2 – 5.0 metres and GRZ3 – 6.0 metres), building site coverage (GRZ2 only), front fence heights (1.2 metres), and landscaping requirements (GRZ3 only).

However, there are some differences between the controls to manage the form of development included in the exhibited C51 Design and Development Overlays and the requirements of the Schedules for the new residential zones included in the approved Amendment C72.

The differences are due to the requirements of the Schedules included in Amendment C72 being based on more recent strategic work, Council's draft Housing Strategy for Bacchus Marsh. This Strategy has reviewed the town's future housing needs and the standards required to guide how, where, and in what form, future housing is to occur in Bacchus Marsh.

It is noted that the Residential Zones Standing Advisory Committee Stage One Overarching Issues Report made findings in relation to the application of Schedules and Overlays controls. The Committee found that where various overlays apply, the combination of zone and overlays may need to be reviewed to provide an integrated planning framework which reduces the potential for ambiguity or inconsistent provisions, and the complexity in administering the scheme.

Changes to the Design and Development Overlays

As stated above, requirements in relation to street setbacks are included in the approved GRZ Schedules, which now form part of the Moorabool Planning Scheme. To avoid duplication and/or inconsistencies between the GRZ and DDO controls, it is recommended that the street setback requirements be deleted from DDO Schedules 6, 8 and 9, which will apply to land zoned GRZ2 and GRZ3.

Taverner Street Rezoning

Council can no longer rezone the land on the northern side of Taverner Street, west of Fiskin Street, to the Residential 1 Zone, due to the implementation of the new Residential Zones. Therefore, Council must consider rezoning the land to one of the new Residential Zones.

The Residential Zones Standing Advisory Committee recommended that the GRZ, rather than the Neighbourhood Residential Zone, be preferred for broad hectare land identified for residential development, that is, in the process of subdivision and development.

Thus, Amendment C72 has applied the General Residential Zone (GRZ) - Schedule 1 to the West Maddingley growth area. Schedule 1 to the GRZ does not specify variations to any of the zone or ResCode provisions. In addition, Council recently resolved to adopt Amendment C62, which will rezone the 'Underbank' land to GRZ1 with the application of the DPO.

Therefore, it is recommended that the Taverner Street land be rezoned to General Residential Zone (GRZ) - Schedule 1. The Amendment will still apply the Development Plan Overlay, and the Design and Development Overlay to the land, which will guide subdivision and the siting and design of dwellings, as recommended by the Panel.

It is noted that Amendment C72 does not affect this land or necessitate any changes to either of these Overlays.

The amendment documentation revised in accordance with the Panel recommendations and the approved Amendment C72, is included in Attachment 3 to this report.

Additional changes to amendment documents

Some additional changes are required to the amendment documents to ensure consistency with the form and content of planning schemes and to provide greater clarity of the intent of the provisions.

In particular, corrections have been made to wording of the front fence height requirement in the DDO Schedules 6, 9 and 12 to be consistent with the form and content of planning schemes. In addition, changes have been made to DDO Schedules to improve the clarity of the intent of the provisions.

These changes are considered to be of a minor nature and do not alter the intent or the effect of the exhibited planning controls, and will streamline the approval of the Amendment, if it is adopted by Council.

Other issues

Ministerial Direction No.15 - The Planning Scheme Amendment Process

Under the provisions of Ministerial Direction No.15, the decision on the Amendment was due to be made within 40 days of receipt of the Panel Report. Council received the C51 Panel Report on 25 March, 2014. Therefore, to meet the timeline, Council was due to consider the Panel Report and make a decision on the Amendment at the May 2014 Meeting of Council.

However, as the Amendment was affected by the New Residential Zones process (Amendment C72), Council gained an exemption from the required timeline, until 1 August, 2014 and then an extension until 1 November, 2014. Amendment C72 was gazetted on 9 October, 2014, which did not allow sufficient time for analysis of the new provisions and preparation of a report for presentation at the November 2014 Meeting of Council. A third extension to this exemption was granted by the Minister on the basis that Council would be making a decision on the Amendment at its February 2015 Meeting.

A further extension of time has now been requested as the most recent extension expired on 4 February, 2015. Council is awaiting a response in relation to this request.

Access to the undeveloped land south of Main Street

The Development Plan Overlay (DPO5) requires the preparation of a master plan to coordinate the development of the vacant commercial and residential land between Main Street and the Werribee River. It will guide the future development and subdivisional layout of the land, including determining the road network required to service the development area and connections to the existing road network.

Application of the Development Plan Overlay allows Council to have greater control over the specific planning outcomes for the site, and ensure appropriate guidance is provided for development and subdivision applications to achieve a holistic consideration of issues culminating in a master planned development outcome.

Desired development outcomes are specified in the Schedule to the Development Plan, but it provides sufficient flexibility to enable the landowners/future developers to prepare a master plan incorporating their needs, in consultation with Council officers.

The Schedule to the Development Plan includes the following requirements in relation to access to the land:

- Preparation of a traffic management plan addressing the impact of the proposed development on the arterial and local road network, addressing mitigation works required on the road network in addition to funding responsibilities.
- A through road to connect Waddell and Simpson Streets.
- Preparation of a detailed road alignment and construction report. It enables consideration of the Activity Centre Design Guidelines, including those in relation to access. These Guidelines include the following:
 - To provide a well-connected road network with co-located access for all users.
 - To provide adequate access for commercial vehicle, service, and loading activities using the activity centre streets.
 - To integrate the development with the local street network – direct links to surrounding neighbourhoods. Matters to be considered in the preparation of the development plan and traffic management plan may include:
 - Opportunities to increase accessibility and permeability of the area.
 - Location of vehicular and pedestrian access, the capacity of vehicular access points, and the impact of vehicular access on the surrounding road network.
 - Whether new access routes will be required, such as, road access from Main Street to the land/future development.

- Traffic flow/circulation within the site.
- Emergency vehicle access.
- Location of car parking areas.

Policy Implications

The 2013 - 2017 Council Plan (revised) provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Effective and efficient land use planning and building controls
Strategy	<p>Ensure the Planning Scheme is reviewed and updated in order to facilitate land use and development to support the social, economic, environment and well-being of the Shire.</p> <p>Ensure that development is sustainable, resilient to change and respects the existing character.</p>
2014/15 Projects-	<p>Finalisation of Structure Plans</p> <p>– C51 Bacchus Marsh Activity Centre Structure Plan</p>

The proposed Amendment is consistent with the 2013-2017 Council Plan.

Consistency with Moorabool 2041 (M2041)

M2041 is a planning policy framework identified as an over-arching planning direction for the Shire across the next 30 years. It has two components, being a rural growth strategy and an urban growth strategy. The urban growth strategy component is focused on Bacchus Marsh. The rural growth strategy focuses equally upon all the Shire settlements (excluding Bacchus Marsh) and covers Ballan and Gordon.

Interwoven into the urban growth strategy is a requirement to formulate a housing strategy, which addresses the required zoning reforms, sought by State Government.

Bacchus Marsh Activity Centre Structure Plan pre-dates M2041, but is consistent with the key directions being advocated. The Amendment responds to the community engagement and structure planning undertaken for the central part of Bacchus Marsh. It will assist in maintaining the character of Main Street and the surrounding residential areas, which is highly valued by the community.

Planning and Environment Act 1987

Council has prepared the Amendment to meet its responsibilities and duties as a Planning Authority under the provisions of the *Planning and Environment Act 1987*. Section 4(d) of the Act includes an objective to “to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.”

Section 12 of the Act outlines the duties and power of planning authority (council) under the Act:

12(1) A planning authority must—

(a) implement the objectives of planning in Victoria;

(d) prepare amendments to a planning scheme for which it is a planning authority;

Economic Effects

Bacchus Marsh is the Moorabool Shire’s largest and most vibrant activity centre. It will continue to be the focus for economic development, as well, as residential growth in the municipality.

The Bacchus Marsh Activity Centre Structure Plan was founded upon a study, which identified the need and scope for development within Bacchus Marsh, the *Growing Moorabool: Economic Development Strategy 2006 and Action Plan*.

Amendment C51 will have positive economic effects by consolidating growth and creating a greater critical mass of activity in Bacchus Marsh. It will assist in supporting continued growth and development of existing commercial and retail businesses, and potentially generate new business and local employment opportunities, within the town.

Future retail and commercial development will provide increased opportunities for local employment and retail activity to the benefit of the wider community, in a manner and scale that will not detract from the character of Bacchus Marsh.

Thus, the Amendment will improve the economic viability of the Bacchus Marsh Activity Centre, by maintaining and enhancing the Centre’s role as the Shire’s main commercial and community hub.

Environmental Effects

The *Bacchus Marsh Activity Centre Structure Plan 2011* has been prepared having due regard to environmental issues and constraints. It proposes making maximum use of the existing commercial centre and its infrastructure. In addition, the Structure Plan encourages active transport through the provision of the Bacchus Marsh Activity Centre Link between Main Street and the Railway Station, landscaping treatments, and supporting footpath construction in the town.

It is considered that the Amendment will result in positive environmental benefits by integrating any new development within the area affected by the Structure Plan and incorporating principles of environmentally sensitive urban design through the implementation of built form controls via the Schedules to the Design and Development Overlay.

In addition, the Amendment is expected to have positive environmental impacts resulting from:

- The inclusion of a separate and distinct objective to create a more sustainable Bacchus Marsh, with seven strategies included to achieve that objective.
- The encouragement of environmental improvements to public realm areas, particularly the Werribee River environs.
- The inclusion of the Environmental Audit Overlay to protect future residential growth from potential contamination issues

Social Effects

The development of the Structure Plan had due regard to social and community issues, with recommendations to improve walkability/accessibility and enhance the provision of goods and services through development and investment in the town centre.

Amendment C51 will contribute to the social improvements by ensuring that land use and design outcomes meet the needs of the local community and visitors to the Activity Centre.

State Planning Policy Framework

The Amendment is supported by the following objectives and clauses in the SPPF:

Clause 11.01-1 Activity centre network

- *To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.*

Clause 11.01-2 Activity centre planning

- *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

Policy guidelines for achieving the objective and strategies include:

- *Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005).*
- *Safer Design Guidelines for Victoria (Crime Prevention Victoria and the Department of Sustainability and Environment, 2005).*
- *Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2005).*

- *Precinct Structure Planning Guidelines (Growth Areas Authority, 2009).*

Clause 11.02-1 - Supply of Urban Land

The Amendment allows for significant infill development opportunities, thus, providing for the consolidation, redevelopment and intensification of an existing urban area. Further, the Amendment seeks to maintain and enhance the neighbourhood character of the Bacchus Marsh Activity Centre and the surrounding area.

Clause 11.02-3 - Structure Planning

The Bacchus Marsh Activity Centre Structure Plan provides the necessary framework to guide future urban development in the town, which is consistent with this objective.

Clause 11.02-4 – Urban Growth - Sequencing of development – seeks to manage the sequence of development in growth areas so that services are available from early in the life of new communities. In addition, new development should be required to make a financial contribution to the provision of infrastructure, such as, community facilities, public transport and roads.

A key priority of the Amendment is to encourage infill development and to ensure that development of vacant zoned land occurs in a manner, which enhances the provision of infrastructure, and creates safe walking and cycle links to community and retail facilities, and public transport.

Clause 11.03-1 - Open Space Planning

This Clause seeks to ensure the provision of open space and creation of a diverse and integrated network of public open space commensurate with the needs of the community.

Open space networks should be linked through the provision of walking and cycle trails and should incorporate links between major parks and activity areas, along waterways and natural drainage corridors and connect places of natural and cultural interest.

A local open space network has been provided for by the Activity Centre Structure Plan. The proposed 'Bacchus Marsh Activity Centre Link' will form an important link between Main Street, the Railway Station and open space areas, such as, Maddingley Park and the Werribee River corridor.

Clause 11.05-1 - Regional Settlement Networks

The state policy objective in relation to regional settlement networks seeks to promote the sustainable growth and development of regional Victoria through a network of settlements.

Clause 11.05-2 Melbourne's hinterland areas

Bacchus Marsh is located within Melbourne's hinterland, as defined by Clause 11.05-2.

11.05-4 Regional planning strategies and principles

Consistent with the Central Highlands Regional Growth Plan, and Plan Melbourne, growth is to be more clearly directed to areas around public transport and local services.

14.02-1 - Catchment planning and management has as its Objective:

- *To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.*

Land adjacent to the Werribee River is included in the area affected by the Amendment. On land already zoned for residential purposes, development proposals will be required to respond to this clause. Where land is proposed to be rezoned, reference has been made to the Werribee River corridor in the proposed Schedule to the Development Plan Overlay.

Clause 15 - Built environment and heritage, seeks to achieve high quality urban design.

The urban design principles set out in Clause 15.01-2, particularly in relation to context, the public realm, landmarks views and vistas, pedestrian spaces, heritage and consolidation of sites and development of vacant sites, are relevant in considering the Amendment. In addition, the Activity Centre Design Guidelines 2005 are relevant under State Policy, which are to be used in assessing the design and built form of new development in activity centres.

The new Schedules to the Design and Development Overlay will guide the siting and design of new development in the Bacchus Marsh Activity Centre. *Clause 16 - Housing* seeks to provide a diversity of well serviced housing with an increasing proportion being located within the established urban area particularly in activity centres.

The Amendment plans for increased housing opportunities and diversity close to transport, retail activity, and the hospital. The country town character of Bacchus Marsh will be maintained without restricting the density of development on key sites south of Main Street.

Clause 17 - Economic development seeks to foster economic growth, which meets the community's needs for services and employment opportunities. It encourages the location of commercial facilities in activity centres and discourages major commercial and recreational uses in 'out of centre' locations. In addition, it encourages the provision of industrial areas in accessible locations and the protection of industrial uses from the encroachment of incompatible land uses.

The retention of the existing Commercial 1 Zone will enable the activity centre to expand to serve a projected future town population of 30,000 people. Furthermore it is appropriate to retain the Commercial 1 Zone south of Main Street as part of the activity centre as any reduction in this zoned area could lead to pressure for 'out of centre' development in the town.

Clause 17.02-1 - Industrial land development - aims to ensure availability of land for industry.

Strategies include:

Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability.

Planning must consider as relevant:

Recommended Buffer Distances for Industrial Residual Air Emissions (Environmental Protection Authority, 1990).

Amendment C51 has considered these matters in relation to the proposed Taverner Street rezoning. The additional work undertaken post-Panel has demonstrated that ambient noise levels in this location should be at a level, in the open air, which is unlikely to generate complaints from residents that would affect the operation of nearby industrial land uses.

Clause 18 - Transport - seeks (amongst other things) to ensure a safe and sustainable transport system by integrating land-use and transport.

Clause 19 - Infrastructure - seeks to ensure that planning for growth and redevelopment should provide for the efficient servicing and maintenance of social and physical infrastructure. It encourages the provision of social and cultural infrastructure in locations that offer convenient access to the wider community.

Amendment C51 encourages urban consolidation within Bacchus Marsh. The preference is for vacant land within the existing urban area to be developed prior to development on the urban fringe or beyond, where there is limited infrastructure and services available and valuable agricultural land.

Local Planning Policy Framework

The Local Planning Policy Framework within the Moorabool Planning Scheme provides strong support for the finalisation and implementation of the Bacchus Marsh Activity Centre Structure Plan.

In particular, Amendment C51 supports the following local planning objectives within the MSS:

Clause 21.03 – Settlement and housing

- Urban Growth Management – The Amendment directly takes into consideration existing and proposed infrastructure capacity. It encourages the appropriate balance and intensity of uses in an area where costly infrastructure has been provided.

- Residential Development – The Municipal Strategic Statement (MSS) seeks to provide a diversity of housing types and densities near activity centres. The Amendment recognises these capacities in Bacchus Marsh and Maddingley.

Clause 21.07 of the Local Planning Policy Framework states, “*Central Bacchus Marsh has potential to establish a best practice example of transport-orientated Activity Centre planning. Significantly sized parcels of land between the railway station and Main Street and between Fiskin and Grant Streets provide opportunity for planned residential and mixed use urban development.*”

In addition, Clause 21.07 seeks to facilitate further growth within Bacchus Marsh while maintaining those key attributes that make it a unique and attractive place to live.

The Amendment responds to the need to accommodate future growth within an environmentally constrained township in a balanced manner which acknowledges Bacchus Marsh as the key centre for economic and residential growth in the Moorabool Shire.

Clause 21.07-7 Further Strategic Work - The following item is identified as a further strategic work task within the Local Planning Policy for Bacchus Marsh:

- *Prepare and adopt a Local Area Structure Plan for the land between the railway station and Main Street and between Fiskin and Grant Streets as shown in the Growing Moorabool, Economic Development Strategy, 2006.*

In addition, the Amendment is supported by the following local planning objectives within the MSS:

- Clause 21.02 – Natural Environment
- Clause 21.04 – Commerce
- Clause 21.05 – Development and Community Infrastructure
- Clause 21.06 – Heritage

Financial Implications

Significant funding was provided by the State Government's Creating Better Places grant scheme for the preparation of the *Bacchus Marsh Activity Centre Structure Plan 2011*. In addition, there has been considerable officer time expended on the preparation of the Structure Plan and the preparation and consideration of this Amendment.

The costs for the incorporation of the Amendment into the Moorabool Planning Scheme will be met within the 2014/2015 budget. Council has already incurred the majority of the costs associated with the Amendment in the 2013/2014 financial year, including convening the Planning Panel.

It is considered that the revised Local Planning Policy and proposed overlay controls being introduced by this Amendment will guide the planning permit decision-making process and reduce the need for time and resource intensive negotiations with landowners, developers and the community regarding expected development outcomes.

Thus, introducing the revised Local Planning Policy and accompanying overlay controls will not place any substantial additional burden on the resources or administrative costs of Council.

The Development Plan Overlay Schedule to be applied to the Taverner Street Development Area includes a requirement for the landowners to enter into Section 173 Agreements for the payment of development contributions.

These Agreements will need to be negotiated and executed prior to the issue of any permits to subdivide the land.

In summary, the adoption of the Amendment would provide a tangible outcome to the considerable resources already expended on the project.

Risk & Occupational Health & Safety Issues

Council can only consider strategic directions for land use in Bacchus Marsh that align with broader State Government planning policies. This proposal has been developed to meet this objective and to provide the best opportunity of being successfully implemented in the Planning Scheme.

Considerable financial support has been provided by the State Government to enable Council to prepare the Structure Plan. The grant was provided on the basis that the implementation of the Structure Plan would occur via its incorporation into the planning scheme.

Adopting a planning scheme amendment is a normal part of the planning process and thus there are unlikely to be any risks if Council resolves to adopt Amendment C51 in accordance with the recommendations of the Planning Panel.

As Council may be aware, the Minister for Planning makes the ultimate decision in regard to a Planning Scheme Amendment. To ensure that the support of the Minister can be gained for the approval of an amendment, a planning authority (Council) must follow the correct procedures and protocols, in accordance with the provisions of the *Planning and Environment Act 1987*.

Under the provisions of the Act, a Panel is appointed by the Minister for Planning to hear submissions made about amendments to planning schemes, and to make recommendations or provide expert advice about whether or not the amendment should proceed. The Act requires Council to carefully consider the recommendations of a Planning Panel prior to deciding whether the amendment is to proceed.

To minimise any risk, it is recommended that Council be guided by the Panel's findings. Any decision countering the recommendations received would need to be carefully measured given the risk of conflicting with the *Planning and Environment Act 1987*.

If Council chooses to adopt the Amendment without following the Panel's recommendations, the Minister would require significant justification to consider approving the Amendment. In addition, if Council cannot provide appropriate justification for not following the Planning Panel's recommendations, its decision may be deemed to be inconsistent with a number of the objectives of planning in Victoria.

The Panel Report represents the culmination of hard work and effort on behalf of Council and the community, as part of the community consultation processes undertaken in developing the *Bacchus Marsh Activity Centre Structure Plan 2011* and the goals and aspirations of the residents. If a decision is not made on this Amendment, there could be a loss of community confidence in Council, which could jeopardise future planning initiatives, in particular, the Moorabool 2041 project.

In making a decision on the Amendment, Council will provide certainty for land owners, particularly those affected by the proposed 'Greenway' and the Taverner Street rezoning. Furthermore, landowners and developers will have clearer direction on the parameters for future development in the town and be able to make investment decisions accordingly.

Abandonment of the Amendment would prevent Council from being able to give effect to the recommendations within the *Bacchus Marsh Activity Centre Structure Plan 2011*.

In particular, if the Design and Development, and Development Plan Overlays are not in place to protect the Town's character assets and guide future development, there is a risk of new development eroding the character of Bacchus Marsh, which is highly valued by the community.

Furthermore, Council would not have the strategic and statutory basis to achieve an appropriate pedestrian/cycle link between Main Street and the railway station, or the provision of the road connection between Simpson Street and Waddell Street, as part of the development of the land.

There are unlikely to be any occupational health and safety implications for Council in relation to this Amendment.

Community Engagement Strategy

From the inception of the project in 2008 to date, significant public consultation and engagement has been undertaken by Council, which included three stakeholder workshops and three community workshops held during various stages of the Structure Plan preparation process.

The draft Structure Plan was the subject of a further two stakeholder workshops and two community workshops. In addition, letters were sent to each landholder in the study area, as part of the draft Structure Plan consultation process.

A further opportunity has been afforded for parties to be involved in the statutory implementation of the Structure Plan and its supporting Policy, via the planning scheme amendment process. Public exhibition of Amendment C51 has been undertaken in accordance with the provisions of the *Planning and Environment Act 1987*.

A public hearing was conducted by the Planning Panel in Bacchus Marsh, which provided the opportunity for submitters to attend and make a presentation to the Panel. The Panel Hearing was the culmination of all previous consultation undertaken in relation to the Bacchus Marsh Activity Centre Structure Plan and Amendment C51.

Engagement	Stakeholders	Activities	Date	Outcome
Inform	Affected landowners and wider community	Formal notification by mail, newspaper advertisement, government gazette (as required by legislation), as part of the exhibition of the amendment.	30 May – 28 June, 2013	Feedback has been provided as a result of public exhibition via written submissions, and phone/email enquiries
Consult	Affected landowners and wider community	Informal Discussions & Phone Discussions	30 May – 28 June, 2013	Feedback has been provided as a result of public exhibition via written submissions, and phone/email enquiries.
Involve	Submitters	Panel Hearing	29 – 31 January, 2014	Referral to the Planning Panel provided an opportunity for submitters to present their views and evidence to an independent body prior to Council determining its position.

Communications Strategy

All submitters have been notified of the date of the meeting when this report will be presented to Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Damien Drew

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The *Bacchus Marsh Activity Centre Structure Plan 2011* provides the framework for the future planning of the heart of the town.

Implementation of the Structure Plan via this Amendment will facilitate the clear articulation of Council's planning policies for the Activity Centre, and will result in an updated and better understanding of the future vision for that part of the town.

The Amendment will reinforce the Main Street Precinct as the primary activity centre for Bacchus Marsh and guide appropriate new development in the town centre. It will apply the Development Plan Overlay to the area affected by the likely route of the 'Bacchus Marsh Activity Centre Link' to ensure that this key objective of the Structure Plan is achieved. Another key element of DPO5 is to facilitate the provision of the road connection between Simpson Street and Waddell Street, parallel to Main Street.

In addition, the Amendment proposes to apply Design and Development Overlays to the area affected by the Structure Plan, and the rezoning of, and application of the Development Plan Overlay and Environmental Audit Overlay to, the land known as the Taverner Development Area.

The DDOs will provide statutory requirements for new development within the Activity Centre area, in relation to design and built form. Application of the DDOs will ensure that new development achieves the preferred character identified within each schedule and respects and enhances the 'country town' character of Bacchus Marsh.

To provide direction to Council as to how best to proceed with the amendment, a Planning Panel was appointed to consider these issues. All submitters were notified of the Panel Hearing by Planning Panels Victoria, and given the opportunity to be heard at the Hearing. The Panel reviewed the merits of the Amendment, and considered all submissions, even if the submitter did not make a presentation at the Hearing.

Amendment C51 to implement the Structure Plan is supported by the Planning and Environment Act 1987, the State Planning Policy Framework and Council's Municipal Strategic Statement.

It is considered that the Panel's Report, which supports the adoption of the Amendment, is a significant step towards providing the clear articulation of Council's planning policies for the Bacchus Marsh Activity Centre, and will result in a better understanding of the future vision for the Centre.

The Panel Hearing process and findings provides a significant planning milestone for Council. It represents a culmination of a significant planning process, which commenced in 2008. In addition, a considerable degree of community and stakeholder engagement has occurred to the stage of enabling the Amendment to be considered for adoption.

Whilst the Panel has recommended that Council adopt the Amendment subject to some changes, it is noted that many of these changes were suggested in Council's submission to the Panel, or negotiated during the Hearing.

Furthermore, the Amendment has been reviewed following the release of the report of the Residential Zones Standing Advisory Committee and the approval of Amendment C72, which applied the new Residential Zones in the municipality. Some further changes to the Amendment are recommended, to ensure that it is consistent with the provisions of the new Residential Zones applied in Bacchus Marsh.

Therefore, it is recommended that the modified Amendment be submitted to the Minister for Planning for approval.

Recommendation:

That Council, having considered the recommendations of the Planning Panel's Report regarding Moorabool Planning Scheme Amendment C51, pursuant to Section 27 of the *Planning and Environment Act 1987*, resolves to:

- 1. Accept the changes to Amendment C51, recommended by the Panel as follows:**
 - a) Clause 21.07 be amended to delete reference to the Structure Plan and the Strategic Vision Plan.**
 - b) Clause 21.07 be amended to add the following strategy:**
 - i. Encourage civic and community uses on land west of Lord Street, in the vicinity of the library and public hall.**

- c) **Clause 21.11 be amended to delete the Bacchus Marsh Structure Plan as a Reference Document to the Moorabool Planning Scheme.**
 - d) **Map 35 be amended to include Graham Street, north of Waddell Street and land on its west side, in Schedule 11 to the Design and Development Overlay.**
 - e) **Schedule 5 to the Development Plan Overlay be adopted in the amended form included in Appendix D of the Panel Report.**
 - f) **Schedules 9 and 11 to the Design and Development Overlay be adopted in the amended forms included in Appendix E of the Panel Report.**
 - g) **Map 37 be amended to include 52 Graham Street in Schedule 9 of the Design and Development Overlay.**
 - h) **Map 37 be amended to delete Schedule 5 to the Development Plan Overlay from land south of the Werribee River.**
 - i) **The Taverner Street land be rezoned to Residential 1, subject to actual noise readings taken at the concrete batching plant being to the satisfaction of the Planning Authority.**
 - j) **Based on the rezoning of the Taverner Street land, Schedule 4 to the Development Plan Overlay and Schedule 5 to the Design and Development Overlay be adopted in the amended forms included in Appendices D and E of the Panel Report respectively.**
 - k) **Schedules 6, 7, 8, 10 and 12 to the Design and Development Overlay be adopted in the amended forms included in Appendix F of the Panel Report.**
 - l) **Map 35 be amended to include land on the north side of Turner Street, east of Clarinda Street in Schedule 10 of the Design and Development Overlay.**
- 2. Adopt Moorabool Planning Scheme Amendment C51, with the changes recommended by the Panel and additional changes as follows:**
- a) **The Taverner Street land be rezoned to General Residential Zone – Schedule 1.**
 - b) **The Schedules 6, 8 and 9 to the Design and Development Overlay be amended to delete the street setback requirement.**

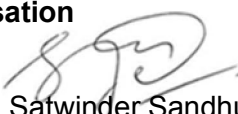
- c) **The Schedules to the Design and Development Overlay containing provisions in relation to front fences be amended, to clarify those requirements.**
- d) **The Schedules to the Design and Development Overlay be amended where necessary, to clarify the intent of the provisions.**

In accordance with the documents included in Attachment 3 to this report.

- 3. **Submit the adopted Amendment C51, together with the prescribed information, to the Minister for Planning requesting approval pursuant to Section 31(1) of the *Planning and Environment Act 1987*.**

Report Authorisation

Authorised by:

Name:  Satwinder Sandhu

Title: General Manager Growth and Development

Date: Wednesday, 11 February, 2015

Attachment - Item 7.1(a)

Planning and Environment Act 1987

Panel Report

Moorabool Planning Scheme

Amendment C51

Bacchus Marsh Activity Centre

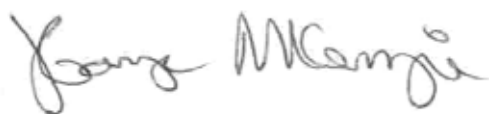
24 March 2014



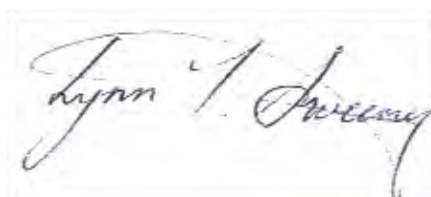
Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Moorabool Planning Scheme Amendment C51

A handwritten signature in dark ink, appearing to read 'Gaye McKenzie', written in a cursive style.

GAYE MCKENZIE, Chair

A handwritten signature in dark ink, appearing to read 'Lynn Sweeney', written in a cursive style.

LYNN SWEENEY Member

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Appendix B Document List

Appendix C Clause 21.07 revised post-Hearing by the Panel

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Appendix E Amended Schedules to 5 and 9 of the Design and Development Overlay

Appendix F Modified Schedules 6, 7, 8, 10 and 12 to the Design and Development Overlay

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List of Abbreviations

DDO	Design and Development Overlay
DPO	Development Plan Overlay
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
SPPF	State Planning Policy Framework
SRW	Southern Rural Water

Amendment Summary

Table 1 Amendment Summary

The Amendment	Moorabool Planning Scheme Amendment C51
Subject Site	The area identified as the Bacchus Marsh Activity Centre under the Bacchus Marsh Structure Plan 2011
Purpose of Amendment	To implement the Bacchus Marsh Activity Centre Structure Plan
The Proponent	Moorabool Shire Council
Planning Authority	Moorabool Shire Council
Exhibition	30 May to 28 June 2013 (with additional notice to owners of properties omitted from Planning Scheme Maps immediately following the Directions Hearing).

Panel Process

Table 2 Panel Process

The Panel	Gaye McKenzie, Chair; Lynn Sweeney
Directions Hearing	1 November 2013
Panel Hearing	29, 30 and 31 January, 2014
Site Inspections	The Panel made an unaccompanied site inspection of Bacchus Marsh on 23 January 2014.
Submissions	19 submissions
Date of this Report	24 March 2014

Executive Summary

Bacchus Marsh is a town with a strong tradition of enhancing its landscape features and its Avenue of Honour is widely admired. The River walking tracks are well used and the Council is to be congratulated for aspiring to provide a landscape link between the town's retail core and the river and railway station.

Amendment C51 to the Moorabool Planning Scheme was prepared to give effect to the Bacchus Marsh Structure Plan 2011, which itself followed a series of studies undertaken for the Council.

The Amendment makes changes to Clause 21.07 to acknowledge the Structure Plan which was to be a Reference Document. It also introduces a series of Schedules to the Design and Development Overlay and two Schedules to the Development Plan Overlay. The one rezoning included in the Amendment gives effect to the future residential area on the north side of Taverner Street, as shown in the Bacchus Marsh Framework Plan in Clause 21.07.

It is intended that the Schedules to the DPO and DDO will guide development within the boundaries of designated Activity Centre that extends from the Town Centre around Main Street to the railway station.

The Amendment was exhibited from late May to late June and some further notice was given following the Directions Hearing to owners of properties inadvertently omitted from the Amendment. One submission was received as a result of this further notice. Of the written submissions received by Council, the nine in opposition predominantly related to the Main Street retail area, the 'Greenway' and the Taverner Street Residential Investigation Area.

As the submissions could not be resolved by Council, it requested that a Panel be appointed. The Panel comprising Gaye McKenzie (Chair) and Lynn Sweeney considered all written submissions along with submissions and evidence presented at the Hearing.

The Panel believes the Amendment is supported strategically by the State and Local Planning Policy Frameworks. It does not, however, support the referencing of the Structure Plan in the Scheme. The Panel believes that the principal matters contained in the Structure Plan have either been incorporated into Clause 21.07 or the Schedules to the Development Plan Overlay and the Design and Development Overlay. The fact that aspects of the Structure Plan are 'at odds' with the statutory provisions of the Moorabool Planning Scheme only add to the Panel's view that the Structure Plan should not be referenced in the Planning Scheme.

The support by Council for a Civic Precinct at the eastern end of the Activity Centre has prompted the Panel to recommend that this be a strategy under Clause 21.07 of the Scheme.

Turning to the 'Greenway', the Panel supports having a dedicated pedestrian-cycle link between the Main Street commercial area and the railway station. As discussed during the Panel 'workshop', it does not believe this needs to be in the form originally proposed under the Structure Plan and in the Amendment. The changes discussed and generally agreed to at the 'workshop' are set out in the revised form of Clause 21.07-6 and Schedules to the Development Plan Overlay and Design and Development Overlay.

In relation to the Taverner Street land the Panel believes that, as stated in the evidence of Mr Gunawan, noise readings should be taken when the concrete batching plant is operating and, based on these being to the satisfaction of the Council, the rezoning could proceed.

The Panel supports the Schedules to the DPO and DDO generally as revised by Council, post-exhibition, but with some additional minor revisions recommended by the Panel. The Panel revisions include the deletion of the maps of the areas to which the Overlays apply and the diagrams from the Schedules. The Panel believes these are unnecessary as each of the Schedules is identified on the Overlay Maps of the Planning Scheme and details of setbacks and heights of buildings are set out in the Schedules.

In conclusion, the Panel supports the approval of the Amendment based on the revisions that came out of the submissions, evidence and ‘workshop’ discussions at the Hearing.

The Panel thanks the Council and submitters for the goodwill demonstrated during the Hearing in being able to resolve various matters that arose from the exhibited Amendment.

Based on the material set out in this Report, the Panel recommends that Amendment C51 to the Moorabool Planning Scheme be adopted subject to the following modifications:

- 1. Clause 21.07 be amended to delete reference to the Structure Plan and the Strategic Vision Plan.**
- 2. Clause 21.07 be amended to add the following strategy:
Encourage civic and community uses on land west of Lord Street, in the vicinity of the library and public hall.**
- 3. Clause 21.11 be amended to delete the Bacchus Marsh Structure Plan as a Reference Document to the Moorabool Planning Scheme.**
- 4. Map 35 be amended to include Graham Street, north of Waddell Street and land on its west side, in Schedule 11 to the Design and Development Overlay.**
- 5. Schedule 5 to the Development Plan Overlay be adopted in the amended form included in Appendix D.**
- 6. Schedules 9 and 11 to the Design and Development Overlay be adopted in the amended forms included in Appendix E of this Report.**
- 7. Map 37 be amended to include 52 Graham Street in Schedule 9 of the Design and Development Overlay.**
- 8. Map 37 be amended to delete Schedule 5 to the Development Plan Overlay from land south of the Werribee River.**
- 9. The Taverner Street land be rezoned to Residential 1, subject to actual noise readings taken at the concrete batching plant being to the satisfaction of the Planning Authority.**
- 10. Based on the rezoning of the Taverner Street land, Schedule 4 to the Development Plan Overlay and Schedule 5 to the Design and Development Overlay be adopted in the amended forms included in Appendices D and E respectively.**
- 11. Schedule 6, 7, 8, 10 and 12 to the Design and Development Overlay be adopted in the amended forms included in Appendix F.**

- 12. Map 35 be amended to include land on the north side of Turner Street, east of Clarinda Street in Schedule 10 of the Design and Development Overlay.**

1 Introduction

Amendment C51 to the Moorabool Planning Scheme Amendment C51 (the Amendment) was prepared by the Moorabool Shire Council as Planning Authority. As exhibited, the Amendment proposes to implement the findings of the *Bacchus Marsh Activity Centre Structure Plan 2011* (the Structure Plan) by:

- amending the Municipal Strategic Statement (Clause 21.07 Bacchus Marsh) to align the objectives and strategies with the recommendations of the Activity Centre Structure Plan.
- inserting the *Bacchus Marsh Activity Centre Structure Plan 2011* into Clause 21.11 as a reference document.
- incorporating eight (8) new Design and Development Overlays in the Moorabool Planning Scheme, which introduce specific built form and urban design requirements to ensure that new development respects the prevailing character of the town.
- rezoning the area of land known as the 'Taverner Street Development Area', from Farming to Residential 1, and applying a Schedule to the Development Plan Overlay (DPO4) and the Environmental Audit Overlay (EAO) to the land.
- applying a Development Plan Overlay (DPO5) over the land affected by the route of 'The Greenway' as described within the *Bacchus Marsh Activity Centre Structure Plan 2011*.

The Amendment applies to various land parcels within Bacchus Marsh Activity Centre between Bennett Street and the Railway Station.

In accordance with Section 19 of the *Planning and Environment Act 1987*, Amendment C51 was exhibited between 30 May 2013 and 28 June 2013.

On 3 July, 2013 Council resolved to extend the period in which to accept submissions to Amendment C51 to 24 July, 2013, to enable ratepayers and residents to complete submissions.

In total, 17 submissions were initially received in response to the Amendment. Of these submissions nine opposed the Amendment, three offering no objection but provided comments, one offered support in principle but requested alterations/changes, and four indicated support for, or no objection to, the Amendment.

At its meeting of 6th September 2013, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 11 October 2013 and comprises Gaye McKenzie (Chair) and Lynn Sweeney.

A Directions Hearing was held in relation to the Amendment on 1 November 2013. The Panel undertook an unaccompanied inspection of the subject sites and areas affected by the Amendment on 23 January 2014.

Following the Directions Hearing on 20 November 2013, additional notification was given to those landowners whose properties had been inadvertently omitted from being included in a Schedule to the Design and Development Overlay. The one submission received in response to this notification did not oppose the Amendment but sought clarification in

relation to setbacks on his property, as required by Melbourne Water from the north bank of the Werribee River.

The Panel met on 29 January 2014 to hear submissions in respect of the Amendment. Those in attendance at the Panel Hearing are listed in Table 1 below.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Moorabool Shire Council	Mr Damien Drew, Senior Strategic Planner who called the following expert witness: - Mr Max Walton, Planning and Urban Design, David Lock and Associates.
Southern Rural Water	Mr John Glossop, Glossop Town Planning
Mr and Mrs Marsden	Mr Bryan Marsden
Mr Colin Evans	
Abacus Bacchus Marsh Trust and Mr Alex Ng	Mr James Lofting and Mr Mark Bartley, HBL Ebsworth Lawyers who called the following expert witness: - Mr Rob Milner, Town Planning, 10 Consulting Group
Ms Pauline Madden	
Mr S and Mrs A Provenzano	Mr Peter O'Farrell, barrister, who called the following expert witness: - Mr Marco Negri, Town Planning, Contour Pty Ltd
Mr David Mega	Mr Andrew Gray, ARG Planning who called the following expert witnesses: - Mr Stanley Gunawan and Mr Craig McVie, Acoustic Engineering, GHD - Mr Tim Pollock, Buffer Constraint Assessment, GHD

At the conclusion of the Hearing the Panel provided the Council with a week in which to comment on revisions made to DPO5 'Bacchus Marsh Greenway' at the Panel 'workshop'. This response, received on Monday 10 February 2014, included a set of the revised Schedules. Changes made by the Council to these Schedules are discussed in this Report and the revised Schedules are included in the Appendices.

In reaching its conclusions and recommendations, the Panel has read and considered the submissions and a range of other material referred to it. This includes written submissions, evidence and verbal presentations. The following chapters of this report discuss the issues raised in submissions relating to the Amendment in further detail, with the Panel's conclusions and recommendation provided in the Executive Summary.

2 The Proposal

Bacchus Marsh is a town of around 16,000 people located approximately 50 kilometres west of Melbourne. It's strategic location within the Melbourne-Ballarat road and rail corridor will contribute to ongoing population growth with a population of 28,500 predicted by 2036.

Bacchus Marsh is rich in terms of environmental assets, historical buildings and landscapes of natural and cultural heritage significance. The town has a valued and pronounced 'country town feel'. It is set amongst highly productive agricultural land in an attractive and often dramatic rural setting which contributes significantly to its character and identity.

The town has a traditional structure with its 'main street' aptly named Main Street. The culturally significant and beautiful Avenue of Honour provides an iconic entry to the town.

The Central Activity Centre was defined as part of the Structure Planning process and this is shown on the aerial photo in Map 1.



Figure 1: Bacchus Marsh Activity Centre Structure Plan Area

2.1 Site context

Within central Bacchus Marsh there are potentially two main, but disparate nodes of activity. The principal node (town centre) is focused around Main Street with a secondary node, to the south, around the Railway Station.

The Town Centre: The northern part of the Bacchus Marsh Activity Centre (known as the Town Centre), located generally between Bennett Street and Waddell Street, and including Main Street, is within the Commercial 1 Zone. The majority of the land south of Waddell Street to the River is zoned Residential 2 apart from the lots with frontage to the eastern side of Grant Street, which are within the Mixed Use Zone.

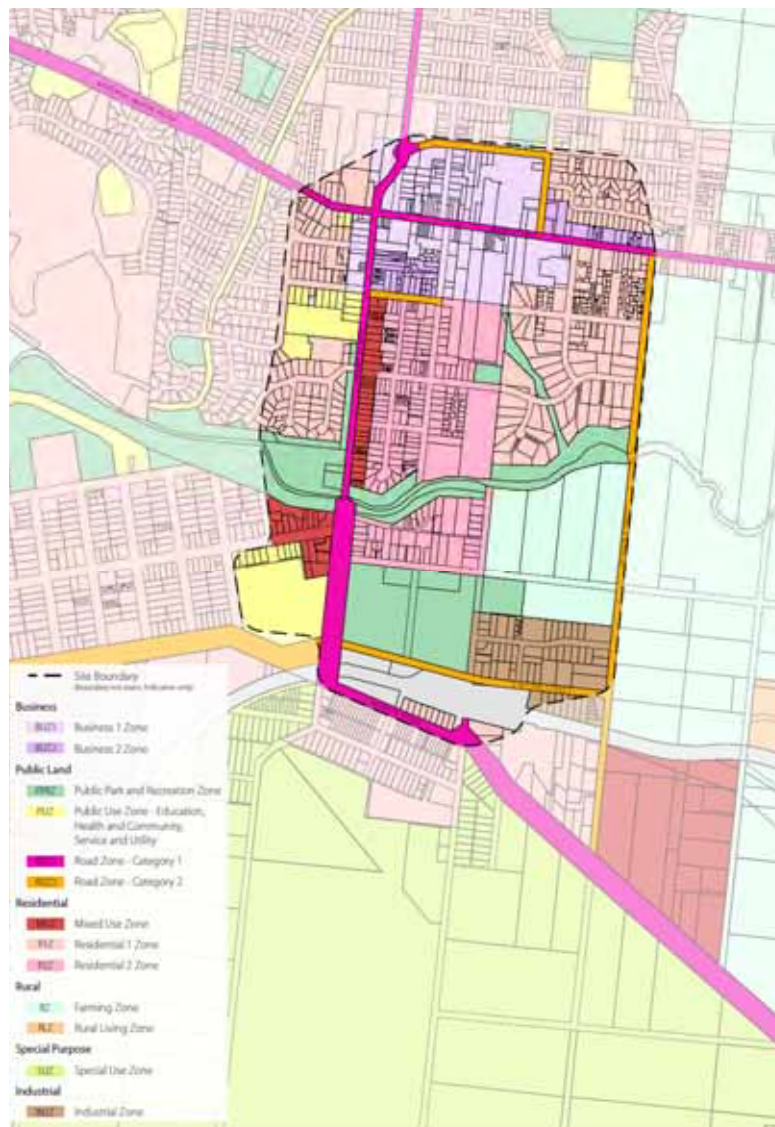


Figure 2: Bacchus Marsh Activity Centre and Zoning

The Town Centre is characterised by a distinct country town atmosphere that is defined by the one to two storey building heights, significant tree planting, including the Avenue of Honour, and the presence of a number of heritage and architecturally significant buildings.

The eastern end of the Main Street precinct is the focus for some civic uses and facilities, including the Library, Bowling Club, RSL, and community meeting rooms.

The focus of the existing commercial area in Bacchus Marsh is on the north side of Main Street, where the enclosed 'Village Shopping Centre' contains larger format retailing including two supermarkets. A third supermarket, Food works, is located at the western end of Main Street. The retail strip along the south side of Main Street is punctuated by an area of public open space known as Eddie Tole Place and a series of architecturally and significant heritage buildings, including the sandstone Courthouse and 'Flanagan's' Border Inn Hotel. Immediately to the south of the Main Street strip approximately 4.5 hectares of farmland, zoned Commercial 1 and Residential 2, extends southwards towards the Werribee River. This parcel is the last remaining tract of horticultural land within the centre of the Town. It currently disrupts the town's east/west street pattern.

The existing core commercial area of Bacchus Marsh is bounded by Bennett Street to its north and Young and Grant Streets on its eastern and western sides respectively.

Grant Street is the primary north south connector road with a strategic role as a primary arterial route connecting the town to Geelong. Grant Street links the Railway Station to Main Street and provides access to both passive and active recreation within Peppertree Park, the Werribee River walking trails corridor, and the outdoor swimming pool. In addition, there are some community facilities on Grant Street, including the hospital and secondary school.

The Railway Station Precinct: This southern precinct consists of a number of land use components, including residential, industrial, educational, transport and public open space. The railway station building is of architectural and heritage significance and has recently been the subject of some internal and external improvements.

To the north-west of the Railway Station is Maddingley Park. This Park is a key community asset utilised for both formal and informal recreation activities. Facilities provided within the Park include a major sporting oval, tennis and netball courts, an adventure playground, and picnic and barbeque facilities.

The eastern extremity of the Railway Precinct is characterised by the Station Street employment area, which is within the Industrial 2 Zone. This area of approximately 7.55 hectares is a significant contributor to the provision of industrial zoned land within Bacchus Marsh. A variety of lower order uses, including a concrete batching plant, panel beaters and agricultural and horticultural service industries are located here. The buildings within the area are predominantly small to medium size factory units/warehouses of approximately five metres in height.

Located to the north of Taverner Street, on land bounded by Fiskin Street to the east, the River to the north and Boyes Close to the west is an area of approximately 11 hectares of agricultural land in the Farming Zone. This land has been identified within the Bacchus Marsh Framework Plan of the Municipal Strategic Statement (MSS) as a 'Proposed Residential 1 Area'.

2.2 Background to the proposal

The process of developing and implementing a Structure Plan for Bacchus Marsh dates back to 2006 when the task was identified as part of the Growing Moorabool, Economic Development Strategy and Action Plan and was referred to in Council's MSS. The preparation of the Structure Plan was funded primarily from the 'Creating Better Places' grant scheme.

A comprehensive range of studies and context papers were undertaken to inform the Bacchus Marsh Activity Centre Structure Plan 2011 (the Structure Plan) including a:

- Transport and Parking Strategy (GTA 2010),
- Retail and Commercial Assessment (Essential Economics 2008),
- Investment Attraction Strategy (Tim Nott 2008),
- Economic Contribution Assessment Bacchus Marsh Irrigation District (Street Ryan 2009), and
- Social Infrastructure Plan (BG Urban Solutions 2007).

The purpose of the Structure Plan is to: *'reflect the needs and aspirations of the community and reinforce Bacchus Marsh town centre as the preferred location for consolidated development with a suitable mix of commercial, retail, community and recreational activities to meet needs locally, reduce the town's escape expenditure and increase local employment opportunities.'*

The Structure Plan included an Implementation Strategy which foreshadowed an amendment that would incorporate the strategic directions of the Structure Plan in the Moorabool Planning Scheme. There have been some significant changes to both planning controls and the Bacchus Marsh retail centre over the seven years since the commencement of the preparation of the Structure Plan. These included the introduction of new commercial and residential zones and renewed interest from additional major retailers in locating within the Main Street retail precinct.

In implementing the outcomes of the Structure Plan, the Council has explicitly determined not to change the currently zoned Commercial 1 land on the south side of Main Street. The only rezoning proposed under Amendment C51 relates to land on the north side of Taverner Street, which is to be rezoned from Farming to Residential.

3 Identification of Issues

3.1 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

(i) Planning Authority

The key issues for the Council were:

- the intention to implement the outcomes of the Structure Plan and include it as a Reference Document to the Scheme;
- the aim to reinforce the commercial centre of Bacchus Marsh to meet local needs and reduce escape expenditure;
- the achievement of a direct north-south pedestrian/cycle link adjacent to local roads between Main Street and the Railway Station;
- the provision of adequate control over the layout and detailed design of future development to ensure that the community's aspirations for the Structure Plan are met; and
- the timeliness of the rezoning the Taverner Street land from Farming to Residential 1.

(ii) The Environment Protection Authority

The key issue for the Environment Protection Authority was:

- The need for adequate buffers between existing industrial land and the proposed residential zone on the north side of Taverner Street.

(iii) Southern Rural Water

The key issue for Southern Rural Water was:

- The impact the rezoning of the Taverner Street land would have on the Bacchus Marsh Irrigation District (BMID).

(iv) Individual Submitters

The key issues for submitters were the:

- role of the Structure Plan;
- need for, and role of, the Civic and Commercial Precincts and their clarification in the Structure Plan;
- imposition of the 'Greenway' on individual landholders;
- suitability/timing of rezoning of the Taverner Street land to residential;
- application of the HO to a property in Taverner Street; and,
- clarification of building setbacks on land adjoining the Werribee River.

4 Issues dealt with in this Report

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites and areas.

This report deals with the issues under the following headings:

- Strategic Planning Context;
- The Bacchus Marsh Structure Plan;
- The 'Greenway';
- The Taverner Street Development Area;
- Other Matters; and
- Schedules to which there were no submissions.

5 Strategic Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report to the Amendment.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

5.1 Policy framework

5.1.1 State Planning Policy Framework

Council submitted that the Amendment is supported by the following objectives and clauses in the SPPF:

Clause 11.01-1 Activity centre network

- *To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.*

Clause 11.01-2 Activity centre planning

- *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

Policy guidelines for achieving the objective and strategies include:

- *Activity Centre Design Guidelines* (Department of Sustainability and Environment, 2005).
- *Safer Design Guidelines for Victoria* (Crime Prevention Victoria and the Department of Sustainability and Environment, 2005).
- *Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2005).
- *Precinct Structure Planning Guidelines* (Growth Areas Authority, 2009).

Clause 11.02-1 - Supply of urban land

The Amendment allows for significant infill development opportunities, thus, providing for the consolidation, redevelopment and intensification of an existing urban area. Further, the Amendment seeks to maintain and enhance the neighbourhood character of the Bacchus Marsh Activity Centre and the surrounding area.

Clause 11.02-3 - Structure planning

The Bacchus Marsh Activity Centre Structure Plan provides the necessary framework to guide future urban development in the town, which is consistent with this objective.

Clause 11.02-4 – Urban Growth - Sequencing of development – seeks to manage the sequence of development in growth areas so that services are available from early in the life of new communities. In addition, new development should be required to make a financial

contribution to the provision of infrastructure, such as, community facilities, public transport and roads.

A key priority of the Amendment is to encourage infill development and to ensure that development of vacant zoned land occurs in a manner which enhances the provision of infrastructure, and creates safe walking and cycle links to community and retail facilities, and public transport.

Clause 11.03-1 - Open space planning

This Clause seeks to ensure the provision of open space and creation of a diverse and integrated network of public open space commensurate with the needs of the community.

Open space networks should be linked through the provision of walking and cycle trails and should incorporate links between major parks and activity areas, along waterways and natural drainage corridors and connect places of natural and cultural interest.

A local open space network has been provided for by the Activity Centre Structure Plan. Council submitted that the proposed 'Greenway' will form an important link between Main Street, the Railway Station and open space areas, such as Maddingley Park and the Werribee River corridor.

Clause 11.05-1 - Regional settlement networks

The state policy objective in relation to regional settlement networks seeks to promote the sustainable growth and development of regional Victoria through a network of settlements.

Clause 11.05-2 Melbourne's hinterland areas

Bacchus Marsh is located within Melbourne's hinterland, as defined by Clause 11.05-2.

11.05-4 Regional planning strategies and principles

14.02-1 - Catchment planning and management has as its Objective:

- *To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.*

Land adjacent to the Werribee River is included in the area affected by the Amendment. On land already zoned for residential purposes, development proposals will be required to respond to this clause. Where land is proposed to be rezoned, reference has been made to the Werribee River corridor in the proposed Schedule to the Development Plan Overlay.

Clause 15 - Built environment and heritage, seeks to achieve high quality urban design.

The urban design principles set out in Clause 15.01-2, particularly in relation to context, the public realm, landmarks views and vistas, pedestrian spaces, heritage and consolidation of sites and development of vacant sites, are relevant in considering the Amendment. In addition, the Activity Centre Design Guidelines 2005 are relevant under State Policy, which are to be used in assessing the design and built form of new development in activity centres.

The new Schedules to the Design and Development Overlay will guide the siting and design of new development in the Bacchus Marsh Activity Centre.

Clause 16 - Housing seeks to provide a diversity of well serviced housing with an increasing proportion being located within the established urban area particularly in activity centres.

The Amendment plans for increased housing opportunities and diversity close to transport, retail activity, and the hospital. The country town character of Bacchus Marsh will be maintained without restricting the density of development on key sites south of Main Street.

Clause 17 - Economic development seeks to foster economic growth which meets the community's needs for services and employment opportunities. It encourages the location of commercial facilities in activity centres and discourages major commercial and recreational uses in 'out of centre' locations. In addition, it encourages the provision of industrial areas in accessible locations and the protection of industrial uses from the encroachment of incompatible land uses.

Council resolved to retain the existing Commercial 1 Zone which will enable the activity centre to expand to serve a projected future town population of 30,000 people. Furthermore it believed it was appropriate to retain the Commercial 1 Zone south of Main Street as part of the activity centre as any reduction in this zoned area could lead to pressure for 'out of centre' development in the town.

Clause 17.02-1 - Industrial land development -aims to ensure availability of land for industry.

Strategies include:

Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability.

Planning must consider as relevant:

Recommended Buffer Distances for Industrial Residual Air Emissions (Environmental Protection Authority, 1990).

Clause 18 - Transport - seeks (amongst other things) to ensure a safe and sustainable transport system by integrating land-use and transport.

Clause 19 - Infrastructure -seeks to ensure that planning for growth and redevelopment should provide for the efficient servicing and maintenance of social and physical infrastructure. It encourages the provision of social and cultural infrastructure in locations that offer convenient access to the wider community.

The Amendment encourages urban consolidation within Bacchus Marsh. The preference is for vacant land within the existing urban area to be developed prior to development on the urban fringe or beyond, where there is limited infrastructure and services available and valuable agricultural land.

5.1.2 Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives within the MSS:

Clause 21.02 – Natural environment

Clause 21.03 – Settlement and housing

Clause 21.04 – Commerce

Clause 21.05 – Development and community infrastructure

Clause 21.06 – Heritage

Clause 21.07 – Bacchus Marsh- seeks to facilitate further growth within Bacchus Marsh while maintaining those key attributes that make it a unique and attractive place to live.

The Amendment responds to the need to accommodate future growth within an environmentally constrained township in a balanced manner that acknowledges Bacchus Marsh as the key centre for economic and residential growth in the Moorabool Shire.

5.2 Planning Scheme provisions

(i) Zones

Amendment C51 affects land within the Bacchus Marsh Activity Centre including land zoned Commercial 1 (a schedule applies to the land formerly in the Business 2 Zone), Residential 1 and 2, Mixed Use, Industrial 2, Public Use and Farming Zone.

The Amendment seeks to rezone land on the north side of Taverner Street from Farming to Residential 1.

(ii) Overlays

The following Overlays apply to the Bacchus Marsh Activity Centre area:

- The Environment Significance Overlay – Waterway Protection (ESO2) applies to land adjacent to watercourses, including the Werribee River valley through Bacchus Marsh.
- The Environment Significance Overlay – River Red Gums in the Bacchus Marsh Valley (ESO8) applies to River Red Gums on various parcels of land within and surrounding Bacchus Marsh.
- The Environmental Audit Overlay applies to land on the northern side of Pilmer Street, which is within the Public Park and Recreation Zone.
- The Design and Development Overlay – Schedule 2 - Visual amenity and building design. This Overlay applies to land adjoining the Bacchus Marsh township, including the Taverner Street land under the Amendment.
- The Heritage Overlay applies to a number of individual heritage places with the area affected by the Activity Centre Structure Plan. Amendment C6 Part 2, which applied the HO to a number of privately owned individual heritage places, has now been approved by the Minister.

The Amendment does not remove or change these overlays.

(iii) Other provisions

The Amendment does not affect particular or general provisions in the Scheme.

(iv) Other planning strategies

The following strategic policies are relevant in considering the subject Amendment:

- Central Highlands Regional Strategic Plan; and
- Central Highlands Regional Growth Plan.

5.3 Ministerial Directions and Practice Notes

The Amendment complies with the relevant Ministerial Directions and Practice Notes.

5.4 Strategic Assessment

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

6 The Bacchus Marsh Structure Plan 2011

6.1 The Issue

The issue relates to the content of the Bacchus Marsh Activity Centre Structure Plan 2011 (the Structure Plan) and whether it should be referenced in the Moorabool Planning Scheme.

Aspects of the Structure Plan which were subject to vigorous debate related to:

- The extent to which it seeks to discourage retail expansion in the Commercial 1 Zone on the south side of Main Street;
- Whether it needs to be referenced in the Planning Scheme; and
- The 'Greenway' proposal between Main Street and the Railway Station.

The first two points above are dealt with in this Chapter while the 'Greenway' is dealt with in Chapter 7 of this report.

6.2 Evidence and submissions

As described in the Background to the proposal, the process of developing the Structure Plan commenced with a broad range of strategic studies and strategies for Bacchus Marsh, commencing in 2006. Of these studies, the Retail and Commercial Assessment (Essential Economics 2008) and its influence on the land use objectives and strategies in the Structure Plan was scrutinised in some submissions. Submitters provided various interpretations of the extent to which the Essential Economics Study and the Structure Plan seek to limit retail development south of Main Street.

Mr Drew, for Council, submitted that the Structure Plan and Amendment C51 resulted from a comprehensive planning process including detailed studies and analysis of community aspirations for Bacchus Marsh. Further, he clarified that Council is proposing that the Structure Plan seeks; *'... to guide development and built form and is not intended to control land use in the Activity Centre. It is the purpose of the relevant zone to control land use...'*

Mr Walton, of David Lock and Associates, was called by Council to provide evidence in relation to Amendment C51. Mr Walton advised the Panel that he was a member of the team that prepared the Structure Plan for the Bacchus Marsh Activity Centre. Mr Walton's evidence provided an overview of Amendment C51 which was based on more than five years of investigations. In Mr Walton's opinion the limited number of submissions was indicative of the level of community support for the Amendment and the Structure Plan.

In reviewing the submissions, Mr Walton formed the view that the Amendment documentation should provide greater clarity regarding the sub-precincts within Main Street including reference to their primary role and land use direction. This would include recognition that *'the land to the north of Main Street adjacent to the Village Centre is the preferred location for retail development'*. Mr Walton also stated that he supported the nomination of a 'Civic Precinct' at the eastern end of Main Street, which in his opinion was a key gateway location to Bacchus Marsh, from the Avenue of Honour, and the starting point for the proposed 'Greenway'. Accordingly, he supported the Strategic Vision Plan at Clause 21.07-2 being amended to identify this precinct and define its role as a focus for civic and

community uses through specific strategies. He also saw retail and/or commercial office development as being ancillary to its primary function as a civic hub. Mr Walton's evidence included a number of recommended changes to the Amendment. Mr Drew advised the Panel that Mr Walton's recommendations had not been considered by Council.

Under cross-examination, Mr Walton agreed that the Essential Economics Report gave qualified support for retail and office development on the southern side of Main Street. He acknowledged that the key principle of the Structure Plan was to encourage economic development and that development on the southern side of the street would be a better outcome than 'out of centre' development which would undermine the role of the Bacchus Marsh Activity Centre. Mr Walton was of the opinion that, ideally, the suitability of retail development on the south side of Main Street would be subject to an economic assessment. He however conceded that there is no trigger under the Commercial 1 Zone to require such an assessment.

Mr Walton acknowledged the finding of the Essential Economics report that Bacchus Marsh will require an additional 7,000 square metres of floor space between 2008 and 2021 and a further 6,000 square metres up to 2031. Mr Walton also agreed that, if it was to be retained, the Strategic Vision Plan at Clause 21.07-2 should be revised to better represent the intention of the Structure Plan.

Under cross-examination, Mr Walton conceded that the Strategic Vision Plan could be considered ambiguous, because it does not reflect the purpose and boundaries of the Commercial 1 Zone and, on reflection, he agreed it could be deleted from Clause 21.07.

Ms Madden went into some detail in relation to the history of the Council owned land at the south eastern end of Main Street. It was her submission that the Structure Plan should identify this land as a Civic Precinct on the Strategic Vision Plan.

The written submission of the RSL also supported retaining this area for community uses.

The Council accepted these submissions and agreed to amend the Strategic Vision Plan to identify this area as a Civic Precinct.

In representing Abacus and Mr Ng, Mr Bartley submitted that the Structure Plan should be included as a Reference Document. He also stated that the new commercial zones allow for precincts to be identified in structure plans. He detailed the improvements and expansion plans for the Village Shopping Centre beyond the works that have commenced and submitted that it would be possible to consolidate a site of 8,000 square metres adjacent to the Village Shopping Centre, to enable additional major tenants to be located on the north side of Main Street.

The evidence of Mr Milner was that the language of the Structure Plan was 'loose' and that Amendment C51 was a poor translation of the outcomes sought by the comprehensive strategic planning work that had been undertaken for the Bacchus Marsh Study Area.

It was Mr Milner's evidence that, in terms of retail development, Amendment C51 intended that it be consolidated on the north side of Main Street. He did however agree that a two sided retail strip along Main Street would function better. It was also his evidence that

development on the south side of Main Street was a 'matter of timing' rather than not being desirable. In cross examination, Mr Milner agreed that competition was a good thing for retail precincts and that it does generally improve retail strips and encourages retailers to undertake improvements. In the case of Bacchus Marsh he agreed that an additional supermarket on the south side of Main Street would ultimately be good for competition. It was, however, his view that a retail cap should be introduced to limit retail expansion in the 'Mixed Use' Precinct, shown on the south side of Main Street. He stated that 4,000 square metres *'feels about right .. and would be consistent with the aims of the Strategy'*.

Mr Bartley, supported by the evidence of Mr Milner, put forward changes that could be made to Amendment C51 to limit retail expansion south of Main Street. These included the imposition of floor space limits, the need for an economic assessment trigger and changes to Clause 21.07. It was, however, conceded that making these changes would constitute a transformation of Amendment C51.

Mr Milner considered that the generic nature of the Strategic Vision Plan in Clause 21.07 illustrated the need for the Structure Plan to be referenced in the Scheme. He went on to say that it could be replaced by either the 'Land Use Components Plan' or the 'Transport and Movement Plan' contained in the Structure Plan.

Mr Milner also believed that DDO11 would be enhanced if it distinguished between the 'Commercial Core' and the 'Mixed Use' precincts, shown on the Strategic Vision Plan of the Structure Plan.

In his submission for Mr and Mrs Provenzano, Mr O'Farrell cautioned the use of the term 'Mixed Use' in the Structure Plan, given its quite specific meaning under the Planning Scheme.

In relation to the appropriate use of Reference Documents, it was Mr O'Farrell's submission and Mr Negri's evidence that the inclusion of all relevant details of a Structure Plan in the Planning Scheme, would remove the need for it to be adopted as a Reference Document.

6.3 Discussion

The Panel commends the Council and its consultants for the extensive work that has been undertaken in setting the future strategic direction for development at Bacchus Marsh.

It believes the performance of the Main Street retail core will be vital in ensuring the success overall, of the Bacchus Marsh Activity Centre. As indicated by Mr Drew, the Council supports the Commercial 1 zoning on the south side of Main Street, evidenced by the fact that there is no intention of rezoning this land, even though the Structure Plan identifies the retail focus as being on its north side.

In the Panel's view a strong retail strip along both sides of Main Street will be assisted by other retailing, including large format, on adjoining land, as permitted under the Commercial 1 Zone. The Panel noted that the Structure Plan is somewhat at odds with this zoning and the Council's stated intention, not to *'back zone the land south of Main Street....'* and its belief *'that the flexibility afforded by the current extent of the Commercial 1 Zone should be retained in the Activity Centre'*. The Panel is mindful that the Council submission went on to say: *'A significant reduction of the supply of C1Z land in the Activity Centre would have the potential to cause pressure for 'out of centre' development in the town'*.

The Panel has also considered the purpose of the Commercial 1 Zone which includes *‘to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses’*. While a retail floor space limit has been applied over that part of the land previously zoned Business 2 (north side of Waddell Street between Grant and Graham Streets), no such limit has been applied to the previous Business 1 zoned land on the east side of Graham Street, north of Waddell Street. The same uses are therefore permitted on that part of the Commercial 1 Zone, to which the ‘Mixed Use’, ‘Civic’ and ‘Commercial Core’ Precincts of the Strategic Vision Plan apply.

In the case of the commercial area, the Panel believes that the improvements currently occurring on the north side of Main Street along with any development planned for its southern side are in line with the economic analysis contained in the Essential Economics report which forecast that an additional 7000 square metres was supportable for the period 2008 to 2021.

The proposal to include a Civic Precinct, post-exhibition, on the Strategic Vision Plan suggests a willingness by Council to support community uses in this area. Whether this occurs will, of course, depend on demand for and funding of such uses, by the public and/or private sectors. The relocation of the Council offices has possibly diminished the focus this precinct may have previously had.

Turning to the referencing of the Structure Plan in the Planning Scheme, the Panel believes that the principal matters contained within this document have either been included in Clause 21.07 or in the Schedules to the DDO and DPO. The Panel has therefore concluded that it should not be a Reference Document in the Scheme. Also, based on the changes either agreed to by the parties at the Hearing or recommended by the Panel in its report, if it was to be retained it would require substantial revision.

6.4 Conclusions

The Panel has concluded that the inclusion of the principal elements of the Structure Plan in the MSS and Overlays means that it does not need to be referenced in the Planning Scheme. It also believes that the Strategic Vision Plan at Clause 21.07-2 is unhelpful, particularly as it applies to the Commercial 1 Zone land, and therefore it should be deleted. The Panel also noted that the precinct boundaries of the Strategic Vision Plan were different in the versions contained in the Structure Plan Report and Clause 21.07 under the Amendment.

Its removal will require a minor revision to the first of the Strategies in Clause 21.07-2.

Based on the Panel’s conclusions that the Strategic Vision Plan should be deleted from Clause 21.07-2 and the Structure Plan should not be referenced in the Planning Scheme, it believes a Strategy should be added to encourage the location of community uses at the eastern end of the Activity Centre. The Panel has also recommended minor changes to Clause 21.07-2 to reflect the deletion of references to the Structure Plan and the ‘Greenway’. These revisions are set out in Appendix C of this report.

In relation to that part of Graham Street and land on its west side that did not included in the exhibited Amendment, based on no submissions being received to the further notice given by Council, the Panel supports it being included in DDO11.

6.5 Recommendations

The Panel recommends that:

- 1. Clause 21.07 be amended to delete reference to the Structure Plan and the Strategic Vision Plan.**
- 2. Clause 21.07 be amended to add the following strategy:
‘Encourage civic and community uses on land west of Lord Street, in the vicinity of the library and public hall’.**
- 3. Clause 21.11 be amended to delete the Bacchus Marsh Structure Plan as a Reference Document to the Moorabool Planning Scheme.**
- 4. Map 35 be amended to include Graham Street, north of Waddell Street and land on its west side, in Schedule 11 to the Design and Development Overlay.**

7 The Greenway

7.1 The issue

This issue relates to the composition of the 'Greenway' shown from Main Street to the Railway Station in the Structure Plan, in Schedule 5 to the Development Plan Overlay and Schedules 9 and 11 to the Design and Development Overlay.

7.2 Evidence and submissions

Council submitted that a 'Greenway' link that incorporated safe and high amenity separate designated pedestrian and cycle access as part of the redevelopment of the vacant land between Main Street and the Werribee River and from there via local streets to the Bacchus Marsh Railway Station was identified as a significant opportunity under the Structure Plan. As shown on the diagram in the Structure Plan and DDO11 the 'Greenway Reserve' would also provide for local vehicular access to future commercial development and medium density housing.

Council submitted that the potential to develop land along the Greenway at a higher density would help equalise the development yield and compensate for any loss of developable land.

In his evidence for Council, Mr Walton stated that, in his opinion, the aspiration for a Greenway Link could be achieved in a reduced reserve width of 20 metres which, he acknowledged, was still wider than the 16 metres typically allowed for a road reserve. It was his evidence that rather than locating open space within a central median, it could be developed adjacent to the Greenway, thus achieving the essence of the vision identified in the Structure Plan. Mr Walton stated that these changes to the Greenway Spine would necessitate the illustrative cross-sections included in DDO11 being amended.

Mr O'Farrell appeared for Mr and Mrs Provenzano, the major land owners affected by DPO5, DDO9 and DDO11. It was his submission that the proposed Greenway, that extended the length of his clients' land, was above and beyond any normal requirement and if it was to proceed as proposed it should either be by way of a Public Acquisition Overlay or provide other form of compensation to his clients.

Mr O'Farrell submitted, at some length, on the adequacy of the Activity Centre Policy to achieve safe, attractive links through the commercial land owned by his clients on the south side of Main Street. He also submitted that the intention to provide a link separated from traffic could be quite easily achieved as part of residential development of the southern portion of the Provenzano land without the need for the 'Champs de Elysee' version shown in the Structure Plan.

In his evidence Mr Negri supported the idea for an attractive and safe connection to the Station for pedestrians and cyclists but stated that this could be achieved without the imposition of a 24 metre, or even a 20 metre wide reserve, as suggested by Mr Walton in his evidence.

Mr Negri did not oppose the provision of a separate cycle/pedestrian link through the Provenzano land, nor reference to it in Clause 21.07-6. He however cautioned the reliance

on the Structure Plan as a Reference Document to set out requirements which he believed should be applied under the Planning Scheme.

Mr Bryan Marsden made a submission to the Panel for Mr and Mrs Marsden, in objecting to the 'Greenway' route shown bisecting their land as this would severely limit its development potential.

7.3 Discussion

There was broad acceptance by the parties at the Hearing that the strategic aim of achieving a safe pedestrian and cycle link, separated from vehicular traffic, and extending between Main Street and the Railway Station was desirable and would benefit the Bacchus Marsh community. The issue raised by submitters related to the form of this link, its location and the area of land required.

While preferring that the original vision for this link be retained, Mr Drew accepted that strengthening the wording of Clause 21.07, and DPO5, DDO9 and DDO11 would provide Council with the strategic and statutory basis to achieve an appropriate pedestrian/cycle link between Main Street and the railway station. It was also accepted by Mr Drew that the objective to have open space 'breakouts' within the link could be achieved by locating those required as part of residential development, adjacent to the pedestrian/cycle path and the local street network.

The Panel acknowledges the unique opportunity to provide an excellent landscape and pedestrian/cycle environment as part of any development of the vacant land south of Main Street, the major part of which is in single ownership. It however believes the design solution needs to be equitable, to prevent the cost being borne by one or two landowners.

The Panel appreciated the co-operation of the Council and the other parties who participated in an informal 'workshop' on the afternoon of 30 January, when alternatives relating to the vision and requirements for a north/south pedestrian/cycle link were drafted in a form that would eliminate the need to rely on the Structure Plan, as a Reference Document.

The Council and submitters were in general agreement that the nature of a pedestrian/cycle link would be different in the commercial and residential sections of the affected land, north and south of Waddell Street respectively. It was also generally accepted that there may be the opportunity for more than one route through the commercial and civic precincts that would feed into the link provided through the residential spine, and then via existing streets south of the Werribee River, to the railway station. For example, it was agreed that pedestrians and cyclists approaching from the north side of Main Street may well use existing streets in accessing the link through the new residential area south of Waddell Street.

While the Panel believes the location and design of the pedestrian/cycle link does not need to be predetermined, it is mindful of the poor pedestrian/cycle outcomes of many large format retail and supermarket developments. This is despite the existence of the Activity Centre Guidelines and other policy objectives for some time. The Panel's aim at the workshop was to achieve suitable wording in Clause 21.07, DPO5, DDO9 and DDO11 to

achieve the vision of the Council and its community to have a separate and attractive and safe pedestrian and cycle link from Main Street to the Railway Station.

7.3.1 Workshop findings

- **Clause 21.07-6:** should be amended to refer to the objective of achieving a high quality pedestrian/cycle link between Main Street and the Werribee River, as part of any development of the vacant land.
- An alternative name for DPO5 could be the **‘Bacchus Marsh Activity Centre Link’**.
- **DPO5:** should be amended to clarify the requirements for the pedestrian/cycle link:
- Include the following requirement for the Commercial 1 Zone land - *to provide requirements for a safe, attractive linkage connecting Waddell and Main Streets which connects to the residential land to the south and provides separation between pedestrian/cyclists and vehicles in a safe speed environment.*
- Include the following requirement for the Residential 1 Zone land - *to provide a safe attractive and direct linkage connecting the railway station with Waddell Street and which connects to the linkage through the commercial land to the north.*
- **DDO9:** amend the wording to reflect the need for development to provide and address the pedestrian/cycle link.

7.4 Conclusions

The Panel believes that the provision of a high quality pedestrian/cycle link from Main Street to the Railway Station is a unique opportunity that can be achieved without unduly burdening the two affected landowners.

The Panel is of the view that reference to such a link in Clause 21.07 of the Planning Scheme is appropriate and this, together with the revised overlay schedules will remove the need for referencing the Structure Plan. The outcomes of the workshop conducted during the Hearing assisted the Panel in considering a revised version of Clause 21.07 and DPO5, DDO9 and DDO11. It believes the revised versions will provide the Council with the objectives and requirements necessary to achieve the required link. These are included as Appendices C, D and E respectively.

The Panel has noted that there is a discrepancy between the Schedule and Map for DPO5. While the Schedule refers to it as applying to land *north of Werribee River*, the Map shows it extending further to the south, over Boyles Close and the property to its east, on the north side of Taverner Street. Based on the submissions and information provided to it by Council, the Panel believes there is no reason to include this land in this Schedule.

The Panel also believes the inclusion of a map in the Schedules to the Development Plan and Design and Development Overlays is unnecessary and confusing given they have different numbering. These areas are identified on the Overlay Maps of the Planning Scheme and reference to the pedestrian/cycle route is appropriately dealt with under the Schedules.

7.5 Recommendations

The Panel recommends that:

5. **Schedule 5 to the Development Plan Overlay be adopted in the amended form included in Appendix D.**

- 6. Schedules 9 and 11 to the Design and Development Overlay be adopted in the amended forms included in Appendix E of this Report.**
- 7. Map 37 be amended to include 52 Graham Street in Schedule 9 of the Design and Development Overlay.**
- 8. Map 37 be amended to delete Schedule 5 to the Development Plan Overlay from land south of the Werribee River.**

8 The Taverner Street Development Area

8.1 The issue

This issue relates to matters raised by authorities in relation to the rezoning of land on the north side of Taverner Street from Farming to Residential 1.

8.2 Evidence and submissions

Written submissions were received by the Council from the Environment Protection Authority (EPA) and Southern Rural Water (SRW) opposing the rezoning of the land on the north side of Taverner Street, between Boyles Close and Fiskin Street, from Farming to Residential 1.

Western Water also made a submission in relation to servicing of the land, which it believes is within the Bacchus Marsh Water and Sewerage District. The Authority stated there are some sewers in the area although it is unsure at this stage 'what it will take to sewer the land'. It went on to say that it would be up to developers to investigate the feasibility of developing the land from the servicing point of view, but it did not anticipate any major servicing difficulties.

A submission lodged by one landowner supported the rezoning while another raised matters relating to a different amendment affecting his property. This submission is dealt with in Chapter 9 of this report.

At the Hearing Mr Gray represented the owner, under contract, of land on the north-west corner of Taverner and Fiskin Streets, who supported the Amendment.

Based on the written objections received to this rezoning, the Council adopted the position that it was perhaps premature to rezone this land. This consideration was based on the lack of information provided to it in relation to the physical buffer between the land and the concrete batching plant located in the industrial area, to the south.

Mr Glossop's submission to the Panel provided it with background on the Bacchus Marsh Irrigation District, which includes the subject land. Mr Glossop advised the Panel that the SRW preference was for the land to be retained for agricultural use. In support of its retention in the Farming Zone, Mr Glossop referred to Clause 14.01-1 of the State Planning Policy Framework and Clause 21.07 of the Municipal Strategic Statement which seek to avoid development that will have an impact on highly productive agricultural land.

Mr Glossop believed that the required investigation to support the proposed rezoning had not been undertaken. He did however concede that the rezoning of this land would not unduly diminish or prevent the continuing viability of the irrigation district as a whole. He also advised the Panel that the SRW submission to the review of the MSS under Amendment C34 did not object to the identification of this land in the Bacchus Marsh Framework Plan as 'Proposed Residential 1'.

Mr Glossop stated if the land was rezoned the setbacks of future dwellings from Fiskin Street needed to be addressed, to ensure they were adequately separated from agricultural activities carried out on land to the east.

Mr Glossop also advised that the requirements of SRW would need to be included in the planning controls applying to the land. These would include easements in favour of SRW and the decommissioning of assets, including the open water channels on the east side of Boyles Close and south side of Taverner Street. He stated this could be done by amending DPO4. A copy of this Schedule, revised to include the SRW conditions, was provided to the Panel. The content of this revised version was agreed to by Mr Gray.

The EPA's written submission related to the failure to provide the required buffer distances between the existing concrete batching plant at 2 Park Street and the proposed residential zone. This concrete batching plant is approximately 120 metres from the southern boundary of the land to be rezoned.

The EPA submission referred to the buffer distances set out in Clause 52.10 of the Moorabool Planning Scheme which, for a concrete batching plant, is 300 metres from a residential zone. A substantial part of the subject land is within this threshold distance. The EPA submission went on to say that the distance of 100 metres included in its Guidelines, assumes a plant is operating at a 'best practice' level, in compliance with relevant statutory rules and policy, and evidence that this was the case for this plant had not been supplied to the EPA.

Mr Gray called evidence on the effects of buffer constraints and noise emissions from industries to the south, on land on the north side of Taverner Street.

Mr Gray also referred to review of the MSS, under Amendment C34, and the report of that Panel which supported the identification of this area, west of Fiskin Street, as future residential, as shown on the Bacchus Marsh Framework Plan at Clause 21.07. He also referred to the fact that the Taverner Street land is not identified as 'highly fertile agricultural land' on that Plan.

Mr Gray's submission relating to the Schedules to the DPO and DDO was that they could possibly be combined as a single Schedule. He also believed that the need to carry out a Social Impact Assessment and prepare Environmentally Sustainable Design and Construction Guidelines for this land was unnecessary.

It was Mr Gunawan's evidence that noise from the industrial area to the south was not 'dominant' at the Taverner Street land although, at the time of this investigation, the concrete batching plant was not being operated and therefore its noise level could not be determined. Based on inspections of this site and area, it was assumed by this witness that the facility operated infrequently. Noise of an evening or night-time from the industrial area was stated as being indiscernible.

In addition to his discussion on 'noise impact' from the industrial area, Mr Gunawan referred to acoustic treatments that could be undertaken to reduce any noise discernible within a dwelling.

It was Mr Gunawan's evidence that *excluding the concrete batching plant and any other unknown noise sources operated during the noise monitoring/site inspections, based on GHD site visits and noise monitoring, noise emanating from the industrial precinct is expected to be minimum.*

Mr Gunawan concluded by stating that: *'GHD recommends that a further site assessment characterising noise emanating from the batching plant during its normal operation be carried out to determine the actual noise level at the development boundary. This may require contact with ALSAFE concrete batching plant to arrange suitable timing for testing'*.

Evidence concerning potential off-site effects of odour and dust emissions from the industrial area south of Taverner Street was provided to the Panel by Mr Asimakis and Mr Koller of GHD.

Their evidence referred to potential emissions from the concrete batching plant, a steel fabrication workshop and automotive and panel workshops in that industrial area.

This evidence referred to the EPA separation distance guidelines which recommend a distance of 100 metres for 'concrete batching plants', where production is more than 500 tonnes a year, where the emission of concern is dust. The existing concrete batching plant meets this threshold. It was evidence that threshold distances at Clause 52.10 in the Planning Scheme usually corresponded with those set by the EPA. In this case, the planning scheme is three times that figure. In the absence of data as to why this is the case the witnesses believed this relates to the *'wider ambit of off-site impact considered in Clause 52.10, which could include noise from vehicles entering or exiting a premises, noise from plant operations on-site and light spill impacts that are excluded in the EPA separation distance guidelines for residual air omissions'*

It was put that the 300 metre threshold distance may also apply if 'best practice' operations are not being implemented. In the subject case, it was observed on the GHD visit to the site that the batching plant was located on concrete paving which would mean that off-site dust impacts would be minimal.

The evidence also stated that the threshold of 100 metres from a metal fabricating plant producing less than 1,000,000 tons per year is met and there is no separation distance set for a motor repair station.

Based on there being no evidence of complaints concerning the concrete batching plant, the witnesses were of the opinion that the separation distance of 100 metres, as set in the EPA Guidelines, should apply to the existing concrete batching plant. Adoption of this threshold would not constrain the Taverner Street land for residential use.

8.3 Discussion

The Panel acknowledges the Bacchus Marsh Strategic Framework Plan at Clause 21.07 identifies the land on the north side of Taverner Street between Fiskin Street and Boyes Court as 'proposed Residential 1'. It also notes Mr Glossop's advice that the SRW submission to the MSS Review (Amendment C34) did not address this matter and his view that its removal from the irrigation district will not affect its overall viability.

As evident to the Panel on its visit to this area, Bacchus Marsh is developed up to Fiskin Street to the north and south of the subject land, and therefore can be accepted as providing the eastern boundary of the town. From the land use perspective it is logical that the subject land be zoned Residential 1. In response to Mr Glossop's submission in relation to buffers between residential uses and the agricultural land to the east, the Panel is satisfied that this is dealt with by the inclusion of setbacks in DDO5. The Panel also accepts

Mr Glossop's suggested requirements in relation the de-commissioning of assets and need for easements in favour of SRW. These have been incorporated by the Panel into the revised version of DPO4 at Appendix D.

Based on the investigations undertaken by GHD the Panel accepts that the concrete batching plant is used only occasionally. Depending on future demand for concrete, this could however change at any time with unknown off-site effects.

Turning to the matter of the threshold in Clause 52.10 of the Planning Scheme for a concrete batching plant, the purpose of the Industrial 2 Zone encourages industries that require substantial threshold distances to occupy land within the 'core' of the zone.

The purpose of Clause 52.10 – 'Uses with adverse amenity potential' is to *'define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood'*.

The *'threshold distance'* referred in the table to this Clause is *'the minimum distance from any part of the land of the proposed use or buildings and works to land (not being a road) in a residential zone...'*

There are uses in the table where the threshold distance is variable, dependant on the processes to be used and materials to be processed or stored. There is no 'note' included in the table to suggest this applies to a concrete batching plant.

Considering the purpose of the Industrial 2 Zone, the provisions of Clause 52.10, and the evidence of Mr Gunawan, the Panel believes a further site inspection should be arranged when the concrete batching plant is operating so that noise readings can be undertaken.

On being provided with these readings the Council should then be in a position to determine whether the rezoning of the land to Residential 1 should proceed.

The Panel does not believe the onus should be placed on developers to acoustically treat dwellings to reduce noise that may be omitted from the concrete batching plant to the south.

In considering whether a social impact assessment should be provided as part of a Development Plan, the Panel perused the Social Infrastructure Plan – 2007, prepared by B G Urban Solutions for the Council, and noted Recommendation 5.1.8 that *'Council prepare and adopt a Social Impact Assessment policy and requirement for all new significant development'*.

The land on the north side of Taverner Street is in an area well provided with community facilities including open space and a school and it is a short distance from the railway station and in walking and cycling distance to medical and community facilities and the Main Street commercial area. Having regard to the facilities in the area and the size of around 11 hectares, to be rezoned, the Panel believes that a social impact assessment is not necessary.

In relation to the need to prepare an environmental sustainable development report, the Panel believes that the provision of this information at the initial planning stage of the subdivision layout is appropriate.

Turning to DDO5, the Panel does not believe the diagrams are particularly helpful or are indeed necessary, as the setbacks shown on the diagrams are referred to in the Schedule. The Panel is also concerned that, if applied literally, the design outcomes may lack individuality.

8.4 Conclusions

On the submissions and evidence provided to it, the Panel has concluded that the residential use of the land north of Taverner Street is supported by its designation under the Strategic Framework Plan in the MSS and by the use of neighbouring land to its north and west. The Panel is however concerned that the evidence to support the reduction of the threshold buffer set out at Clause 54.10 was not available. Based on Mr Gunawan's evidence the Panel believes that before a final decision is made in relation to the re-zoning of this land, arrangements should be made to take actual noise levels readings at the concrete batching plant. This information would then be provided to the Council to enable it to resolve the matter.

The matter of different buffer distances under the Planning Scheme and EPA Guidelines is one for the DTPLI to investigate.

In relation to the two Overlays applied to the land under the Amendment, the Panel supports both being retained. In the case of DDO5 its purpose to guide the siting and design of dwellings will continue after the provisions of DPO4 have been satisfied. The revised versions of these Schedules are included in *Appendices D and E* of this report.

8.5 Findings

The Panel finds that:

- Based on its inspection and evidence provided to it, it accepts that currently the concrete batching plant operates on an infrequent basis.
- The buffer between the plant and land on the north side of Taverner Street complies with EPA Guidelines.
- Based on actual noise readings being obtained while the plant is operating, that show the appropriate buffer is provided to the satisfaction of the Council, the rezoning of the land can proceed.

8.6 Recommendations

The Panel recommends that:

- 9. The Taverner Street land be rezoned to Residential 1, subject to actual noise readings taken at the concrete batching plant being to the satisfaction of the Planning Authority.**
- 10. Based on the rezoning of the Taverner Street land, Schedule 4 to the Development Plan Overlay and Schedule 5 to the Design and Development Overlay be adopted in the amended forms included in Appendices D and E respectively.**

9 Other Matters

9.1 The Issue

The issue raised relates to two submissions lodged with the Council that are unrelated to the subject Amendment.

9.2 Submissions

- **North side Taverner Street Development Area**

The owner of a property in the Taverner Street Development Area lodged a written submission with the Council, objecting to its inclusion in the Schedule to the Heritage Overlay. At the Hearing, the Council advised the Panel that this submission relates to Amendment C6 (Part 2). Because the owner of the property failed to make a submission to that Amendment, this was not a matter dealt with by the appointed Panel.

- **Graham Street**

At the Directions Hearing the Council advised the Panel that some properties had inadvertently been omitted from the exhibited Amendment. Following the giving of notice to owners of these properties, a submission was made by Mr Evans. Mr Evans appeared at the Hearing to advise the Panel of his concerns with regard to the building setbacks required by Melbourne Water from the bank of the Werribee River.

At the commencement of the Hearing, Mr Drew provided the Panel with a copy of an email received from Melbourne Water alerting it to its setback requirements from the Werribee River for residential subdivisions.

9.3 Discussion

The Panel understands Mr Evans' concerns in relation to building setbacks required by Melbourne Water from the Werribee River. As explained to Mr Evans at the Hearing, the Panel can only suggest that he have further discussions with officers of Melbourne Water in seeking to resolve this matter.

Turning to the Taverner Street property, the Panel has noted that Amendment C6 Part 2 has now been approved by the Minister and is in the Schedule to the Heritage Overlay in the Planning Scheme.

9.4 Conclusions

The above mentioned submissions do not relate to the subject Amendment and therefore are not ones this Panel can consider or make a recommendation on.

10 Schedules to which there were no Submissions

10.1 The Issue

The issue relates to the content of those Schedules to the Design and Development Overlay to which there were no submissions but to which Council made revisions to correct various anomalies and errors.

10.2 Evidence and submissions

There were no submissions to Schedules 6, 7, 8, 10 and 12 of the Design and Development Overlay. Revised versions of these Schedules, to correct mapping and typographical errors were referred to by Mr Drew in his submission. In response to questions of Mr Drew by the Panel at the Hearing some further minor corrections were made to these documents and an electronic copy of these revised Schedules was forwarded to the Panel post-hearing.

10.3 Discussion

The minor corrections made by the Council to the subject Schedules are supported by the Panel. Also supported is the inclusion in DDO9, DDO10 and DDO11 of the small areas inadvertently omitted from the exhibited Amendment. Notification provided to owners of these properties following the Panel Directions Hearing resulted in no submissions being received opposing their inclusion. The Panel supports the overlay maps being amended to include these areas, which in the Panel's opinion will not transform the Amendment.

Based on the content of Clause 21.07 and the Schedules to the Overlays the Panel believes references to the Structure Plan are unnecessary and should be deleted. It also believes that as the affected areas are identified on the Planning Scheme maps there is no need for a map in each of the Schedules. It also believes the diagrams at Figure 1 of DDO10 do not contribute to the text and should be deleted. The final revised Schedules are included at Appendix F to this Report.

10.4 Conclusions

The Panel supports the Schedules to the DPO and DDO generally as revised by the Council, post-hearing, but with some further minor modifications by the Panel, as included in the Appendices to this Report.

The Panel noted that the Amendment does not delete Schedule 2 to the Design and Development Overlay from the Taverner land. In the event that this land is rezoned Residential 1, it would be appropriate to delete this Overlay.

10.5 Recommendations

The Panel recommends that:

- 11. Schedules 6, 7, 8, 10 and 12 to the Design and Development Overlay be adopted in the amended forms included in Appendix F.**
- 12. Map 35 be amended to include land on the north side of Turner Street, east of Clarinda Street in Schedule 10 of the Design and Development Overlay.**

Appendix A List of Submitters

No.	
1	Bacchus Marsh RSL
2	Goulburn Murray Water
3	CFA Grampians Region
4	Mr K Davidson
5	Rigby Cooke for Mr S and Mrs A Provenzano
6	A.R.G. Planning for Mr D Mega
7	Mr M & Mrs M Kratochvil
8	Department of Transport Planning and Local Infrastructure
9	Mr L and Mrs Y Marsden
10	Western Water
11	Environment Protection Authority
12	Department of Environment and Primary Industries
13	Ms M and Mr P Scarff
14	Ms P Madden
15	Abacas Property Group
16	Mr Alex Ng
17	Southern Rural Water
18	Mr Colin Evans
19	Melbourne Water (provided by Council at Hearing)

Appendix B Document List

No.	Document	Submitted by
1	Melbourne Water email to Council from Mr M Kearney	Mr Drew
2	Council submission and 6 attachments	Mr Drew
3	Bacchus Marsh Aerial Photo	Mr Drew
4	Marsden submission	Mr Marsden
5	Evans submission	Mr Evans
6	Southern Rural Water submission (7 parts)	Mr Glossop
7	Abacus and Foodworks submission	Mr Bartley
8	Madden submission	Ms Madden
9	Workshop version of DPO5 and DDO9 and DDO11	Mr O'Farrell
10	Aerial photo of public land holdings	Mr Drew
11	Provenzano submission	Mr O'Farrell
12	Activity Centre Guidelines	Mr O'Farrell
13	VCAT decision 1275	Mr O'Farrell
14	Planning Practice Note: Incorporated Plans and DPO's	Mr O'Farrell
15	Email from Woolworths Properties	Mr O'Farrell
16	Draft version of Clause 21.07 from Mr Milner's evidence	Mr Lofting
17	Draft proposed DPO4 from SRW	Mr Glossop
18	Mega Submission and 3 attachments	Mr Gray
19	Panel Report Surf Coast Amendment C66-Torquay/Jan Juc (17 Oct 2013)	Mr Gray
20	Taverner Street property titles	Mr Gray
21	ES02	Mr Gray
22	Council closing submission	Mr Drew
23	Draft post workshop version of Amendment documents	Mr O'Farrell

Appendix C Clause 21.07 revised post-Hearing by the Panel

Green text with underlining – insertions by the Panel

~~Pink text with strikethrough~~ – deletions by the Panel

21.07 BACCHUS MARSH**21.07-1 Key Issues and Influences**

26/02/2009
Proposed C51

Bacchus Marsh is the largest town in the Shire. It is closer to the centre of Melbourne than growth areas within Melbourne's designated urban growth boundary, such as Pakenham. The town is characterised by high levels of commuting and an attractive living environment.

New residents have been attracted to Bacchus Marsh by the combination of its distinctively country lifestyle setting combined with attributes found in a metropolitan corridor such as well-established commercial, business, industry and community infrastructure.

Its character is defined by the following elements:

- Township character with a strong range of commercial and business enterprises set within a rural landscape and highly productive agricultural areas;
- Significant heritage buildings and trees including the Bacchus Marsh Avenue of Honour and Maddingley Park;
- Networks of open space throughout residential areas and adjoining forested areas;
- Undulating land with scenic views;
- Werribee and Lederberg Rivers and associated highly productive irrigated river flats;
- Strong industrial base providing local employment opportunities, particularly in the transport and value-adding agricultural industries; and
- Diversity and range of residential areas based on residential layout, lot design and housing styles, and types.

The Bacchus Marsh Activity Centre seeks to establish best practice in transport-oriented Activity Centre planning. Significantly-sized parcels of land between the railway station and Main Street and between Fiskien and Grant Streets provide opportunity for planned residential and mixed-use urban development.

Bacchus Marsh has been designated as the major urban growth centre in the Shire but expansion is constrained by topography, and mineral and agricultural/horticultural resources. Bacchus Marsh appears to have a significant amount of land zoned for infill development but some is steep and fragmented ownership in some areas makes co-ordinated development very difficult.

The highly productive irrigated horticultural land provides a source of employment and fresh food that needs to be protected from the urban expansion of Bacchus Marsh.

There are a number of strategically important land uses to the south of Bacchus Marsh - such as the Maddingley Brown Coal Mine, industrial land, the airport and the Parwan Waste Water Treatment Plant – that are inherently incompatible with residential development due to their off-site impacts. The State Government has established the extent of the coal resource to be protected but appropriate buffers and land use management measures to address potential conflicts between uses and opportunities to capitalise on economic development synergies require further investigation.

21.07-2 Objective—Consolidating urban growth

26/02/2009
Proposed C51

To encourage the consolidation of a variety of land uses within the inner area of Bacchus Marsh in areas that are highly accessible to the community.

[Strategic Vision Plan deleted as considered unnecessary]

Strategies

- Promote a mix of activities throughout the centre in accordance with the Strategic Vision Plan.

- Encourage development of existing agricultural land south of Main Street and South of the Werribee River for a variety of dwelling types sensitively designed to respond to the site context.
- Reinforce the commercial hub role of Main Street through the intensification of a mix of retail, commercial and leisure land uses, within a walkable environment.
- Strengthen Grant Street as the secondary activity core of the Activity Centre and the secondary location for complimentary commercial land uses.
- Encourage civic and community uses on land west of Lord Street in the vicinity of the library and public hall.

21.07-3 Objective—Accommodating township growth

26/02/2009
C34

To promote coordinated, master-planned development of identified areas in and around Bacchus Marsh.

Strategies

- Plan for staged residential growth in accordance with the Bacchus Marsh Framework Plan, including high quality ‘master-planned’ estate development.
- The form and design of new development in the township should respond to walkability and neighbourhood design principles, and include strategic and environmental assessment.
- Precinct structure plans for new growth areas should identify the need and location of community social infrastructure, neighbourhood shopping centres, and schools.
- Protect the Bacchus Marsh irrigated horticultural land from residential encroachment and ensure appropriate interface treatments in development abutting these areas.
- Provide buffers between residential development and uses with off-site impacts such as the Maddingley Brown Coal Mine, industrial areas, the airport and the Parwan Waste Water treatment plant.
- Use and development within the South Maddingley “Investigation Area” identified on the Bacchus Marsh Framework Plan should be compatible with:
 - Protection of the brown coal resource within the defined Mining Lease Area;
 - Any existing or permissible future activities at the Maddingley Brown Coal Mine;
 - The continuation of existing industries and the establishment of new industries in the industrial zones in the locality; and
 - Ensuring separation between sensitive uses and uses with off-site impacts comply with recommended buffer distances for Industrial Residual Air Emissions or a lesser distance determined by an area-specific environmental study in collaboration with the EPA.

21.07-4 Objective—Rural Living Development

26/02/2009
C34

To provide high amenity rural lifestyle opportunities while protecting irrigated horticultural land and the sustainability of environmental assets.

Strategies

- Provide planned rural residential / rural living development in appropriate locations as detailed on the Bacchus Marsh Framework Plan.
- Recognise the importance and attractiveness of rural residential and rural lifestyle living as an alternative living environment in designated areas around Bacchus Marsh.

21.07-5 Objective—Urban Design

26/02/2009
Proposed C51

To improve the urban design throughout Bacchus Marsh.

Strategies

- Increase pedestrian and cyclist accessibility, particularly to and through the Activity Centre and across the Western Freeway, and ensure bicycle and pedestrian networks developed in future residential estates are appropriately linked.
- Enhance the design, style, and appearance of the five major gateways into Bacchus Marsh, and particularly the Avenue of Honour based on recommendations within the Bacchus Marsh Gateways Strategy.
- Improve traffic conditions in central Bacchus Marsh by facilitating a northward extension of Woolpack Road to reduce heavy traffic in the town centre and investigating the feasibility of an additional north-south traffic route to the west of the town.
- Encourage active house frontages to main roads and, where possible, key public spaces to enhance open space and natural surveillance.

21.07-6 Objective – Pedestrian / cycle link

To provide a new high quality, high amenity pedestrian and cycle link connecting Main Street and the Railway.

Strategies

- Establish a pedestrian and cycle spine between Main Street and the railway.
- Orientate new, sensitively designed residential development towards the pedestrian / cycle spine to facilitate and active edge to this spine.
- Focus any active or passive open space adjacent to this spine.

21.07-7 Implementation

26/02/2009
Proposed C51

Zones and Overlays

Specific application of zones and overlays to achieve the strategic objectives includes:

- Apply Design and Development Overlays for sub-precincts within the Activity Centre that should be the subject of specific built form and design guidelines.
- Apply Development Plan Overlays for existing undeveloped Residential 1 Zone areas to enable improved integration of infill development; and
- Apply Development Contributions Plan Overlays where required to support the provision of appropriate social and physical infrastructure.

21.07-8 Further Strategic Work

26/02/2009
Proposed C51

- Prepare and adopt Development Plan Overlays and Precinct Structure Plans for designated residential development areas in Bacchus Marsh.
- Prepare and implement a Development Contributions Plan where relevant.
- Prepare a Local Area Structure Plan and Development Contributions Plan for the Bences Road Area.
- Identify potential uses in the Maddingley South area identified on the Bacchus Marsh Framework Plan. If land identified is within the standard buffer distances to industrial or special use zones

then the investigation must include an environmental risk assessment carried out in accordance with the requirements of the Environmental Protection Authority.

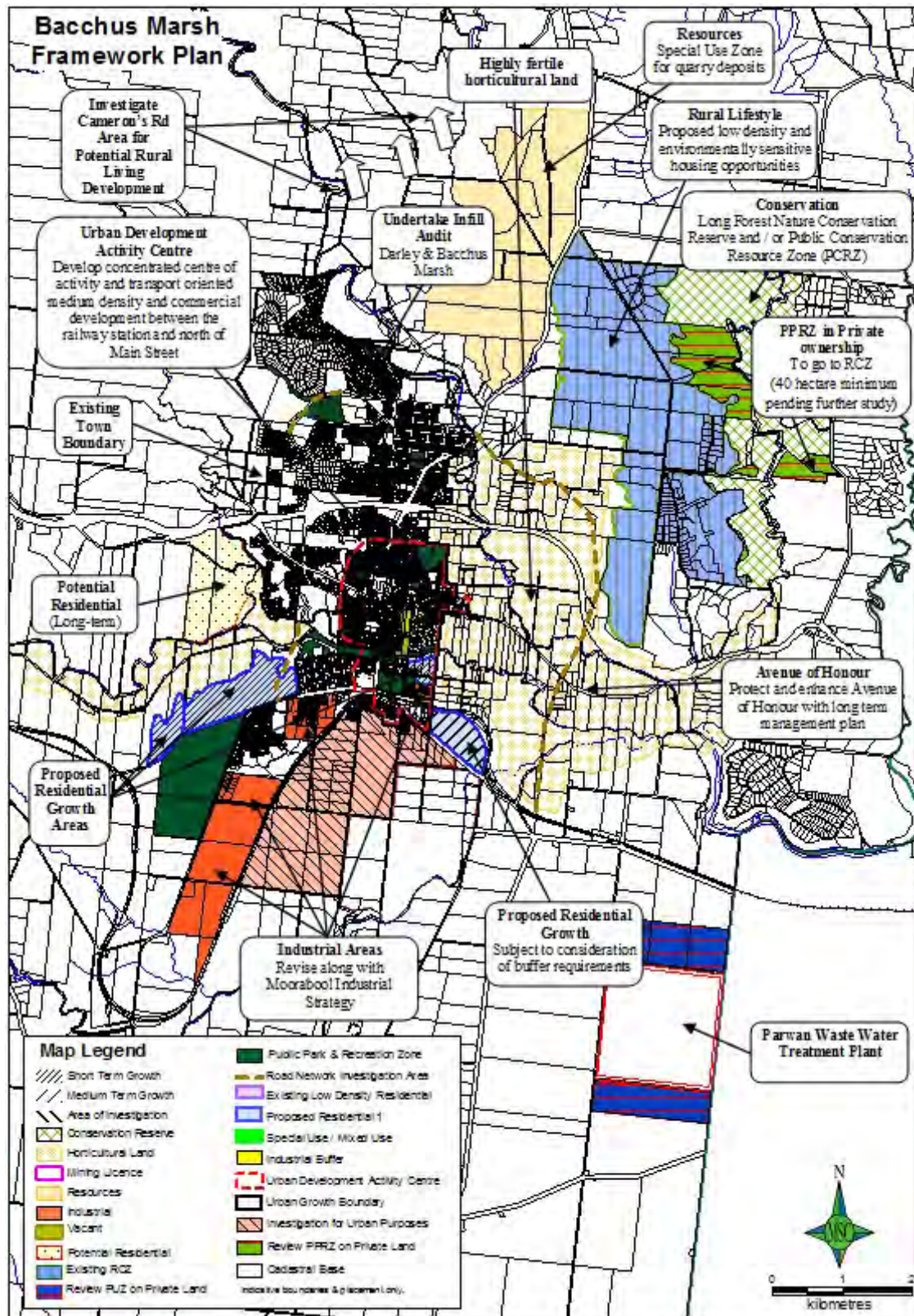
- The investigation of the area south of the railway line and east of the industrial corridor must include:
 - Identification of appropriate land uses having regard to existing and projected land requirements for alternative uses, land characteristics, and compatibility with existing and potential uses in adjoining zones;
 - Consideration of a planning framework to address off site impacts from uses in the locality, including a review of the role and scope of management and development planning for land outside the South Maddingley mine lease;
 - Review of the appropriateness of minimum lot sizes;
 - A risk assessment in accordance with EPA advice if sensitive uses are contemplated within the standard EPA buffers. The assessment should take account of the specific circumstances and mix of uses in the locality; and
- Protection of buffers to the Parwan Waste Water Treatment Plant.
- Audit undeveloped land in existing residential zoned areas of Bacchus Marsh having regard to constraints due to connectivity to existing roads, drainage, environmental constraints, and community facilities.

21.07-9 Other Actions

xx/xx/20xx

- Work with VicRoads to improve to the Bacchus Marsh arterial road network in accordance with adopted strategies such as the Bacchus Marsh Arterial Road Strategy and the Bacchus Marsh Accessibility, Traffic Management and Parking Study. This includes supporting a detailed planning study by VicRoads of the northward extension of Woolpack Road and further investigation of the feasibility of providing an additional north-south route.
- Advocate the planned development of Bacchus Marsh as a key town on the Ballarat Regional Transport Corridor consistent with State policy (as part of the Melbourne 2030 Strategy) and as part of the upgraded rail services serving the Shire.
- Improve the visual and physical appearance of Main Street, Bacchus Marsh through implementation of the Urban Design Framework.

Bacchus Marsh Framework Plan



Appendix D Modified Schedules 4 and 5 to the Development Plan Overlay

Blue text with underlining – insertions by the Council

Green text with underlining – insertions by the Panel

~~Red text with strikethrough~~ - deletions by the Council

~~Pink text with strikethrough~~ – deletions by the Panel

SCHEDULE 4 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO4**

TAVERNER RESIDENTIAL DEVELOPMENT AREA

The Taverner Residential Development Area has opportunity to ~~process~~ provide housing choices within a ~~5~~-five minute walk to the Bacchus Marsh Railway Station. The overall design of the site needs to incorporate the important site features including the locally significant ~~Osage orange grove~~ Osage Orange Avenue and Windbreak, and the Werribee River.

1.0 Requirement before a permit is granted

XX/XX/20XX

Proposed C51

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority to construct buildings and works associated with an alteration or addition to an existing dwelling.

2.0 Conditions and requirements for permits

XX/XX/20XX

Proposed C51

Any permit for subdivision must include the following conditions:

Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the developer will manage the environmental and construction issues associated with the development. The plan must address, but not be limited to the following:

- How the land is to be accessed during the construction period;
- All measures to be introduced to ensure that construction on the land does not impact on any vegetation to be retained;
- All measures to be introduced to minimise soil erosion and runoff;
- Details relating to the storage of all plant and equipment during the construction period; and
- Measures to be implemented to ensure the containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site.

Developer contributions are required for the provision of infrastructure on the developable land, and also where the development impacts on infrastructure demand beyond the developable area, including social and road network infrastructure based on the Community Infrastructure Report and Traffic Impact Assessment Report, and must be provided for within an agreement made with Moorabool Shire Council under Section 173 of the Planning and Environment Act 1987.

Easements in favour of Southern Rural Water must be maintained and no buildings are to be constructed within those easements without the consent of Southern Rural Water.

Where vehicle access is provided onto land from Boyles Close, development contributions may be required towards the cost of de-commissioning and replacing irrigation infrastructure.

The construction of a road along the Werribee River environs, to be carried out by the owners of the land to the following standards:

- 10.1m ~~metre~~ metre – wide sealed pavement.
- Concrete footpath and kerb and channel on the northern side of the road.
- 2.3m ~~metre~~ metre – wide indented parking bays on the southern side of the road
- Any additional traffic management measures required by the responsible authority.

3.0 Requirements for development plan

XX/XX/20XX
Proposed C51

A development plan may consist of plans or other documents which must show or include the following:

- The location, dimension and areas of all lots.
- The location of major drainage lines, water features, proposed retarding basins and floodways and the means by which they will be managed.
- The location of infrastructure easements or installations and the means by which they will be maintained and managed.
- The transition between the proposed development and the rural lots on the eastern side of Fiskin Street and how this will be managed.
- Provision of an internal road layout that follows a basic grid pattern and includes a pedestrian and bicycle network along the Werribee River frontage.
- The provision of a road to follow the Werribee River alignment between ~~Fiskin~~ Fiskin Street and ~~the Greenway~~ Boyes Close.
- The internal road network should be designed to minimal impact on the ~~Osange~~ Osage Orange Avenue and Windbreak ~~Grove~~, including no more than one break in the Avenue and Windbreak.
- An assessment of any tree removal against the considerations of the relevant Heritage Overlay.
- Consistency with the other supporting material such as the Planning Assessment, Environmentally Sustainable Design and Construction Guidelines, ~~Social Impact Assessment~~, Siting and Design Guidelines, Environmental Assessment and the Traffic Management and Road Construction Report.
- Provision of a variety of a dwelling types including medium density, particularly ~~on~~ on those allotments facing ~~the Greenway~~ Boyes Close and to the east of the ~~Osange~~ Osage Orange Avenue and Windbreak ~~Grove~~.
- The indicative stages, if any, in which the land is to be developed.
- The availability of major physical infrastructure to accommodate the development including the provision of water, sewerage, drainage, electricity, gas and telecommunication services including broadband.
- Details of the access connections between the land and the surrounding area including the proposed link roads or roadworks, vehicle access points, vehicle turning circles, traffic management and control methods, car parking areas, and bicycle and pedestrian path connections.
- Location of any common open space provided for in the development.
- Identify Identification of any sites of conservation, heritage or archaeological significance and the means by which they will be managed, including the preparation of a Cultural Heritage Management Plan where required.
- ~~by which they will be managed, including the preparation of a Cultural Heritage Management Plan where required.~~

3.1 Supporting Information Requirements

XX/XX/20XX
Proposed C51

The Development Plan must be supported by the following reports:

A Planning Assessment report

- that includes an analysis of how the proposed Development Plan will satisfy the objectives (where relevant) of Clauses 54, 55 and 56 of the Moorabool Planning Scheme

Infrastructure and servicing report

The report must:

- Demonstrate how infrastructure including water supply, sewerage, drainage, telecommunications and broadband, public transport, and roads will be cost effectively provided.
- Demonstrate how irrigation infrastructure can be maintained or replaced to ensure ongoing supply to the Bacchus Marsh Irrigation District.
- Identify appropriate methods of integrating telecommunications infrastructure including broadband networking capacity to the subdivision, to a standard that would be capable of accommodating the rollout of Fibre ~~To The~~ to the Premises (FTTP) on a sub-terrestrial basis.
- A management plan that shows maintenance requirements, machinery requirements, and access arrangements, including specific reference to the Werribee River environs and maintenance responsibilities for any drainage areas/wetlands.
- All development must apply best practice stormwater management as part of planning approvals in accordance with the Moorabool Shire Council Stormwater Management Plan (2001).
- A drainage report must be prepared and demonstrate the implementation of appropriate water sensitive urban design techniques to minimise inappropriate drainage and runoff impacts and in particular address possible impacts on the Werribee River and any flood management implications for the land.
- Innovative wastewater management strategies that maximise opportunities for waste recycling and or storm water harvesting must be developed to the satisfaction of the Responsible Authority

Siting and Design Guidelines

The report must demonstrate:

- How the lot layout and movement network will respond to and enhance the significance of the ~~Orange Osage~~ Orange Avenue and Windbreak, ~~Grove.~~
- Density patterns including lot layout, road and movement networks, open space networks, integration between new and existing development, location of reticulated water, sewerage and drainage, road and footpath networks.
- ~~Design guidelines for interface areas that encourage a~~ How lots are to address Boyes Close, Taverner Street, ~~and~~ Fiskin Street, and the Werribee River.
- ~~Setbacks and house layouts must be designed in accordance with the Bacchus Marsh Activity Centre Structure Plan.~~
- How the interface areas along Fiskin Street are to be designed to provide a sensitive transition between residential development and the agricultural land uses to the east of the Taverner Development Area.

Environmentally Sustainable Design and Construction Guidelines.

These guidelines must be based upon the following principles, and provide actions and targets which demonstrate best practice of environmental sustainability throughout the development:

- Energy efficiency;

- Water conservation (including potential Water Sensitive Urban Design techniques employed on the site);
- Building materials conservation; and
- Sustainability in demolition and construction works.

Social Impact Assessment

The assessment must:

- Provide a vision for the community, detailing the principles guiding the use and development;
- Integrate the development and provide linkages with the surrounding residential development;
- Ascertain what variety of housing styles and types are to be provided to accommodate people with different needs and disabilities within the community; and
- Determine any need to improve community services and or facilities within the area, as generated by the proposed development.

Environment Assessment Report

- A detailed site analysis of the natural, cultural and strategic context of the site.
- An environmental survey of the land, involving a flora and fauna survey, which identifies existing vegetation (including grasses) and natural drainage lines required to be protected and enhanced in the subdivision design. Where significant vegetation is identified a management plan is required to aid in the protection and management of any identified environmental assets to the satisfaction of the responsible authority.
- Have a focus on the protection and enhancement of native vegetation and ecological processes whilst providing for public use which is sympathetic to these objectives.
- Address how remnant vegetation will be protected from informal access which may be detrimental to the long term survival of that vegetation.
- Specify how a 'net gain' outcome, as defined in Victoria's Native Vegetation Management Framework, can be implemented where native vegetation is to be removed.
- An environmental audit that identifies any environmental hazards or contamination on the land and proposed treatment, if any, or a qualified statement indicating the absence of such hazards or contamination. Any approved development plan may be amended to the satisfaction of the responsible authority. The responsible authority will seek the opinion of any relevant referral authority that may be affected by the proposed change.

Traffic Management and Road Construction Report

The report must be prepared by a suitability qualified person(s) providing details relating to:

- Traffic management, traffic control works and road works considered necessary on the land, including the vehicular, bicycle and pedestrian requirements necessary to the use of buildings and works on the land;
- Traffic management, traffic control works and road works (including new road works) considered necessary in adjoining and nearby;
- Location of vehicle access points to the site;
- Bicycle and pedestrian networks;

- Bicycle and pedestrian works in adjoining and nearby areas considered necessary to integrate development of the land to local destinations (e.g., Werribee River, Bacchus Marsh Commercial Area);
- The proposed staging and timing of works required;
- The contribution by the owner/developer or relevant authorities to the reasonable cost of works made necessary by the development; and
- The timing, method and security for payment of any contribution.

Open Space and Landscaping report

~~The report must:~~

- Provide consistent whole of precinct landscaping details, along main roads, open spaces, and pedestrians/bicycle pavements.
- Use ~~of~~ indigenous and drought tolerant vegetation for landscaping and retention of existing indigenous vegetation wherever possible.
- ~~At least~~ Set aside 5% per cent of the land ~~shall be set aside~~ for public open space purposes. The following areas will be excluded as public open space contributions:
 - Areas of Environmental Sensitivity; and
 - Drainage Reserves, unless these are consistent with the local trails strategy which provide direct access routes to core community infrastructure.
- Public open space should be consistent with the Moorabool Shire Recreation and Open Space Strategy (2007) and should:
 - Include provision of landscaping and appropriate facilities for public use, car parking, playground equipment, other furniture, fencing, bollards, and lighting.
 - Provide for fencing, or other appropriate treatment, along any boundaries between public open space (generally to rural standard unless residential standard would be more appropriate).
 - Be planned, where possible, to support the retention of remnant vegetation.
- Ownership and maintenance responsibility for all open space will be retained by the developer until developed to the satisfaction of the responsible authority.

4.0

Decision Guidelines

XX/XX/20XX
Proposed C51

Before approving a Development Plan, the responsible authority must consider, as appropriate:

- Growing Moorabool, Economic Development Strategy, 2006.
- The Bacchus Marsh Activity Centre Structure Plan, 2011
- Statement of Significance for the ~~“Osange”~~ Osage Orange Avenue and Windbreak” Grove”
- The views of all relevant service authorities.
- The views of all relevant water authorities.

Before ~~approval of~~ approving a Development Plan, the responsible authority must make a copy available to affected owners.

~~the responsible authority must place the Development Plan on exhibition for comment by interested parties.~~

SCHEDULE 5 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO5**

BACCHUS MARSH ACTIVITY CENTRE LINK

~~This schedule applies to land north of the Werribee River, Bacchus Marsh, which was identified in the Bacchus Marsh Activity Centre Structure Plan as the location for a new pedestrian and cycle route and local access road. [Unnecessary as previous sentence describes land this schedule applies to and 'Head provision' of DPO describes purpose sufficiently]~~ The Bacchus Marsh Activity Centre Link will provide for a north-south pedestrian- cycle path separated from local roads, linking Main Street and the Werribee River and well connected with adjacent neighbourhoods.

1.0 Requirement before a permit is granted

XX/XX/20XX
Proposed C51

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- ~~To construct~~ Construction of buildings and works associated with an alteration or addition to an existing dwelling.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.

2.0 Conditions and requirements for permits

XX/XX/20XX
Proposed C51

A permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan.

~~All residential development must be serviced with reticulated water and sewerage.~~

~~A permit must not be granted to subdivide land until the responsible authority is satisfied that the development will be integrated with undeveloped land on the site and allow for the construction of the greenway as a central spine for pedestrian and cycle focused access through the development area.~~

3.0 Requirements for development plan

XX/XX/20XX
Proposed C51

The Development Plan

A development plan must show or include the following:

- A detailed site analysis of the natural, cultural and strategic context of the site and the means by which they will be managed.
- ~~Including the Werribee River Corridor.~~
- An environmental survey of the land, involving a flora and fauna survey, which identifies existing vegetation (including grasses) and natural drainage lines required to be protected and enhanced.
- A stormwater management plan must be prepared and submitted which provides for: protection of natural systems; integration of stormwater treatment into the landscape; protection of water quality; and reduction of run-off and peak flows, including the removal of sediment litter and other urban wastes from stormwater prior to discharge utilising best practice water sensitive urban design.
- A traffic management plan prepared addressing the impact of the proposed development ~~integration between the Greenway~~ on the arterial and local road network, addressing mitigation works required on the road network in addition to funding responsibilities.
- An environmental report that identifies any environmental hazards or contamination on the land and proposed treatment, if any, or a qualified statement indicating the absence of such hazards or

contamination. ~~Any approved development plan may be amended to the satisfaction of the responsible authority. The responsible authority will seek the opinion of any relevant referral authority that may be affected by the proposed change.~~

- A through road to connect Waddell and Simpson Streets;

Requirements applicable to the Commercial Land

- Demonstrates the integration of the development with the surrounding area;
- Provides a development layout which includes a safe, attractive and linkage connecting Waddell and Main Streets through the commercially zoned land, and which connects to the linkage through the residential land to the south, and provides separation between pedestrians/cyclists and vehicles in a safe speed environment.

Requirements applicable to the Residential Land

- Provides a development layout which includes a safe, attractive and direct linkage connecting the railway station with Waddell Street, and which connects to the linkage through the commercial land to the north, to provide a movement network including:
 - a pedestrian/cycle path as part of a local access road that separates pedestrian and cycling movements from vehicle traffic; and
 - provision of good passive surveillance from dwellings.
- Identifies the location of any open space.
- Provides passive surveillance of the Werribee River Corridor.

Any approved development plan may be amended to the satisfaction of the responsible authority. The responsible authority will seek the opinion of any relevant referral authority that may be affected by the proposed change.

3.1

XX/XX/20XX

Proposed C51

Supporting Information Requirements

The Development Plan must be supported by the following reports:

Planning Report

The report must demonstrate how the development plan:

- Provides safe, attractive and direct linkage connecting the railway station with Main Street;
- Responds to the Activity Centre Design Guidelines (Department of Sustainability and Environment 2005) and the Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment 2005).
- Will satisfy the objectives (where relevant) of Clauses 54, 55 and 56 of the Moorabool Planning Scheme

Detailed Road Alignment and construction report

The report must:

- Include road alignment details.
- Location of any intersections.

4.0 Decision Guidelines

XX/XX/20XX
Proposed C51

Before approving a Development Plan, the responsible authority must consider, as appropriate:

- [The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.](#)
- [The Activity Centre Design Guidelines \(Department of Sustainability and Environment 2005\).](#)
- [The Safer Design Guidelines for Victoria \(Crime Prevention Victoria and Department of Sustainability and Environment 2005\).](#)
- The views of all relevant service authorities.

Before approving a Development Plan, the responsible authority must make a copy available to affected owners.

*—~~Plan, prepared by David Lock Associates (2011)~~

Appendix E Amended Schedules to 5 and 9 of the Design and Development Overlay

Blue text with underlining – insertions by the Council

Green text with underlining – insertions by the Panel

~~Red text with strikethrough~~ - deletions by the Council

~~Pink text with strikethrough~~ – deletions by the Panel

SCHEDULE 5 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO5**

TAVERNER RESIDENTIAL DEVELOPMENT ~~Residential Development~~ **AREA - SOUTH OF THE WERRIBEE RIVER**

1.0 Preferred Character

XX/XX/20XX
Proposed C51 A new mixed density residential neighbourhood that responds to the characteristics and context of the locality and is respectful to the historic Osage Orange ~~avenue~~ Avenue and ~~windbreak~~ Windbreak.

2.0 Design Objectives

XX/XX/20XX
Proposed C51 To encourage high quality, innovative and sustainable development that is contextually relevant and responds to the 'country town' character as described in the Bacchus Marsh Activity Centre Structure Plan, and protects the ~~homestead and~~ Osage Orange Avenue and Windbreak ~~orange grove~~ which ~~are~~ important property is of historical significance for its association with orcharding in the Bacchus Marsh area.

To ensure new residential development is oriented towards the Werribee River corridor to promote public safety in the public and private realm.

To ensure residential development abutting Fiskin Street is set back so as to provide a buffer from nearby horticultural activities.

To encourage increased density development oriented towards Boyes Close ~~the Greenway~~.

To design an internal street network that provides permeable, accessible and safe neighbourhood system for pedestrians, cyclists and motor vehicles.

3.0 Buildings and Works

XX/XX/20XX
Proposed C51 A permit is not required for:

- Construction of a front fence or a fence abutting the Werribee River environs that is less than 1.2 metres in height and is constructed of a minimum of 50% per cent transparent material;
- The construction of one dwelling on a lot where the requirements listed below are met.
- The construction of an extension or alteration to an existing dwelling where the requirements listed below are met.

Requirements

Building frontages should be oriented towards Taverner and Fiskin Streets, ~~Boyse~~ Boyes Close, and the Werribee River corridor.

Frontage setbacks along Taverner Street should promote a continuous building line.

Frontage setbacks to Taverner Street and Boyes Close ~~Bond Street and Fiskin Street~~ should be a minimum of 6 metres to allow for canopy tree planting.

Frontage setbacks to Fiskin Street should be ~~Wall height of buildings should be setback from Fiskin Street~~ no less than 9 metres or the average setback of abutting properties, whichever is greater. ~~Refer to Figure 2~~

Wall height of buildings along Fiskin Street should not exceed 7 metres from natural ground level.

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0

Subdivision

XX/XX/20XX

Proposed C51

A planning permit is required to subdivide land.

Requirements

The subdivision of land should encourage passive surveillance opportunities of the Werribee River corridor and Boyes Close, ~~the Greenway~~.

The subdivision of land should provide for an active frontage along Taverner Street.

The subdivision of land shall ensure that property boundaries will not impact on the Osage Orange Avenue and Windbreak ~~hedge plantings~~.

Exemption from notice and review

An application for subdivision 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.

5.0

Decision guidelines

XX/XX/20XX

Proposed C51

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.

*—~~The Bacehus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011).~~

SCHEDULE 9 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO9**

RESIDENTIAL INVESTIGATION AREA – WADDELL STREET TO WERRIBEE RIVER**1.0 Preferred character**

XX/XX/20XX
Proposed C51

A new ~~green corridor~~ high-quality medium density residential ~~development corridor~~ linking ~~the commercial area adjoining~~ Main Street to the railway station. ~~which is fronted~~

2.0 Design objectives

XX/XX/20XX
Proposed C51

To ensure development enjoys good visual access ~~to the Greenway local access roads and the north / south pedestrian - bicycle route through the area to the and~~ Werribee River Corridor thereby maximising opportunities for passive surveillance.

To encourage new development which provides for and maintains a country town character. ~~as described in the Bacehus Marsh Activity Centre Structure Plan.~~

To provide a safe and attractive pedestrian and bicycle link connecting the railway station with Main Street.

To provide a focus for new high quality, innovative ~~and~~ contemporary design.

To encourage building forms, finishes and colours that make a positive contribution to the ~~Greenway residential spine.~~

To support sustainable urban outcomes that maximise the use of infrastructure and public transport.

3.0 Buildings and works

XX/XX/20XX
Proposed C51

A permit is required for the construction of a front fence ~~or a fence abutting the Greenway or Werribee River Corridor~~ that exceeds 1.2 metres in height and is not a minimum of 50% ~~per cent~~ transparent.

A permit is not required for the construction of an extension or alteration to an existing dwelling if the following requirements are met:

Requirements

The maximum permissible height of the wall of any building adjacent to the ~~north – south pedestrian / bicycle route~~ is 9 metres,

Any new building or portion of a new building must have a frontage setback of no less than 5 metres.

Vehicular access ~~is~~ to be provided from ~~the shareway, a local access road~~ or from the ~~allotment~~ side or rear ~~of the lot, to minimise potential conflict with pedestrians and cyclists. along the Greenway.~~

Full details of the type, colour and finish of all cladding materials must be provided.

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0 Subdivision

XX/XX/20XX

Proposed C51

A planning permit is required to subdivide land.

Requirements

An application for subdivision that creates a vacant lot less than 300 square metres must show a building envelope or be accompanied by development plans that demonstrate that the lot is capable of supporting a dwelling that will meet the design objectives of this clause.

The layout of the proposed subdivision of land should encourage passive surveillance opportunities of the **Greenway** pedestrian /bicycle link and the Werribee River Corridor.

Exemption from notice and review

An application for subdivision 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.

5.0 Decision guidelines

XX/XX/20XX

Proposed C51

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.

6.0 ~~Figure 1– Residential Development surrounding the greenway~~

XX/XX/20XX

Proposed C51

SCHEDULE 11 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO11**

MAIN STREET PRECINCT

1.0 Preferred character

XX/XX/20XX
Proposed C51

Superior and highly articulated built form that reflects Main Street's function as the retail and commercial hub of Bacchus Marsh.

Vibrant shopping and leisure strips with buildings that provide active frontages that face the footpath with a mix of uses above.

An inviting and pedestrian friendly public realm that maintains a permeable street network and a high degree of pedestrian amenity.

A built form that relates to the fine-grained scale of the existing Main Street streetscape, with opportunities for taller buildings to punctuate above the dominant built form where such development demonstrates design excellence, retains generous visual permeability between taller buildings and retains key views.

New development of a contemporary character with architectural detail that responds to the prevailing scale, form and design of the immediate area.

In the Greenway commercial area south of Main Street, to encourage building forms, finishes and colours that make a positive contribution to ~~this~~ the pedestrian and cycle link.

2.0 Design Objectives

XX/XX/20XX
Proposed C51

- To enhance the established 'country town centre' character of Main Street and surrounds including creating a level of visual consistency in the precinct with the standard street wall height the equivalent of 7.5 metres above natural ground level, with limited opportunities for higher elements to be considered.
- To ensure that new development responds to the landscape character of Bacchus Marsh.
- To prove an attractive, safe and accessible environment within the town centre.
- To encourage development within the Town Centre to provide an appropriate interface to protect the amenity of surrounding residential areas.
- To encourage development within the Town Centre to provide an appropriate integration with heritage places.
- To create and expanded town centre that reflects the unique township character of Bacchus Marsh.
- To encourage the creation of active frontages adjacent to roads, laneways and the greenway pedestrian/cycle accessway
- ~~To ensure that new development addresses and integrates with the Greenway.~~
- To encourage the redevelopment of land within the Town Centre to demonstrate high quality, contemporary ~~and~~ innovative design.
- To provide for safe, convenient and pedestrian friendly vehicle movement in and around the town centre.
- To minimise the visual intrusion of car parking facilities.
- To encourage pedestrian access by:

- Improving crossing facilities at the Grant Street/Main Street intersection;
- Improving pedestrian permeability between Main Street and Bennett Street; and
- Providing adequate access and parking for bicycles.

3.0 Buildings and works

XX/XX/20XX
Proposed C51

A permit is required for the construction of a front fence that exceeds 1.2 metres in height and is not a minimum of 50% per cent transparent.

A permit is not required for:

- The installation of an automatic teller machine.
- An alteration to 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 facade at ground floor level is maintained as an entry or window with clear glazing.

Requirements

Buildings should present an overall height to the street of not more than 7.5 metres (excluding roof forms)*. A permit may be granted to vary these discretionary requirements subject to the proposal achieving the Preferred Character and Design Objectives for the particular area, and any local planning policy requirements, to the satisfaction of the responsible authority.

Any storey(s) above 7.5 metres must adopt a setback from the building frontage such that it is not visible from standing eye level (1.7 metres above ground level) on the footpath directly opposite the site.

New development should have an active street frontage, particularly fronting Bennett Street and Gell Street. Within the Business Commercial 1 Zone at least 50% per cent of the ground floor façade should have transparent elements.

A framework of verandahs should extend to the front boundary of Main Street kerb line to define the street façade and reflect the existing character of Main Street.

Building design must mitigate overlooking, overshadowing, noise and other potential amenity impacts in line with the Activity Centre Guidelines (DSE 2004).

** Maximum building heights have been derived assuming a 4.0m floor to ceiling height for the ground floor and 3.0m ceiling height for upper levels. Other ceiling heights may be used however the maximum building heights identified in the Structure Plan are to be adhered to.*

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0 Subdivision

XX/XX/20XX
Proposed C51

A permit is required for subdivision of land.

5.0 Decision guidelines

XX/XX/20XX
Proposed C51 Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.
- ~~The Bacchus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011).~~

~~5.0 Figures 1 and 2–Bacchus Marsh Main Street~~

XX/XX/20XX
Proposed C51

Appendix F Modified Schedules 6, 7, 8, 10 and 12 to the Design and Development Overlay

Blue text with underlining – insertions by the Council

Green text with underlining – insertions by the Panel

~~Red text with strikethrough~~ - deletions by the Council

~~Pink text with strikethrough~~ – deletions by the Panel

SCHEDULE 6 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO6**

Residential Investigation Area A**1.0 Preferred character**

XX/XX/20XX
Proposed C51

A residential neighbourhood where medium density housing will be encouraged provided that such development respects and responds to the character of the neighbourhood.

Development and subdivision of land should concentrate on the retention of the openness of the streetscapes which is created by generous nature strips and spacious garden settings to the dwellings. ~~property is of historical significance for its associations with the prominent orcharding family in the Baccus Marsh area.~~

2.0 Design objectives

XX/XX/20XX
Proposed C51

To encourage the development of a built form character that responds to the existing site characteristics including creating appropriate interfaces with ~~the~~ **Greenway** Boyes Close to the east and the Werribee River to the north.

To ensure that ~~the~~ subdivision and development of land fronting the Werribee River includes provision for an access road and pedestrian path.

To encourage new development which provides for and maintains a country town character. ~~as described within the Baccus Marsh Activity Centre Structure Plan 2011.~~

To ensure new residential development is oriented towards the Werribee River corridor and ~~the~~ **Greenway** Boyes Close to promote public safety in the public and private realm.

To ensure residential development abutting public frontages is appropriately set back to allow for canopy tree planting to maintain the country town character.

To encourage retention and establishment of vegetation that contributes to the character of the precinct.

To consider a variety of building heights across the precinct, to a maximum of 9 metres.

To create a network of attractive public streets and walkways connecting through the existing network of the precinct which achieve efficient access for vehicular transport, pedestrians and cyclists. ~~The preferred street layout should follow a modified grid pattern which avoids impact on the Osage Orange hedgerows.~~

To ensure that development is orientated to provide public frontages.

3.0 Buildings and Works

XX/XX/20XX
Proposed C51

A permit is not required for:

- The construction of a front fence or a fence abutting the Werribee River corridor or ~~the Greenway~~ Boyes Close that is less than 1.2 metres in height and is a minimum of 50% per cent transparent material.
- The construction of a single dwelling on a lot where the dwelling meets the requirement specified below.
- The construction of an extension or alteration to an existing dwelling where the modifications meet the requirement specified below.
- Carrying out of works normal to a dwelling.

Requirements

- ~~Wall heights of buildings~~ Buildings should not exceed 7 metres above natural ground ~~level height~~ along Grant ~~and Fiskin Streets~~;
- Buildings heights should not exceed ~~and~~ 9 metres ~~above~~ above natural ground ~~level height~~ along ~~Boyes Close, The Greenway~~;
- Buildings fronting the Werribee River shall be single storey and address ~~any~~ access road ~~provided~~ between the river and the development.
- Except where ~~that~~ a lot fronts the Werribee River, ~~B~~buildings will have a minimum front setback of ~~6m~~ metres. A lesser setback will be permitted only if it can be demonstrated that there exists sufficient area to allow for canopy tree planting.

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0**Subdivision**

XX/XX/20XX

Proposed C51

A permit is required to subdivide land.

Requirements

An application for subdivision that creates a vacant lot less than 300 square metres must show a building envelope or be accompanied by development plans that demonstrate that the lot is capable of supporting a dwelling that will meet the design objectives of this clause.

The subdivision of land should provide opportunities for passive surveillance of the Werribee River corridor and ~~Boyes Close, the Greenway~~.

Subdivision plans for the land fronting the Werribee River must include provision for an access road running along the Werribee River. The design and construction of the access road must be to the satisfaction of the Responsible Authority.

Exemption from notice and review

An application for subdivision 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.

5.0**Decision guidelines**

XX/XX/20XX

Proposed C51

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.
- ~~The Bacechus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011).~~

SCHEDULE 7 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO7**

Industrial ~~/Greenway~~ Interface Area

1.0 Preferred Character

--/--/20--
Proposed
C51

New industrial development of a high quality design and finish that: addresses Bond Street; ~~the Greenway~~ encourages vehicular access to the rear; and provides ~~a~~ an interface between development and Bond Street. ~~the Greenway~~.

2.0 Design objectives

--/--/20--
Proposed
C51

To reinforce the tree lined street country town character of Bacchus Marsh through the layout and design of development ~~adjacent to the Greenway~~ along Bond Street.

To facilitate development that creates a high amenity frontage to ~~the greenway~~ Bond Street.

To ensure that development is orientated towards ~~the Greenway~~ Bond Street and Maddingley Park ~~promoting to promote~~ passive surveillance of the ~~Greenway~~ public realm.

To encourage design that presents a positive and interactive edge to the public realm.

~~To form an appropriate interface to the adjacent residential areas.~~

3.0 Buildings and works

--/--/20--
Proposed
C51

Applications for buildings and works should address the following matters subject to the approval of the responsible authority.

Site layout & design

An application must be accompanied by a site layout plan and building design plans, which incorporates the following:

- Building design and materials that provide a positive contribution to the visual amenity and country town character of ~~the~~ Bond Street ~~and the Greenway~~.
- Front building facades that include design elements that add visual interest through the use of building materials, finishes and colours.
- Front setbacks of new buildings to be of sufficient area to facilitate the establishment of a 5 metre wide landscape garden with canopy trees along the lot frontage.
- A rear setback that allows for rear access and car parking.
- Wall heights on buildings adjacent to Bond Street ~~/Greenway~~ will not exceed 9 metres.
- Potential conflict between pedestrian and vehicle movements to be addressed through the design of the site, including provision of safe pedestrian links through car parks to building entry points.
- Locations of all driveways.
- Signage siting and design details. It is preferable for signage to be integrated into the landscape or building design.
- Signage to be co-located on sites which have more than one tenant.

Landscaping

Landscaping is to be provided in accordance with a landscape plan approved by the responsible authority. The landscape plan should include the following elements:

- A 5 metre wide landscape indigenous garden along the frontage of each lot with no front fences.
- The use of a range of canopy trees, shrubs and ground covers.
- The front setback to Bond Street ~~/Greenway~~ will solely be used for landscape and pedestrian access. All storage, plant & equipment and vehicular access & parking shall be to the side or rear of the building

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0

Subdivision

--/--/20--
Proposed
C51

A permit is required to subdivide land.

5.0

Decision guidelines

--/--/20--
Proposed
C51

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy Framework including the Municipal Strategic Statement and any local planning policies.
- ~~The Bacchus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011)~~
- ~~Whether the proposed development achieves the design requirements and the outcomes to be achieved in clause 3 and / or 4 of the schedule.~~

SCHEDULE 8 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO8**

Potential Residential Investigation Area B**1.0 Preferred character**

XX/XX/20XX
Proposed C51

A residential neighbourhood where medium density housing opportunities will be encouraged, providing such development and subdivision proposals respect and respond to appropriately to the country town character of the neighbourhood.

2.0 Design objectives

XX/XX/20XX
Proposed C51

To encourage the development of a built form character that responds to the existing site characteristics including the proximity of the site to the railway station.

To encourage new development which provides for and maintains a country town character ~~as described within the Bacchus Marsh Activity Centre Structure Plan 2011.~~

To ensure new residential development is oriented towards Bacchus Marsh ~~/~~ Geelong Road and Fiskien Street and provide opportunities for passive surveillance of footpaths.

To ensure residential development abutting ~~both streets~~ roads is appropriately set back to allow for canopy tree planting ~~to~~ which contributes to the country town character.

To ensure the architectural features of new dwellings respond to the prevailing country town character.

To recognise the opportunities for ~~transit orientated~~ higher density residential development due to the precinct's proximity to the Bacchus Marsh railway station.

To ensure that subdivision design maximises and enhances the development potential of land.

3.0 Buildings and works

XX/XX/20XX
Proposed C51

A permit is not required for:

- The construction of one dwelling on a lot where the requirements outlined below have been met.
- The construction of an extension or alteration to an existing dwelling where the requirements outlined below have been met.
-

Requirements

Wall heights of buildings ~~heights~~ should not exceed 7 metres above natural ground level along ~~Grant~~ Bacchus Marsh - Geelong Road and Fiskien Streets ~~and 9m above natural ground level along the Greenway.~~

A minimum front setback of ~~6m~~ metres. A lesser setback will be permitted only if it can be demonstrated that there exists sufficient area to allow for canopy tree planting.

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0 Subdivision

XX/XX/20XX

Proposed C51

A planning permit is required to subdivide land.

Requirements

An application for subdivision that creates a vacant lot less than 300 square metres must show a building envelope or be accompanied by development plans that demonstrate that the lot is capable of supporting a dwelling that will meet the design objectives of this clause.

Exemption from notice and review

An application for subdivision 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.

5.0 Decision guidelines

XX/XX/20XX

Proposed C51

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.

~~* The Bacchus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011).~~

SCHEDULE 10 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO10**

Bacchus Marsh Hospital and Medical Services Precinct**1.0 Preferred character**

XX/XX/20XX
Proposed C51

A built form that is consistent with, and complements the scale of, the existing built form character of the hospital and medical centres.

High quality new development of a contemporary architectural character.

2.0 Design objectives

XX/XX/20XX
Proposed C51

To maintain and enhance the established character of the precinct.

To encourage the provision of landscaping, where practical, within building setbacks.

To ensure that the design of buildings provide elements which protect the amenity of and visually enhance areas of open space and residential interface.

To encourage non-residential occupancies ~~uses~~ ~~buildings~~ to have an active frontage on the ground floor, with a clearly identifiable entry.

To ensure that the location and design of car parks, loading bays and services areas ~~does~~ not dominate the public domain and supports safe use and access.

To ensure that signage and fencing ~~can~~ of non-residential uses is appropriate, and sympathetic to the character of the precinct.

3.0 Buildings and works

XX/XX/20XX
Proposed C51

A permit is required for the construction of a front fence that exceeds 1.2 metres in height and is not a minimum of 50 per cent transparent.

A permit is not required for the development of the following where the requirements listed in this clause are met:

- The construction of one dwelling on a lot.
- The construction of an extension or alteration to an existing dwelling to be used for residential purposes.
- An alteration to an existing building façade used for a non-residential purpose provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road reserve if it is authorised by the relevant public land manager.

Requirements

Buildings should present an overall height to the street of not more than 7 metres. A permit may be granted to vary the discretionary requirements subject to the proposal achieving the Preferred Character and Design Objectives for the particular area, and any local planning policy requirements, to the satisfaction of the Responsible Authority.

The front and side street facades of new buildings should be well articulated.

On corner sites, buildings must address both street frontages with either openings or street level windows.

To encourage development that respects the existing neighbourhood character and provides reasonable standards of amenity for existing properties, new buildings within the precinct should accord with the design standards ~~as established in~~ at Clause 54 of the Moorabool ~~Shire~~ Planning Scheme.

The design of new buildings should promote visual interaction between ground floor activity and pedestrians on the street.

The visual intrusion of car parking facilities should be minimised through methods such as siting car parking to the side or rear of properties or in a basement.

A ~~nature strip surfaced either in vegetation or~~ permeable ~~nature strip hard surface.~~

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0 Subdivision

XX/XX/20XX
Proposed C51

A permit is required for the subdivision of land.

5.0 Decision Guidelines

XX/XX/20XX
Proposed C51

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.
- ~~The Bacehus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011).~~

6.0 ~~Figure 1 Development interface along Grant Street~~

SCHEDULE 12 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO12**

**Residential land between Waddell Street and Werribee River east of Grant Street
and west of the proposed Greenway**

1.0 Preferred Character

XX/XX/20XX
Proposed C51

A residential neighbourhood with a consistent built form that maintains generous setbacks to maintain and enhances the country town character of Bacchus Marsh.

2.0 Design Objectives

XX/XX/20XX
Proposed C51

To encourage the development of a built form character that responds to the existing site characteristics including creating appropriate interfaces with Grant Street to the west and the River to the south.

To encourage new development that provides for and maintains an openness to the streetscapes by creating generous road reserves, low front fencing and spacious garden settings for dwellings, thereby maintaining the country town character.

To ensure new residential development in the Werribee River environs is sited to maximise opportunities for passive surveillance of the riverside footpaths.

To ensure residential development abutting ~~S~~streets is appropriately set back to allow for canopy tree planting to maintain the country town character, ~~as described in the Bacchus Marsh Activity Centre Structure Plan.~~

To minimise traffic conflicts between local residential traffic and through traffic.

3.0 Buildings and Works

XX/XX/20XX
Proposed C51

A permit is required for the construction of a front fence that exceeds 1.2 metres in height and is not a minimum of 50 per cent transparent.

A permit is not required for development of the following where the requirements listed in this clause are met:

- The construction of one dwelling on a lot.
- The construction of an extension or alteration to an existing dwelling.

Requirements

Building frontages should be oriented towards the street.

Building height is not to exceed 8 metres (or 2 storeys). A permit may be granted to vary the discretionary requirements subject to the proposal achieving the Preferred Character and Design Objectives for the particular area, and any local planning policy requirements, to the satisfaction of the responsible authority.

Front setbacks should respect the average setback of properties abutting the subject site and of sufficient size to allow for canopy tree planting.

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0 Subdivision

XX/XX/20XX
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- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.

~~▪ The Bacehus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011).~~

Attachment - Item 7.1(b)



03 July 2014

Mr Andrew Gray
ARG Planning c/o David Mega
57A Stubbs Street
KENSINGTON VIC 3032

Our ref: 31/30958
Your ref: 233683

Dear Andrew

C51 Bacchus Marsh Residential Rezoning Concrete Batching Plant Noise Testing

1 Introduction

GHD was engaged by David Mega to conduct additional noise monitoring of a concrete batching plant situated approximately 100 metres to the north of the proposed Lot 1022 to Lot 1024A land rezoning development (the Project) located at Bacchus Marsh, Victoria.

GHD understands that David Mega is seeking approval for rezoning of Lot 1022 to Lot 1024A from farming zone into residential zoning as part of a residential development.

Approximately 100 metres to the south of the subject site lies an Industrial 2 Zone (IN2Z) comprising various industrial/commercial activities, including the ALSAFE concrete batching plant (refer to Figure 1). EPA has raised concerns with Council that the IN2Z may pose constraints on the subject lots in terms of potential industrial noise impact, specifically the concrete batching plant.

An initial noise assessment was previously undertaken by GHD entitled *C51 Bacchus Marsh – Taverner Street: Noise Assessment Report (January 2014)*. The initial noise assessment results indicated that noise emanating from the industrial precinct is expected to be minimal. However, the overall noise levels from the ALSAFE concrete batching plant site (ALSAFE) could not be characterised due to plant items not operating despite numerous site visits by GHD.

This report details the results of the additional noise testing undertaken to assess the on-site operational noise impact from the ALSAFE concrete batching plant.



Figure 1 Subject site location

1.1 Scope of work

The assessment comprised the following scope of work:

- Review of supporting information, including any previous and/or relevant acoustic studies.
- On-site attended noise measurements to characterise the sound pressure level of the concrete batching plant at the southern boundary of the Project site (deemed to be the worst-case impact).
- Adoption of Project specific noise criteria in consideration to the State Environment Protection Policy No. N-1 (SEPP N-1) noise criteria methodology, as prescribed under the EPA Noise from Industry in Regional Victoria (NIRV) (EPA Publication 1411) pg. 7.
- Assessment of ALSAFE noise impact at the Project's southern boundary and compliance with SEPP N-1 criteria.



1.2 Limitations

This report has been prepared by GHD for David Mega and may only be used and relied on by David Mega for the purpose agreed between GHD and the David Mega as set out in Section 1.2 of this report.

GHD otherwise disclaims responsibility to any person other than David Mega arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described throughout this report. GHD disclaims liability arising from any of the assumptions being incorrect.

To the maximum extent permitted by law, all implied warranties and conditions in relation to the services provided by GHD and the Report are excluded unless there are expressly stated to apply in the Report.

GHD has prepared this report on the basis of information provided by David Mega and ALSAFE Pre-Mix Concrete (ALSAFE) and others who provided information to GHD (including Government authorities)], which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

The opinions, conclusions and any recommendations in this report are based on information obtained from, and testing undertaken at or in connection with, specific sample points. Site conditions at other parts of the site may be different from the site conditions found at the specific sample points at different time frame.

Investigations undertaken in respect of this report are constrained by the particular site conditions, such as the location of buildings, vegetation and surrounding activities. As a result, not all relevant site features and conditions may have been identified in this report.

Site conditions may change after the date of this Report. GHD does not accept responsibility arising from, or in connection with, any change to the site conditions. GHD is also not responsible for updating this report if the site conditions change.

The modelling assessment in this report was based on noise levels obtained by GHD at the time of the on-site measurements on 16 June 2014. Note that it is the nature of environmental assessment that all variation in environmental conditions as well as the existing facility's operating conditions cannot be assessed and all uncertainty concerning the conditions of the ambient noise environment cannot be eliminated. Also it is not the intention of the assessment to cover every element of the acoustic environment, but rather to conduct the assessment with consideration to the prescribed work scope. Professional judgement must be expected in the investigation and interpretation of observations.



In conducting this assessment and preparing the report, current guidelines for noise were referred to. This work has been conducted in good faith with GHD's understanding of the client's brief and the generally accepted consulting practice.

This report shall be read in conjunction with GHD report entitled C51 Bacchus Marsh – Taverner Street: Noise Assessment Report (January 2014).

2 Noise assessment criteria

Industrial noise assessment criteria are adopted based on previous GHD report entitled *C51 Bacchus Marsh – Taverner Street: Noise Assessment Report (January 2014)*. Noise assessment criteria were derived from *State Environment Protection Policy No. N-1 (SEPP N-1)* (Victorian Government, 1989). The criteria apply to the industrial noise emanating from the ALSAFE concrete batching plant to the Project site. SEPP N-1 is based on zoning levels and existing noise levels. The zoning level is determined by the Influencing Factor (IF) and is calculated by the formula outlined in B.2.4 of SEPP N-1 guideline. The IF is calculated from the proportion of industrial and commercial land around the noise sensitive areas (in this case residential premises). In summary, the noise criteria for the site have been derived and are presented in Table 1.

Table 1 Derived SEPP N-1 Noise Criteria

Noise Sensitive Receiver	Period	Time	Zoning levels dB(A)	Adopted background noise levels $L_{A90(1hour)}$ dB(A)	Background classification	SEPP N-1 Criteria $L_{Aeq(1hour)}$ dB(A)
C51 Bacchus Marsh – Taverner Street Development	Day	7am – 6pm (Mon – Fri)	51	43	Neutral	<u>51</u>
		7am – 1pm (Sat)				
	Evening	6pm – 10pm (Mon – Fri)	45	41	Neutral	<u>45</u>
		1pm – 10pm (Sat)				
		7am – 10pm (Sun)				
	Night	10pm – 7am	40	32	Neutral	<u>40</u>

3 Noise measurement methodology

The operating times of the concrete batching plant are 06:30 to 16:00 Monday to Friday and 06:30 to 12:00 Saturday. It is closed on Sundays. Based on the SEPP N-1 prescribed time period, the operation of the concrete batching plant occurs mostly during the daytime period. Hence, attended noise measurements were undertaken on 16 June 2014 during the daytime period.

Due to the unexpected cancellation of ALSAFE batching operation at the time of GHD personnel's arrival on-site, attended noise measurements were undertaken based on batching simulations performed at the facility. ALSAFE site manager, Mark Woelkerling, confirmed on-site that the simulation activities performed were representative of their typical day-to-day operation conditions.

Attended noise measurements were conducted over a 15-minute period with one second time-trace at each measurement position.

3.1 Meteorology

No adverse weather conditions were observed during the course of the noise measurements.

3.2 Attended noise measurement locations

Attended noise measurements were undertaken at locations shown in Figure 2.

Measurement Location 1 was selected to represent the potential noise impact at the southern development boundary, closest to the ALSAFE site. Measurement Location 2 was selected to assist in understanding the noise propagation behaviour emanating from the batching plant towards the direction of the Project site.



Figure 2 Attended Noise Measurement Locations



3.3 Instrumentation

Attended noise measurements were conducted using a Type-1 Bruel & Kjaer 2250 Sound Level Meter (SLM), which conforms to the requirements of Australian Standards AS IEC 61672.1-2004: *Electroacoustics – Sound level meters Part 1: Specifications* (Standards Australia, 2004). This instrument is capable of measuring continuous sound pressure levels and able to record L_{Amin} , L_{A90} , L_{A10} , L_{A1} , L_{Amax} and L_{Aeq} noise descriptors. The SLM equipment was calibrated immediately before and after the measurements. No discrepancies in excess of +/- 0.5dB were noted throughout the measurement exercise as is required under Section 5.6 of Australian Standard AS 1055.1:1997 *Acoustics – Description and measurement of environmental noise Part 1: General Procedures*.

Table 2 provides details of the attended noise measurement equipment used for the assessment.

Table 2 Attended Noise Measurement Equipment Details

Measurement Date	Equipment Type	Equipment Model	Serial Number	Octave Band Frequency Mode	Weighting/Response Time	Calibration 114 dB @ 1000 Hz	
						Pre Cal	Post Cal
16 June 2014	Sound Level Meter (SLM)	Bruel & Kjaer 2250	2449934	1/3 Octave	A/Fast	113.7	113.5
	Microphone	Bruel & Kjaer 4189	2470591				
	Acoustic Calibrator	SVAN SV 30A	29074	-	-	-	-

4 Noise survey results

4.1 Summary of results

A summary of the attended noise measurement results are given in Table 3.

Time-trace noise logging charts for Location 1 and Location 2 are presented in Figure 3 and Figure 4 respectively.

Table 3 Summary of Noise Survey Results at Measurement Location 1, $L_{Aeq(15\ min)}$

Measurement Location (refer to Figure 2)	Measurement Commenced	Measurement Ceased	Overall $L_{eq(15min)}$ dB(A)	Estimated ALSAFE Contribution L_{eq} dB(A)	Daytime Criteria
Measurement Location 1	16/06/2014 07:28	16/06/2014 07:45	54	49	51
Measurement Location 2	16/06/2014 07:58	16/06/2014 08:14	61	61	No noise criteria as this site is not part of the Project site

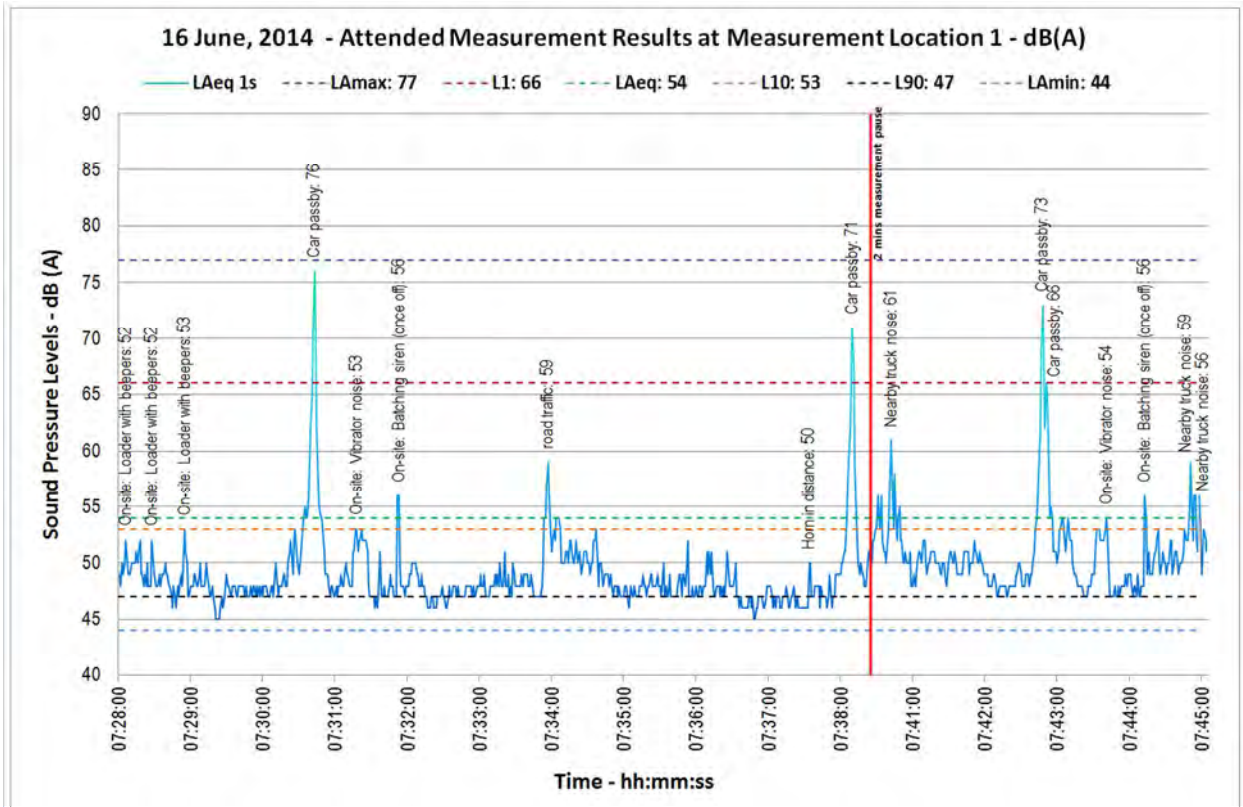


Figure 3 Attended Noise Measurement Chart at Location 1

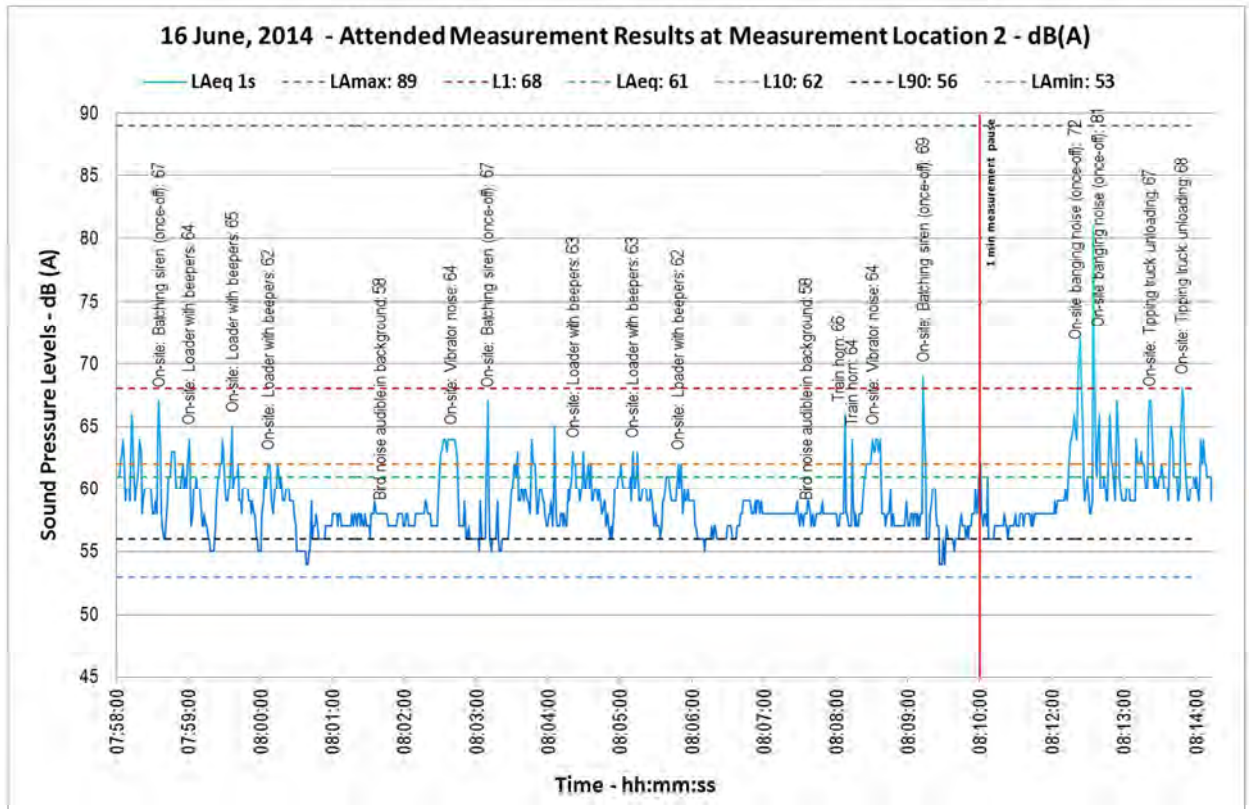


Figure 4 Attended Noise Measurement Chart at Location 2



4.2 Discussion of results

The ALSAFE concrete batching plant operational noise impact has been characterised at the southern boundary of the proposed Project site. The southern boundary of the Project site is deemed to be the worst possible location to be impacted by the batching plant operational noise.

As previously indicated, attended noise measurements were performed under simulated plant operating conditions. For the purposes of this noise assessment it has been assumed that the noise measurements are representative of the typical day-to-day operating conditions at the plant.

The results presented in Section 4 show that the concrete batching plant operational noise was characterised to be 49 dB(A) L_{eq} at the Project site's southern boundary, which results in compliance with the daytime assessment noise criteria of 51 dB(A) L_{eq} , detailed in Section 2. This result is further supported by the attended noise measurement undertaken at location 2 (61 dB(A) at approximately 25 m from the main noise sources), which through simple source-to-receiver noise propagation calculation, results in an operational noise impact level of approximately 48.9 dB(A) at the Project site's southern boundary (approximately 100 m from the batching plant).

As previously mentioned, the operational hours of the ALSAFE concrete batching plant are from 06:30 to 16:00 Monday to Friday, and 06:30 to 12:00 Saturday. Consequently, there would only be a half hour period where the plant operates during the prescribed night-time period (22:00 to 07:00 as defined in SEPP N-1) Monday to Saturday. However, based on GHD's consultation with site manager, Mark Woelkerling, and GHD's numerous site visits in the past, the facility appears to operate infrequently with only minimal plant and equipment operating during the night-time period. Noise impacts during this period therefore are not expected to be significant.

Although the measured overall average L_{Aeq} noise level contribution due to ALSAFE operation was under the criteria, GHD noted that short-term L_{Amax} noise events due to reversing beepers and batching plant siren at the batching facility could potentially cause nuisance to future residents at the Project site during night-time hours. Based on the noise measurements, the reversing beepers due to trucks or loaders were recorded at approximately 56 dB(A) L_{max} , whereas the batching siren noise levels were recorded up to 59 dB(A) L_{max} , at Measurement Location 1. However, as the ALSAFE plant is predominantly operating during daytime hours, the impact of these noise sources are not expected to be significant outside of night-time hours. This is further supported by the fact that the noise recorded from a single car travelling along Taverner Street in general was up to 77 dB(A) L_{max} . This noise level is significantly higher than those recorded from the reversing beepers and sirens at the ALSAFE site.

In the absence of specific Victorian guidelines relating to sleep disturbance noise, guidance provided in the NSW Road Noise Policy (RNP), based on the research, indicates that:

- Maximum internal noise levels below 50-55 dB(A) L_{max} are unlikely to awaken people from sleep.
- One or two events per night, with maximum internal noise levels of 65-70 dB(A) L_{max} , are not likely to affect health and wellbeing significantly.



On this basis, external noise levels of less than 60-65 dB(A) L_{max} are unlikely to awaken people from sleep based on an assumed 10 dB reduction through a partially closed window. Therefore, since the ALSAFE plant operates during daytime hours only and the measured noise levels were less than 60-65 dB(A) L_{max} due to reverse beepers and sirens, these events are not expected to be an issue at the Project site.

No tonal or impulsive noise emanating from the ALSAFE plant was observed during the course of noise monitoring undertaken at the Project site's southern boundary.

5 Conclusion

This report has been prepared to assess the on-site operational noise impact from the ALSAFE concrete batching plant on the proposed Lot 1022 to Lot 1024A land rezoning development.

GHD has undertaken attended noise measurements on 16 June 2014 to characterise and assess the potential noise impact from the operation of the ALSAFE concrete batching plant at the Project site. The noise measurements were performed under simulated plant operating conditions as the plant was not operational at the time the measurements were conducted.

The noise assessment has been conducted with consideration to the industrial noise criteria set out under the *State Environment Protection Policy No. N-1 (SEPP N-1)* (Victorian Government, 1989), which have been derived in previous GHD report entitled *C51 Bacchus Marsh – Taverner Street: Noise Assessment Report (January 2014)*.

The noise survey results, based on the assumption that the noise measurements of the simulated plant operating conditions are representative of the typical day-to-day operating conditions at the plant, indicated that the industrial noise emanating from the ALSAFE concrete batching plant complies at the Taverner Street Project site boundary and therefore would result in compliance within the overall Project area.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stanley Gunawan', with a stylized flourish at the end.

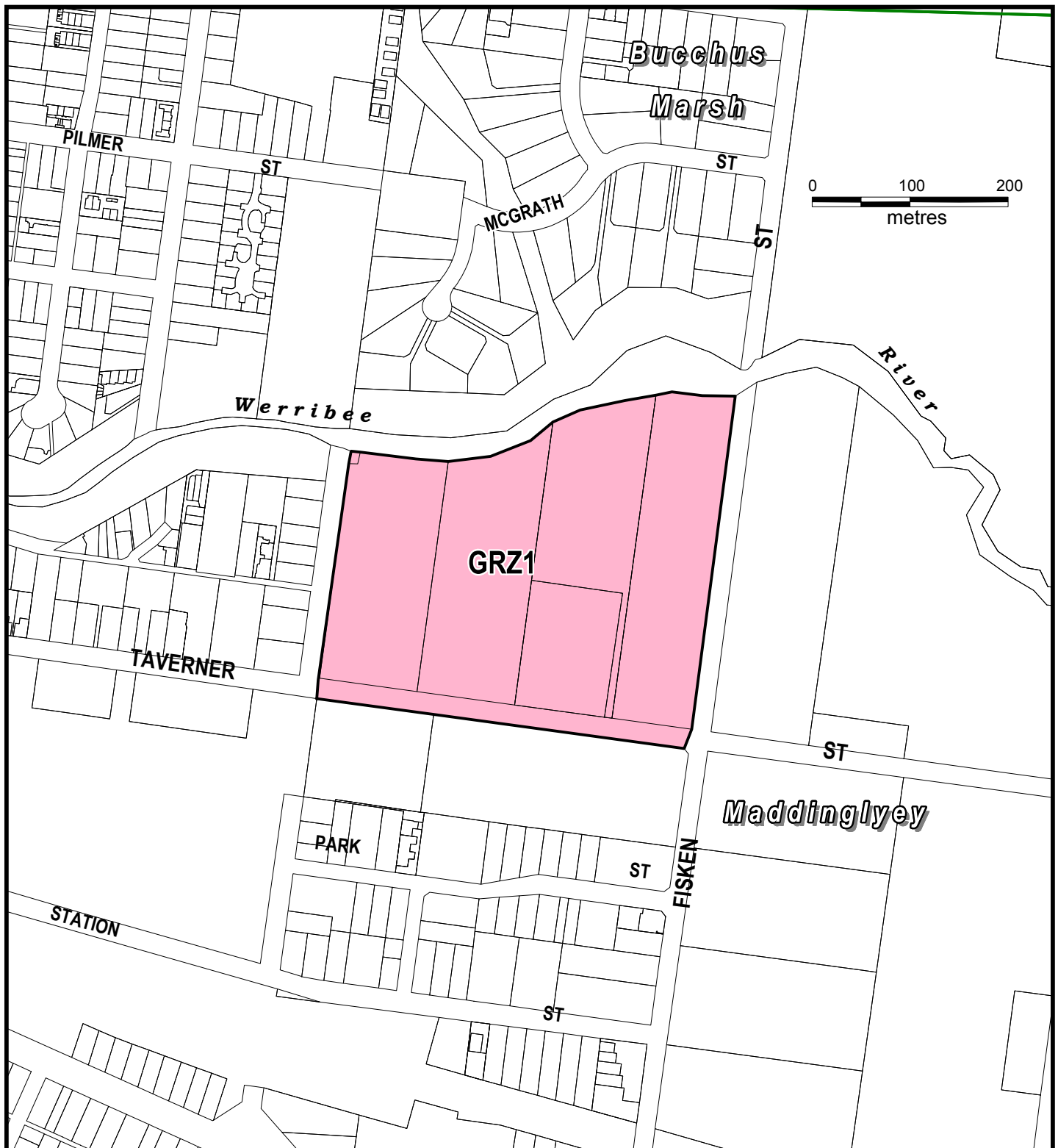
Stanley Gunawan

Acoustic Engineer
(03) 8687 8583

Attachment - Item 7.1(c)

MOORABOOL PLANNING SCHEME

LOCAL PROVISION



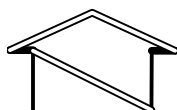
LEGEND

Part of Planning Scheme Map 37

GRZ1

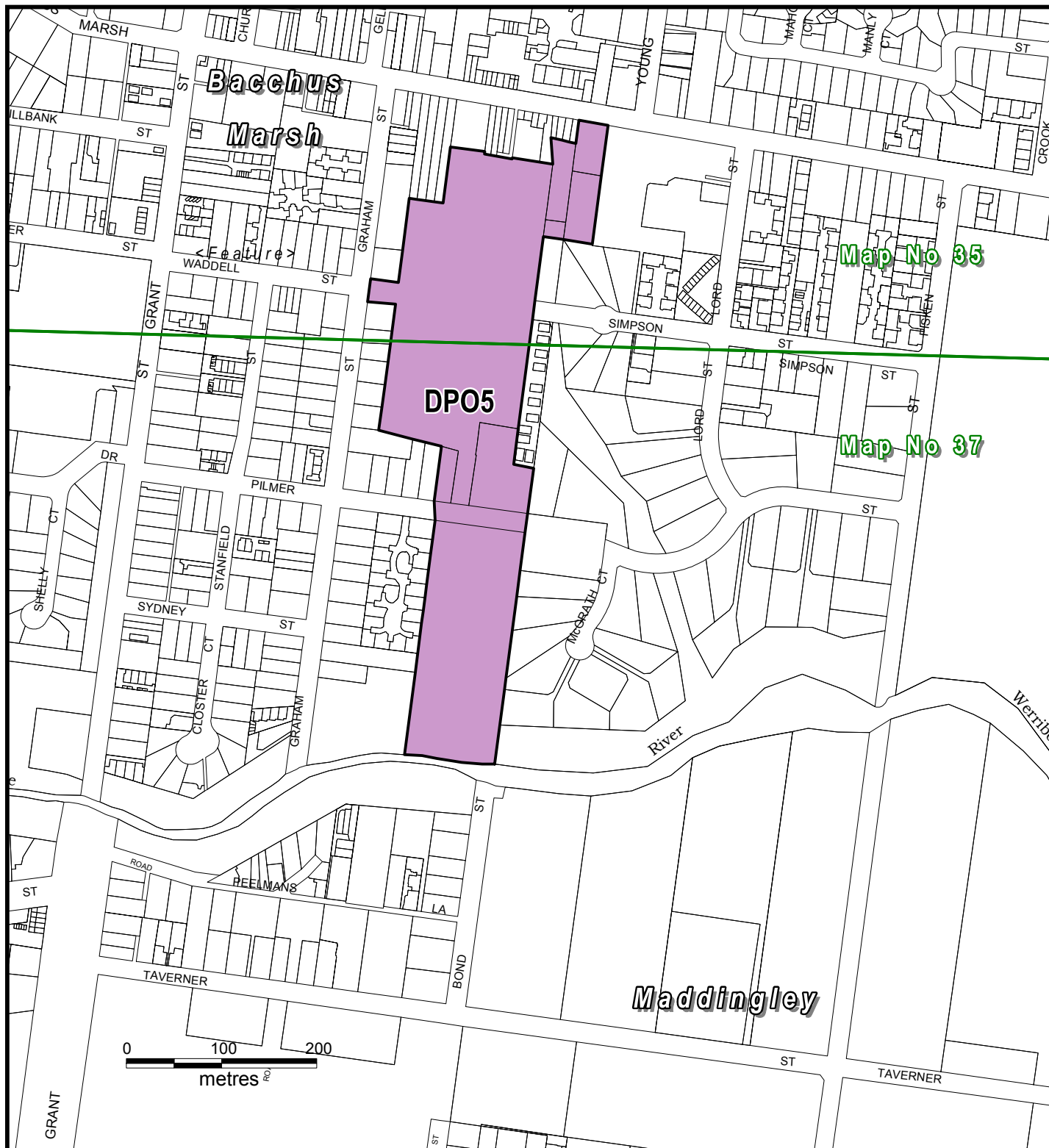
GENERAL RESIDENTIAL ZONE - Schedule 1

AMENDMENT C51



MOORABOOL PLANNING SCHEME

LOCAL PROVISION



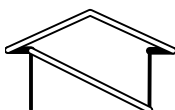
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Part of Planning Scheme Maps 35DPO & 37DPO

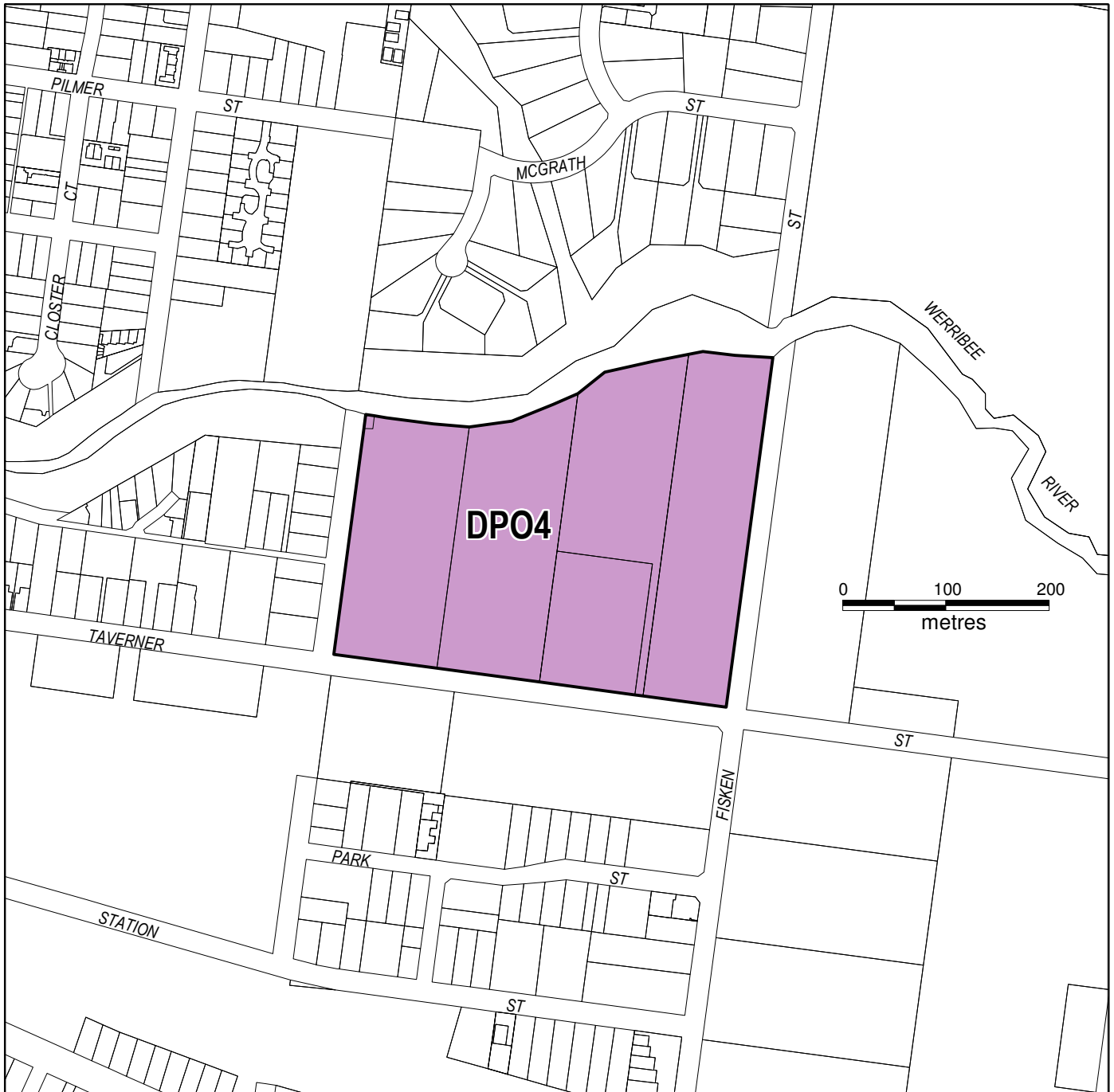
DP05

DEVELOPMENT PLAN OVERLAY - Schedule 5

AMENDMENT C51



MOORABOOL PLANNING SCHEME LOCAL PROVISION



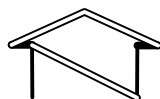
Part of Planning Scheme Map 37DPO

LEGEND



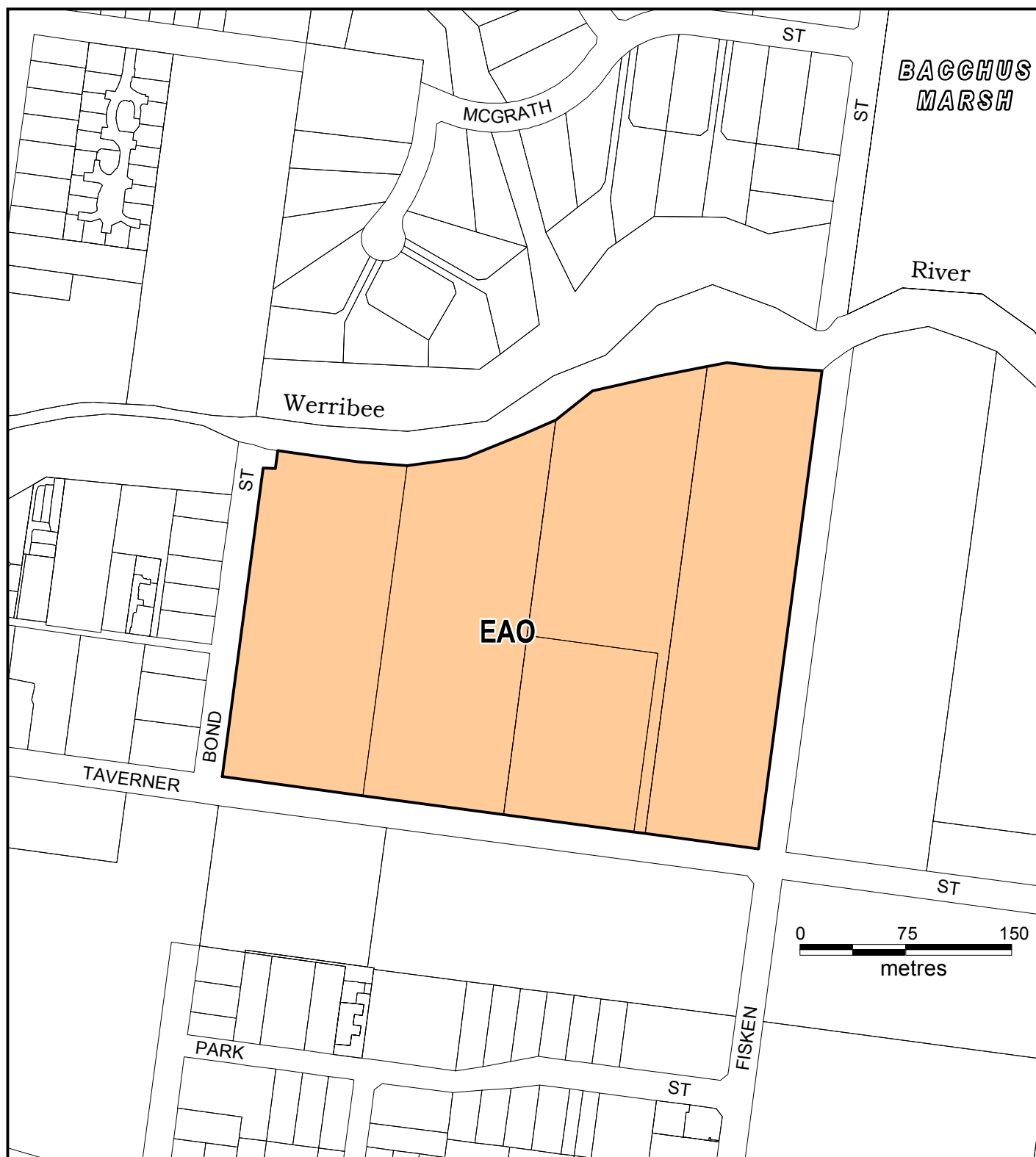
AMENDMENT C51

PREPARED BY: PLANNING SYSTEMS SERVICES
Statutory Planning Systems Reform
Planning and Local Government



MOORABOOL PLANNING SCHEME

LOCAL PROVISION

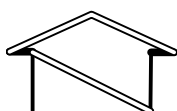


Part of Planning Scheme Map 37EAO

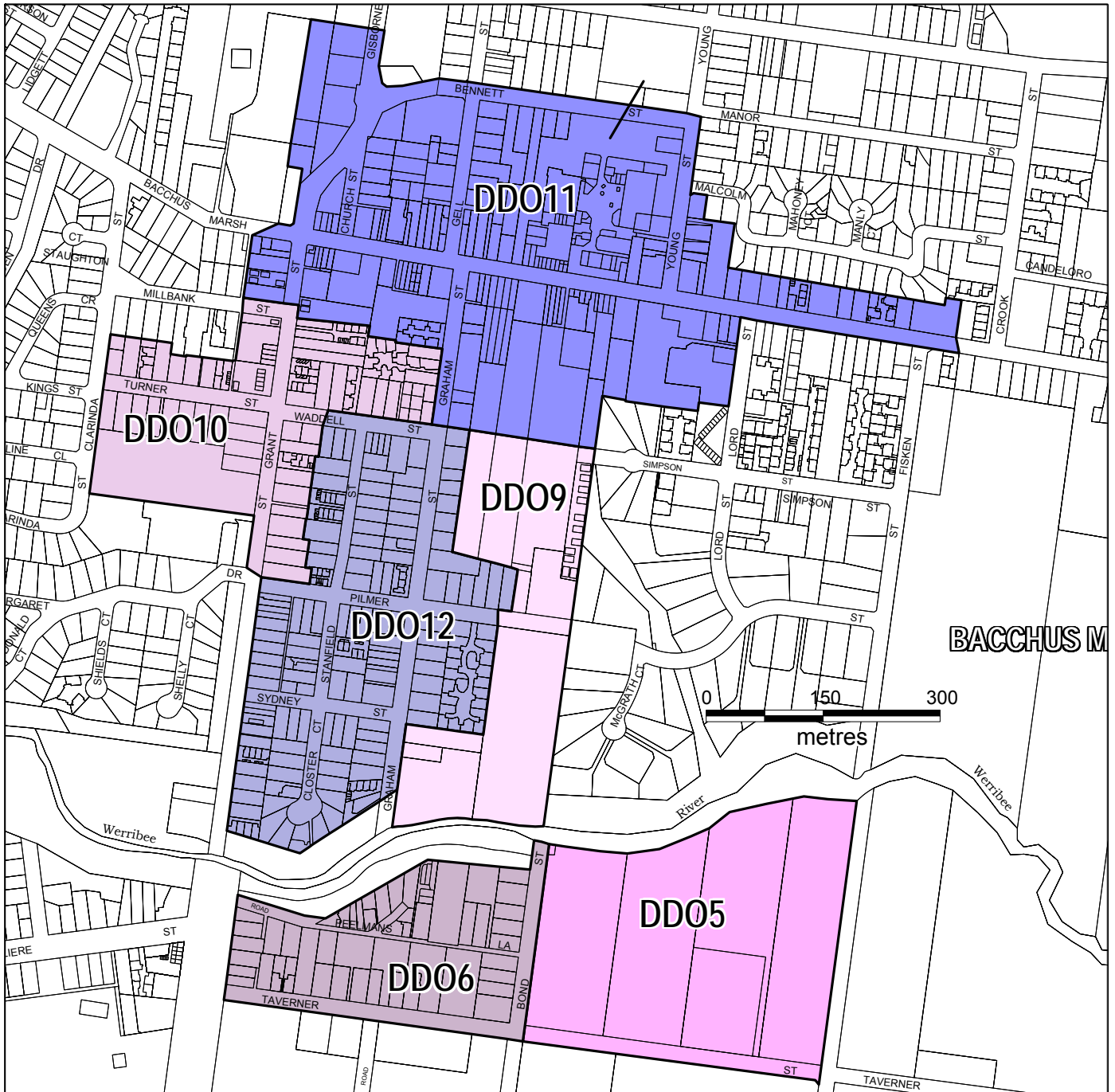
LEGEND

EAO ENVIRONMENTAL AUDIT OVERLAY

AMENDMENT C51



MOORABOOL PLANNING SCHEME LOCAL PROVISION



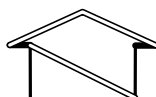
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LEGEND

DDO05	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 5
DDO06	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 6
DDO09	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 9
DDO10	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 10
DDO11	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 11
DDO12	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 12

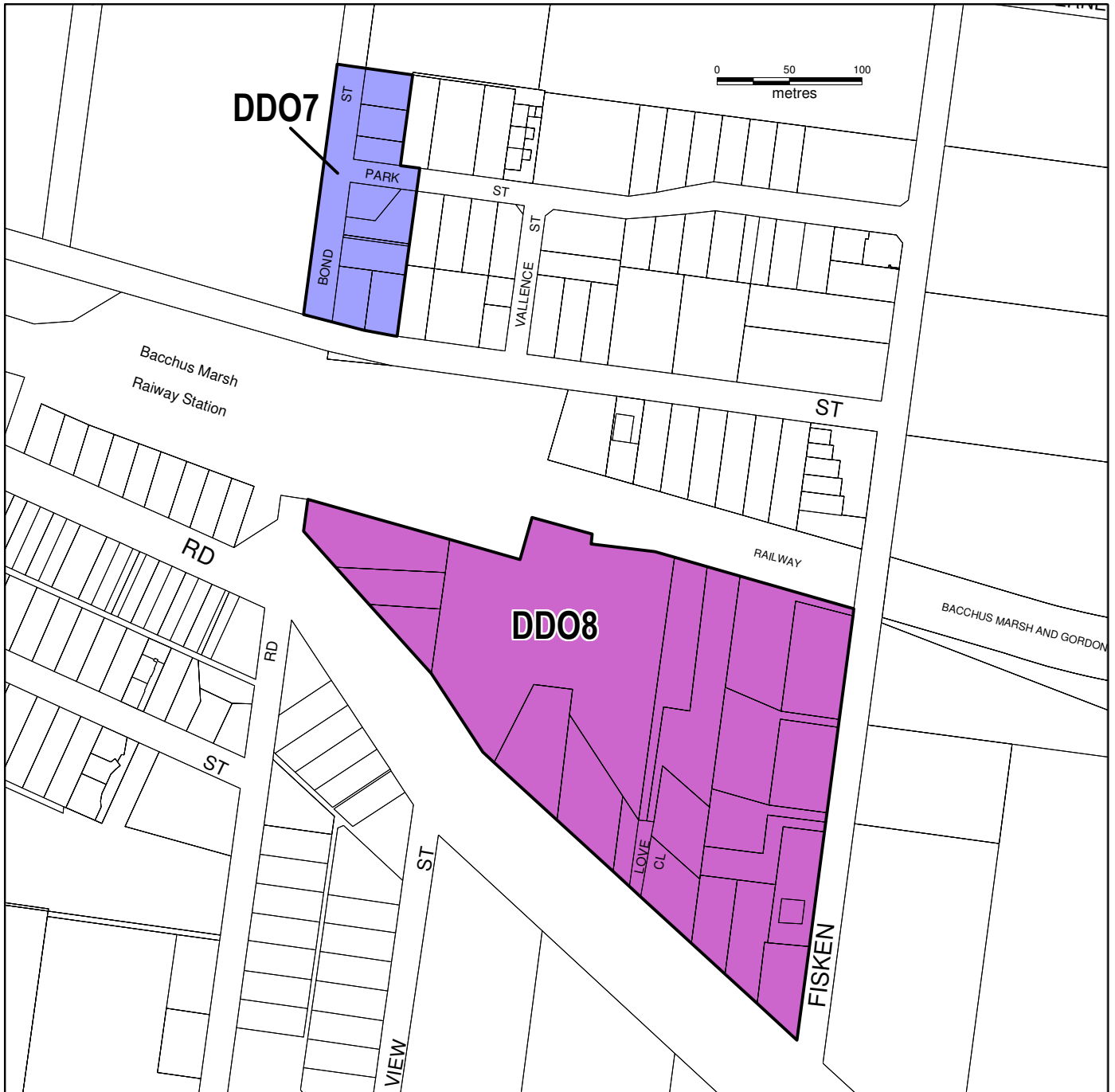
AMENDMENT C51

PREPARED BY: PLANNING SYSTEMS SERVICES
Statutory Planning Systems Reform
Planning and Local Government



Department of Planning
and Community Development

MOORABOOL PLANNING SCHEME LOCAL PROVISION



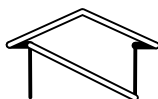
Part of Planning Scheme Map 37DDO

LEGEND

DDO7	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 7
DDO8	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8

AMENDMENT C51

PREPARED BY: PLANNING SYSTEMS SERVICES
Statutory Planning Systems Reform
Planning and Local Government



Department of Planning
and Community Development

21.07 BACCHUS MARSH09/10/2014
C72**21.07-1 Key Issues and Influences**26/02/2009
C34

Bacchus Marsh is the largest town in the Shire. It is closer to the centre of Melbourne than growth areas within Melbourne's designated urban growth boundary, such as Pakenham. The town is characterised by high levels of commuting and an attractive living environment.

New residents have been attracted to Bacchus Marsh by the combination of its distinctively country lifestyle setting combined with attributes found in a metropolitan corridor such as well-established commercial, business, industry and community infrastructure.

Its character is defined by the following elements:

- Township character with a strong range of commercial and business enterprises set within a rural landscape and highly productive agricultural areas;
- Significant heritage buildings and trees including the Bacchus Marsh Avenue of Honour and Maddingley Park;
- Networks of open space throughout residential areas and adjoining forested areas;
- Undulating land with scenic views;
- Werribee and Lerderderg Rivers and associated highly productive irrigated river flats;
- Strong industrial base providing local employment opportunities, particularly in the transport and value-adding agricultural industries; and
- Diversity and range of residential areas based on residential layout, lot design and housing styles, and types.

The Bacchus Marsh Activity Centre seeks to establish best practice in transport-oriented Activity Centre planning. ~~Central Bacchus Marsh has potential to establish a best practice example of transport-oriented Activity Centre planning.~~ Significantly-sized parcels of land between the railway station and Main Street and between Fiskens and Grant Streets provide opportunity for planned residential and mixed-use urban development.

Bacchus Marsh has been designated as the major urban growth centre in the Shire but expansion is constrained by topography, and mineral and agricultural/horticultural resources. Bacchus Marsh appears to have a significant amount of land zoned for infill development but some is steep and fragmented ownership in some areas makes co-ordinated development very difficult.

The highly productive irrigated horticultural land provides a source of employment and fresh food that needs to be protected from the urban expansion of Bacchus Marsh.

There are a number of strategically important land uses to the south of Bacchus Marsh - such as the Maddingley Brown Coal Mine, industrial land, the airport and the Parwan Waste Water Treatment Plant - that are inherently incompatible with residential development due to their off site impacts. The State Government has established the extent of the coal resource to be protected but appropriate buffers and land use management measures to address potential conflicts between uses and opportunities to capitalise on economic development synergies require further investigation.

21.07-2 Objective—Consolidating urban growth26/02/2009
C34

To encourage the consolidation of a variety of land uses within the inner area of Bacchus Marsh in areas that are highly accessible to the community. ~~To consolidate and enhance the development of the inner area of Bacchus Marsh.~~

Strategies

- Promote a mix of activities throughout the Bacchus Marsh Activity Centre.
- Encourage development of existing agricultural land south of Main Street and South of the Werribee River for a variety of dwelling types sensitively designed to respond to the site context.
- Reinforce the commercial hub role of Main Street through the intensification of a mix of retail, commercial and leisure land uses, within a walkable environment.
- Strengthen Grant Street as the secondary activity core of the Activity Centre and the secondary location for complementary commercial land uses.
- Encourage civic and community uses on land west of Lord Street in the vicinity of the library and public hall.
- ~~▪ Promote increased development between the railway station and Main Street and between Fiskin and Grant Streets.~~
- ~~▪ Improve the visual and physical appearance of Main Street, Bacchus Marsh.~~
- ~~▪ Provide for high quality medium density housing that is well located in relation to retail, commercial, public transport, recreation and community services.~~
- ~~▪ Efficiently utilise land, particularly in the inner area which is close to the central business district and the railway station.~~
- ~~▪ Recognise the residential nature of the cluster of dwellings on the south side of Main Street/ Avenue of Honour beyond Fiskin Street currently zoned Farming.~~

21.07-3

26/02/2009
C34

Objective—Accommodating township growth

To promote coordinated, master-planned development of identified areas in and around Bacchus Marsh.

Strategies

- Plan for staged residential growth in accordance with the Bacchus Marsh Framework Plan, including high quality ‘master-planned’ estate development.
- The form and design of new development in the township should respond to walkability and neighbourhood design principles, and include strategic and environmental assessment.
- Precinct structure plans for new growth areas should identify the need and location of community social infrastructure, neighbourhood shopping centres, and schools.
- Protect the Bacchus Marsh irrigated horticultural land from residential encroachment and ensure appropriate interface treatments in development abutting these areas.
- Provide buffers between residential development and uses with off site impacts such as the Maddingley Brown Coal Mine, industrial areas, the airport and the Parwan Waste Water treatment plant.
- Use and development within the South Maddingley “Investigation Area” identified on the Bacchus Marsh Framework Plan should be compatible with:
 - Protection of the brown coal resource within the defined Mining Lease Area;
 - Any existing or permissible future activities at the Maddingley Brown Coal Mine;
 - The continuation of existing industries and the establishment of new industries in the industrial zones in the locality; and

- Ensuring separation between sensitive uses and uses with off-site impacts comply with recommended buffer distances for Industrial Residual Air Emissions or a lesser distance determined by an area-specific environmental study in collaboration with the EPA.

21.07-4

26/02/2009
C34

Objective—Rural Living Development

To provide high amenity rural lifestyle opportunities while protecting irrigated horticultural land and the sustainability of environmental assets.

Strategies

- Provide planned rural residential / rural living development in appropriate locations as detailed on the Bacchus Marsh Framework Plan.
- Recognise the importance and attractiveness of rural residential and rural lifestyle living as an alternative living environment in designated areas around Bacchus Marsh.

21.07-5

26/02/2009
C34

Objective—Urban Design

To improve the urban design throughout Bacchus Marsh.

Strategies

- Increase pedestrian and cyclist accessibility, particularly [to and through the Activity Centre and](#) across the Western Freeway, and ensure bicycle and pedestrian networks developed in future residential estates are appropriately linked.
- Enhance the design, style, and appearance of the five major gateways into Bacchus Marsh, and particularly the Avenue of Honour based on recommendations within the Bacchus Marsh Gateways Strategy.
- Improve traffic conditions in central Bacchus Marsh by facilitating a northward extension of Woolpack Road to reduce heavy traffic in the town centre and investigating the feasibility of an additional north-south traffic route to the west of the town.
- Encourage active house frontages to main roads to enhance open space and natural surveillance.

21.07-6 Objective – Pedestrian / cycle link

[To provide a new high quality, high amenity pedestrian and cycle link connecting Main Street and the Railway.](#)

Strategies

- [Establish a pedestrian and cycle spine between Main Street and the railway.](#)
- [Orientate new, sensitively designed residential development towards the pedestrian / cycle spine to facilitate and active edge to this spine.](#)
- [Focus any active or passive open space adjacent to this spine.](#)

21.07-67 Implementation09/10/2014
C72**Zones and Overlays**

Specific application of zones and overlays to achieve the strategic objectives includes:

- [Apply Design and Development Overlays for sub-precincts within the Activity Centre that should be the subject of specific built form and design guidelines.](#)
- Apply Development Plan Overlays for existing undeveloped General Residential Zone areas to enable improved integration of infill development; and
- Apply Development Contributions Plan Overlays where required to support the provision of appropriate social and physical infrastructure.

21.07-78 Further Strategic Work26/02/2009
C34

- Prepare and adopt Development Plan Overlays and Precinct Structure Plans for designated residential development areas in Bacchus Marsh.
- Prepare and implement a Development Contributions Plan where relevant.
- ~~Prepare and adopt a Local Area Structure Plan for the land between the railway station and Main Street and between Fiskin and Grant Streets as shown in the Growing Moorabool, Economic Development Strategy, 2006.~~
- Prepare a Local Area Structure Plan and Development Contributions Plan for the Bences Road Area.
- Identify potential uses in the Maddingley South area identified on the Bacchus Marsh Framework Plan. If land identified is within the standard buffer distances to industrial or special use zones then the investigation must include an environmental risk assessment carried out in accordance with the requirements of the Environmental Protection Authority.
- The investigation of the area south of the railway line and east of the industrial corridor must include:
 - Identification of appropriate land uses having regard to existing and projected land requirements for alternative uses, land characteristics, and compatibility with existing and potential uses in adjoining zones;
 - Consideration of a planning framework to address off-site impacts from uses in the locality, including a review of the role and scope of management and development planning for land outside the South Maddingley mine lease;
 - Review of the appropriateness of minimum lot sizes;
 - A risk assessment in accordance with EPA advice if sensitive uses are contemplated within the standard EPA buffers. The assessment should take account of the specific circumstances and mix of uses in the locality; and
 - Protection of buffers to the Parwan Waste Water Treatment Plant.
- Audit undeveloped land in existing residential zoned areas of Bacchus Marsh having regard to constraints due to connectivity to existing roads, drainage, environmental constraints, and community facilities.

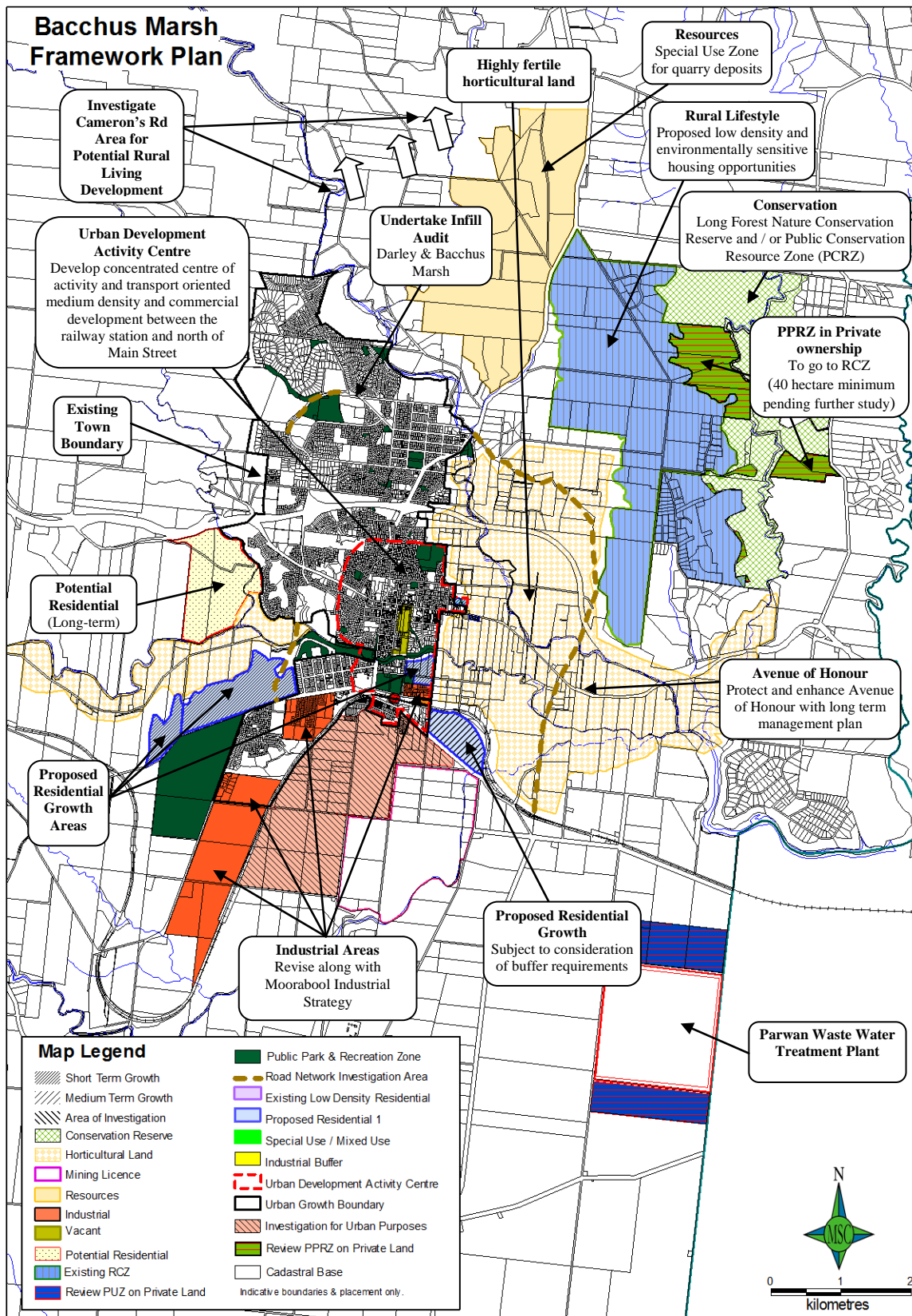
21.07-89 Other Actions26/02/2009
C34

- Work with VicRoads to improve to the Bacchus Marsh arterial road network in accordance with adopted strategies such as the Bacchus Marsh Arterial Road Strategy and the Bacchus Marsh Accessibility, Traffic Management and Parking Study. This

includes supporting a detailed planning study by VicRoads of the northward extension of Woolpack Road and further investigation of the feasibility of providing an additional north-south route.

- Advocate the planned development of Bacchus Marsh as a key town on the Ballarat Regional Transport Corridor consistent with State policy (as part of the Melbourne 2030 Strategy) and as part of the upgraded rail services serving the Shire.
- Improve the visual and physical appearance of Main Street, Bacchus Marsh through implementation of the Urban Design Framework.

Bacchus Marsh Framework Plan



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SCHEDULE 5 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO5**.

BACCHUS MARSH ACTIVITY CENTRE LINK

~~This schedule applies to land north of the Werribee River, Bacchus Marsh, which was The Bacchus Marsh Activity Centre Link will provide for a north-south pedestrian- cycle path separated from local roads, linking Main Street and the Werribee River and well connected with adjacent neighbourhoods. identified in the Bacchus Marsh Activity Centre Structure Plan as the location for a new pedestrian and cycle route and local access road. [Unnecessary as previous sentence describes land this schedule applies to and 'Head provision' of DPO describes purpose sufficiently]~~

1.0 Requirement before a permit is granted

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A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- ~~To construct~~ Construction of buildings and works associated with an alteration or addition to an existing dwelling.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.

2.0 Conditions and requirements for permits

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A permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan.

3.0 Requirements for development plan

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The Development Plan

A development plan must show or include the following:

- A detailed site analysis of the natural, cultural, and strategic context of the site and the means by which they will be managed.
- ~~Including the Werribee River Corridor.~~
- An environmental survey of the land, involving a flora and fauna survey, which identifies existing vegetation (including grasses) and natural drainage lines required to be protected and enhanced.
- A stormwater management plan must be prepared and submitted which provides for: protection of natural systems; integration of stormwater treatment into the landscape; protection of water quality; and reduction of run-off and peak flows, including the removal of sediment litter and other urban wastes from stormwater prior to discharge utilising best practice water sensitive urban design.
- A traffic management plan prepared addressing the impact of the proposed development ~~/integration between the Greenway~~ on the arterial and local road network, addressing mitigation works required on the road network in addition to funding responsibilities.
- An environmental report that identifies any environmental hazards or contamination on the land and proposed treatment, if any, or a qualified statement indicating the absence of such hazards or contamination. ~~Any approved development plan may be amended to the satisfaction of the responsible authority. The responsible authority will seek the opinion of any relevant referral authority that may be affected by the proposed change.~~
- A through road to connect Waddell and Simpson Streets;

Requirements applicable to the Commercial Land

- [Demonstrates the integration of the development with the surrounding area;](#)
- [Provides a development layout which includes a safe, attractive and linkage connecting Waddell and Main Streets through the commercially zoned land, and which connects to the linkage through the residential land to the south, and provides separation between pedestrians/cyclists and vehicles in a safe speed environment.](#)

Requirements applicable to the Residential Land

- [Provides a development layout which includes a safe, attractive and direct linkage connecting the railway station with Waddell Street, and which connects to the linkage through the commercial land to the north, to provide a movement network including:](#)
 - [a pedestrian/cycle path as part of a local access road that separates pedestrian and cycling movements from vehicle traffic; and](#)
 - [provision of good passive surveillance from dwellings.](#)
- [Identifies the location of any open space.](#)
- [Provides passive surveillance of the Werribee River Corridor.](#)

[Any approved development plan may be amended to the satisfaction of the responsible authority. The responsible authority will seek the opinion of any relevant referral authority that may be affected by the proposed change.](#)

3.1 Supporting Information Requirements

XX/XX/20XX
Proposed C51

The Development Plan must be supported by the following reports:

Planning Report

The report must demonstrate how the development plan:

- [Provides safe, attractive and direct linkage connecting the railway station with Main Street;](#)
- [Responds to the Activity Centre Design Guidelines \(Department of Sustainability and Environment 2005\) and the Safer Design Guidelines for Victoria \(Crime Prevention Victoria and Department of Sustainability and Environment 2005\).](#)
- [Will satisfy the objectives \(where relevant\) of Clauses 54, 55 and 56 of the Moorabool Planning Scheme.](#)

Detailed Road Alignment and construction report

The report must:

- Include road alignment details.
- Location of any intersections.

4.0 Decision Guidelines

XX/XX/20XX
Proposed C51

Before approving a Development Plan, the responsible authority must consider, as appropriate:

- [The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.](#)
- [The Activity Centre Design Guidelines \(Department of Sustainability and Environment 2005\).](#)
- [The Safer Design Guidelines for Victoria \(Crime Prevention Victoria and Department of Sustainability and Environment 2005\).](#)
- The views of all relevant service authorities.

[Before approving a Development Plan, the responsible authority must make a copy available to affected owners.](#)

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SCHEDULE 4 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO4**.

TAVERNER RESIDENTIAL DEVELOPMENT AREA

The Taverner Residential Development Area has opportunity to ~~process~~ provide housing choices within a ~~5~~-five minute walk to the Bacchus Marsh Railway Station. The overall design of the site needs to incorporate the important site features including the locally significant ~~Osange-orange-grove~~ Osage Orange Avenue and Windbreak, and the Werribee River.

1.0 Requirement before a permit is granted

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A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority to construct buildings and works associated with an alteration or addition to an existing dwelling.

2.0 Conditions and requirements for permits

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Any permit for subdivision must include the following conditions:

Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the developer will manage the environmental and construction issues associated with the development. The plan must address, but not be limited to the following:

- How the land is to be accessed during the construction period;
- All measures to be introduced to ensure that construction on the land does not impact on any vegetation to be retained;
- All measures to be introduced to minimise soil erosion and runoff;
- Details relating to the storage of all plant and equipment during the construction period; and
- Measures to be implemented to ensure the containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site.

Developer contributions are required for the provision of infrastructure on the developable land, and also where the development impacts on infrastructure demand beyond the developable area, including social and road network infrastructure based on the Community Infrastructure Report and Traffic Impact Assessment Report, and must be provided for within an agreement made with Moorabool Shire Council under Section 173 of the Planning and Environment Act 1987.

Easements in favour of Southern Rural Water must be maintained and no buildings are to be constructed within those easements without the consent of Southern Rural Water.

Where vehicle access is provided onto land from Boyles Close, development contributions may be required towards the cost of de-commissioning and replacing irrigation infrastructure.

The construction of a road along the Werribee River environs, to be carried out by the owners of the land to the following standards:

- 10.1 ~~m~~ metre – wide sealed pavement.
- Concrete footpath and kerb and channel on the northern side of the road.

- 2.3 ~~m~~ [metre](#) – wide indented parking bays on the southern side of the road.
- Any additional traffic management measures required by the responsible authority.

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Requirements for development plan

A development plan may consist of plans or other documents which must show or include the following:

- The location, dimension and areas of all lots.
- The location of major drainage lines, water features, proposed retarding basins and floodways and the means by which they will be managed.
- The location of infrastructure easements or installations and the means by which they will be maintained and managed.
- The transition between the proposed development and the rural lots on the eastern side of Fiskin Street and how this will be managed.
- Provision of an internal road layout that follows a basic grid pattern and includes a pedestrian and bicycle network along the Werribee River frontage.
- The provision of a road to follow the Werribee River alignment between ~~Fiskin~~ [Fiskin](#) Street and ~~the Greenway~~ [Boyes Close](#).
- The internal road network should be designed to minimal impact on the ~~Osange~~ [Osage](#) Orange ~~Avenue and Windbreak Grove~~, including no more than one break in the Avenue and Windbreak.
- An assessment of any tree removal against the considerations of the relevant Heritage Overlay.
- Consistency with the other supporting material such as the Planning Assessment, Environmentally Sustainable Design and Construction Guidelines, ~~Social Impact Assessment~~, Siting and Design Guidelines, Environmental Assessment and the Traffic Management and Road Construction Report.
- Provision of a variety of a dwelling types including medium density, particularly ~~of~~ [on](#) those allotments facing ~~the Greenway~~ [Boyes Close](#) and to the east of the ~~Osange~~ [Osage](#) Orange ~~Avenue and Windbreak Grove~~.
- The indicative stages, if any, in which the land is to be developed.
- The availability of major physical infrastructure to accommodate the development including the provision of water, sewerage, drainage, electricity, gas and telecommunication services including broadband.
- Details of the access connections between the land and the surrounding area including the proposed link roads or roadworks, vehicle access points, vehicle turning circles, traffic management and control methods, car parking areas, and bicycle and pedestrian path connections.
- Location of any common open space provided for in the development.
- Identify Identification of any sites of conservation, heritage or archaeological significance and the means by which they will be managed, including the preparation of a Cultural Heritage Management Plan where required.
- by which they will be managed, including the preparation of a Cultural Heritage Management Plan where required.

3.1

Supporting Information Requirements

The Development Plan must be supported by the following reports:

A Planning Assessment report

- that includes an analysis of how the proposed Development Plan will satisfy the objectives (where relevant) of Clauses 54, 55 and 56 of the Moorabool Planning Scheme.

Infrastructure and servicing report

The report must:

- Demonstrate how infrastructure including water supply, sewerage, drainage, telecommunications and broadband, public transport, and roads will be cost effectively provided.
- Demonstrate how irrigation infrastructure can be maintained or replaced to ensure ongoing supply to the Bacchus Marsh Irrigation District.
- Identify appropriate methods of integrating telecommunications infrastructure including broadband networking capacity to the subdivision, to a standard that would be capable of accommodating the rollout of Fibre ~~To The~~ to the Premises (FTTP) on a sub-terrestrial basis.
- A management plan that shows maintenance requirements, machinery requirements, and access arrangements, including specific reference to the Werribee River environs and maintenance responsibilities for any drainage areas/wetlands.
- All development must apply best practice stormwater management as part of planning approvals in accordance with the Moorabool Shire Council Stormwater Management Plan (2001).
- A drainage report must be prepared and demonstrate the implementation of appropriate water sensitive urban design techniques to minimise inappropriate drainage and runoff impacts and in particular address possible impacts on the Werribee River and any flood management implications for the land.
- Innovative wastewater management strategies that maximise opportunities for waste recycling and or storm water harvesting must be developed to the satisfaction of the Responsible Authority.

Siting and Design Guidelines

The report must demonstrate:

- How the lot layout and movement network will respond to and enhance the significance of the ~~Osange Osage~~ Orange Avenue and Windbreak ~~Grove.~~
- Density patterns including lot layout, road and movement networks, open space networks, integration between new and existing development, location of reticulated water, sewerage and drainage, road and footpath networks.
- ~~Design guidelines for interface areas that encourage a~~ How lots are to address Boyes Close, Taverner Street, ~~and~~ Fiskin Street, and the Werribee River.
- ~~Setbacks and house layouts must be designed in accordance with the Bacchus Marsh Activity Centre Structure Plan.~~
- How the interface areas along Fiskin Street are to be designed to provide a sensitive transition between residential development and the agricultural land uses to the east of the Taverner Development Area.

Environmentally Sustainable Design and Construction Guidelines.

These guidelines must be based upon the following principles, and provide actions and targets which demonstrate best practice of environmental sustainability throughout the development:

- Energy efficiency;

- Water conservation (including potential Water Sensitive Urban Design techniques employed on the site);
- Building materials conservation; and
- Sustainability in demolition and construction works.

Environment Assessment Report

- A detailed site analysis of the natural, cultural and strategic context of the site.
- An environmental survey of the land, involving a flora and fauna survey, which identifies existing vegetation (including grasses) and natural drainage lines required to be protected and enhanced in the subdivision design. Where significant vegetation is identified a management plan is required to aid in the protection and management of any identified environmental assets to the satisfaction of the responsible authority.
- Have a focus on the protection and enhancement of native vegetation and ecological processes whilst providing for public use which is sympathetic to these objectives.
- Address how remnant vegetation will be protected from informal access which may be detrimental to the long term survival of that vegetation.
- Specify how a 'net gain' outcome, as defined in Victoria's Native Vegetation Management Framework, can be implemented where native vegetation is to be removed.
- An environmental audit that identifies any environmental hazards or contamination on the land and proposed treatment, if any, or a qualified statement indicating the absence of such hazards or contamination. Any approved development plan may be amended to the satisfaction of the responsible authority. The responsible authority will seek the opinion of any relevant referral authority that may be affected by the proposed change.

Traffic Management and Road Construction Report

The report must be prepared by a suitability qualified person(s) providing details relating to:

- Traffic management, traffic control works and road works considered necessary on the land, including the vehicular, bicycle and pedestrian requirements necessary to the use of buildings and works on the land;
- Traffic management, traffic control works and road works (including new road works) considered necessary in adjoining and nearby;
- Location of vehicle access points to the site;
- Bicycle and pedestrian networks;
- Bicycle and pedestrian works in adjoining and nearby areas considered necessary to integrate development of the land to local destinations (e.g., Werribee River, Bacchus Marsh Commercial Area);
- The proposed staging and timing of works required;
- The contribution by the owner/developer or relevant authorities to the reasonable cost of works made necessary by the development; and

The timing, method and security for payment of any contribution.

Open Space and Landscaping report

~~The report must:~~

- Provide consistent whole of precinct landscaping details, along main roads, open spaces, and pedestrians/bicycle pavements.
- Use ~~of~~ indigenous and drought tolerant vegetation for landscaping and retention of existing indigenous vegetation wherever possible.

- ~~At least~~ Set aside 5% per cent of the land ~~shall be set aside~~ for public open space purposes. The following areas will be excluded as public open space contributions:
 - Areas of Environmental Sensitivity; and
 - Drainage Reserves, unless these are consistent with the local trails strategy which provide direct access routes to core community infrastructure.
- Public open space should be consistent with the Moorabool Shire Recreation and Open Space Strategy (2007) and should:
 - Include provision of landscaping and appropriate facilities for public use, car parking, playground equipment, other furniture, fencing, bollards, and lighting.
 - Provide for fencing, or other appropriate treatment, along any boundaries between public open space (generally to rural standard unless residential standard would be more appropriate).
 - Be planned, where possible, to support the retention of remnant vegetation.
- Ownership and maintenance responsibility for all open space will be retained by the developer until developed to the satisfaction of the responsible authority.

4.0

XX/XX/20XX
Proposed C51

Decision Guidelines

Before approving a Development Plan, the responsible authority must consider, as appropriate:

- Growing Moorabool, Economic Development Strategy, 2006.
- The Bacchus Marsh Activity Centre Structure Plan, 2011
- Statement of Significance for the “Osange ”Osage Orange Avenue and Windbreak” Grove”
- The views of all relevant service authorities.
- The views of all relevant water authorities.

Before ~~approval of~~ approving a Development Plan, the responsible authority must make a copy available to affected owners.

~~the responsible authority must place the Development Plan on exhibition for comment by interested parties.~~

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SCHEDULE 5 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO5**.

TAVERNER RESIDENTIAL DEVELOPMENT Residential Development AREA - SOUTH OF THE WERRIBEE RIVER

1.0 Preferred Character

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C--

A new mixed density residential neighbourhood that responds to the characteristics and context of the locality and is respectful to the historic Osage Orange ~~avenue~~ Avenue and ~~windbreak~~ Windbreak.

2.0 Design objectives

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To encourage high quality, innovative and sustainable development that is contextually relevant and responds to the 'country town' character as described in the Bacchus Marsh Activity Centre Structure Plan, and protects the ~~homestead and~~ Osage Orange Avenue and Windbreak orange grove which ~~are important property~~ is of historical significance for its association with orcharding in the Bacchus Marsh area.

To ensure new residential development is oriented towards the Werribee River corridor to promote public safety in the public and private realm.

To ensure residential development abutting Fiskin Street is set back so as to provide a buffer from nearby horticultural activities.

To encourage increased density development oriented towards Boyes Close ~~the Greenway~~.

To design an internal street network that provides permeable, accessible and safe neighbourhood system for pedestrians, cyclists and motor vehicles.

3.0 Buildings and works

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A permit is required to construct a front fence or a fence abutting the Werribee River environs. This does not apply to a fence that meets all of the following:

- Is less than 1.2 metres in height; and
- Is constructed of a minimum of 50 per cent transparent material.

A permit is not required for:

- The construction of one dwelling on a lot where the requirements listed below are met.
- The construction of an extension or alteration to an existing dwelling where the requirements listed below are met.

Requirements

Building frontages should be oriented towards Taverner and Fiskin Streets, ~~Boyse~~ Boyes Close, and the Werribee River corridor.

Frontage setbacks along Taverner Street should promote a continuous building line.

Frontage setbacks to Taverner Street and Boyes Close ~~Bond Street and Fiskin Street~~ should be a minimum of 6 metres to allow for canopy tree planting.

Frontage setbacks to Fiskin Street should be ~~Wall height of buildings should be setback from Fiskin Street~~ no less than 9 metres or the average setback of abutting properties, whichever is greater. ~~Refer to Figure 2~~

Wall height of buildings along Fiskin Street should not exceed 7 metres from natural ground level.

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0

Subdivision

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A planning permit is required to subdivide land.

Requirements

The subdivision of land should encourage passive surveillance opportunities of the Werribee River corridor and Boyes Close, ~~the Greenway~~.

The subdivision of land should provide for an active frontage along Taverner Street.

The subdivision of land shall **ensure** that property boundaries will not impact on the Osage Orange Avenue and Windbreak ~~hedge plantings~~.

Exemption from notice and review

An application for subdivision 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.

5.0

Decision guidelines

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Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.

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SCHEDULE 6 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO6**.

RESIDENTIAL INVESTIGATION AREA A

1.0

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Preferred character

A residential neighbourhood where medium density housing will be encouraged provided that such development respects and responds to the character of the neighbourhood.

Development and subdivision of land should concentrate on the retention of the openness of the streetscapes which is created by generous nature strips and spacious garden settings to the dwellings. ~~property is of historical significance for its associations with the prominent orcharding family in the Bacchus Marsh area.~~

2.0

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Design objectives

To encourage the development of a built form character that responds to the existing site characteristics including creating appropriate interfaces with ~~the Greenway~~ Boyes Close to the east and the Werribee River to the north.

To ensure that the subdivision and development of land fronting the Werribee River includes provision for an access road and pedestrian path.

To encourage new development which provides for and maintains a country town character. ~~as described within the Bacchus Marsh Activity Centre Structure Plan 2011.~~

To ensure new residential development is oriented towards the Werribee River corridor and ~~the Greenway~~ Boyes Close to promote public safety in the public and private realm.

To ensure residential development abutting public frontages is appropriately set back to allow for canopy tree planting to maintain the country town character.

To encourage retention and establishment of vegetation that contributes to the character of the precinct.

To consider a variety of building heights across the precinct, to a maximum of 9 metres.

To create a network of attractive public streets and walkways connecting through the existing network of the precinct which achieve efficient access for vehicular transport, pedestrians and cyclists. The preferred street layout should follow a modified grid pattern ~~which avoids impact on the Osange-Orange hedgerows.~~

To ensure that development is orientated to provide public frontages.

3.0

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Buildings and works

A permit is required to construct a front fence or a fence abutting the Werribee River environs or Boyes Close. This does not apply to a fence that meets all of the following:

- Is less than 1.2 metres in height; and
- Is constructed of a minimum of 50 per cent transparent material.

A permit is not required for:

- The construction of a single dwelling on a lot where the dwelling meets the requirements specified below.

- The construction of an extension or alteration to an existing dwelling where the modifications meet the requirements specified below.
- Carrying out of works normal to a dwelling.

Requirements

- Wall heights of buildings should not exceed 7 metres above natural ground level height along Grant ~~and Fiskin Streets~~;
- Buildings heights should not exceed ~~and~~ 9 metres ~~above~~ above natural ground level height along Boyes Close. ~~The Greenway~~.
- Buildings fronting the Werribee River shall be single storey and address any access road provided between the river and the development.
- ~~Except where that a lot fronts the Werribee River. Buildings will have a minimum front setback of 6m metres. A lesser setback will be permitted only if it can be demonstrated that there exists sufficient area to allow for canopy tree planting.~~

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0

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Subdivision

A permit is required to subdivide land.

Requirements

An application for subdivision that creates a vacant lot less than 300 square metres must show a building envelope or be accompanied by development plans that demonstrate that the lot is capable of supporting a dwelling that will meet the design objectives of this clause.

The subdivision of land should provide opportunities for passive surveillance of the Werribee River corridor and Boyes Close. ~~the Greenway~~.

Subdivision plans for the land fronting the Werribee River must include provision for an access road running along the Werribee River. The design and construction of the access road must be to the satisfaction of the Responsible Authority.

Exemption from notice and review

An application for subdivision 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.

5.0

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Decision guidelines

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.

- ~~*—The Bacchus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011).~~

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SCHEDULE 7 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO7**.

INDUSTRIAL ~~/GREENWAY~~ INTERFACE AREA

1.0 Preferred Character

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New industrial development of a high quality design and finish that: addresses Bond Street; ~~the Greenway~~ encourages vehicular access to the rear; and provides ~~a~~ an interface between development and Bond Street, ~~the Greenway~~.

2.0 Design objectives

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To reinforce the tree lined street country town character of Bacchus Marsh through the layout and design of development ~~adjacent to the Greenway~~ along Bond Street.

To facilitate development that creates a high amenity frontage to ~~the greenway~~ Bond Street.

To ensure that development is orientated towards ~~the Greenway~~ Bond Street and Maddingley Park ~~promoting to promote~~ passive surveillance of the ~~Greenway~~ public realm.

To encourage design that presents a positive and interactive edge to the public realm.

~~To form an appropriate interface to the adjacent residential areas.~~

3.0 Buildings and works

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Applications for buildings and works should address the following matters subject to the approval of the responsible authority.

Site layout & design

An application must be accompanied by a site layout plan and building design plans, which incorporates the following:

- Building design and materials that provide a positive contribution to the visual amenity and country town character of ~~the~~ Bond Street ~~and the Greenway~~.
- Front building facades that include design elements that add visual interest through the use of building materials, finishes and colours.
- Front setbacks of new buildings to be of sufficient area to facilitate the establishment of a 5 metre wide landscape garden with canopy trees along the lot frontage.
- A rear setback that allows for rear access and car parking.
- Wall heights on buildings adjacent to Bond Street ~~/Greenway~~ will not exceed 9 metres.
- Potential conflict between pedestrian and vehicle movements to be addressed through the design of the site, including provision of safe pedestrian links through car parks to building entry points.
- Locations of all driveways.
- Signage siting and design details. It is preferable for signage to be integrated into the landscape or building design.
- Signage to be co-located on sites which have more than one tenant.

Landscaping

Landscaping is to be provided in accordance with a landscape plan approved by the responsible authority. The landscape plan should include the following elements:

- A 5 metre wide landscape indigenous garden along the frontage of each lot with no front fences.
- The use of a range of canopy trees, shrubs and ground covers.
- The front setback to Bond Street ~~/Greenway~~ will solely be used for landscape and pedestrian access. All storage, plant & equipment and vehicular access & parking shall be to the side or rear of the building.

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0

--/20--
C--

Subdivision

A permit is required to subdivide land.

5.0

--/20--
C--

Decision guidelines

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy Framework including the Municipal Strategic Statement and any local planning policies.
- ~~The Bacchus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011)~~
- ~~Whether the proposed development achieves the design requirements and the outcomes to be achieved in clause 3 and / or 4 of the schedule.~~

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C--

SCHEDULE 8 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO8**.

POTENTIAL RESIDENTIAL INVESTIGATION AREA B

1.0

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C--

Preferred character

A residential neighbourhood where medium density housing opportunities will be encouraged, providing such development and subdivision proposals respect and respond to appropriately to the country town character of the neighbourhood.

2.0

--/20--
C--

Design objectives

To encourage the development of a built form character that responds to the existing site characteristics including the proximity of the site to the railway station.

To encourage new development which provides for and maintains a country town character ~~as described within the Bacchus Marsh Activity Centre Structure Plan 2011.~~

To ensure new residential development is oriented towards Bacchus Marsh ~~on~~ Geelong Road and Fiskien Street and provide opportunities for passive surveillance of footpaths.

To ensure residential development abutting ~~both streets~~ roads is appropriately set back to allow for canopy tree planting ~~to~~ which contributes to the country town character.

To ensure the architectural features of new dwellings respond to the prevailing country town character.

To recognise the opportunities for ~~transit-orientated~~ higher density residential development due to the precinct's proximity to the Bacchus Marsh railway station.

To ensure that subdivision design maximises and enhances the development potential of land.

3.0

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C--

Buildings and works

A permit is not required for:

- The construction of one dwelling on a lot where the requirements outlined below have been met.
- The construction of an extension or alteration to an existing dwelling where the requirements outlined below have been met.

Requirements

Wall heights of buildings ~~heights~~ should not exceed 7 metres above natural ground level along ~~Grant~~ Bacchus Marsh - Geelong Road and Fiskien Streets ~~and 9m above natural ground level along the Greenway.~~

~~A minimum front setback of 6m metres. A lesser setback will be permitted only if it can be demonstrated that there exists sufficient area to allow for canopy tree planting.~~

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0

--/20--
C--

Subdivision

A planning permit is required to subdivide land.

Requirements

An application for subdivision that creates a vacant lot less than 300 square metres must show a building envelope or be accompanied by development plans that demonstrate that the lot is capable of supporting a dwelling that will meet the design objectives of this clause.

Exemption from notice and review

An application for subdivision 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.

5.0

--/20--
C--

Decision guidelines

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.

~~▪ The Bacchus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011).~~

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C--

SCHEDULE 9 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO9**.

RESIDENTIAL INVESTIGATION AREA – WADDELL STREET TO WERRIBEE RIVER

1.0 Preferred character

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C--

A new ~~green corridor~~ high-quality medium density residential ~~development corridor~~ linking the commercial area adjoining Main Street to the railway station. ~~which is fronted~~

2.0 Design objectives

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C--

To ensure development enjoys good visual access ~~to the Greenway~~ local access roads and the north / south pedestrian - bicycle route through the area to the ~~and~~ Werribee River Corridor thereby maximising opportunities for passive surveillance.

To encourage new development which provides for and maintains a country town character. ~~as described in the Bacchus Marsh Activity Centre Structure Plan.~~

To provide a safe and attractive pedestrian and bicycle link connecting the railway station with Main Street.

To provide a focus for new high quality, innovative ~~and~~ contemporary design.

To encourage building forms, finishes and colours that make a positive contribution to the ~~Greenway.~~ residential spine.

To support sustainable urban outcomes that maximise the use of infrastructure and public transport.

3.0 Buildings and works

--/20--
C--

A permit is required for the construction of a front fence.

This does not apply:

- If the fence is less than 1.2 metres in height; or
- If the fence is a minimum of 50 per cent transparent.

A permit is not required for the construction of an extension or alteration to an existing dwelling if the following requirements are met:

Requirements

The maximum permissible height of the wall of any building adjacent to the north – south pedestrian / bicycle route is 9 metres,

Any new building or portion of a new building must have a frontage setback of no less than 5 metres.

Vehicular access is to be provided from ~~the shareway,~~ a local access road or from the ~~allotment~~ side or rear of the lot, to minimise potential conflict with pedestrians and cyclists. ~~along the Greenway.~~

Full details of the type, colour and finish of all cladding materials must be provided.

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0

--/20--
C--

Subdivision

A planning permit is required to subdivide land.

Requirements

An application for subdivision that creates a vacant lot less than 300 square metres must show a building envelope or be accompanied by development plans that demonstrate that the lot is capable of supporting a dwelling that will meet the design objectives of this clause.

The layout of the proposed subdivision of land should encourage passive surveillance opportunities of the [Greenway](#) pedestrian /bicycle link and the Werribee River Corridor.

Exemption from notice and review

An application for subdivision 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.

5.0

--/20--
C--

Decision guidelines

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.

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C--

SCHEDULE 10 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO10**.

BACCHUS MARSH HOSPITAL AND MEDICAL SERVICES PRECINCT

1.0

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C--

Preferred character

A built form that is consistent with, and complements the scale of, the existing built form character of the hospital and medical centres.

High quality new development of a contemporary architectural character.

2.0

--/20--
C--

Design objectives

To maintain and enhance the established character of the precinct.

To encourage the provision of landscaping, where practical, within building setbacks.

To ensure that the design of buildings provide elements which protect the amenity of and visually enhance areas of open space and residential interface.

To encourage non-residential occupancies ~~uses~~ ~~buildings~~ to have an active frontage on the ground floor, with a clearly identifiable entry.

To ensure that the location and design of car parks, loading bays and services areas ~~does~~ not dominate the public domain and supports safe use and access.

To ensure that signage and fencing ~~on~~ of non-residential uses is appropriate, and sympathetic to the character of the precinct.

3.0

--/20--
C--

Buildings and works

A permit is required for the construction of a front fence.

This does not apply:

- If the fence is less than 1.2 metres in height; or
- If the fence is a minimum of 50 per cent transparent.

A permit is not required for the development of the following where the requirements listed in this clause are met:

- The construction of one dwelling on a lot.
- The construction of an extension or alteration to an existing dwelling to be used for residential purposes.
- An alteration to an existing building façade used for a non-residential purpose provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road reserve if it is authorised by the relevant public land manager.

Requirements

Buildings should present an overall height to the street of not more than 7 metres. A permit may be granted to vary the discretionary requirements subject to the proposal achieving the Preferred Character and Design Objectives for the particular area, and any local planning policy requirements, to the satisfaction of the Responsible Authority.

The front and side street facades of new buildings should be well articulated.

On corner sites, buildings must address both street frontages with either openings or street level windows.

To encourage development that respects the existing neighbourhood character and provides reasonable standards of amenity for existing properties, new buildings within the precinct should accord with the design standards ~~as established in~~ at Clause 54 of the Moorabool ~~Shire~~ Planning Scheme.

The design of new buildings should promote visual interaction between ground floor activity and pedestrians on the street.

The visual intrusion of car parking facilities should be minimised through methods such as siting car parking to the side or rear of properties or in a basement.

A ~~nature strip surfaced either in vegetation or~~ permeable nature strip ~~hard surface.~~

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0

--/20--
C--

Subdivision

A permit is required for the subdivision of land.

5.0

--/20--
C--

Decision guidelines

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.

~~*—The Bacchus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011).~~

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C--

SCHEDULE 11 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO11**.

MAIN STREET PRECINCT

1.0

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C--

Preferred character

Superior and highly articulated built form that reflects Main Street's function as the retail and commercial hub of Bacchus Marsh.

Vibrant shopping and leisure strips with buildings that provide active frontages that face the footpath with a mix of uses above.

An inviting and pedestrian friendly public realm that maintains a permeable street network and a high degree of pedestrian amenity.

A built form that relates to the fine-grained scale of the existing Main Street streetscape, with opportunities for taller buildings to punctuate above the dominant built form where such development demonstrates design excellence, retains generous visual permeability between taller buildings and retains key views.

New development of a contemporary character with architectural detail that responds to the prevailing scale, form and design of the immediate area.

In the Greenway commercial area south of Main Street, to encourage building forms, finishes and colours that make a positive contribution to ~~this~~ the pedestrian and cycle link.

2.0

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C--

Design objectives

- To enhance the established 'country town centre' character of Main Street and surrounds including creating a level of visual consistency in the precinct with the standard street wall height the equivalent of 7.5 metres above natural ground level, with limited opportunities for higher elements to be considered.
- To ensure that new development responds to the landscape character of Bacchus Marsh.
- To provide an attractive, safe and accessible environment within the town centre.
- To encourage development within the Town Centre to provide an appropriate interface to protect the amenity of surrounding residential areas.
- To encourage development within the Town Centre to provide an appropriate integration with heritage places.
- To create and expanded town centre that reflects the unique township character of Bacchus Marsh.
- To encourage the creation of active frontages adjacent to roads, laneways and the greenway pedestrian/cycle accessway.
- ~~To ensure that new development addresses and integrates with the Greenway.~~
- To encourage the redevelopment of land within the Town Centre to demonstrate high quality, contemporary ~~and~~ innovative design.
- To provide for safe, convenient and pedestrian friendly vehicle movement in and around the town centre.
- To minimise the visual intrusion of car parking facilities.
- To encourage pedestrian access by:

- Improving crossing facilities at the Grant Street/Main Street intersection;
- Improving pedestrian permeability between Main Street and Bennett Street; and
- Providing adequate access and parking for bicycles.

3.0

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C--

Buildings and works

A permit is required for the construction of a front fence.

This does not apply:

- If the fence is less than 1.2 metres in height; or
- If the fence is a minimum of 50 per cent transparent.

A permit is not required for:

- The installation of an automatic teller machine.
- An alteration to 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 facade at ground floor level is maintained as an entry or window with clear glazing.

Requirements

Buildings should present an overall height to the street of not more than 7.5 metres (excluding roof forms)*. A permit may be granted to vary these ~~discretionary~~ requirements subject to the proposal achieving the Preferred Character and Design Objectives for the particular area, and any local planning policy requirements, to the satisfaction of the responsible authority.

Any storey(s) above 7.5 metres must adopt a setback from the building frontage such that it is not visible from standing eye level (1.7 metres above ground level) on the footpath directly opposite the site.

New development should have an active street frontage, particularly fronting Bennett Street and Gell Street. Within the ~~Business~~ Commercial 1 Zone at least 50% ~~per cent~~ of the ground floor façade should have transparent elements.

A framework of verandahs should extend to the ~~front boundary of~~ Main Street kerb line to define the street façade and reflect the existing character of Main Street.

Building design must mitigate overlooking, overshadowing, noise and other potential amenity impacts in line with the Activity Centre Guidelines (DSE 2004).

** Maximum building heights have been derived assuming a 4.0m floor to ceiling height for the ground floor and 3.0m ceiling height for upper levels. Other ceiling heights may be used however the maximum building heights identified in the Structure Plan are to be adhered to.*

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0

--/20--
C--

Subdivision

A permit is required for subdivision of land.

5.0 Decision guidelines

--/20--
C--

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.
- ~~The Bacchus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011).~~

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SCHEDULE 12 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO12**.

RESIDENTIAL LAND BETWEEN WADDELL STREET AND WERRIBEE RIVER EAST OF GRANT STREET ~~and west of the proposed Greenway~~

1.0 Preferred Character

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C--

A residential neighbourhood with a consistent built form that maintains generous setbacks to maintain and enhances the country town character of Bacchus Marsh.

2.0 Design objectives

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C--

To encourage the development of a built form character that responds to the existing site characteristics including creating appropriate interfaces with Grant Street to the west and the River to the south.

To encourage new development that provides for and maintains an openness to the streetscapes by creating generous road reserves, low front fencing and spacious garden settings for dwellings, thereby maintaining the country town character.

To ensure new residential development in the Werribee River environs is sited to maximise opportunities for passive surveillance of the riverside footpaths.

To ensure residential development abutting ~~S~~streets is appropriately set back to allow for canopy tree planting to maintain the country town character, ~~as described in the Bacchus Marsh Activity Centre Structure Plan.~~

To minimise traffic conflicts between local residential traffic and through traffic.

3.0 Buildings and works

--/20--
C--

A permit is required for the construction of a front fence.

This does not apply:

- If the fence is less than 1.2 metres in height; or
- If the fence is a minimum of 50 per cent transparent.

A permit is not required for development of the following where the requirements listed in this clause are met:

- The construction of one dwelling on a lot.
- The construction of an extension or alteration to an existing dwelling.

Requirements

Building frontages should be oriented towards the street.

Building height is not to exceed 8 metres (or ~~two~~ storeys). A permit may be granted to vary the discretionary requirements subject to the proposal achieving the Preferred Character and Design Objectives for the particular area, and any local planning policy requirements, to the satisfaction of the responsible authority.

Front setbacks should respect the average setback of properties abutting the subject site and be of sufficient size to allow for canopy tree planting.

Exemption from notice and review

An application to construct a building or construct or carry out works 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.

4.0

--/20--
C--

Subdivision

A permit is required for subdivision of land.

5.0

--/20--
C--

Decision guidelines

Before deciding on an application to develop or subdivide land, the responsible authority must consider:

- The State Planning Policy Framework, the Local Planning Policy framework including the Municipal Strategic Statement and any local planning policies.

~~▪ The Bacchus Marsh Activity Centre Structure Plan, prepared by David Lock Associates (2011).~~

8. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL

9. CLOSED SESSION OF THE MEETING TO THE PUBLIC**Recommendation:**

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;**
- (b) the personal hardship of any resident or ratepayer;**
- (c) industrial matters;**
- (d) contractual matters;**
- (e) proposed developments;**
- (f) legal advice;**
- (g) matters affecting the security of Council property;**
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;**
- (i) a resolution to close the meeting to members of the public.**

10. MEETING CLOSURE