

## ORDINARY MEETING OF COUNCIL

**Notice** is hereby given of the  
Ordinary Meeting of Council to be held at  
Bungaree Community Facility,  
279 Bungaree-Wallace Road, Bungaree on  
Wednesday 1 March 2017,  
commencing at 5:00 p.m.

### Members:

Cr. David Edwards (Mayor)	East Moorabool Ward
Cr. Tonia Dudzik (Deputy Mayor)	East Moorabool Ward
Cr. Paul Tatchell	Central Moorabool Ward
Cr. Jarrod Bingham	East Moorabool Ward
Cr. John Keogh	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Cr. Pat Toohey	Woodlands Ward

### Officers:

Mr. Rob Croxford	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Social and Organisational Development

**Rob Croxford**  
**Chief Executive Officer**

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**1. OPENING OF MEETING AND PRAYER**

**Almighty God be with us as we work for the people of the Shire of Moorabool.**

**Grant us wisdom that we may care for the Shire as true stewards of your creation.**

**May we be aware of the great responsibilities placed upon us.**

**Help us to be just in all our dealings and may our work prosper for the good of all.**

**Amen**

**2. ACKNOWLEDGEMENT TO COUNTRY**

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

**3. PRESENT**

**4. APOLOGIES**

**5. CONFIRMATION OF MINUTES**

**5.1 Ordinary Meeting of Council – Wednesday 1 February 2017**

**Recommendation:**

**That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 1 February 2017.**

**5.2 Special Meeting of Council – Wednesday 8 February 2017**

**Recommendation:**

**That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 8 February 2017.**

## 6. DISCLOSURE OF CONFLICT 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)
  - indirect interest because of impact on residential amenity (section 78E)

### 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.

## 7. PUBLIC QUESTION TIME

The aim of Public Question Time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Public Question Time is conducted in accordance with Section 6.9 of the Council's *Meeting Procedure Local Law No. 9*.

Questions must be in writing on the form provided by the Council and submitted by 5.00pm on the day before the meeting. Members of the public can contact a Councillor and raise a question which the Councillor will submit on their behalf.

A question will only be read to the meeting if the Chairperson or other person authorised for this purpose by the Chairperson has determined that:

- i) the person directing the question is present in the gallery;
- ii) the question does not relate to a matter of the type described in section 89(2) of the Act (for confidential matters);
- iii) the question does not relate to a matter in respect of which Council has no power to act;
- iv) the question is not defamatory, indecent, abusive or objectionable in language or substance;
- v) the question is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
- vi) the question is not asked to embarrass a Councillor, member of Council staff or member of the public.

A Councillor or Council officer may:

- i) immediately answer the question asked; or
- ii) elect to have the question taken on notice until the next Ordinary meeting of Council; at which time the question must be answered and incorporated in the Agenda of the meeting under Public Question Time; or
- iii) elect to submit a written answer to the person asking the question within 10 working days.

Responses to public questions answered at the meeting, will be general in nature, provided in good faith and should not exceed two minutes. These responses will be summarised in the minutes of the meeting.

Public Question Time does not substitute for other forms of communication with or other formal business procedures of the Council.

**8. PETITIONS**

**No petitions have been made to Council for consideration as part of this Agenda.**



**9. PRESENTATIONS / DEPUTATIONS**

The Council has made provision in the business of the Ordinary Meetings 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 Council on a matter included in the agenda shall inform Council 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 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:**

Item No	Description	Name	Position
-	-	-	-

**List of Persons making Presentations/Deputations to a planning item listed on the agenda:**

Individuals seeking to make a presentation to the Council on a planning item listed on the agenda for consideration at the meeting will be heard by the Council immediately preceding consideration of the Council Officer’s report on the planning item.

Item No	Description	Name	Applicant/ Objector
-	-	-	-

**10. OFFICER'S REPORTS**

**10.1 CHIEF EXECUTIVE OFFICER**

*No reports for this meeting.*

**10.2 GROWTH AND DEVELOPMENT**

**10.2.1 Planning Permit Application PA2016 229; Development of Four (4) Dwellings, Four (4) Lot Subdivision and Vegetation Removal at Lot 1 on TP 447220E, 89 Edols Street, Ballan VIC 3342.**

<b>Application Summary:</b>	
Permit No:	PA2016229
Lodgement Date:	19 September 2016
Planning Officer:	Tom Tonkin
Address of the land:	Lot 1 on TP 447220E, 89 Edols Street, Ballan 3342
Proposal:	Development of Four (4) Dwellings, Four (4) Lot Subdivision and Vegetation Removal
Lot size:	1011sq m
Why is a permit required?	Clause 32.08 – General Residential Zone – Development of two or more dwellings and subdivision
Restrictions registered on title	None
<b>Public Consultation:</b>	
Was the application advertised?	The application was advertised due to the proposal’s potential to cause material detriment.
Notices on site:	One (1)
Notice in Moorabool Newspaper:	None
Number of Objections:	None
Consultation meeting:	Not required
<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Natural and Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building control.
<b>Strategy</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications.  Ensure that development is sustainable, resilient to change and respects the existing character.

<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
<p>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.</p>	
<b>Officer's Declaration of Conflict of Interests</b>	
<p>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.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Tom Tonkin</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
<b>Executive Summary:</b>	
Application Referred?	Yes, the application was referred to relevant utility providers and Council's Infrastructure unit.
Any issues raised in referral responses?	No.
Preliminary Concerns?	Yes. The Council officer wrote to the applicant to advise of concerns about the impact of the proposed front setbacks, extent of boundary walls, and substantial building mass of Units 3 and 4 on neighbourhood character, provision and amenity of private open space, internal amenity and vehicle access design.
Any discussions with applicant regarding concerns	The applicant's draftsperson discussed with the Council officer the concerns raised, before preparing amended plans.
Any changes made to the application since being lodged?	Yes, in response to the officer's concerns, Unit 1 and 2's boundary wall lengths were reduced by 2.0m, Unit 3 and 4's internal layout modified to improve daylight to the front living areas, and Unit 1 and 2's kitchen windows double glazed. No plan changes were made to address other areas of concern.
VCAT history?	None.
Previous applications for the site?	None.

<p>General summary</p>	<p>The application is for the development of four (4) single storey dwellings and a four (4) lot subdivision of the site. Each dwelling would have two (2) bedrooms, the usual utilities and a single garage accessed via a common accessway. Lots 1 and 2 would each be 216sq m and Lots 3 and 4 each 179sq m.</p> <p>The proposal satisfies some of the relevant provisions of the Moorabool Planning Scheme, but fails to adequately respond to the neighbourhood character of the area. Additionally, the design of vehicle access and parking would compromise safety and convenience for residents and the design compromises the internal amenity of the main living areas. For these reasons the proposal is not considered to be sufficiently site responsive and should be refused.</p>
<p><b>Summary Recommendation:</b></p>	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i>, on the grounds detailed at the end of this report.</p>	

**Public Notice**

Notice of the application was given to adjoining and nearby landowners and occupiers by mail on 9 November 2016 and a sign erected on site from 13 November until 3 December 2016. No objections were received.

**Proposal**

It is proposed to develop the site for four single storey dwellings and to subdivide the land into four lots. Units 1 and 2 would front Edols Street, separated by a central vehicle accessway with detached garages located to the rear. Units 3 and 4 would be semi-detached and sited further to the rear of the site with attached garages. Each unit would comprise two (2) bedrooms, bathroom, European laundry, living room, and open plan kitchen, meals and family area leading to a covered al fresco area to the rear. Each dwelling would have a single garage incorporating storage space. Units 1 and 2 would have 6.0m front setbacks with verandahs of 1.5m depth encroaching on this space. Each dwelling would be constructed to a side boundary – Units 1 and 2 for lengths of 6.77m, Unit 1 and 2’s garages for 4.08m lengths and Units 3 and 4 for lengths of 7.08m. All dwellings would have minimum 1.15m side setbacks, and Units 3 and 4 rear setbacks of 1.15m-5.26m. The dwellings would be of a traditional design, clad with weatherboards and with low pitched hipped Colorbond roofs with no eaves. Unit 1 and 2’s front verandahs would have skillion roofs. Boundary walls would be of brick construction.

Proposed lots 1 to 4 would correspond with the above described dwellings. Lots 1 and 2 would both be 216sq m and Lots 3 and 4 179sq m. Common property would comprise the accessway.

No significant vegetation removal would be required.

The proposed plans are provided in Attachments 1, 2, 3 and 4.

### **Site Description**

The site is identified as Lot 1 on TP 447220E and known as 89 Edols Street, Ballan. The site is on the south side of the street between Fiskin and Cowie Streets, and is rectangular in shape with a width of 20.11m and depth of 50.29m yielding an area of 1011sq m. The site has a fall of less than 0.5m from south to north. The site is occupied by a single storey weatherboard dwelling with a low pitched hipped iron roof and ancillary sheds in the rear setback. Vehicle access is via a single width crossover adjacent to the west boundary. Vegetation comprises several small canopy trees in the front and rear setbacks and there is no front fence.

The site and surrounding area is in the General Residential Zone and mostly developed with single storey detached dwellings, and comprises lots generally of a similar size and shape to the subject site but with some smaller lots nearby associated with medium density housing developments. To the east is a weatherboard dwelling on a lot approximately 1011sq m. To the north, across Edols Street, are a number of dwellings, including a dual occupancy, on lots of approximately 860sq m. To the west is a vacant lot of 1200sq m fronting Edols Street with approval for the development of four single storey dwellings and subdivision. To the rear of the site is a single dwelling and ancillary outbuildings on a lot of approximately 1011sq m fronting Atkinson Street.



**Locality Map**

The map below indicates the location of the subject site and the zoning of the surrounding area.



**Planning Scheme Provisions**

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.05-2 Melbourne’s hinterland areas.
- 11.06 Central Highlands regional growth.
- 15.01-3 Neighbourhood and subdivision design.
- 15.01-5 Cultural identity and neighbourhood character.
- 16.01-1 Integrated housing.
- 16.01-2 Location of residential development.
- 16.01-4 Housing diversity.
- 21.02-3 Water and Catchment Management.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.08 Ballan.

The proposal complies with the relevant sections of the SPPF and LPPF, with the exception of the clauses outlined in the table below:

SPPF	Title	Response
Clause 11.05-2	Melbourne’s hinterland areas	The proposed development does not adequately respect the neighbourhood character.
Clause 15.01-5	Cultural identity and neighbourhood character	The proposal does not respond positively to the character of the area.
LPPF		
Clause 21.03-4	Landscape and neighbourhood character	The proposal does not respond positively to the character of the area.
Clause 21.08-3	Housing	The proposed development would not be sufficiently in keeping with the character of the area.

**Zone**

The subject site is in the General Residential Zone, Schedule 1.

The purpose of the Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*



- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.*

Under Clause 32.08-2 a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for residential subdivision.

Under Clause 32.08-4 a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

The proposed development does not properly satisfy the purpose of the General Residential Zone. The proposal does not respect the neighbourhood character of the area.

### **Overlays**

The site is affected by Environmental Significance Overlay, Schedule 1 due to the site being in a Special Water Supply Catchment. Under Clause 42.01-2 a permit is required to subdivide land, construct buildings and works and remove vegetation. Under Schedule 1 the proposal satisfies an exemption for the development of a dwelling in a residential zone connected to reticulated sewerage and storm water is not discharged within 100m of a waterway unless into an approved drainage system.

The proposal is consistent with the provisions of the Environmental Significance Overlay.

### **Relevant Policies**

Council adopted the Ballan Structure Plan on 17 December 2015 and authorised Council officers to prepare a planning scheme amendment to implement the Plan. This includes rezoning land, including the subject site, and requiring minimum 400sq m lot sizes. The proposal is not in accordance with the Structure Plan.

### **Particular Provisions**

#### Clause 52.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988. If a permit were to issue, it is recommended that a condition of approval require payment of a public open space contribution of 5% of the site value.

Clause 52.06 Car Parking

Under Clause 52.06-5 each two (2) bedroom dwelling must be provided with one (1) car space. The resident parking provision, garage dimensions and accessway widths meet the relevant requirements of Clause 52.06-5 and 52.06-8. However, vehicle access to Unit 3 and 4's garages requires tight manoeuvring due to the design of the accessway, which is not considered appropriate.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposal complies with the relevant ResCode (Clause 55) provisions, except for the following:

ResCode Clause	Title	Response
55.02-1	Neighbourhood character objectives	The density of development, extent of boundary walls particularly where visible from the street, and reduced front setback do not respect the neighbourhood character.
55.03-1	Street setback objective	The proposed 6.0m front setback does not comply with the minimum 7.8m.
55.03-3	Site coverage objective	The proposed 54.7% coverage complies with the standard for a maximum 60% but does not satisfy the objective.
55.03-5	Energy efficiency objective	The kitchen, meals and family areas, particularly Units 3 and 4, would have unreasonably limited passive energy efficiency given the poor solar and daylight access to these areas.
55.03-10	Parking location objectives	Unit 1 and 2's kitchen windows are within 0.6m of the common accessway which does not meet the minimum 1.0m
55.04-2	Walls on boundaries objective	The length and height of proposed boundary walls meets the standard, however their extensive length particularly where visible from the street, is not in keeping with neighbourhood character.
55.06-3	Common property objectives	The layout of the common accessway relative to the garages is not considered to be functional.

Clause 56 Residential Subdivision

The proposal complies with the relevant ResCode (Clause 56) provisions, except for the following:

ResCode Clause	Title	Response
56.03-5	Neighbourhood character objective	The proposed subdivision does not support the development of the site in a manner consistent with the surrounding neighbourhood character.

## Discussion

Overall, the proposal is considered to be inconsistent with relevant State and local planning policy, the General Residential Zone and Clauses 55 and 56 of the Moorabool Planning Scheme.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as a town intended to support increased population growth. The proposal would contribute to consolidated growth of the town and take advantage of existing infrastructure without any detriment to neighbourhood character. Growth must be balanced with the need for new development to respect the existing neighbourhood character and integrate with the surrounding urban environment.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings but with several examples of medium density housing and associated subdivision nearby.

The purpose of the GRZ includes the following:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

The purpose of the GRZ indicates that a balance must be achieved in responding to the range of applicable policies.

The key issues for discussion are considered to be:

- Does the proposal respect neighbourhood character?
- Is the proposed vehicle access and car parking layout appropriate?

The site and surrounding area is part of a well-established area of Ballan, between the main street and the railway station. The underlying subdivision pattern is a grid layout, with minor variations mostly reflecting recent subdivisions associated with medium density housing developments. Nearby dwellings are predominantly single storey and of a range of styles, reflecting the incremental development of the township and changes over time. Despite these variations, a consistent pattern of development has emerged, exemplified by mostly detached buildings with low pitched hipped roof forms, brick or weatherboard walls and generous space for front gardens. Garages and carports are typically at the side or rear of dwellings. Boundary construction is uncommon, particularly where visible in the streetscape. Side setbacks and wide street reserves combined with the low-rise scale of development contribute to a spacious character typical of many country towns.

The proposed development would comprise cottage style dwellings, with weatherboard cladding, low pitched Colorbond roofs and front verandahs to Units 1 and 2 with skillion roofs. The form and appearance of the dwellings is generally consistent with development in the area. However, all dwellings

would be partially constructed to the side boundaries, with Unit 1 and 2's boundary walls readily visible from Edols Street. It is not uncommon for medium density housing to incorporate boundary wall construction, as evidenced in Ballan where it is typically incorporated to a minimal extent. Boundary walls readily visible from the street are uncommon, and generally do not fit comfortably with the character of Ballan's residential areas as described above. The issue is exacerbated by Unit 1 and 2's front setback of 6.0m, less than the 7.8m standard required under Clause 55, which also reduces opportunities to meaningfully landscape the front setback. The visual impact of Unit 1 and 2's proposed walls in the streetscape and 6.0m front setbacks are not considered appropriate and should not be supported.

Proposed units 3 and 4 to the rear of the site would be semi-detached and partially constructed for the entire width of the site. Whilst it is acknowledged that the site is suitable for more intensive development than what currently exists, the extent of building mass, particularly on the rear of the site, is not considered to be site responsive. The 'backyard realm' typical of Ballan's residential areas nearby is typified by open space and often a garage, shed and sometimes trees. Medium density housing typically provides substantially less open space in the 'backyard realm', and therefore must be designed to minimize any amenity impacts and have regard for the character of the area. Minimising building bulk, providing acceptable side and rear setbacks and locating boundary walls to reduce amenity impacts can mitigate the visual appearance and increased site coverage of new dwellings. Unit 3 and 4's single storey form with low pitched roofs and location relative to existing outbuildings on adjoining properties to the south and east would reduce their visual impact. However, the site coverage of 54.7%, whilst satisfying the Rescode standard, is not considered to be in keeping with neighbourhood character. The large building mass of Unit 3 and 4's attached construction and minimal areas of private open space, and minimal rear setbacks for 1/3 of the rear boundary length do not respond positively to Ballan's township character.

The proposed layout of the vehicle accessway and garages would compromise the safety and convenience for future residents. Access is proposed via a single crossover and central accessway to four single garages. Unit 3 and 4's garages would be constructed to the side boundaries, and access and egress would require tight manoeuvring to an extent which would be considered inconvenient and potentially unsafe for drivers. Additionally, vehicles exiting all garages would all be required to manoeuvre within the same area of the accessway, with limited visibility due to the overall design, which also presents safety issues for all drivers.

Overall, the proposed development and subdivision is not considered to be suitably site responsive. The proposal does not respect the neighbourhood character, and the design of vehicle access and car parking areas would compromise the convenience and safety of future residents to an unacceptable level. Furthermore, the internal amenity of the principal living areas is compromised by limited solar access with correspondingly poor passive energy efficiency. It is considered that the proposal is fundamentally an overdevelopment of the site and should not be approved.

## General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

## Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council's Infrastructure department was provided with an opportunity to comment on the application.

Authority	Response
Western Water	Consent
Southern Rural Water	Consent with conditions
Melbourne Water	Consent with conditions
Central Highlands Water	Consent with conditions
Powercor	Consent with conditions
Downer	Consent with conditions
Infrastructure	Consent with conditions

## Financial Implications

The recommendation of refusal of this application would not represent any financial implications for Council.

## Risk and Occupational Health and Safety Issues

The recommendation of refusal of this application does not implicate any risk or OH & S issues to Council.

## Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. The applicant was invited to attend this meeting and address Council if desired.

## Options

An alternative recommendation would be to approve the application subject to conditions.

Approving the application would not result in any appeal of Council's decision at VCAT given there were no objections to the application.

## Conclusion

The proposed development and subdivision does not adequately respond to relevant State and local planning policy, the General Residential Zone or Clauses 55 or 56 of the Moorabool Planning Scheme.

Whilst the proposal would contribute to consolidated township growth, the lot design and aspects of the development would not be in keeping with neighbourhood character. Additionally, the layout of the development makes poor use of passive energy efficiency and the layout of the vehicle access and parking areas would not allow safe or convenient access for future residents. For these reasons the proposal is not considered to be sufficiently site responsive and should be refused.

**Recommendation:**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant a Permit for PA2016-229 for a Development of Four (4) Dwellings, Four (4) Lot Subdivision and Vegetation Removal at Lot 1 on TP 447220E, 89 Edols Street, Ballan, on the following grounds:**

- 1. The proposed subdivision does not satisfy the relevant provisions of the Moorabool Planning Scheme regarding neighbourhood character.**
- 2. The proposal does not satisfy the relevant provisions of Clause 52.06 of the Moorabool Planning Scheme in relation to safe and easy car parking.**
- 3. The proposal does not satisfy all the relevant objectives of Clause 55 of the Moorabool Planning Scheme.**

---

**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu   
**Title:** General Manager Growth and Development  
**Date:** Friday, 10 February 2017

# Attachment - Item 10.2.1

- Concrete
- Garage
- Living
- POS
- SPOS

SITE AREA	1011.67 m <sup>2</sup>
BUILDING AREA	555.03 m <sup>2</sup>
COVERAGE	54.86%
PERMEABILITY	23.25%

Area Schedule - Dwelling 1	
Name	Squarles
Area	1405 m <sup>2</sup>
POS	1405 m <sup>2</sup>
ALFRESCO	178 m <sup>2</sup>
VERANDAH	178 m <sup>2</sup>
GARAGE	258 m <sup>2</sup>
Grand Total	2426 m <sup>2</sup>

Area Schedule - Dwelling 2	
Name	Squarles
Area	1405 m <sup>2</sup>
POS	1405 m <sup>2</sup>
ALFRESCO	178 m <sup>2</sup>
VERANDAH	178 m <sup>2</sup>
GARAGE	258 m <sup>2</sup>
Grand Total	2426 m <sup>2</sup>

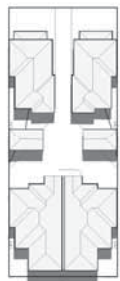
Area Schedule - Dwelling 3	
Name	Squarles
Area	1405 m <sup>2</sup>
POS	1405 m <sup>2</sup>
ALFRESCO	178 m <sup>2</sup>
VERANDAH	178 m <sup>2</sup>
GARAGE	258 m <sup>2</sup>
Grand Total	2426 m <sup>2</sup>

Area Schedule - Dwelling 4	
Name	Squarles
Area	1405 m <sup>2</sup>
POS	1405 m <sup>2</sup>
ALFRESCO	178 m <sup>2</sup>
VERANDAH	178 m <sup>2</sup>
GARAGE	258 m <sup>2</sup>
Grand Total	2426 m <sup>2</sup>

9am  
1:500



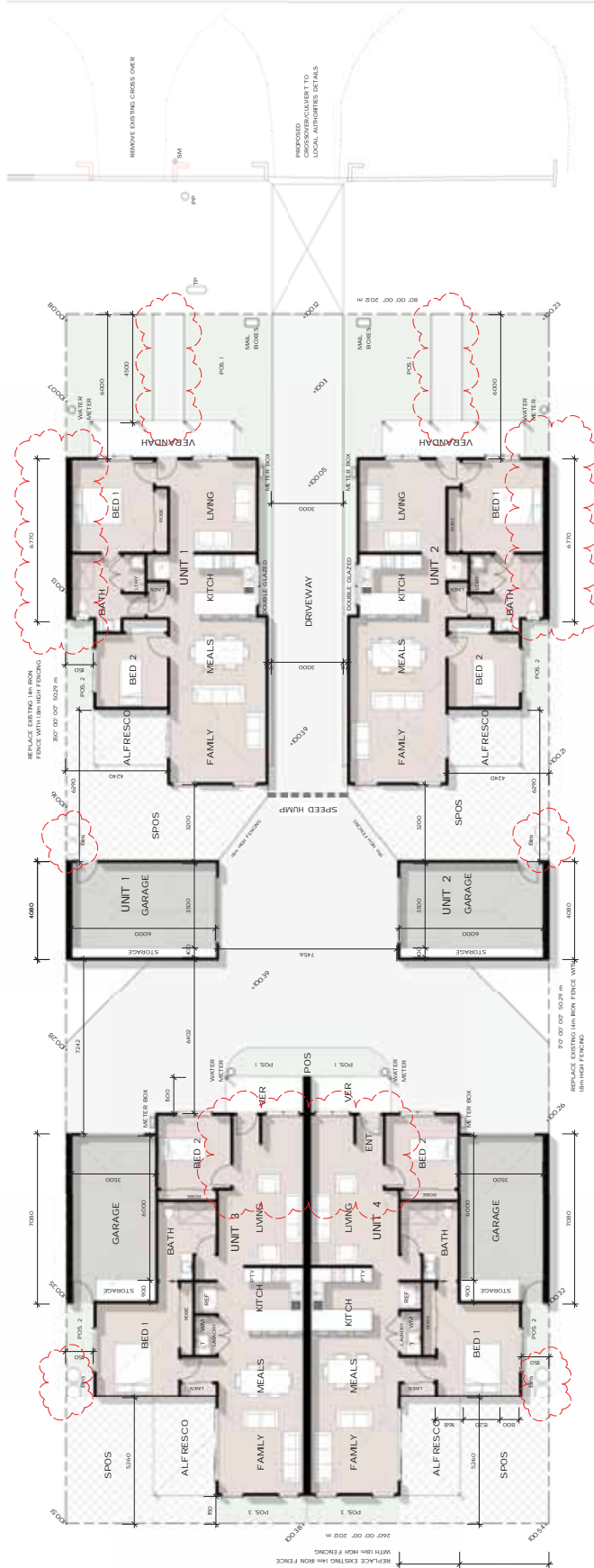
12pm  
1:500



3pm  
1:500



SHADOW DIAGRAMS  
SEPTEMBER 22



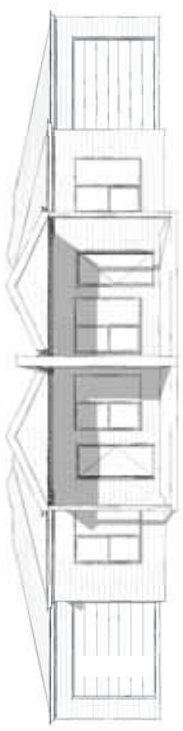
**WALL ON BOUNDARY NOTE:**  
BOUNDARY IS 50290mm.  
10m +25% OF THE REMAINING = 20072.5mm  
WALLS ON BOUNDARY TOTAL 17930mm

**FENCING NOTE:**  
ALL PROPOSED FENCING IS TO BE 18m HIGH  
COLORBOND IN WOODLAND GREY COLOUR

**LIGHTING AND VENTILATION NOTE:**  
UNIT 3 LIVING/ENT/STUDY - ROOM AREA 19056m<sup>2</sup>  
- WINDOW AREA 252m<sup>2</sup>  
UNIT 4 LIVING/ENT/STUDY - ROOM AREA 19056m<sup>2</sup>  
- WINDOW AREA 252m<sup>2</sup>

**GARAGE STORAGE NOTE:**  
UNIT 1 0.4 x 6.0 x 2.872 = 6.89m<sup>3</sup>  
UNIT 2 0.4 x 6.0 x 2.872 = 6.89m<sup>3</sup>  
UNIT 3 0.9 x 2.5 x 2.872 = 6.46m<sup>3</sup>  
UNIT 4 0.9 x 2.5 x 2.872 = 6.46m<sup>3</sup>

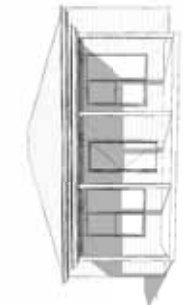
FLOOR PLAN  
1:100



PERSPECTIVE VIEW - UNITS 3 & 4



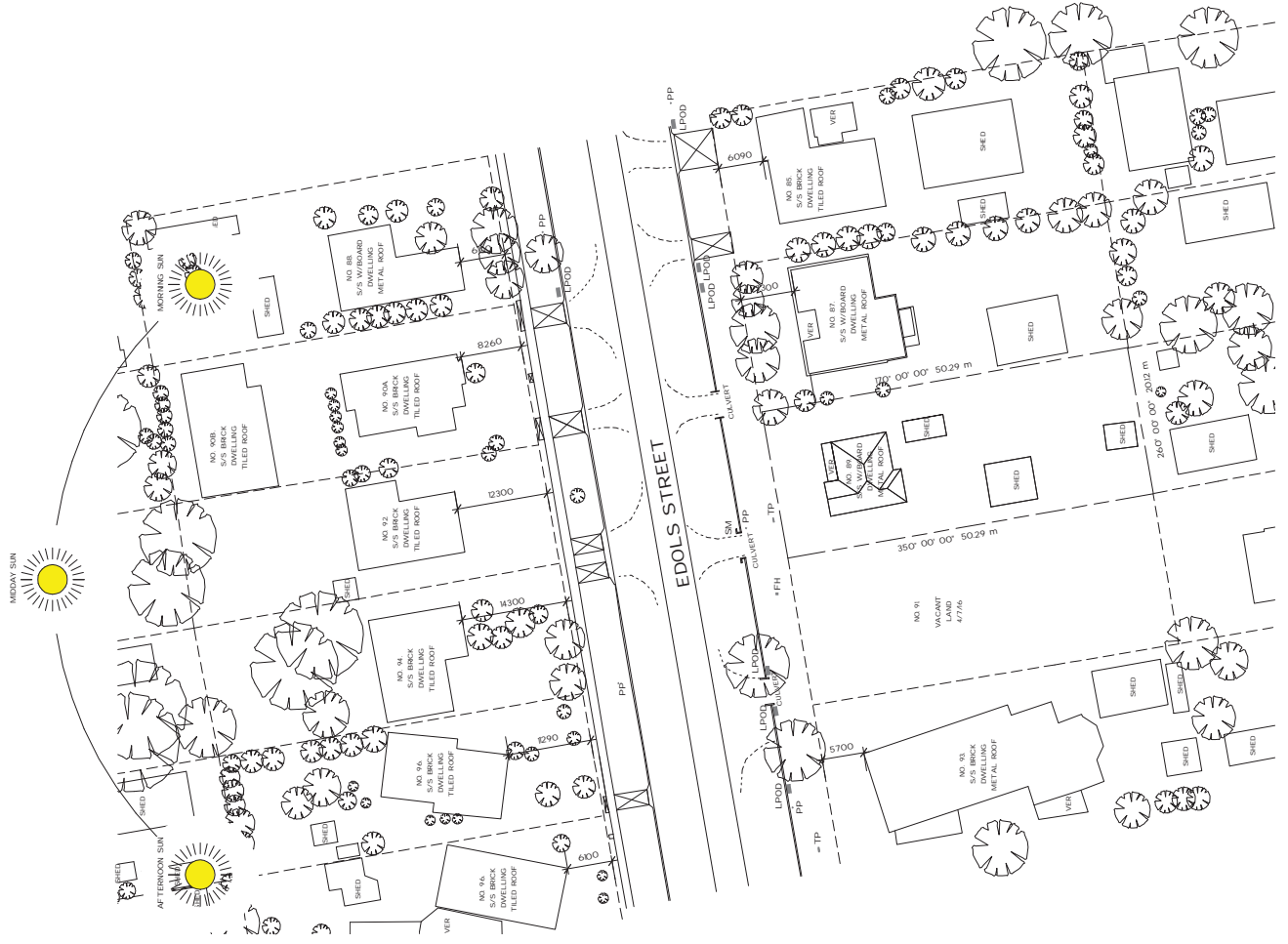
PERSPECTIVE VIEW - UNIT 2



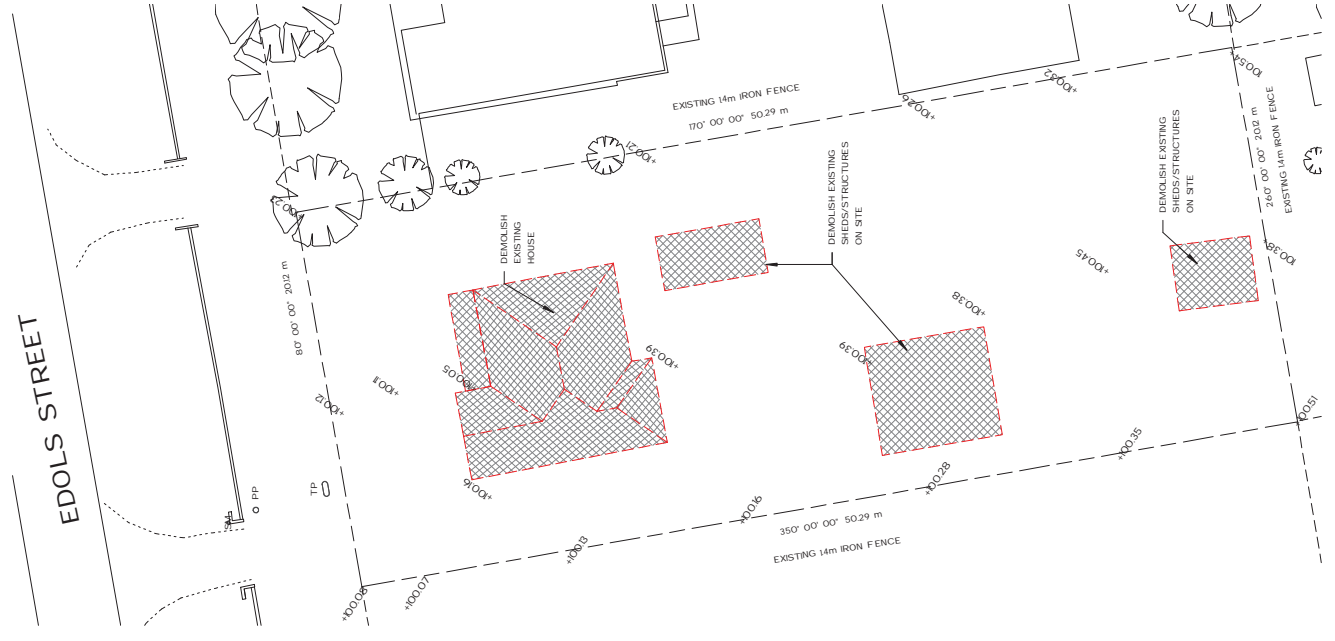
PERSPECTIVE VIEW - UNIT 1



ALL EXISTING MEASUREMENTS ARE AN APPROXIMATE ONLY.



NEIGHBOURHOOD CHARACTER  
1 : 500



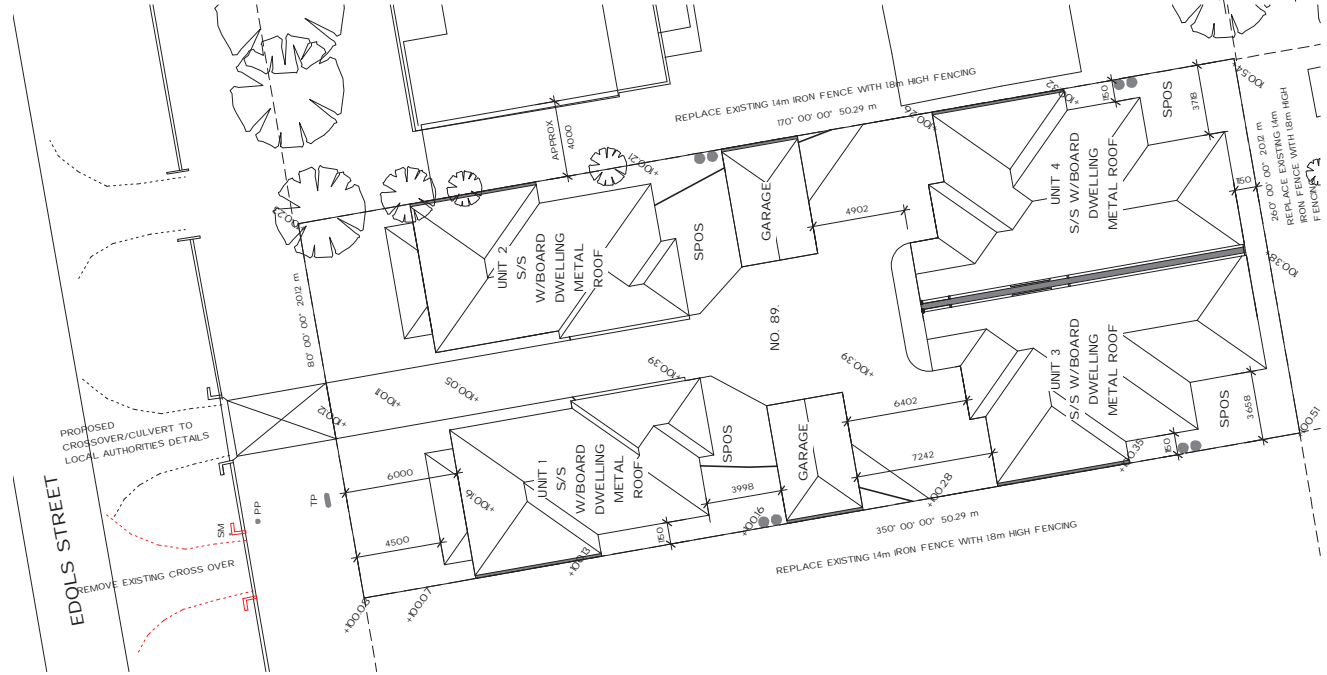
DEMOLITION FLOOR PLAN  
1 : 200

**QUALITY HOME DESIGN**  
AND DRAFTING SERVICE  
9 David Court, Darby, 3340  
Telephone (03) 5267 1000  
info@qualityhomedesign.com.au  
Reg No: DP-AD0176  
ABN: 6762604875

PROPOSED: UNIT DEVELOPMENT

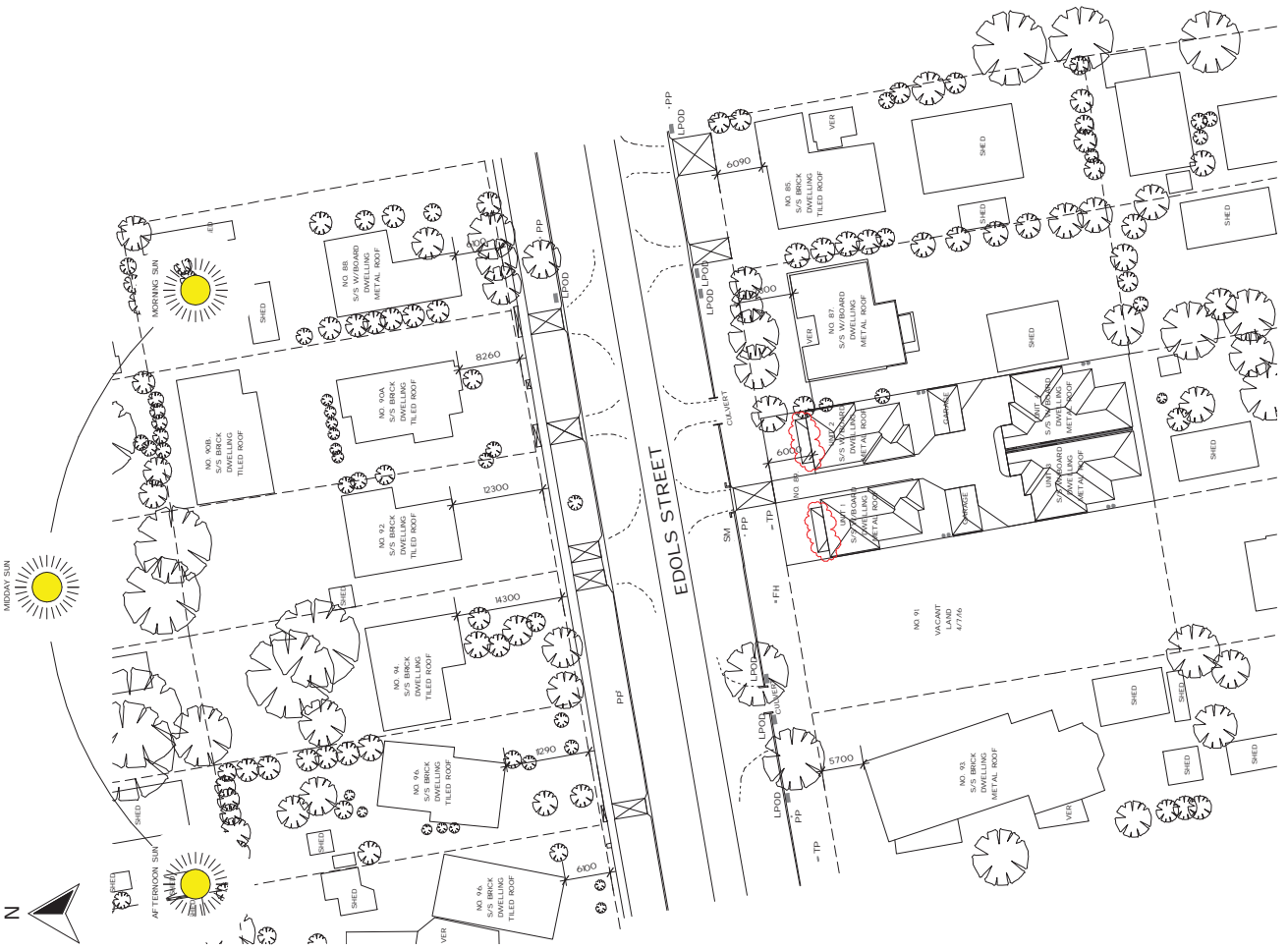
FOR: AT: LOT 1 (ING 89) EDOLS STREET BALLAN VIC 3342

DRAWN BY: CHECKED: S. HARBOTT ISSUE DATE: 22/08/2024 ISSUE STATUS: TOWN PLANNING ISSUE



**PROPOSED SITE PLAN**

1 : 200



**DESIGN RESPONSE**

1 : 500

**QUALITY HOME DESIGN**

**AND DRAFTING SERVICE**

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 Telephone (03) 5367 1400  
 info@qualityhomesdesign.com.au  
 Reg No: DP-AD0176

A 12/2026, RESPONSE TO COUNCILS' REQUEST FOR FURTHER INFORMATION

PROPOSED: UNIT DEVELOPMENT

FOR: LOT 1 (NO 89) EDOLS STREET BALLAN VIC 3342

AT: [REDACTED]

CHECKED: S. HARBOTT | ISSUE DATE: 27/02/2026 | ISSUE STATUS: TOWN PLANNING ISSUE

Sheet:  
3 of 9

DATE: 26/02/2026

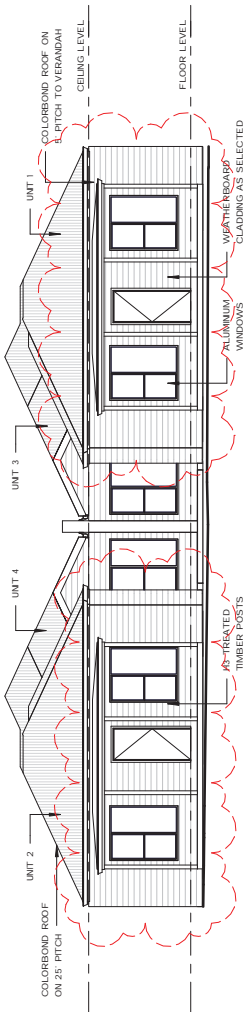
26 of 37 16034

ABN: 676540475

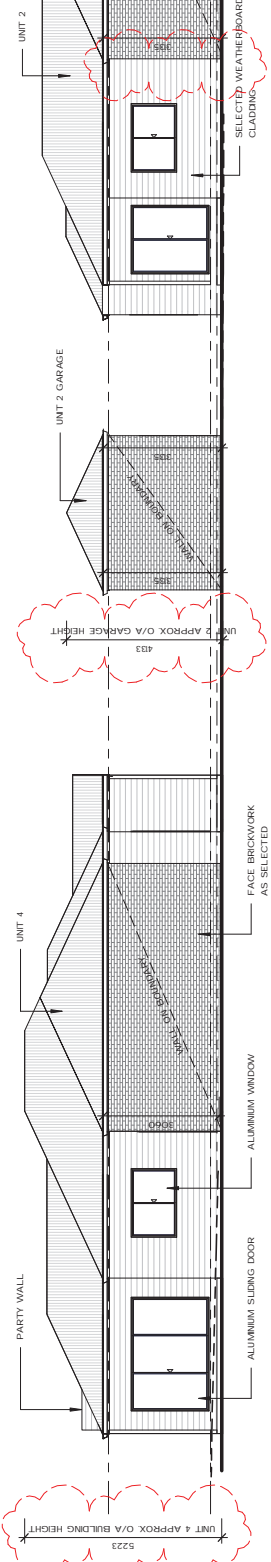


**COLOUR SCHEDULE**

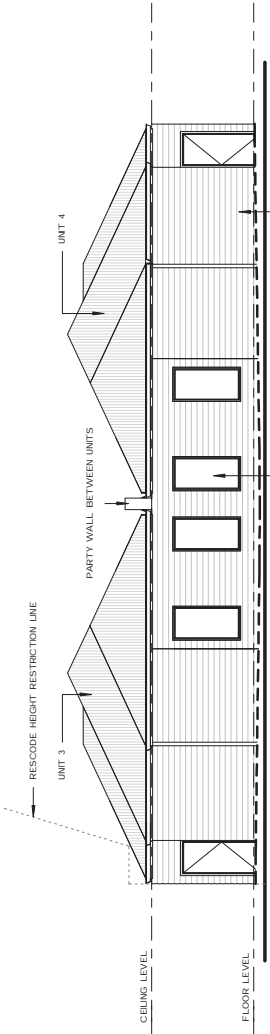
BRICK	RED BRICKS
WOODLAND GREY	WOODLAND GREY
GUTTER	WOODLAND GREY
FASGA	WOODLAND GREY
DOWNRIPS	PAPERBARK
WINDOWS	PAPERBARK
WOODWORK	PAPERBARK
TRIMMING	PAPERBARK
DRIVEWAY	INDIAN RED
	PLAIN CONCRETE



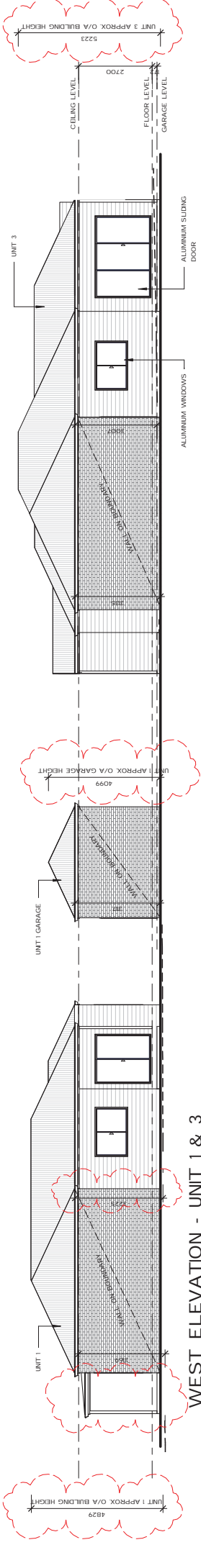
**NORTH ELEVATION - UNIT 1 & 2**  
1:100



**EAST ELEVATION - UNIT 2 & 4**  
1:100



**SOUTH ELEVATION - UNIT 3 & 4**  
1:100

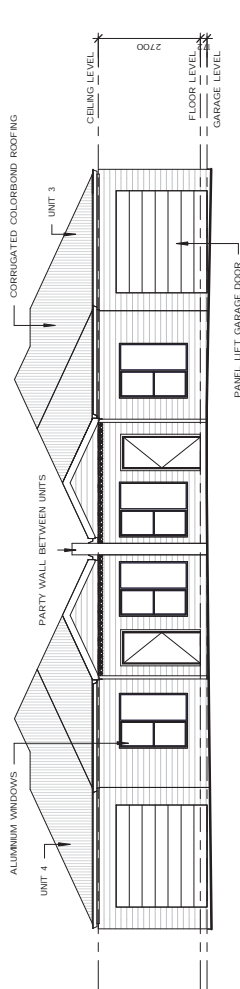


**WEST ELEVATION - UNIT 1 & 3**  
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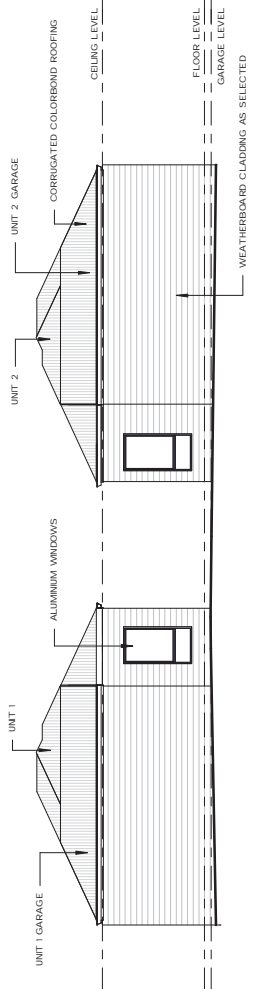
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9 David Court, Darby, 3340  
Telephone (03) 5367 1100  
info@qualityhomedesign.com.au  
Reg No: DP-AD0175

A 127076 RESPONSE TO COUNCILS REQUEST FOR FURTHER INFORMATION

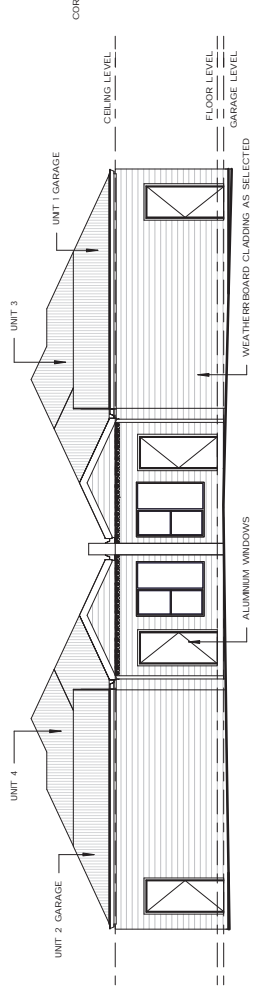
Sheet: 5 of 9  
DATE: 27.07.2026  
ISSUE STATUS: TOWN PLANNING ISSUE 4  
DRAWN BY: CHECKED: S. HARROTT  
FOR: LOT 1 (No 89) EDOLLS STREET BALLAN VIC 3342  
AM



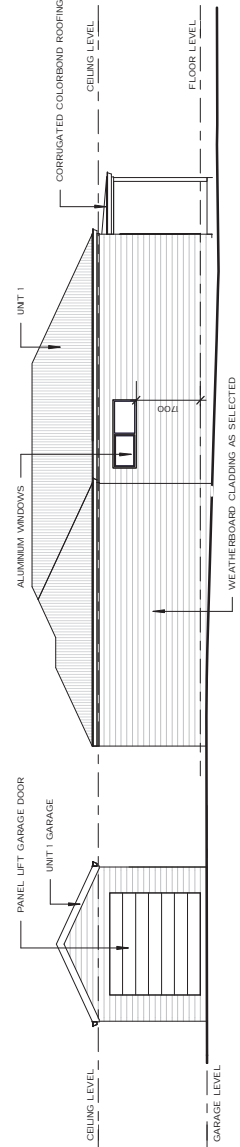
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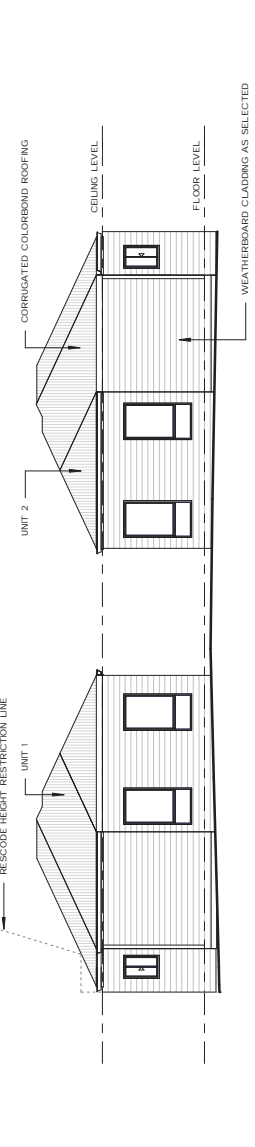
**SOUTH ELEVATION - UNIT 1 & 2 GARAGE**  
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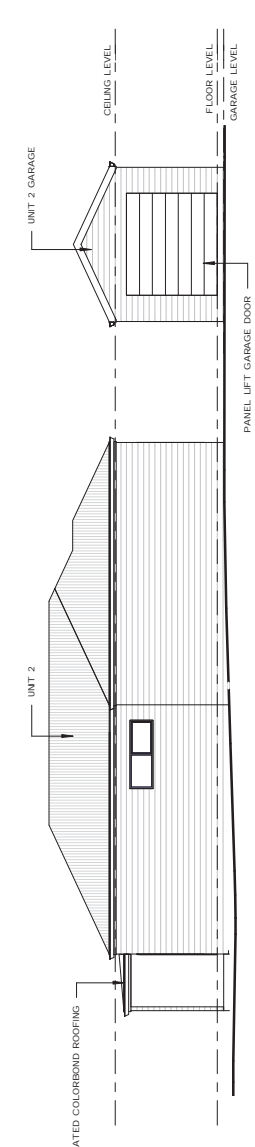
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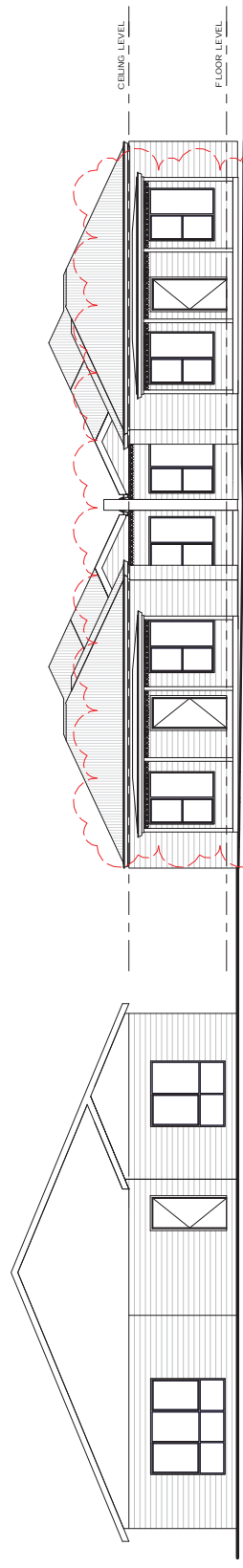
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**SOUTH ELEVATION - UNIT 1 & 2**  
1 : 100



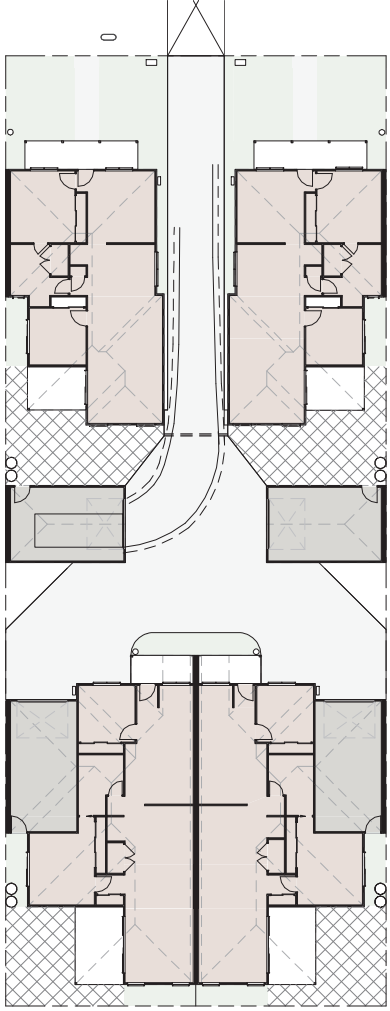
**WEST ELEVATION - UNIT 2**  
1 : 100



**STREETSCAPE ELEVATION**  
1 : 100

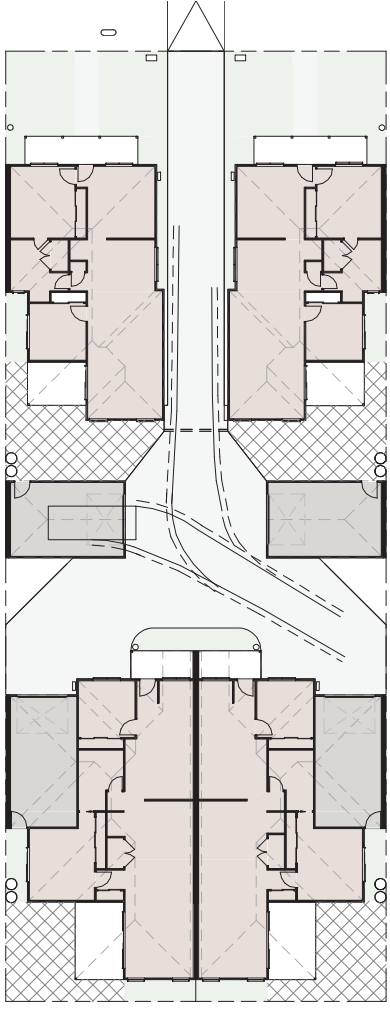
No. 89

No. 91  
VACANT LAND



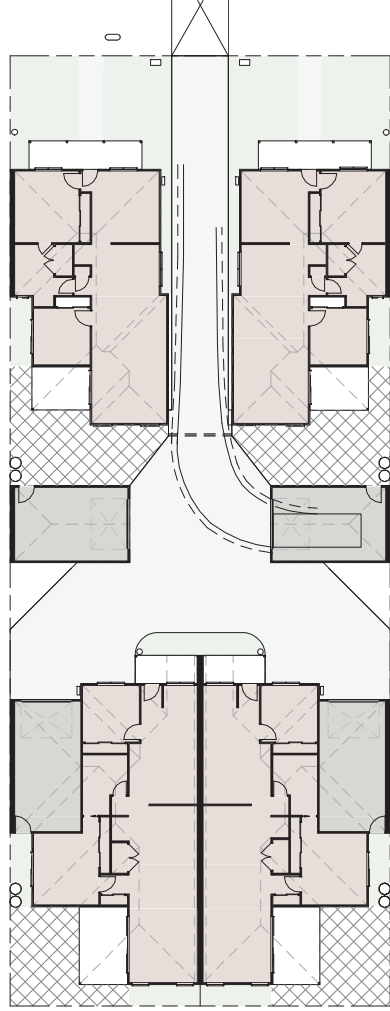
UNIT 1 SWEEP PATH - ENTRY

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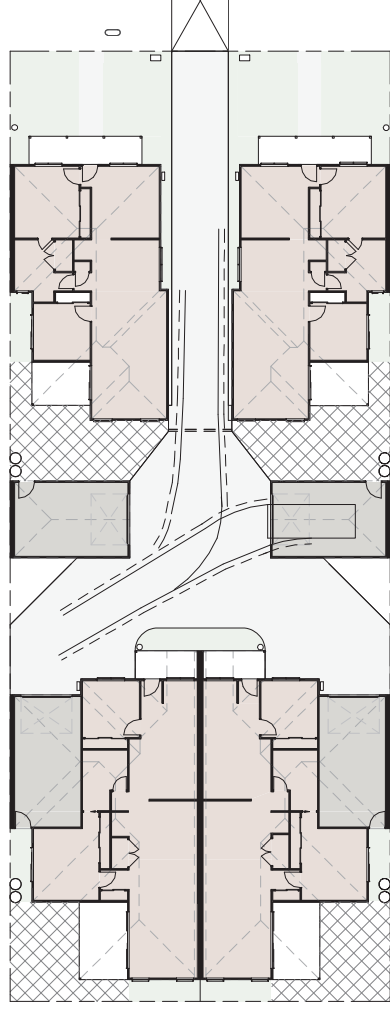
UNIT 1 SWEEP PATH - EXIT

1: 200



UNIT 2 SWEEP PATH - ENTRY

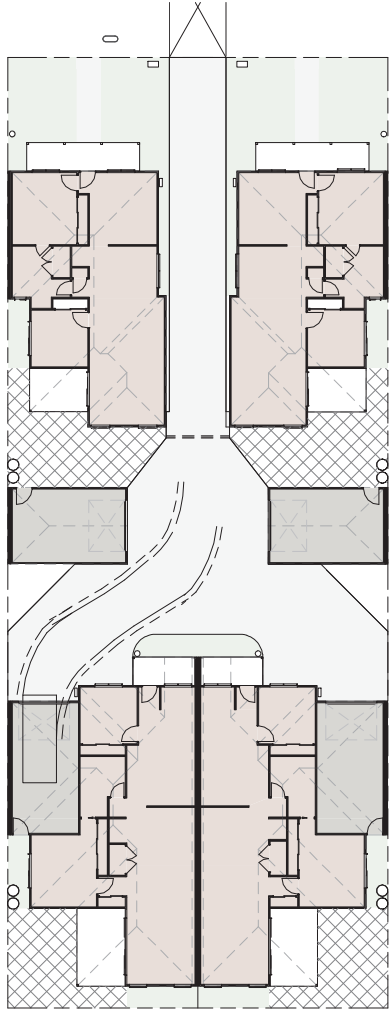
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UNIT 2 SWEEP PATH - EXIT

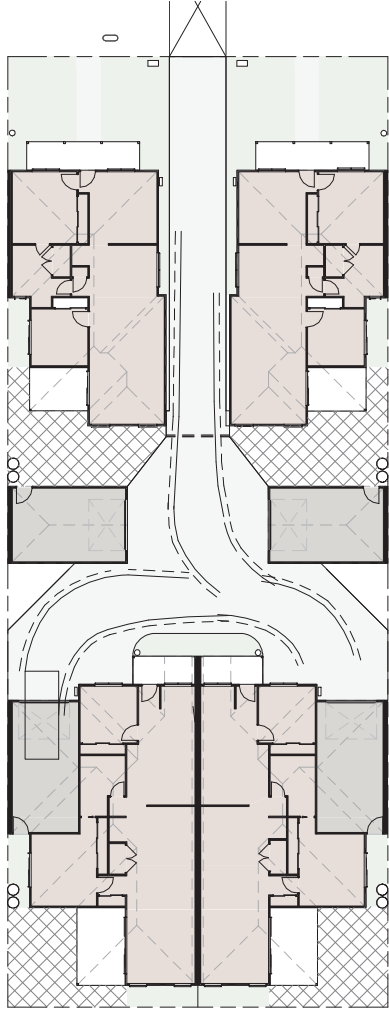
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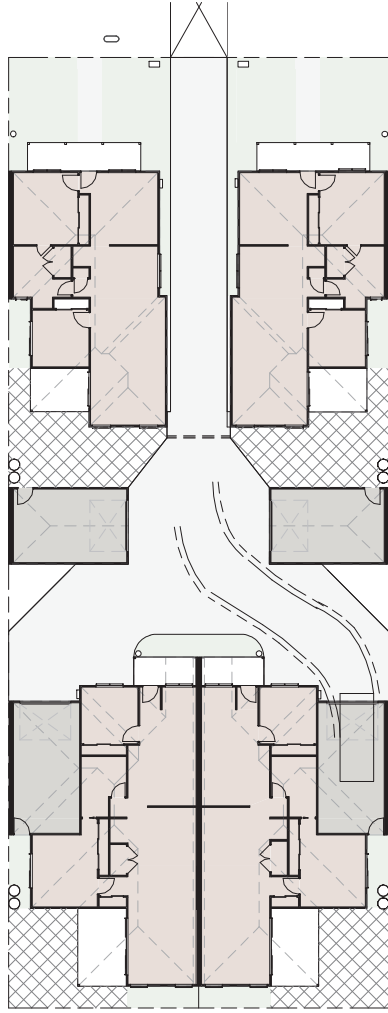
UNIT 3 SWEEP PATH - ENTRY

1 : 200



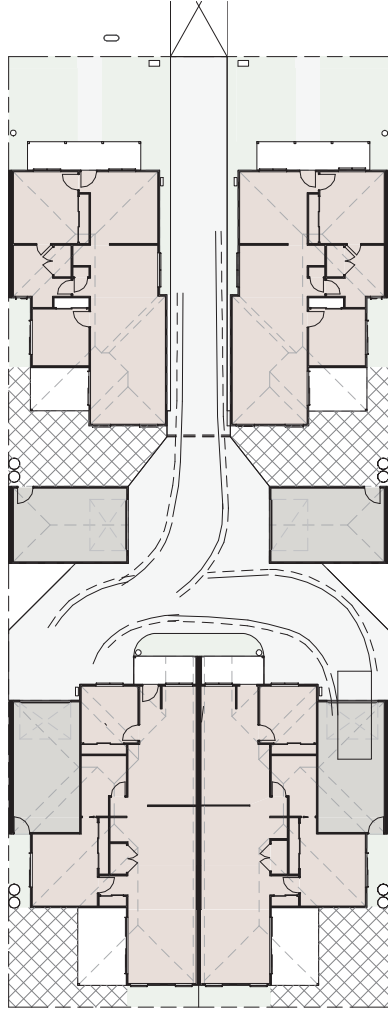
UNIT 3 SWEEP PATH - EXIT

1 : 200



UNIT 4 SWEEP PATH - ENTRY

1 : 200



UNIT 4 SWEEP PATH - EXIT

1 : 200

# PROPOSED: UNIT DEVELOPMENT

FOR:

AT: LOT 1 (No 89) EDOLS STREET BALLAN VIC 3342

## SITE PHOTOS - EXISTING



87 EDOLS STREET BALLAN



89 EDOLS STREET BALLAN



91 EDOLS STREET BALLAN



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No. \_\_\_\_\_ Date: \_\_\_\_\_

Signed Builder: \_\_\_\_\_

Signed Owner: \_\_\_\_\_

Drawn: AM

Checked: S WARROTT

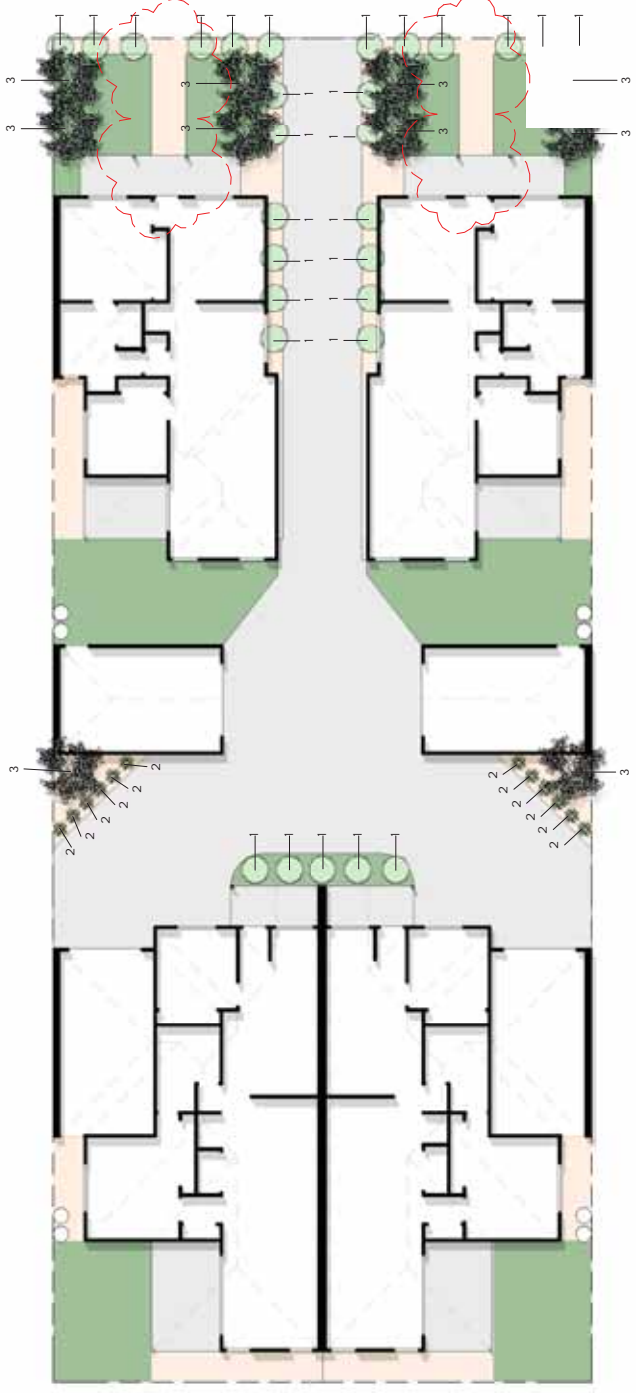
Issue Date: 22/08/2016

Issue Status: **31 of 357**

Job No:

16034

31 of 357



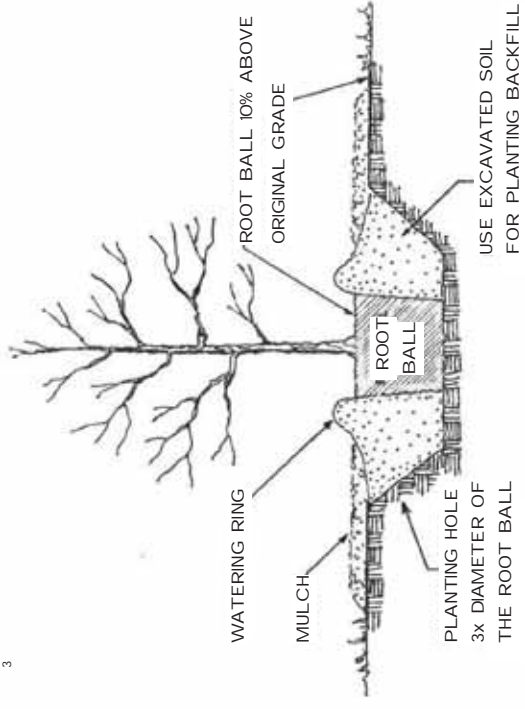
1. Agapanthus Praeox 'Agapanthus'
2. Lomandra Longfolia 'Spiny-head mat-rush'
3. Betula Pendula 'Silver birch'

- Concrete
- Garden
- Grass
- Paving
- Tuscan Topping



# LANDSCAPE PLAN

1: 200



# TREE PLANTING DETAIL

N.T.S

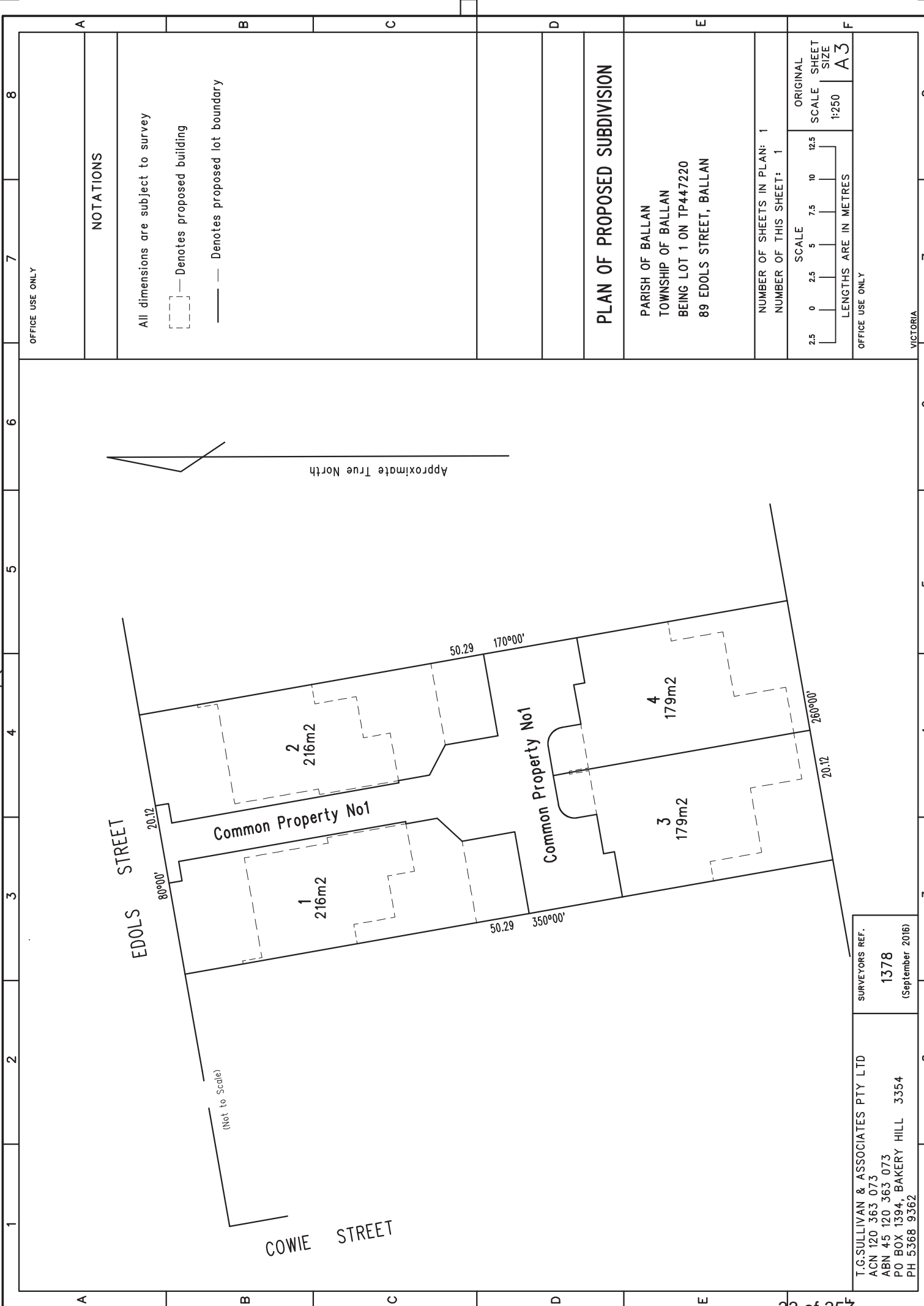
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 ABN: 678604475

A	27/10/16	RESPONSE TO COUNCIL'S REQUEST FOR FURTHER INFORMATION	AM
PROPOSED: UNIT DEVELOPMENT			Sheet: 7 of 9
FOR: LOT 1 (No 89) EDOLS STREET BALLAN VIC 3342			Job No:
AT:			32 of 35716034
DRAWN BY	CHECKED: S WARRIOTT	ISSUE DATE: 22/08/2016	ISSUE STATUS: TOWN PLANNING ISSUE

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NOTATIONS

All dimensions are subject to survey

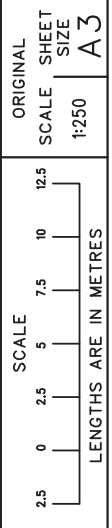
--- Denotes proposed building

--- Denotes proposed lot boundary

PLAN OF PROPOSED SUBDIVISION

PARISH OF BALLAN  
TOWNSHIP OF BALLAN  
BEING LOT 1 ON TP447220  
89 EDOLS STREET, BALLAN

NUMBER OF SHEETS IN PLAN: 1  
NUMBER OF THIS SHEET: 1



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SURVEYORS REF.  
1378  
(September 2016)

## 10.2.2 Planning Scheme Amendment C76 (Moorabool Agribusiness Industrial Area); Consideration of Submissions

File No.: 13/06/080  
Author: Rod Davison  
General Manager: Satwinder Sandhu

### Executive Summary

This report considers submissions made in response to the recent public exhibition of Amendment C76 (the Amendment). The amendment facilitates the development of the Moorabool Agribusiness Industrial Area, by rezoning 190 hectares of land at 3922 Geelong-Bacchus Marsh Road, Parwan from Farming Zone (FZ) to Industrial 1 Zone (IN1Z); rezones 116 hectares of land described as PC362391Y from IN1Z to FZ, and amends Clauses 21.01, 21.04 and 21.07 and Development Plan Overlay Schedule 1 (DPO1).

The Amendment is proponent-driven.

Council received nine submissions during the exhibition period, including one submission which objects to the Amendment.

It is recommended that Council:

- adopt a position on the submissions; and
- request the Minister for Planning to appoint a Planning Panel to hear submissions regarding the Amendment.

The amendment is generally in accordance with the findings of the *Agribusiness Analysis – Proposed Parwan Employment Precinct* (CBRE, 2015) (adopted 2015). It is also broadly supported by the *Central Highlands Regional Growth Plan* and work to date on the *Bacchus Marsh Urban Growth Framework*.

### Introduction

#### Subject Site and Surrounds

The amendment affects land known as Geelong-Bacchus Marsh Road Parwan (described as PC362391) and 3922 Geelong-Bacchus Marsh Road Parwan (described as Lots 1 and 2 TP188461, Lot 1 TP253271 and Lot 1 TP175583).

The subject site is located approximately 5.5 kilometres south of the Bacchus Marsh urban area. The land has a total area of 308 hectares and has frontages to the Geelong-Bacchus Marsh Road, Nerowie Road and Parwan South Road, of 2.28 kilometres, 1.90 kilometres and 1.48 kilometres respectively.

The land described as PC362391 is currently within the IN1Z, and is vacant farming land. The land at 3922 Geelong-Bacchus Marsh Road is currently within the FZ, and is farming land containing an old weatherboard dwelling and sheds. The topography is mildly undulating with a number of depressions which contain remnant wetlands.

The surrounding land is generally within the FZ and used for agriculture, with the exception of the following:

- Bacchus Marsh Aerodrome (FZ) – located to the west of Geelong-Bacchus Marsh Road;
- Sir Jack Brabham Park (speedway) (Comprehensive Development Zone Schedule 1) – located immediately to the east of the subject site (east side of Parwan South Road);
- Parwan Recycled Water Plant (Public Use Zone 1) – located immediately to the north-east of the subject site (east side of Parwan South Road);
- Thelma Ross Memorial Uniting Church (FZ) - located immediately to the south of the subject site (south side of Nerowie Road).

Geelong-Bacchus Marsh Road is an arterial road within the Road Zone Category 1. Nerowie Road is within the Road Zone Category 2.

#### What the Amendment Does

Amendment C76 seeks to make the following changes to the Moorabool Planning Scheme:

- Rezones PC362391Y from IN1Z to FZ.
- Rezones 3922 Geelong-Bacchus Marsh Road Parwan from FZ to IN1Z.
- Deletes DPO1 from PC362391Y.
- Applies DPO1 to Lots 1 and 2 TP188461.
- Amends Clause 21.01 to introduce the Moorabool Agribusiness Industrial Area as a key economic development opportunity for Bacchus Marsh.
- Amends Clause 21.04 to insert the Moorabool Agribusiness Industrial Area as a new strategy to achieve Clause 21.04-4 – industry objective.
- Amends Clause 21.07 to insert the Moorabool Agribusiness Industrial Area as a new strategy for accommodating township growth and updates the Bacchus Marsh Framework Plan to show the Moorabool Agribusiness Industrial Area.
- Amends DPO1 to facilitate the future development of Lots 1 and 2 TP188461 for industrial uses associated with agribusiness.



Figure 1: Land affected by the Amendment

## Background

### The Role of Council as a Planning Authority

In accordance with section 8A(1) of the *Planning and Environment Act 1987*, Moorabool Shire Council is a planning authority for the Moorabool Planning Scheme.

Section 12 of the Act sets out the duties and powers of planning authorities. In preparing a planning scheme amendment, a planning authority:

- must have regard to the Minister's directions; and
- must have regard to the Victoria Planning Provisions; and
- must have regard to any municipal strategic statement, strategic plan, policy statement, code or guideline which forms part of the scheme; and
- must take into account any significant effects which it considers the amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the amendment; and
- must take into account its social effects and economic effects.

Minister's Direction Number 11 '*Strategic Assessment of Amendments*' requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. Planning Practice Note 46 (July 2014) '*Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments*' provides a consistent framework of strategic considerations for preparing and evaluating a proposed planning scheme amendment and its outcomes.

Attachment 1 includes a flowchart which shows where Amendment C76 is currently up to in the planning scheme amendment process.

#### Authorisation of Amendment C76

At its Ordinary Meeting on 3 December 2014, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C76 to the Moorabool Planning Scheme. On 6 February 2015, Council was granted authorisation by the Minister to prepare and exhibit the Amendment, subject to four conditions (see Attachment 2) which have been complied with.

#### Public Exhibition Process

Amendment C76 was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* from 24 November 2016 to 13 January 2017. Notice was provided to all relevant Government departments, agencies and affected landowners and occupiers. Notices were placed in the Moorabool News and Victorian Government Gazette publications.

A list of all documents that were placed on exhibition is included in Attachment 3.

A total of ten submissions were received (eight of which were from agencies) in response to the Amendment, including three late submissions. The three late submissions were received within 11 days of the closing of the exhibition period. Four submissions support the Amendment, one submission supports the Amendment subject to changes, four submissions make comments on the Amendment and one submission objects to the Amendment.

#### **Consideration of Submissions**

The table in Attachment 4 outlines the specific issues raised in the submissions and provides an officer response. In the event that Council resolves to proceed with the Amendment and refer these submissions to a Planning Panel appointed by the Minister for Planning, these responses will form the basis for Council's presentation to the Panel. Five out of the nine submissions cannot be resolved through minor changes to the proposed Amendment.

The key issues raised in relation to the Amendment include:

1. Strategic planning process;
2. Proposed planning controls;
3. Industrial land supply and demand;
4. Transport / traffic;
5. Infrastructure levies;
6. Environmental / amenity Impacts;
7. Bacchus Marsh Aerodrome.

Key issues and other matters raised in the submissions are discussed in detail below.

## Key Issues

### 1. Strategic Planning Process

*Issue 1a (Submission No. 8):*

*“The Amendment is premature, lacks proper support and will create just a standard industrial estate, and potentially accommodate heavy industry.*

*.....If an agribusiness/industrial precinct in the area is necessary, the northern part of Parwan adjacent to the railway line would be a superior location; it could accommodate an interchange facility to allow for transfer of goods from road to rail, and would still have similar access to the Geelong port.*

*In addition, this area is closer to the Western Freeway and other existing infrastructure.... An agribusiness/industrial precinct closer to existing infrastructure would reduce the costs of the development to the community.*

*This amendment on its own does not go far enough, in that it is not supported by a clear vision for the precinct or directions on how it is to be achieved.*

*...There would be greater benefit in first obtaining clear strategic justification for land use changes, and preparing a master plan for all land south of Bacchus Marsh before rezoning the land.*

*...The planning needs to provide greater clarity around the vision for the area and how this will be achieved, including incentives and strategies for facilitating preferred agribusiness related uses.”*

*Response to Issue 1a:*

The Amendment implements the *Central Highlands Regional Growth Plan* (CHRGP) regional policy to ensure that Bacchus Marsh retains a strong local employment focus to reduce its role as a commuter town. The CHRGP identifies Parwan as an area with opportunities for a flexible range of rural and industrial uses.

The *Moorabool Industrial Areas Strategy* (MIAS; adopted 2015) identifies Parwan for a range of agribusiness and industrial uses and supports Amendment C76. However, the MIAS recommends that consideration should be given to finding suitable sites further to the north, closer to the Western Freeway, railway line and proposed eastern bypass road.

Council is currently working with the Victorian Planning Authority (VPA) to prepare a UGF for Bacchus Marsh. A key focus of this work will involve planning for a regionally-significant employment hub in Parwan (referred to hereafter as the ‘Parwan Employment Precinct’ [PEP]). Council has applied for State Government funding for the development of a PSP and associated background studies.

Amendment C76 was initiated by the landowners of the subject site, and Council has resolved to seek authorisation to prepare and exhibit the Amendment. Council therefore has a duty, as the planning authority, to process and consider the Amendment on its merits.

The amendment supports the following elements of the State Planning Policy Framework:

- Clause 11.02 by providing an adequate supply of urban land, specifically industrial land supply to 2051 and beyond, in an appropriate location where heavy industry can be accommodated on large sites with adequate separation from sensitive uses.
- Clause 11.06 in particular the Central Highlands Regional Growth Plan which identifies Bacchus Marsh as a growth town and more particularly Parwan as having opportunities for agricultural and industrial use and development.
- Clause 11.06-2 supports greater economic self-sufficiency for the region and facilitates economic development opportunities based on the emerging and existing strengths of the region. The amendment provides and protects buffer areas for industry from the encroachment of sensitive uses.
- Clause 11.06-3 by facilitating industrial development along existing transport infrastructure to maximise use of the network.
- Clause 11.06-5 by creating local jobs.
- Clause 11.06-6 by facilitating the establishment of new industry and the expansion of existing industry.
- Clause 11.06-8 by supporting the ongoing viability of agricultural land for primary production and agriculture, including intensive agriculture.
- Clause 14.01-2 by encouraging sustainable agriculture and associated rural land use to support and assist genuine farming enterprises to adjust flexibility to market changes. This amendment supports the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries. The amendment requires measures to minimise the quantity and retard the stormwater runoff from the industrial land.

The amendment supports the following objectives and strategies of the Municipal Strategic Statement (MSS):

- Clause 21.03 by directing employment growth to Bacchus Marsh and to providing a supply of land zoned for industry to meet population growth.
- Clause 21.04 by supporting Bacchus Marsh's role by providing adequate supplies of fully-serviced industrial land to accommodate development opportunities and create local employment. This amendment develops land with locational advantages and access to key road and rail transport links. The amendment focuses large scale employment development to suitable located and buffered sites in Bacchus Marsh and an increase in industrial and transport related activity in and around the Bacchus Marsh Aerodrome.

### *Issue 1b – Parwan Employment Precinct*

The VPA advised as follows:

*“The VPA and Council are working collaboratively to prepare an Urban Growth Framework (UGF) for Bacchus Marsh. This document is being prepared in response to State policy which earmarks Bacchus Marsh for significant growth. The State policy direction is for a regionally-significant employment hub in Parwan.*

*Parwan is earmarked as a future employment hub by State policy. The proposed zones of industrial and farming are both generally consistent with an employment hub use.*

*Any planning for an employment precinct will likely be undertaken at the precinct level via a Precinct Structure Plan (PSP), accompanied by the application of zoning and overlay provisions as appropriate. If the precinct includes the subject sites, it is likely the same zone and overlay provisions will be applied on the subject sites, consistent with planning of the broader precinct. Assessment of the current Amendment should give consideration as to how this could impact on the subject sites.”*

#### *Response to Issue 1b:*

At this point in time, zone and overlay provisions it is uncertain what zone and overlay provisions might be applied to the broader PEP as a result of any PSP process. However, it is noted that the adopted *Agribusiness Analysis; Proposed Parwan Employment Precinct* (CBRE, 2015) suggests (in Clause 13.2) that planning controls should encourage a well-defined mix of farming/agribusiness and industrial type uses. The CBRE report suggests the possibility application of the Special Use Zone (SUZ) or the Rural Activity Zone (RAZ). It is also possible that the Urban Growth Zone (UGZ) may be applied to the PEP as an interim control.

Amendment C76 proposes to rezone part of the subject site to IN1Z, to facilitate the development of an abattoir and rendering plant. These uses are consistent with the vision for the PEP. It is difficult to determine the extent to which the proposed application of IN1Z to the subject site may or may not be compatible with the ultimate application of another zone control to the broader PEP. The application of IN1Z to the subject site may result in some uses establishing which ultimately become prohibited uses under a future precinct wide zone control. It may also result in a subdivision density and/or pattern which is incompatible with a future zone control.

## 2. Proposed Planning Controls

### *Issue 2a - Proposed use of an abattoir in the proposed IN1Z:*

With regard to the proposed use of an abattoir in the proposed IN1Z, the VPA advised as follows:

*“It is noted that a planning permit application did not accompany the planning scheme amendment application.*



*In relation to land use, an 'abattoir' is included in 'rural industry' which falls within the 'industry' group. This is a section 1 use, providing the conditions of the Table of Uses at 33.01-1 are met. Should any of these 2 conditions not be met, an abattoir is a Section 2 use and requires a planning permit. During a planning permit application process, Council must have regard to the existing residential dwellings and any other sensitive land use proximate to the subject site to ensure their amenity is not adversely affected by a proposed abattoir.*

*As an abattoir is a section 1 use (providing the conditions of 33.01-1 are met), the application requirements for landscaping treatment within the IN1Z and the DPO1 will be integral to manage amenity impacts and integrate the facility into the surrounding area."*

*Response to Issue 2a:*

Well designed perimeter landscaping will be integral to managing amenity impacts and integrating development into the surrounding landscape. The exhibited draft DPO Schedule 1 requires that a development plan must include an 'Urban Design Masterplan' that includes (amongst other matters) landscaping consistent with a 'Landscape Masterplan'. The requirements for a 'Landscape Masterplan' include details, including dimensions, species selection and planting densities, of a landscape buffer area around the perimeter of the land at the interface between the site and neighbouring land uses, including all perimeter road frontages

*Issue 2b (Submission No. 8) - Zone selection:*

*"The proposed use of the Industrial 1 Zone (IN1Z) highlights that there is still uncertainty, at least in Council's view, about the future of this precinct, and is even more reason why further assessment and master planning work should be undertaken. It appears that the IN1Z is being sought by the developer in order to provide the greatest flexibility for future uses to locate in the precinct, rather than a bona fide agribusiness precinct. The IN1Z provides for a range of potential uses (either as-of-right or permit required) which may be incompatible with agribusiness uses. Also, the IN1Z lacks appropriate guidance for the exercise of discretion as to whether a use has a direct association with agribusiness.*

*... the focus appears to be on the use of the IN1Z across all or part of the area to accommodate heavy industry and modern industrial developments, which appears contrary to, and could undermine, the current and future agribusiness role of the wider precinct.*

*The lack of clarity or uncertainty about the future of this precinct supports the premise of rezoning the land to a precinct based Special Use Zone (SUZ). The SUZ would be the most appropriate planning instrument to implement the strategic objectives of an agribusiness precinct and would allow provisions to be tailored to facilitate a range of agribusiness and related uses. A SUZ could explicitly support agribusiness and related uses while preventing the establishment of incompatible industrial and other uses that would undermine the role of the precinct.*

*The application of SUZ would still require further supporting strategic work to be completed, being the preparation of an agribusiness precinct master plan, .... Also, stipulations should be developed and included for deciding if a proposal has a direct association with agribusiness.*

*There appears to be a lack of guidelines for future development ... Controls need to be put in place, including standards of quality design and building appearance, so that the development provides an attractive appearance (high level of visual amenity) when viewed from adjacent transport routes and surrounding land."*

*Response to Issue 2b:*

#### *Zone Provisions*

The submission has some merit. The IN1Z provisions do allow for a large number of uses to establish without the need for a planning permit. For example, industry (other than materials recycling and transfer station) and warehouse uses (other than mail centre and shipping container storage) don't require a planning permit, subject to satisfying the specified adverse amenity conditions. Consequently, it will not be possible to limit potential uses to those associated with agribusiness.

Council officers discussed this matter with the proponents and suggested that the SUZ may be more suitable, as a SUZ Schedule could be drafted to suit the desired mix of land uses. Importantly, a SUZ Schedule could:

- Require a planning permit for uses that have potential for adverse amenity potential, and thus enable the consideration of buffer requirements and the application of permit conditions relating to the use.
- Prohibit certain uses that might be considered detrimental to the desired outcome for the precinct.

The proponents expressed their desire to proceed with the proposed IN1Z which can be 'tested' via a Panel process. Council officers, however, would not be opposed to the use of the SUZ with an appropriate schedule to manage use and development.

Regardless of the fact that a permit is not required for large number of uses in the IN1Z, a permit is required to subdivide land, and a permit is generally required to construct a building or construct or carry out works.

#### *Overlay Provisions*

The proposed DPO requires that a development plan must be prepared to the satisfaction of the responsible authority prior to a permit being granted to use or subdivide land, construct a building or construct or carry out works. A permit granted must be generally in accordance with the development plan. The exhibited draft DPO Schedule 1 requires that a development plan must include an 'Urban Design Masterplan' that includes (amongst other matters):

- The distribution of uses, including the location of uses which require a larger separation distance from sensitive uses or food

production/processing activities centrally within the site with buffers to meet the requirements of Western Water and the Environment Protection Authority.

- Buffer areas to minimise air emissions beyond the curtilage of the land, to meet the requirements of Western Water and the Environment Protection Authority.
- Landscaping consistent with the Landscape Masterplan.

### 3. Industrial Land Supply and Demand

*Issue 3a (Submission No. 8):*

*“There has been limited demand for industrial development in Bacchus Marsh/Parwan, and there is no demonstrated need for a significantly larger area of industrial land in Parwan. .*

*... The proponent and Council have not presented adequate justification for the increase in industrial land at Parwan. ... There is vacant industrial land adjacent to the old CSR factory, which is either serviced or closer to services than the Parwan site, and land adjacent to the Maddingley coal mine.*

*Land adjacent to the old CSR factory is relatively flat and approval was previously granted by VCAT for an abattoir on part of the land”.*

*...The land to the west of the coal mine, between the SUZ1 and IN2Z, could be investigated for industrial type uses as it is unlikely that residential development could be sandwiched between these two areas.”*

*Response to Issue 3a:*

The Moorabool Industrial Area Strategy 2015 (MIAS), which was adopted by Council in December 2015, reviewed the supply and demand of industrial land in the municipality in the context of the Shire’s current and future population growth. The MIAS found that:

- the Municipality currently contains a total of approximately 346 hectares of industrial zoned land, with approximately 227 hectares being vacant or not currently used for industrial purposes;
- demand for industrial zoned land, particularly for service industry, manufacturing, and freight and logistics, is expected to increase from 146 hectares today (i.e. 2016) to 193 hectares in 2051; an increase of 47 hectares;
- a significant quantity of the remaining industrial land is affected by the encroachment of sensitive (typically residential) uses; and
- there is a need for alternative locations capable of accommodating heavy industry and, in particular, identified Parwan as the best location.

Council officers subsequently undertook a further review of industrial land supply in Moorabool (see Attachment 5), which found that only approximately 107 hectares of industrial zoned land is available for development due to environmental constraints such as steep topography, native vegetation, water features or drainage issues.

Table 1 below presents a summary of the Council officer review of industrial land supply compared with the MIAS findings.

Table 1: Summary of Council Review of Industrial Land Supply

	Total zoned industrial land	Demand (existing industrial use)	Environmentally constrained industrial land	Total available supply	20% vacancy allowance	Net available supply
MIAS (2011)	346.0	117.7	-	228.3	23.5	204.8
Council review (2016)	345.4	109.3	107.0	129.1	21.9	107.2

Council officer review of the MIAS identified some limitations in the assumptions made. Consequently, Council engaged SGS Economics and Planning in early 2017 (authors of the MIAS) to undertake a fresh review of industrial land demand, in particular:

- to align the BLU categories used in the MIAS with land use terms used in the VPPs;
- determine any increased demand associated with non-core industrial land uses (i.e. land uses that have potential to locate in industrial zones as well as other zones);
- consider the impact of rapid urban growth occurring outside of Moorabool, particularly the City of Melton to the east; and
- consider the impact of Council’s revised industrial land supply figures.

SGS produced a report titled *Moorabool Industrial Areas Strategy Update*; January 2017 (MIAS Update), a copy of which is included in Attachment 6. Below is an extract from the Executive Summary of the MIAS Update:

*“Demand assessment:*

*In reconsidering demand for industrial land are a range of non-core industrial uses that are permitted within industrial zones that sit outside of the broad land use (BLU) categories used by SGS in formulating the MIAS....*

*Taking account of demand associated with these non-core industrial land uses, an additional 37.1 hectares will be demanded by 2031, rising to 44.7 hectares by 2051.*

*Take-up of land in Moorabool may occur more rapidly as a result of demand associated with the expansion of Melton....*

*....Assuming economic growth in Melton contributes to a 10 per cent increase in industrial land take-up in Moorabool, an additional 13.7 hectares of land will be taken up by 2031, and 16.2 hectares by 2051. Taking into account an assumed 20% vacancy rate, this additional take-up results in reductions in available supply for 2031 and 2051 of 16.5 hectares and 19.3 hectares respectively.*

*Taking into account an assumed 20% vacancy rate, this additional take-up results in reductions in available supply for 2031 and 2051 of 16.5 hectares and 19.3 hectares respectively.*

*Revised market assessment and conclusion:*

*The following table outlines the findings of the revised model, showing how the demand and supply assumptions reduce the available supply of industrial land. The table also shows the impact of the rezoning, with a net of 124 hectares<sup>1</sup> added to total supply.*

*(<sup>1</sup> This figure is the sum of the developable portion of proposed IN1Z land resulting from C76 [i.e. 190 – 43 = 147ha] minus the developable portion of existing IN1Z land [i.e. 116 – 93 = 23ha]).*

**Table 2: Summary of Revised Market Assessment**

	MIAS	With revised supply figures	With revised supply figures and accounting for non-core industrial uses	With revised supply figures and accounting for non-core industrial uses and growth in Melton	Including net increase in industrial land associated with Amendment C76
Total supply	346.0	238.4	238.4	238.4	362.4
Demand (2031)	136.8	136.8	173.9	187.6	187.6
With 20% vacancy allowance	164.1	164.1	208.7	225.1	225.1
<b>Gap (2031)</b> <i>(i.e. net available supply)</i>	<b>181.9</b>	<b>74.3</b>	<b>29.7</b>	<b>13.3</b>	<b>137.3</b>
Demand (2051)	161.0	161.0	205.7	221.9	221.9
With 20% vacancy allowance	193.1	193.1	246.8	266.3	266.3
<b>Gap (2051)</b> <i>(i.e. net available supply)</i>	<b>152.9</b>	<b>45.3</b>	<b>-8.4</b>	<b>-27.9</b>	<b>96.1</b>

*Taking into account the revised supply figures and potential growth in demand, by 2031 the net available land supply is projected to be only 13.3 hectares<sup>2</sup>, which is substantially less than the 181.9 hectares projected by the MIAS*

*(<sup>2</sup> This figure excludes the increase in industrial land that would occur as a result of C76).*

*The MIAS model predicted that there would be a total of 152.9 hectares or surplus industrial land by 2051. The revised model produced as part of this engagement predicts that industrial land within Moorabool will be exhausted by around 2038, with a deficit rising to around 27.9 hectares by 2051.*

*Taking into consideration the new demand and supply assumptions detailed in this report, there is at most 22 years of industrial land supply remaining in Moorabool. However, accounting for constraints associated with existing land and uncertainties in relation to the impact of growth on the Melton economy, the supply of industrial land in Moorabool may be exhausted much sooner.*

*Given this, to ensure that the future growth of Moorabool’s economy is not stymied by a lack of suitable land, there is a need for further industrial land to be made available in the near future.”*

In response to the issues raised regarding the existing SUZ1 land, Council is currently working with the VPA to prepare a UGF for Bacchus Marsh (as discussed above). A key focus will involve planning for a regionally-significant 'Parwan Employment Precinct' (PEP). The PEP, as currently defined (refer to map on page 14 of *Agribusiness Analysis; Proposed Parwan Employment Precinct*; CBRE) encompasses a large portion of the SUZ1 land. Council could give consideration to revising the PEP boundaries, to encompass all of the SUZ1.

#### 4. Transport / Traffic

*Issue 4a: Department of Economic Development, Jobs, Transport and Resources (DEDJTR) Submission:*

*"The Department of Economic Development, Jobs, Transport and Resources is working to achieve a more integrated approach to planning coordination and management of all transport modes. In particular, one of the Department's agendas is to improve productivity and liveability, and how these outcomes are delivered in a spatial context, i.e. through integrated transport and land use planning.*

*Public Transport Victoria, VicRoads and DEDJTR have reviewed the exhibited documentation.... Reference is also made to our previous comments provided by email of 3 October 2016.... These comments still stand and are reproduced below:*

*'The Traffic Engineering Assessment report indicates that there are no issues that would require further work/resolution prior to the proposed rezoning of the land at 3922 Geelong-Bacchus Marsh Road, Parwan to an industrial zone. However, it is considered that the traffic report lacks detail, does not discuss requirements for an eastern bypass road and is not consistent with the more objective assessment provided in the Planning Report.*

*Figure 9 of the Traffic Engineering Assessment shows "likely traffic routes" between the site and Melbourne, Ballarat, Geelong and Werribee. There are concerns with the nominated route between the site and Ballarat, which indicates traffic would travel along Geelong-Bacchus Marsh Road, Grant Street and Bacchus Marsh Road to access the Western Freeway. The Traffic Engineering Assessment fails to consider how additional truck traffic generated to/from a future Moorabool Agribusiness Industrial Area in Parwan would impact upon existing congestion in Grant Street.*

*Figure 9 also suggests two routes to Melbourne – one via Geelong-Bacchus Marsh Road, Woolpack Road, Hopetoun Park Road to the Western Freeway and the other via Nerowie Road, Exford Road, Greigs Road and Hopkins Road to the Western Freeway. Whilst both options are approved B-Double routes, it is considered more desirable that truck traffic utilises the most direct route to the Western Freeway - which would be via a new eastern bypass road.*

*On this basis, the submitted documentation by Traffix Group does not demonstrate the adequacy of the existing transport network to service the future needs of Parwan.*

*The Planning Report acknowledges that Parwan scores lowest for manufacturing suitability presently but states its limitations can be addressed more readily than other precincts. Its major disadvantage is the lack of infrastructure, specifically - an eastern bypass road, gas and water. The Planning Report states that whilst infrastructure provision and/or upgrades will be costly, they can still be resolved.*

*It is agreed that an eastern bypass road is required for a range of reasons including:*

- Growth management in Bacchus Marsh*
- Reducing congestion in Gisborne Road and Grant Street*
- Reducing freight movements within the town to those that service the town*
- Better accessing planned future residential land releases in the broader Bacchus Marsh district.*

*VicRoads confirm that a brief will be issued to consultants in the coming months for an eastern bypass road corridor strategy. It is considered that the provision of an eastern bypass road is critical to the efficient operation of a future Agribusiness Industrial Area in Parwan. It also needs to be acknowledged that there are significant risks in securing an alignment for such a road, as previous work has shown.'*

*It is reiterated that the 2014 Traffic Engineering Assessment report prepared by Traffix Group fails to demonstrate the adequacy of the existing transport network to service the future needs of the Agribusiness Industrial Area in Parwan and should be revised prior to the rezoning of the land. The revised report should provide more detail regarding the types of industries that may be established on the site, the type and number of vehicles likely to service the site and the anticipated distribution of these trips to and from the site...*

*It is advised that the Victorian Government has committed to implementing road safety improvements along the Geelong-Bacchus Marsh Road along the site's frontage to address the poor safety record of this stretch of road. As part of Towards Zero 2016-2020, a wire rope barrier will be installed along the centreline to prevent crashes and a new roundabout constructed at the intersection of Geelong-Bacchus Marsh Road, Glenmore Road and Nerowie Road. These works will be completed within the next 12-18 months. VicRoads has advised that the proposed fully directional intersection at Geelong-Bacchus Marsh Road and the internal street would not be approved as it would compromise these committed safety improvements. Any future access to Geelong-Bacchus Marsh Road would be restricted to left-in/left-out movements only. The revised Traffic Engineering Assessment prepared on behalf of the applicant should reflect these constraints.*

*There is general agreement that an eastern bypass road is required for the proposed Agribusiness Industrial Area in Parwan to operate efficiently. This is highlighted in the Bacchus Marsh Integrated Transport Strategy 2015 as a key network improvement required to accommodate expected growth in the township and surrounding areas and to remove freight movements from the town centre. VicRoads is currently seeking funding to progress the preparation of an eastern bypass road corridor study. However, this may take time to secure.*

*It is noted that the proposed Schedule 1 to the Development Plan Overlay requires the preparation of an integrated Traffic Management Plan that would consider the views of VicRoads before the development plan is approved. This is supported. It is important that any integrated Traffic Management Plan details the road infrastructure improvements required both within the site and on the wider road network. (and the associated trigger points for implementation) for two scenarios:*

- a) The interim road infrastructure improvements required for existing conditions (i.e. prior to the construction of an eastern bypass road), and*
- b) The ultimate road infrastructure improvements required post-construction of the eastern bypass road.*

*PTV, VicRoads and DEDJTR look forward to working closely with Council to progress the eastern bypass road corridor study once funding is secured.”*

*Response to Issue 4a:*

*Council's Infrastructure Department has advised as follows:*

The *Traffic Engineering Assessment (TEA)* assesses only the increase in traffic generated by the increase in area between the existing Industrial Land (120 hectares) and the proposed site (190 hectares). Given that there is no activity on the site now, the TEA should be based on the whole site, unless there is evidence that the traffic increase was accounted for in the original zoning of the existing site.

Allowing for the encumbered land (HZ2 and HZ3), approximately 150 hectares of land will be available for development. Infrastructure needs will consume 25%, leaving 112 hectares, and 40% of this will be the traffic generating gross floor area (GFA) of 44 hectares.

Given that the future uses of the land are unknown, traffic generation rates can only be based on other experience. The figure of 3 vehicles per day (vpd) per 100 square metres GFA is not unreasonable based on other research, however, this indicates a daily generation rate of 13,000 vpd, and a peak rate of 1,300 vehicles per hour. The heavy vehicle component must be assumed to be at least 10%, based on existing traffic data around Bacchus Marsh.

The most recent traffic count on Geelong-Bacchus Marsh Road is 5,700 vpd, so the development represents a trebling of the traffic load on the surrounding road network.



#### Potential External Impacts:

Truck traffic accessing the subject site from the west and north via available approved B-double / Higher Mass Limits routes will have to travel through Bacchus Marsh via Gisborne Road, Grant Street, Parwan Road and Geelong-Bacchus Marsh Road. Grant Street / Gisborne Road is operating at or near capacity now.

Truck traffic accessing the subject site from the east will travel via the Western Freeway, the Avenue of Honour, Woolpack Road and Geelong-Bacchus Marsh Road. Truck traffic accessing the subject site from the south will travel via Geelong-Bacchus Marsh Road.

There is a further eastern access via Nerowie Road, however, this road is not an approved B-double route within Moorabool Shire. This route leads traffic to the Western Highway at Rockbank. Given that there is only a three minute difference between using the Western Freeway and Nerowie Road, it is unlikely that Nerowie Road will experience a big increase in traffic volumes.

For general vehicle access, the new Halletts Way / O'Leary Way north-south route will be available, with a potential bypass route via Bacchus Marsh-Balliang Road / Glenmore Road.

The intersections of Geelong-Bacchus Marsh Road / Woolpack Road, Avenue of Honour / Woolpack Road, Geelong-Bacchus Marsh Road / Nerowie Road, are all likely to require upgrades. All three intersections are under the jurisdiction of VicRoads.

It is difficult to predict the likely distribution of traffic across the three main directions west, east and south, however, even if the three split evenly, 4000+ extra vehicles must find their way through the centre of Bacchus Marsh each day to/from the Western Freeway. Another 4000+ will travel to/from the east via Woolpack Road and Nerowie Road.

#### External Works:

The TEA does not identify any external works specific to the development. A number of items are identified in the *Servicing and Development Contributions Report*, all of which are adjacent and integral to the development.

The TEA does not consider the broader impacts of the rezoning, other than charting routes on existing roads. The potential of an eastern bypass route to relieve traffic pressure within Bacchus Marsh is not discussed. While the construction of a bypass is a long term project, the TEA should at least address it, and consider the implications of the rezoning on the Bacchus Marsh Integrated Transport Strategy 2015.

### Strategic Planning Officer Response:

It is recommended that:

- The TEA be reviewed to identify:
  - The full extent of traffic generated by the industrial development of the proposed IN1Z land at 3922 Geelong-Bacchus Marsh Road (i.e. rather than based on the net increase of IN1Z land).
  - The road infrastructure improvements necessary to accommodate traffic generated on the wider road network. (and the associated trigger points for implementation) for two scenarios:
    - ❖ The interim road infrastructure improvements required for existing conditions (i.e. prior to the construction of an eastern bypass road); and
    - ❖ The ultimate road infrastructure improvements required post-construction of the eastern bypass road.
- The DPO Schedule be amended under Clause 3.0, to require that the Integrated Traffic Management Plan identify the road infrastructure improvements necessary to accommodate traffic generated on the wider road network. (and the associated trigger points for implementation) for the above two scenarios.

### 5. Infrastructure Levies

*Issue 5(a) - Victorian Planning Authority (VPA) Submission:*

*“Any future planning for an employment precinct on a greenfield site such as Parwan will likely require a Development Contributions Plan (DCP) and associated overlay to ensure the precinct is appropriately serviced and infrastructure costs apportioned between landowners and service providers. At the time of precinct planning, it may be considered necessary to combine the development contributions agreement proposed by Amendment C76 with a DCP that accompanies a Precinct Structure Plan. Assessment of the Amendment should give consideration as to how this could impact on the subject sites.*

*Site-specific responses for infrastructure, transport and drainage will be required on the subject sites. Assessment of the Amendment should give consideration as to how these might respond to a broader precinct.”*

*Response to Issue 5(a):*

It is recommended that the draft section 173 agreement relating to 3922 Geelong-Bacchus Marsh Road (i.e. the proposed IN1Z land) be amended, to include a sunset clause in respect to the *development infrastructure levy* (i.e. clause 4 of the agreement). Upon any future DCP (or Infrastructure Contributions Plan [ICP]) coming into effect, the DCP (or ICP) levy would apply to the subject land, and the *development infrastructure levy* under the section 173 agreement would discontinue.

The amendment as drafted addresses a number of known infrastructure requirements. It is however acknowledged that infrastructure requirements for the wider PEP need to be considered as development occurs on the subject land as well as the wider precinct. Referral of planning applications to relevant agencies will be critical to identifying many of these off-site issues and the required responses (road works, drainage, etc.).

Development facilitated by amendment C76 will be subject to conditions which require necessary infrastructure to be provided at developer cost. The wider PEP area will be assessed for infrastructure needs as part of future PSP preparation. It should be noted, that Council has also undertaken preliminary infrastructure planning for the wider PEP and responses will continue to evolve as planning continues in the area.

*Issue 5(b) - Submission No. 8:*

*“The subject land is akin to a growth area or strategic development area where the scale of development will necessitate new infrastructure in its own right or more expensive upgrades to infrastructure than would normally be expected of infill developments.*

*However, it appears that the developer is attempting to take advantage of a ‘get in early’ approach, before planning has been undertaken for the wider area and infrastructure requirements and funding arrangements have been developed.*

*... There is considerable uncertainty with the approach proposed by Council and the proponent, particularly in relation to the cost of infrastructure items in the absence of a costed DCP. This lack of certainty exposes Council to potential risk of addressing the gap of underfunded infrastructure, which may impact upon Council’s service delivery and spending in the future.*

*It may be prudent to await the preparation of a DCP for the area before finalising the rezoning. This will provide the opportunity to match the infrastructure requirements to the final form of the DCP and better enable Council to properly plan how it will implement infrastructure projects and fund any shortfall.”*

*Response to Issue 5(b):*

As per the VPA’s comments above, it is likely that the Parwan Employment Precinct will be the subject of a future PSP and an accompanying DCP. Upon any future DCP (or ICP) coming into effect, it is envisaged that the development infrastructure levy under the section 173 agreement would discontinue. Thus, the DCP (or ICP) levies would apply to the portion of the proposed IN1Z land that remains undeveloped at that point in time, and to which the development infrastructure levy under the s173 agreement has not been previously applied.

*Issue 5(c) - Submission No. 8:*

*“The exhibited draft section 173 agreement is vague and uncertain in relation to the delivery of drainage works and infrastructure projects. It appears that the responsibility for delivery of the works can be passed on from the original subdivider to future owners. This appears to be contrary to the practice of requiring the subdivider to provide all infrastructure before selling the land, and may require Council to negotiate with multiple owners to gain delivery of the works and/or projects.”*

*Response to Issue 5(c):*

The intention of the draft section 173 agreements is that the developer will be responsible for the delivery of the following works at the time of development, as required by conditions of any relevant planning permit:

- ‘Localised infrastructure’; meaning works, services or facilities on the subject land necessitated by the subdivision or development of land.
- ‘Infrastructure project’; meaning an infrastructure project in the general vicinity of the subject land.
- ‘Drainage works’; meaning:
  - the construction of a retarding basin on the adjoining land (described as PC362391Y);
  - the provision of water sensitive urban design treatments to the drainage lines leading to and from the retarding basin on the adjoining land;
  - any water storage or distribution infrastructure associated with the reuse of stormwater or treated wastewater; and
  - any other drainage related works that are required in a planning permit issued in respect of the development of the subject land.

As per standard practice, the draft section 173 agreements will be registered on title and will be binding on future landowners to the extent that any works remain unfulfilled. The draft agreements are merely explicit in this respect.

*Issue 5(d) - Submission No. 8:*

*“At this stage, Council doesn’t appear to have an adopted position on the provision of infrastructure within the Parwan area. There is considerable uncertainty with the approach proposed ..... particularly in relation to the cost of infrastructure items in the absence of a costed DCP.”*

*The basis for the levy for ‘general infrastructure works’ is vague and uncertain and the ‘development infrastructure levy’ of \$2,631.58 per hectare of land appears to be well below levies for similar development in neighbouring municipalities; e.g. Melton and Wyndham. In addition, the recommended standard levies for industrial/employment land in growth areas are \$63,000 (non-metropolitan) and \$80,000 (metropolitan) per net developable hectare.*

*A \$500,000 contribution by the developer is only a token payment towards the major infrastructure upgrades, for example, transport infrastructure, required to cater for the development of the area. ... The plan seems to include several if not tens of millions of dollars of infrastructure which is un-costed and to which only \$500,000 seems to be apportioned to the developer.*

*...indexation of the levy is based on the CPI rather than by reference to an appropriate industry index to ensure that the levy reflects contemporary infrastructure requirements. Such an approach has been regarded as inappropriate elsewhere ...*

*It is critically important that the real value of any proposed development infrastructure levy is maintained over time. The failure of some of the DCPs approved in the early to middle part of the last decade, to properly adjust for price and value changes has led to significant funding gaps for the Councils involved...”.*

*Response to Issue 5(d):*

The *development infrastructure levy* is based on an overall contribution of \$500,000, being a figure that was negotiated between the landowner and Council senior management. As discussed above, upon any future DCP (or ICP) coming into effect, it is envisaged that the development infrastructure levy under the s173 agreement would no longer apply. Thus, the DCP (or ICP) levies would apply to the portion of the proposed IN1Z land that remains undeveloped at that point in time, and to which the development infrastructure levy under the section 173 agreement has not been previously applied.

The draft section 173 agreements were prepared by legal consultants on behalf of Council. The purpose of the draft agreements, as outlined in the exhibited documents, is to ensure the provision of developer funded outfall drainage works, and road and drainage infrastructure projects within the general vicinity of the subject land.

## 6. Environmental / Amenity Impacts

*Issue 6a - Separation distances (i.e. buffers):*

a) The EPA has advised as follows:

*“Separation Distances*

*Within the immediate vicinity of the site there are several agribusiness or agricultural related industries currently operating, including the Parwan Western Water Treatment Plant, Genetics Australia, poultry farms and the Parwan Valley Mushroom.*

*EPA notes that there are also some existing residents to the south and west of the site. Potential amenity impacts to existing residents will need to be considered.*

*The Moorabool Agribusiness Industrial Area includes a proposed abattoir and rendering plant, as well areas for manufacturing and sales, and storage and distribution. The scale and intensity of these types of land uses will dictate appropriate buffer zones from sensitive uses in accordance with EPA Publication 1518 Recommended separation requirements for industrial residual air emissions (2013).*

*... The Moorabool Agribusiness Industrial Area Concept Plan has been provided in schedule 1 to the Development Plan Overlay, however in order for the EPA to determine potential amenity impacts, the scale and locations of operations would need to be further considered. There are various uses in Section 1 (permit not required) and Section 2 (permit required) of the Industrial 1 Zone ...”.*

#### Noise

*Management of noise will also be a key issue into the future. EPA Publication 1411 Noise from Industry in Regional Victoria (NIRV; 2011) will need to be considered. This publication sets recommended maximum noise levels that apply to noise impacting on noise sensitive areas. Council will need to ensure that recommended noise levels at surrounding sensitive receptors can be met.”*

b) The VPA has advised as follows:

*“An abattoir development, or another industrial use with off-site air emission impacts, on the subject site may require consideration of cumulative impacts due to proximity of the Parwan Wastewater Treatment Plant which also has off-site air emission impacts.”*

c) Western Water has advised that it has no objection to the Amendment, provided that the following items are taken into consideration:

- *“A buffer is set around the Parwan Recycled Water Plant (RWP) that takes into account both the current and future expected populations in accordance with the relevant EPA guidelines on separation distances.*
- *Uses of the industrial land are consistent with the EPA guidelines on separation distances and do not impact upon the operation of the plant. These proposed uses cannot compromise the continued operation or expansion of the recycled water plant facilities to service both current and future growth of the shire without express approval from Western Water.*
- *Any use of the proposed industrial land includes the requirement for an odour assessment for the proposed use. The odour assessment should take into account other nearby odour generating sources. There may be occasions that multiple odour generating sources may impact upon a larger area requiring larger buffer distances.*
- *Any development or land use application proposal must be accompanied by plans indicating distances of property boundaries and any proposed buildings to the property boundary of the RWP, an estimate of the number of persons drawn to the buffer area as a result of the proposal and an odour impact assessment if the proposed use will generate odours.*

- *Work commences shortly on the creation of an Environmental Significance Overlay (ESO) to identify and enforce a buffer from significant odour sources within the Parwan area.*
- *Land owners and developers shall be made aware of the current and future buffer around the recycled water plant and its likely expansion and/or intensification over time.*

*On this occasion, Western Water is supportive of the rezoning of industrial land to Farming Zone in close proximity to the recycled water plant. Generally farming land is an acceptable use within land that may be affected by the operation of the plant.*

*...Western Water would be concerned with any new proposals to rezone land within the buffer to the Parwan Recycled Water Plant to industrial. Western Water's preference is for land within the buffer to remain as Farming Zone.*

*To determine the most appropriate buffer for the Parwan Recycled Water Plant, Western Water has been in consultation with the Victorian Planning Authority and will be looking at commencing an odour study shortly. It is hoped that this will inform future zoning decisions by both Moorabool Shire Council and the Victorian Planning Authority and form the basis of an ESO."*

d) Submission 8 commented that:

*"There is a lack of analysis of buffers required from future industrial development to existing uses in the area, including the broiler and mushroom farms, or potential impacts on harness racing training establishments...."*

*Response to Issues 6a*

As discussed above, the proposed IN1Z will result in potential for a large number of uses to establish without the need for a planning permit. Consequently, separation distance (i.e. buffer) requirements for dust, odour and noise will need to be determined as part of the development plan approval process under the proposed DPO schedule. However, the difficulty with this approach is that the exact type and intensity of uses will not be known at the time of development plan preparation, with the possible exception of the proposed abattoir and rendering plant.

In order to provide some opportunity for consideration of cumulative off-site air emission impacts (i.e. odour), it is recommended that the proposed DPO schedule be amended to include a requirement for:

- A Parwan Recycled Water Plant (RWP) Impact Assessment Report prepared in consultation with Western Water and the Environment Protection Authority that includes:
  - An odour assessment for the proposed abattoir and rendering plant, that gives due consideration to cumulative impacts due to the proximity of the Parwan RWP and other nearby odour generating sources.

- Buffer areas around the Parwan RWP, abattoir and rendering plant, that take into account both the current and future expected populations, designed in accordance with the relevant EPA guidelines on separation distances. (N.B. Multiple odour generating sources may impact upon a larger area, thereby requiring larger buffer distances.)

It is also noted by staff that the concerns raised in submission 8 could be addressed by use of the SUZ. Uses with potential for significant adverse amenity impacts could be scheduled as Section 2 (permit required) uses, thereby enabling due consideration of separation distances and the application of appropriate permit conditions.

*Issue 6b - State Environment Protection Policies (SEPPS)*

The EPA has advised that:

*“It is recommended that the requirements for the development plan include an assessment of the proposal against relevant State Environment Protection Policies (SEPP’s).*

*Consideration of the issues identified above will assist in protecting both the viability of industry and human health and amenity.”*

*Response to Issue 6b*

The proposed DPO Schedule 1 requires that a development plan must be prepared to the satisfaction of the responsible authority prior to a permit being granted to use or subdivide land, construct a building or construct or carry out works. A permit granted must be generally in accordance with the development plan.

The purpose of the development plan is to set a ‘framework’ for the consideration of future land development proposals, and for future land use proposals in instances where a planning permit is required. The DPO offers only limited potential for consideration of SEPP requirements, as the exact details of uses will not be known at the time of development plan preparation, with the possible exception of the proposed abattoir and rendering plant.

The exhibited draft DPO Schedule 1 includes a requirement for:

*“An **Integrated Water Management Plan** prepared in consultation with Melbourne Water, Western Water, the Environment Protection Authority and Moorabool Shire Council that includes (amongst other matters):*

- *Details of how the harvesting and reuse of stormwater and treated wastewater will be appropriately managed in accordance with the requirements of State Environment Protection Policies, the Environment Protection Authority, Melbourne Water and Western Water.”*

It is recommended that the draft schedule be amended to refer specifically to the relevant SEPPs, these being the SEPP (Waters of Victoria) and the SEPP (Groundwaters of Victoria).



It is not possible for the DPO Schedule 1 to refer to other SEPPs, such as:

- SEPP (Ambient Air Quality)
- SEPP (Air Quality Management)
- SEPP (Prevention and Management of Contamination of Land)
- SEPP (Control of Noise from Commerce, Industry and Trade)

The proposed IN1Z will mean that any consideration of these SEPPs will be limited to future land use proposals in instances where a planning permit is required.

#### *Issue 6c - EPA Works Approval*

The EPA has advised that *"a works approval will be required for the abattoir and rendering plant in accordance with the Environment Protection (Scheduled Premises and Exemptions) Regulations 2007"*.

#### *Response to issue 6c*

This matter is beyond the scope of the Amendment. A future planning permit application will be required for the development of the proposed abattoir and rendering plant; and possibly also for the use, if the proposal does not satisfy the adverse amenity conditions under Clause 33.01-1 (IN1Z) of the Moorabool Planning Scheme.

#### *Issue 6d - Potential Land Contamination*

The VPA has advised that *"In accordance with PPN30, consideration should be given to the potential for land contamination and the need for an associated assessment given the land will be rezoned to FZ which will allow as-of-right agriculture uses"*.

#### *Response to Issue 6d*

The VPA is referring to the land described as PC362391, which is proposed to be rezoned from IN1Z to FZ.

Planning Practice Note 30 (Potentially contaminated land; 2005) notes that Section 12 of the *Planning and Environment Act 1987* requires a planning authority when preparing a planning scheme amendment to 'take into account any significant effects which it considers amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the amendment'.

Ministerial Direction No. 1 – Potentially Contaminated Land (Direction No. 1) requires planning authorities when preparing planning scheme amendments, to satisfy themselves that the environmental conditions of land proposed to be used for a sensitive use (defined as residential, child-care centre, pre-school centre or primary school), agriculture or public open space are, or will be, suitable for that use.

If the land is potentially contaminated and a sensitive use, agriculture or public open space are proposed, Direction No. 1 provides that a planning authority must satisfy itself that the land is suitable through an environmental audit.

Potentially contaminated land is defined in *Ministerial Direction No. 1 – Potentially Contaminated Land*, as “land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land)”.

In this instance, the land proposed to be rezoned from IN1Z to FZ is currently used for agriculture and is not known to have been previously used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel. Therefore, the land is not considered to be potentially contaminated, and an environmental audit is not deemed necessary.

#### 7. Bacchus Marsh Aerodrome

The Bacchus Marsh Aerodrome is located to the west of the subject site, with the closest runway being approximately 1.3 kilometres away. The Aerodrome comprises two runways, with one being oriented approximately north-south and the other being oriented approximately east-west.

##### *Issue 7a – Not a CASA Regulated Aerodrome*

The Civil Aviation Safety Authority (CASA) has advised that the aerodrome is an ‘Aeroplane Landing Area’ and is not a regulated aerodrome or subject to CASA oversight. However, the exhibited Development Plan Overlay Schedule 1 (DPO1) requires that the development plan must include a ‘Bacchus Marsh Aerodrome Impact Assessment Report’, prepared in consultation with CASA, the Aerodrome manager and Moorabool Shire Council, that is consistent with the National Airports Safeguarding Framework.

##### *Response to Issue 7a*

It is recommended that the DPO1 be amended by deleting the reference to CASA.

##### *Issue 7b - Obstacle Limitation Surface (OLS) Penetrations*

CASA advised that, further to the management of obstacle limitation surface (OLS) penetrations (i.e. as proposed under the exhibited DPO1), the approach to runway 27 and take-off from runway 09 are directly over the site. There is commentary about wildlife in the exhibited documentation but there is no analysis of the potential impact of wildlife activity on aircraft activities. There may be the potential for aircraft to be operating at low levels over the site and an interaction with birds. From a duty of care perspective it may be advisable to understand this risk further.

Bacchus Marsh Aerodrome Management Inc. advised that the Amendment will be advantageous, as it will move the proposed industrial estate further away from the aerodrome. In particular, it will move the industrial estate away from under the flight path of powered aircraft landing on runway 27 which is the most heavily used of all the runways.

##### *Response to Issue 7b*

The Amendment and ultimate industrial development is likely to result in reduced risk to aircraft.

The exhibited DPO1 requires that the development plan must include an 'ecological assessment report', and that any future permits for subdivision must include a 'habitat zone management plan' for Bingham's Swamp and any other habitat zones to be retained. The 'habitat zone management plan' must include management actions for each habitat zone and associated buffer areas to mitigate risks to ecological values during subdivision and construction and from the industrial use of the balance of the land. The implementation of management plans for Bingham's Swamp and other habitat zones is unlikely to result in increased bird numbers or movements.

### **Is a Planning Panel Required?**

In accordance with section 22 of the *Planning and Environment Act 1987*, Council must consider all submissions made on or before the closing date set out in the notice.

Pursuant to section 23 of the Act, after considering any submission which requests a change to the amendment, Council as the planning authority must:

- a) change the Amendment in the manner requested in any submissions; or
- b) refer the submissions to an independent Planning Panel appointed under Part 8 of the Act; or
- c) abandon the Amendment or part of the amendment.

In this instance, Council is not able to resolve all the issues raised in submissions by changing the Amendment. Thus, Council must either refer the submissions to a Planning Panel, or abandon the Amendment.

A Planning Panel hearing is recommended. The Planning Panel will give submitters an opportunity to be heard in an independent forum and in an informal, non-judicial manner.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area 1</b>	Community Wellbeing
<b>Objective</b>	A strong and diverse local economy.
<b>Strategy</b>	Investigate and plan areas for potential employment zones. Collaborate with other agencies/business partners in pursuing agricultural value adding industries in the region.

The proposed changes to the planning scheme are consistent with the 2013-2017 Council Plan.

**Financial Implications**

Proceeding with the Amendment has directly associated costs generated by the appointment of a legal representative or alternatively an independent planning consultant to present Council's submission at the Panel Hearing. It is estimated this is likely to cost in the range of \$20,000 - \$50,000 for a three to four (3-4) day hearing (including preparation time and evidence/submissions).

The Amendment to date has had significant financial implications with respect to staff time and legal advice (estimated at \$30,000 to \$40,000 over several years). Council staff attendance at the Panel as well as further reports post the Panel hearing will involve additional commitment of staff resources on what is a proponent driven amendment.

**Risk & Occupational Health & Safety Issues**

The Amendment poses complex strategic issues which need to be managed to avoid reputational risk, as follows:

- Council is yet to complete a UGF for Bacchus Marsh, in collaboration with the VPA. The Amendment therefore needs to be carefully drafted so as not to jeopardise any preferred future directions for the PEP and PSP to follow.
- Avoiding future financial risks, through underfunded infrastructure, being passed on to ratepayers. Any future planning for the PEP will likely require a DCP and associated overlay to ensure the precinct is appropriately serviced and infrastructure costs apportioned efficiently between landowners and service providers.
- Choice of appropriate zoning. This is best resolved in a Panel hearing process with the proponent and any submitters given opportunity to further consider the optimal option for investment delivery upon the subject land.

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Financial – Inadequate funds to provide external infrastructure	Inadequate financial management	High	Await completion of the UGF for Bacchus Marsh and a DCP for the PEP.

**Communications and Consultation Strategy**

Consultation occurred during the formal exhibition period, with affected property owners/occupiers and relevant authorities. If Council proceeds with the Amendment, a Planning Panel will be appointed to hear submissions to the Amendment. All submitters would be notified by Planning Panels Victoria and provided the opportunity to address the Panel.

## **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 – Rod Davison*

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

### **Conclusion**

As Council is not able to resolve the issues raised in submissions by changing the Amendment, it is considered appropriate that Council should refer the submissions to a Planning Panel.

### **Recommendation:**

**That Council, having considered all submissions to Moorabool Planning Scheme Amendment C76, resolves to:**

- 1. Request the Minister for Planning to appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987* for Amendment C76.**
- 2. Refer Amendment C76 (including submissions) to the Planning Panel for consideration.**
- 3. Adopt a position on submissions to Panel as outlined in the Table to Attachment 10.2.2 (4).**

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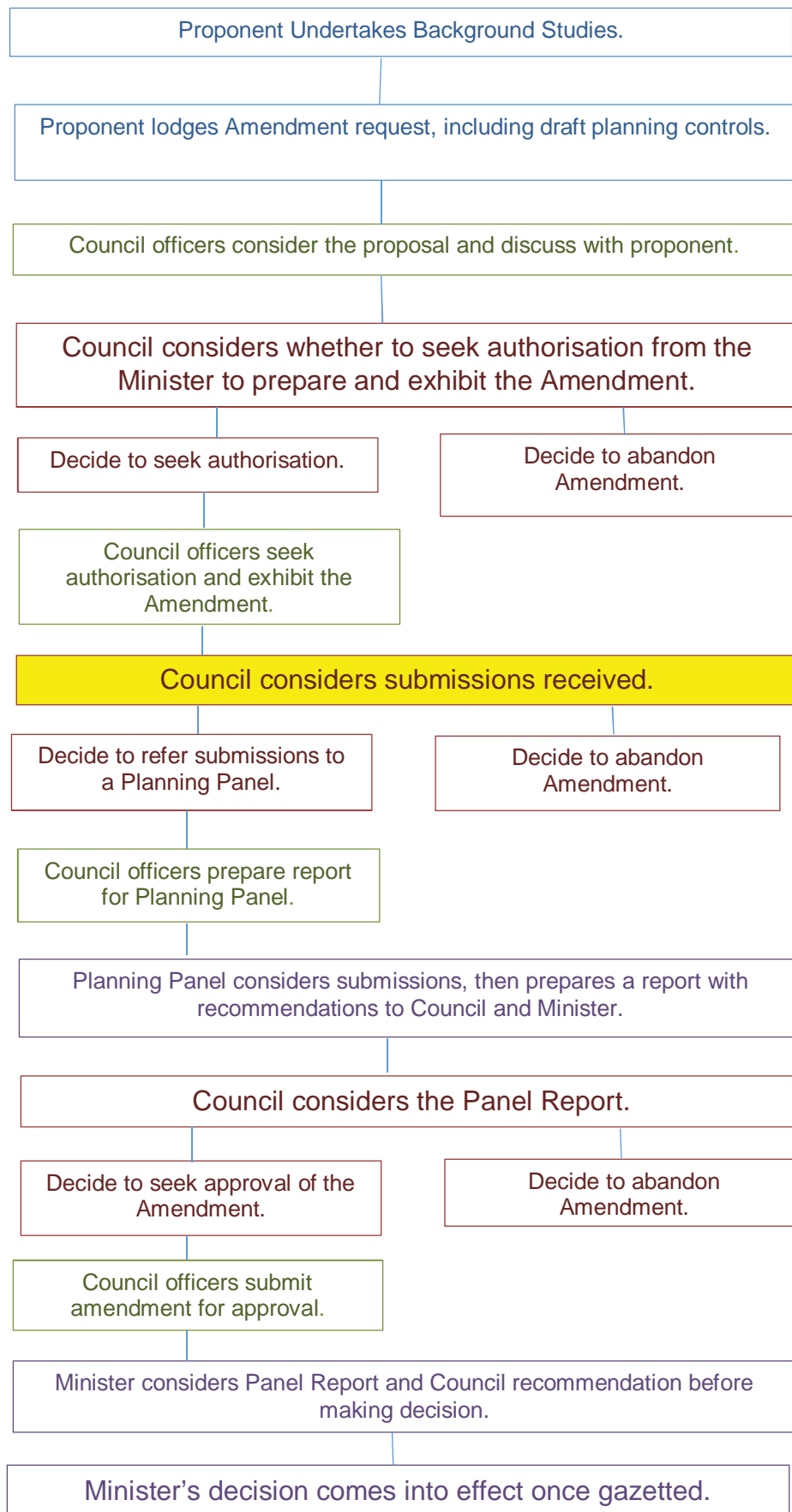
### **Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu   
**Title:** General Manager Growth and Development  
**Date:** Friday, 10 February 2017

# Attachment - Item 10.2.2

**Attachment 1: Planning Scheme Amendment Process**





Department of Environment,  
Land, Water & Planning

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Ref: BMIN15000256R  
File: 15/8141

MOORABOOL SHIRE COUNCIL  
CENTRAL RECORDS

11 FEB 2015

File No. 13/06/080

Mr Rob Croxford  
Chief Executive Officer  
Moorabool Shire Council  
PO Box 18  
Ballan Vic 3342

**Attention:** Mr Robert Fillisch, Coordinator Statutory Planning  
Email address: rfillisch@moorabool.vic.gov.au

Dear Mr Croxford

**PROPOSED MOORABOOL PLANNING SCHEME AMENDMENT C076**

I refer to your council's application for authorisation to prepare an amendment to the Moorabool Planning Scheme. The amendment proposes to rezone an existing Industrial 1 Zone parcel of land to Farming Zone and to rezone two adjoining titles from Farming Zone to an Industrial 1 Zone.

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act) I authorise your council as planning authority to prepare the amendment subject to the following conditions:

Prior to exhibiting the amendment:

- The amendment documents must be refined to consistently identify the subject land throughout the Moorabool Planning Scheme Ordinance (see proposed Municipal Strategic Statement provisions compared to the designation of the land in the Development Plan Overlay Schedule 1).
- Council must ensure that the proposed C076 changes do not introduce additional changes beyond the introduction of the of the subject land as Moorabool Agribusiness Precinct (see proposed Bacchus Marsh Framework Plan compared to existing framework plan at Clause 21.07).



- Council must provide further clarification in the Explanatory Report clarifying the role of the existing Cultural Heritage Management Plan and explaining how any new Cultural Heritage Management Plan requirements for the land proposed to be rezoned Industrial are to be dealt with.
- Council must liaise with the regional office in relation to the amendment documentation, all documents must utilise current templates and formatting standards.

Separately to this, council should consider updating the current Schedule 1 to the Development Plan Overlay to reflect the current proposed development (abattoir and concrete batching plant) and cultural heritage requirements by recognising the potential impacts of an approved CHMP to any plan provided to address Schedule 1 to the Development Plan Overlay.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that Ministerial Direction No. 15 sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and
- before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report Practice Note 77: Pre-setting panel hearing dates provides information about this step).

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process.

In accordance with sections 17(3) and (4) of the Act the amendment must be submitted to the Minister **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically to [planning.amendments@dtpli.vic.gov.au](mailto:planning.amendments@dtpli.vic.gov.au)

If you have any further queries in relation to this matter, please contact Eoghan McColl Planning Coordinator of the Grampians Regional Office on (03) 5327 2863.

Yours sincerely



**Somma Sourivong**  
Planning and Development Manager

06/02/2015

## 21.01 MUNICIPAL CONTEXT

26/02/2009

G34

[Proposed C76](#)

The context of land use planning issues, objectives, strategies, and implementation measures of this Municipal Strategic Statement (MSS) is summarised below. Further information about the Shire of Moorabool can be found in Council's corporate plan and the reference documents to the MSS.

Moorabool Shire is located on the western urban/rural fringe of the Melbourne metropolitan area and extends to the outskirts of Ballarat to the west, along the major rail and road transport corridor between the two cities. This location within the Ballarat Transport corridor has seen an increase in commuting to both cities from towns within the Shire, and Melbourne 2030 recognises that the corridor can accommodate additional development.

Bacchus Marsh is the municipality's main centre for retail, service, and employment activities. Bacchus Marsh has the most comprehensive community infrastructure in the Shire but there are shortfalls in infrastructure and service provision that require a larger population base for cost effective responses. Bacchus Marsh is the focus for economic and residential growth, with Ballan and potentially Gordon providing complementary roles.

There are planning challenges in accommodating and servicing residential growth and demand for lifestyle housing while protecting agricultural productivity, and environmental values and significant landscapes.

Moorabool Shire is characterised by its townships in rural settings and its distinctive rural landscapes which comprise a diversity of vast ranges, plains, ancient gorges, and areas of intensive horticulture. The varied and rich topographical features are integral environmental, agricultural, and recreational resources for the Shire.

These environmental assets, as well as existing built form, historic buildings and landscapes, contribute to the Shire's numerous places of natural and cultural heritage significance.

Much of the Shire is in Special Water Supply Catchments, which has a significant impact on the development potential of land in the west and north of the Shire. This combined with large areas of National or State Park or State Forest that traverse the Shire limit development opportunities and pose significant land management issues, particularly relating to sediment control and land clearing.

Agriculture is the major sector in Moorabool's economy and also contributes to the rural landscape setting that typifies the Shire. Agricultural production is predominantly broad acre cropping and grazing with intensive horticulture on irrigated land around Bacchus Marsh. Council's economic development strategies encourage new and innovative sustainable agricultural industries and the promotion of value adding industries that can capitalise the agricultural and resource base.

### 21.01-2 Key Issues

26/02/2009

G34

[Proposed C76](#)

Key issues that direct land use planning in Moorabool Shire are:

#### Settlement

There is increasing pressure to balance residential growth objectives with the protection of environmental, landscape and lifestyle values across the Shire.

Significant population growth in consolidated urban areas over the next 25 years is expected which will need to provide cost effective delivery of appropriate infrastructure and services.

Moorabool Shire's capacity to accommodate future urban development is physically and environmentally constrained. Approximately two-thirds of the Shire is located in Special Water Supply Catchments, which includes privately owned land, mainly used for

agricultural purposes, or National or State Park or State Forest. Steep land, areas subject to flooding, and resources capable of economic extraction are also significant development constraints. These constraints are shown in the Moorabool Corridor Framework Plan (Clause 21.03-2).

Development of both townships and rural land within Special Water Supply Catchments needs to be managed to protect water quality and quantity.

Future population growth needs to be balanced with protection and sustainable use of the Shire's environmental assets which contribute significantly to the lifestyle and attraction of Moorabool Shire as a place to live, invest and visit.

Urban growth, residential development, and lifestyle housing need to be managed to maintain the attractive rural setting and lifestyle, and to provide adequate services and facilities in a cost effective manner.

Urban growth has the potential to develop up to the LGA boundary and therefore reduce the existing rural buffer between Moorabool Shire and the Shire of Melton

### **Housing**

A range of residential choices is needed to attract residents and to meet the changing needs and preferences of an ageing population.

### **Transport**

There is a need to improve vehicle and freight links between communities within the municipality and links to destinations outside the Shire. There is a need for links to address physical division created by the Ballarat Freeway and Ballarat Rail line, particularly in Bacchus Marsh.

Improved public transport levels of service and integration throughout the municipality and particularly along the Melbourne – Ballarat rail corridor are needed to support sustainable growth.

### **Environment**

The varied and rich topographical features of Moorabool Shire (including ranges, plains, and ancient gorges) need to be conserved not only for their intrinsic environmental and landscape values but also as a recreational resource to the Shire.

The environmental assets (including the Brisbane Ranges National Park, Lerderderg State Park, Werribee Gorge State Park, the Wombat State Forest, and Long Forest Nature Conservation Reserve), as well significant waterways, historic buildings, rural townscapes, and landscapes contribute to the Shire's numerous places of natural and cultural heritage significance. These features inter-twine to form the character and lifestyle opportunities that attract people to Moorabool Shire.

Moorabool River, Werribee River, and Lerderderg River supply water for domestic and agricultural purposes. Inappropriate development, land clearing and sediment deposition from erosion can threaten riparian environments and water quality within the catchments.

### **Economic Development**

Continued productive and sustainable agricultural and horticultural land use, which is critical to the Shire's economy and its ongoing economic development, requires protection from residential encroachment.

It is important to ensure planning to accommodate demand for rural living opportunities produces enhanced environmental outcomes and also protects agricultural production,

particularly highly productive areas in the west of the Shire and irrigated land around Bacchus Marsh.

There is an ongoing need to manage existing and potential conflict between residential, rural residential and agricultural and horticultural production.

There is a need to strengthen the local economy to improve local employment opportunities and reduce the leakage of retail spending.

Bacchus Marsh and Ballan provide areas of important industrial and mineral resource. These include large sites zoned Industrial 2, the Maddingley Brown Coal Mine and quarries in Bacchus Marsh. Planning to manage off-site impacts and avoid conflict with sensitive uses is required to realise economic development opportunities.

[The Moorabool Agribusiness Industrial Area in Parwan provides an agricultural and employment hub that can implement best practice water management techniques and encourage local employment opportunities to assist the growing local and regional community.](#)

**21.01-3**

26/02/2009  
C34

**Strategic Framework Plan**

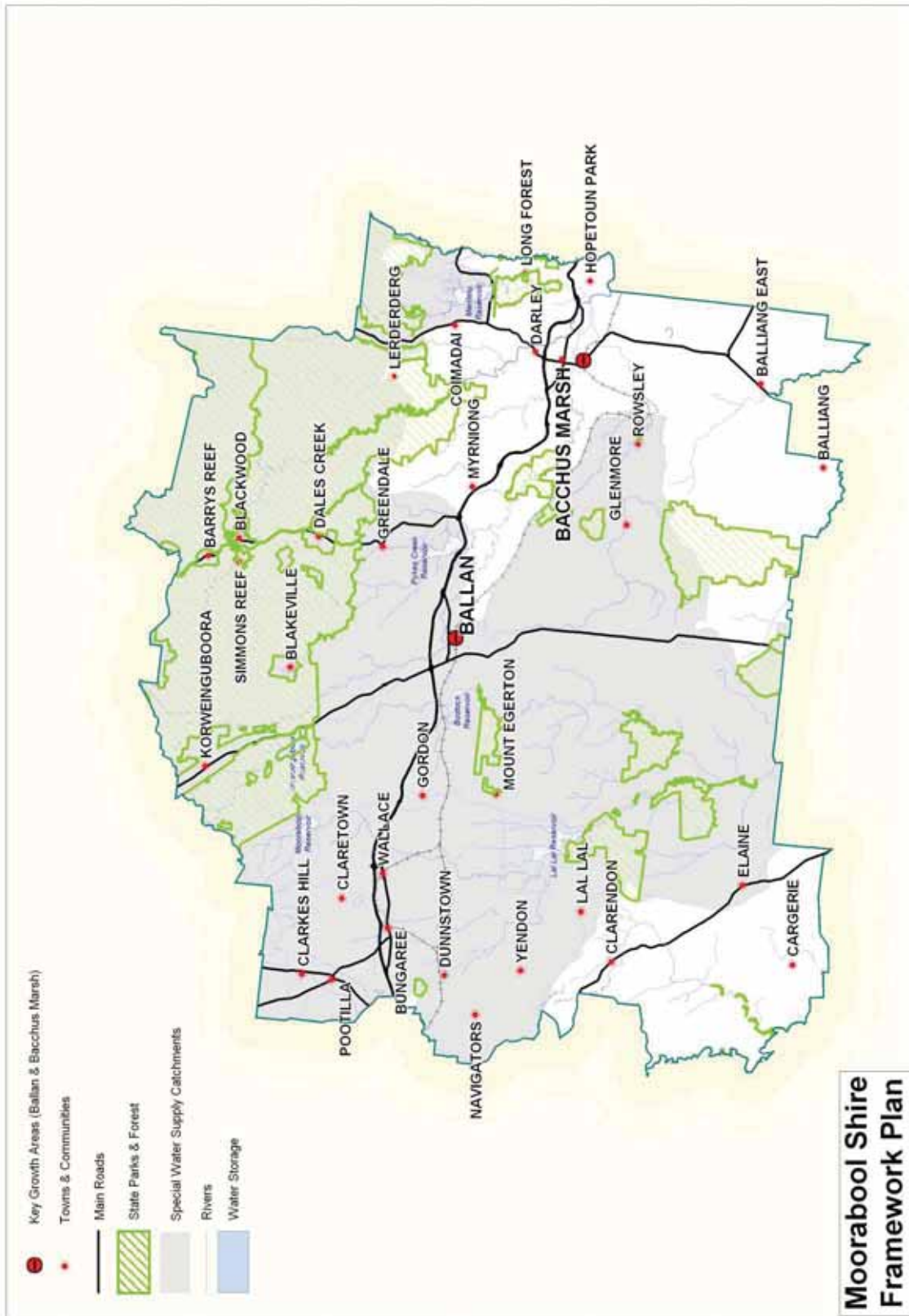
Council's key strategic planning directions are illustrated on the Strategic Land Use Framework Plan. The framework plan identifies overall direction to guide specific land use outcomes. It identifies potential 'development opportunity areas' where significant land use change may be expected, and areas where land use constraints are likely to restrict future development.

Separate land use framework plans in Clauses 21.07 and 21.08 provide more detailed guidance for major townships.

The major strategic directions identified on the Municipal Framework Plan include:

- The location of Special Water Supply Catchments, parks and forests which have limited development potential;
- Designation of key towns in the municipality, with Bacchus March identified as the key centre for economic and residential growth and Ballan fulfilling a complementary role; and
- Identification of the Ballarat Rail line as part of the Ballarat-Melbourne transport corridor.

Moorabool Shire Framework Plan



**21.01-4 Objectives - Strategies - Implementation**26/02/2009  
C34**Municipal Planning Framework**

The Municipal Planning Framework objectives, strategies, and implementation mechanisms are structured around five key land use themes, based on those in the State Planning Policy Framework (SPPF). There is considerable overlap between each of these themes and none should be read in isolation.

- Natural Environment (Clause 21.02).
- Settlement and Housing (Clause 21.03).
- Economic Development and Employment (Clause 21.04).
- Development and Community Infrastructure (Clause 21.05).
- Heritage (Clause 21.06).

**Place-based Planning Framework**

The Place-based Planning Framework sets out objectives and strategies that provide more detailed planning direction for specific places and towns within the municipality.

The places contained in the Place-based Planning Framework are:

- Bacchus Marsh (21.07);
- Ballan (21.08); and
- Small Towns (21.09).

## 21.04 ECONOMIC DEVELOPMENT AND EMPLOYMENT

26/02/2009  
C34  
Proposed C76

### 21.04-1 Key Issues and Influences

26/02/2009  
C34

#### Agriculture and horticulture

The diversity in agricultural production and potential across the Shire is an economically valuable resource. Extensive grazing and cropping dominate large areas of the Shire. Where irrigation water or higher rainfall combines with highly productive soil types, the Shire supports intensive horticultural pursuits. The protection of agricultural and horticultural production is an important planning outcome.

The Shire's agricultural base and attractive rural setting are important drivers in attracting people to live in Moorabool. Council supports rural living development where it does not compromise the long term productive use of rural land for agriculture and horticulture, maintains the Shire's environmental qualities, and provides services and infrastructure to support such development.

Land fragmentation can occur when residential development takes place in rural areas with no link to the rural activities of the area. It is important that planning solutions are implemented that reduce the off-site impacts of rural living on the farming activities within the Shire. Farm businesses need to be able to retain the capacity to operate as agricultural enterprises. Unplanned or ad hoc rural residential development on existing titles is often inappropriate due to the lack of necessary services including sustainable road infrastructure. The Shire's rural setting provides an important social, cultural, and economic resource that needs to be protected.

The Shire's horticultural land resources are important economically in supporting tourism and the lifestyle appeal of the area. The highly productive irrigated horticultural areas adjoining Bacchus Marsh are a major asset for the Shire and the township and are to be protected from the encroachment of residential development.

#### Commerce

There is a need to retain the benefits of a consolidated commercial centre in Bacchus Marsh and Ballan. The relatively high commuter population also results in trade leakage. Council recognises that centrally-located, consolidated, and attractive commercial centres will assist in reducing trade leakage and enhancing the viability of the town centre. Bacchus Marsh has attractive commercial elements such as magnificent approach roads, historic buildings and a village like Main Street.

The existing consolidated commercial activity centre at Bacchus Marsh provides a sound base from which a regionally competitive commercial centre can be developed. Moorabool's economic development strategy, Growing Moorabool, has identified the need for a mixed-use activity centre creating a more densely developed inner core that adds vibrancy, increases patronage for local business (including retail) and helps realise a stronger community and cultural hub.

#### Industry

Moorabool Shire contains industrial land stocks, in Bacchus Marsh and Ballan that have good access to transport infrastructure and are in close proximity to metropolitan Melbourne and the regional centres of Ballarat and Geelong. In Bacchus Marsh the industrial land is located south of the Werribee River. In Ballan the area to the southeast is zoned for industrial activity. There are large tracts of this land undeveloped but its development is hindered by the lack of supporting hard infrastructure.

The Moorabool Industrial Areas Strategy 2001 identifies the need to rezone industrial land from IN2Z to IN1Z in areas, particularly Bacchus Marsh, that are in close proximity to sensitive uses such as residential.

Provision is to be made for new employment areas and to consolidate Bacchus Marsh's role and capacity to provide for an increasing level of local employment. A key requirement is to provide adequate supplies of fully-serviced industrial land to accommodate development opportunities and create local employment.

### **Local employment**

Moorabool Shire residents are employed in a diverse range of industries that are characterised by its rural environment and proximity to urban centres. The Shire has significant location advantages for business including its proximity to ports and major population centres and access to road and rail infrastructure that provides transport links across Victoria and into South Australia. There is a distinct commuter labour force that travels outside of the municipal boundaries to places of employment. A primary goal is to facilitate economic development that reduces the reliance on employment opportunities outside of Moorabool Shire.

The Growing Moorabool, Economic Development Strategy, 2006 is designed to provide the basis for a long-term series of initiatives to strengthen the economic base and establish an economic environment that is conducive to, and encouraging of, new investment and employment generation. It proposes a major master-planned and transport-oriented activity centre for the heart of Bacchus Marsh to combat the high escape expenditure currently experienced, enhance the township character and amenity of the area and to create a critical mass of people living and working in the town centre.

Tourism is a growing industry and important economic driver in the Shire that presents opportunities for economic development and diversification of the local economy and workforce. The Shire and the Spa Region to the north have tourism links with the Goldfields region to the west and north of the Shire. Tourism development draws on many aspects of the Shire including recreation, leisure activities, environment, wineries, mineral springs, heritage and landscape features. Council recognises that economic prosperity is dependent on its natural resources and seeks to promote economic activity that is consistent with protecting and enhancing the Shire's natural resource assets.

#### **21.04-2**

26/02/2009  
C34

#### **Objective—Agriculture**

To protect good quality agricultural land and support the productivity and sustainability of existing and future agricultural and horticultural activities.

#### **Strategies**

- Maintain productive farm sizes by discouraging fragmentation of land for non-rural use and development.
- Direct rural residential and rural living developments to strategic growth areas where they will not impact on agricultural and horticultural production.
- Encourage and support best practice water use efficiency, including the use of recycled water use, in existing and planned new agricultural land use and development.
- Require land use changes and new developments in productive agricultural areas to demonstrate that they do not impact detrimentally on existing agricultural activities.
- Encourage the use and development of land for small-scale tourist activities that are associated with, or enhance the use of the land for agricultural purposes.



**21.04-3**  
26/02/2009  
C34

### Objective—Commerce

To reinforce Bacchus Marsh's and Ballan's role as regional centres for employment, shopping, tourism, industry, business, and cultural services.

#### Strategies

- Focus commercial and retail development in the existing central Bacchus Marsh retail area in accordance with the Bacchus Marsh Urban Design Framework and the Growing Moorabool, Economic Development Strategy, 2006 (including the development of a Local Structure Plan for the area between the main street and the railway station).
- Limit other retail development in Bacchus Marsh to meeting local retail needs.
- Enhance the Ballan commercial centre streetscape as well as wider pedestrian movement, signage and landscaping improvements.
- Provide for a range of residential, commercial, and industrial land uses which complement a mixed-use function within Bacchus Marsh.

**21.04-4**

26/02/2009  
C34  
[Proposed C76](#)

### Objective—Industry

To provide for a range of industrial development and activities in proximity to transport networks and existing infrastructure and avoid off-site impacts on residential amenity, environmental quality, or agricultural values.

#### Strategies

- Ensure that industrial land supply in the Shire's major urban centres can readily meet the needs of new industries and land use planning identifies suitably located sites for new industries.
- Ensure that industrial development is in general accord with the Moorabool Industrial Areas Strategy 2001.
- Focus larger scale employment development to suitably located and buffered sites in Bacchus Marsh.
- Support new industries in appropriate locations with the potential to utilize the existing road and rail infrastructure along the Western Highway corridor.
- Plan for future transport infrastructure needs of business including roads, rail and air.
- Recognise and protect the long-term potential of stone and mineral resources.
- Manage off-site impacts and avoid conflict with sensitive uses to realise economic development opportunities.
- Discourage any open pit areas to be used as putrescible waste dumps.
- [Focus agribusiness related industries in the Moorabool Agribusiness Industrial Area in Parwan.](#)

**21.04-5**

26/02/2009  
C34

### Objective—Local Employment

Support the development and facilitation of increased local employment opportunities in order to strengthen the local economy.

## Strategies

- Facilitate development of the tourism sector by protecting the natural environment, heritage and town character.
- Promote tourist-related industries (wineries, art, festivals), and strengthen tourism links with surrounding municipalities.
- Encourage home-based occupations and facilitate relocation for enterprises with a demand for out-of-home business accommodation.

### 21.04-6

26/02/2009  
C34

## Implementation

### Zones and overlays

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

- Apply the Farming Zone and specification of minimum subdivision sizes in zone schedules that encourage appropriate lot sizes to ensure the productive capacity of agricultural and horticultural land.
- Apply zones to encourage suitable locations for horticultural enterprises and prevent the location of other land uses with the potential to create conflict with adjacent horticultural activities.
- Apply a Development Plan Overlay to the area contained within the Kennedy Place Industrial Estate to address amenity issues and establish buffers to residential areas.
- Apply Design and Development Overlays to each of the five identified gateway entrances into Bacchus Marsh.

### 21.04-7

26/02/2009  
C34

## Further Strategic Work

- Develop a rural strategy including a review of minimum lot sizes.
- Develop a Local Structure Plan within the Bacchus Marsh town centre in order to provide for a master planned mix of activities based on Melbourne 2030 Activity Centre principles.
- Review the Moorabool Industrial Areas Strategy 2001.
- Identify potential uses in and around Wallace township, where there is a full diamond interchange on the Western Highway and access to natural gas, to facilitate the growth of agricultural and related industry.
- Investigate feasibility and if relevant develop strategies to increase industrial and transport-related activity in and around the Bacchus Marsh Aerodrome.
- Rezone and apply overlays on industrial land in general accordance with the Moorabool Industrial Areas Strategy 2001.

**21.07**23/06/2016  
C51  
Proposed C76**BACCHUS MARSH****21.07-1**23/06/2016  
C51**Key Issues and Influences**

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.

Council seeks to establish best practice in transport-oriented activity centre planning for the Bacchus Marsh Activity Centre. 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**23/06/2016  
C51**Objective—Consolidating urban growth**

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.

**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.

**21.07-3**

26/02/2009  
C34  
[Proposed C76](#)

**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.
- [Encourage agribusiness uses to locate within the Moorabool Agribusiness Industrial Area in Parwan.](#)

**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**

23/06/2016  
C51

**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 and, where possible, key public spaces to enhance open space and natural surveillance.

**21.07-6**

23/06/2016  
C51

**Objective – Pedestrian / cycle link**

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

**Strategies**

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

**21.07-7**

23/06/2016  
C51

**Implementation**

**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.

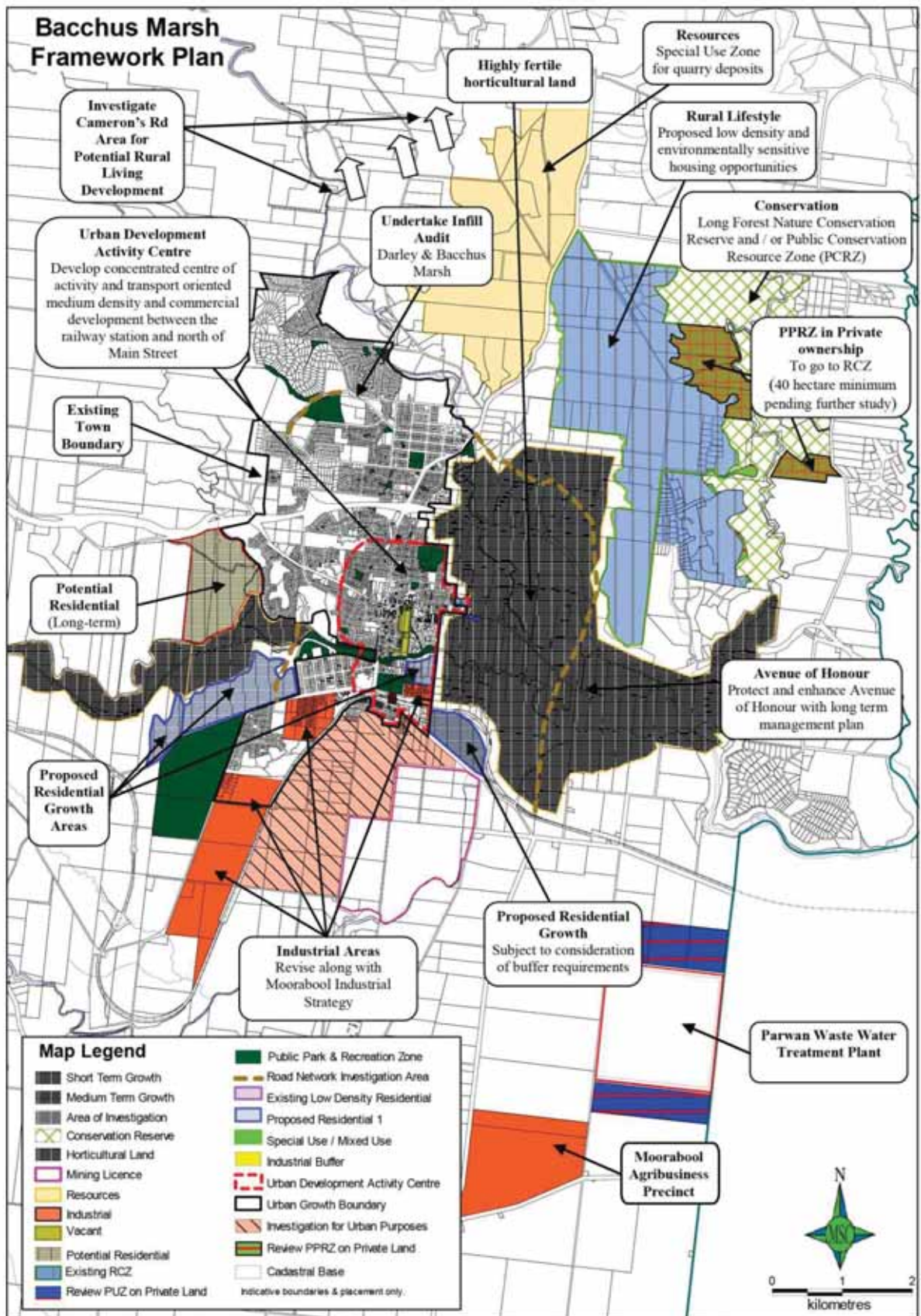
**21.07-8**23/06/2016  
C51**Further Strategic Work**

- 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**23/06/2016  
C51**Other Actions**

- 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 [RD1]



DD/MM/YYYY  
Proposed C76**SCHEDULE 1 TO THE DEVELOPMENT PLAN OVERLAY**Shown on the planning scheme map as **DPO1****Moorabool Agribusiness Industrial Area****1.0**DD/MM/YYYY  
Proposed C76**Requirement before a permit is granted**

A permit may be granted to alter, extend or modify an existing development or use before a development plan is approved if the responsible authority is satisfied that the permit will not prejudice the integrated future use and development of the land in accordance with the concept plan in Clause 4.0.

**2.0**DD/MM/YYYY  
Proposed C76**Conditions and requirements for permits**

A permit to subdivide land must include conditions or requirements which address the following matters, where appropriate:

- Landscaping generally consistent with the Landscape Masterplan, to enhance the site and minimise any adverse effects on the visual amenity of the area.
- A **Habitat Zone Management Plan** for Bingham's Swamp, identified as Habitat Zone 3 in the concept plan in Clause 4.0, and for any other Habitat Zones to be retained, consistent with the recommendations of the Ecological Assessment Report. A Habitat Zone Management Plan must include management actions for each Habitat Zone and the associated buffer area to mitigate risks to ecological values during subdivision and construction and from the industrial use of the balance of the land.
- The provision of road infrastructure improvements generally consistent with the Integrated Traffic Management Plan.
- The provision of outfall drainage works incorporating water sensitive urban design features, generally consistent with the Integrated Water Management Plan and the Infrastructure Servicing Plan.
- The provision of drainage easements over land described as PC362391, generally consistent with the Integrated Water Management Plan.

**3.0**DD/MM/YYYY  
Proposed C76**Requirements for development plan**

A development plan must apply to all the land described as Lots 1 and 2 TP188461 and must be generally in accordance with the concept plan in Clause 4.0..

The development plan must include:

- 
- An **Urban Design Masterplan** that includes:
  - The subdivision layout including roads, drainage reserves, habitat conservation areas/reserves, distribution of land uses and interface treatments.
  - The distribution of uses, including the location of uses which require a larger separation distance from sensitive uses or food production/processing activities centrally within the site with buffers to the meet the requirements of Western Water and the Environment Protection Authority.
  - Buffer areas to minimise air emissions beyond the curtilage of the land, to meet the requirements of Western Water and the Environment Protection Authority.



- Details of a buffer area around the Parwan Recycled Water Plant, to meet the requirements of Western Water and the Environment Protection Authority requirements for separation distances for both the current and future expected populations.
- Landscaping consistent with the Landscape Masterplan.
- A staging plan of the subdivision, buildings and works.
- Provision for integrated water management, consistent with the Integrated Water Management Plan recommendations.
- The retention of Bingham's Swamp (identified as Habitat Zone 3) and a buffer area to the future industrial use and development, consistent with the recommendations of the Ecological Assessment Report.
- The retention of any other Habitat Zones recommended in the Ecological Assessment Report required by this Schedule.
- Buffer areas and procedures to protect any site of Aboriginal Cultural Heritage in accordance with the recommendations and contingency plans of an approved Cultural Heritage Management Plan.
- The configuration of any obstacle limitation surface protection area (OLSPA) applicable to the environs of the Bacchus Marsh Aerodrome, consistent with the Bacchus Marsh Aerodrome Impact Assessment Report.
- Recommended maximum heights for buildings and landscaping located within the OLSPA, to ensure the obstacle limitation surface (OLS) is not penetrated, as recommended in the Bacchus Marsh Aerodrome Impact Assessment Report.
- Internal pedestrian connectivity.
- A **Site Analysis Plan** that shows the orientation, boundaries, dimensions of the site; easements; surrounding land use and developments, contours and levels of the site; provision of services to the land; and the surrounding movement network.
- An **Ecological Assessment Report** prepared in consultation with the Department of Environment, Land, Water and Planning that includes:
  - A targeted site assessment for threatened flora and fauna species and threatened ecological communities listed under the *Environment Protection and Biodiversity Conservation Act 1999*, within the areas identified as Habitat Zones 1, 2, 3 and 4 in the concept plan in Clause 4.0.
  - Assessment of the flight path and habitat requirements of fauna species that use Bingham's Swamp.
  - Identification of risks to the ecological values of each Habitat Zone, during and post development of the land for industrial use.
  - Recommendations for:
    - Whether Habitat Zones 1, 2 and 4 should be retained and if retained how these zones should be managed for biodiversity conservation.
    - A buffer area between Bingham's Swamp and industrial uses based on the flight path directions and habitat requirements of fauna species that use the swamp.
    - The maintenance and management of each Habitat Zone and the buffer area associated with Habitat Zone 3.
    - Retaining scattered native trees, considering the ecological and landscape value and tree health.
    - Tree protection zones around scattered trees and native vegetation patches.

- A **Bacchus Marsh Aerodrome Impact Assessment Report** prepared in consultation with the Civil Aviation Safety Authority, the aerodrome manager and Moorabool Shire Council, that is consistent with the National Airports Safeguarding Framework and includes:
  - The configuration and details of any obstacle limitation surface protection area (OLSPA) applicable to the environs of the aerodrome.
  - Details and dimensions of any obstacle limitation surfaces (OLS) applicable to the OLSPA.
  - Recommended maximum heights for buildings and landscaping located within the OLSPA, to ensure the OLS is not penetrated.
- An **Integrated Water Management Plan** prepared in consultation with Melbourne Water, Western Water, the Environment Protection Authority and Moorabool Shire Council that includes:
  - A concept design for an integrated water management system, with particular emphasis on:
    - The treatment, discharge, storage and reuse of stormwater.
    - The storage and reuse of treated wastewater.
    - Details of any stormwater detention basins, including the location, sections, and approximate volume and surface area.
    - Details of any storage basins associated with the harvesting and reuse of stormwater and treated wastewater, including the location, sections, and approximate volume and surface area.
    - Water sensitive urban design (WSUD) stormwater management measures to maintain water quality and environmental flows to Bingham's Swamp and downstream waterways.
  - Details of how the harvesting and reuse of stormwater and treated wastewater will be appropriately managed in accordance with the requirements of State Environment Protection Policies, the Environment Protection Authority, Melbourne Water and Western Water.
  - Future ownership and responsibility for the long term maintenance and management of stormwater and wastewater storage and reuse infrastructure.
  - The approximate configuration and dimensions of proposed drainage easements over land described as PC362391.
- A **Landscape Masterplan** that includes:
  - Details, including dimensions, species selection and planting densities, of a landscape buffer area around the perimeter of the land at the interface between the site and neighbouring land uses, including all perimeter road frontages.
  - Landscaping that compliments and does not adversely impact on the conservation requirements of the retained Habitat Zones, including Bingham's Swamp.
  - Details of vegetation to be retained.
  - Landscape treatments for internal roads, including planting themes and species.
  - Details of tree and shrub species suitable for planting within any obstacle limitation surface protection area applicable to the environs of the Bacchus Marsh Aerodrome, such that the anticipated mature height of plants must not exceed the height of any applicable obstacle limitation surfaces.

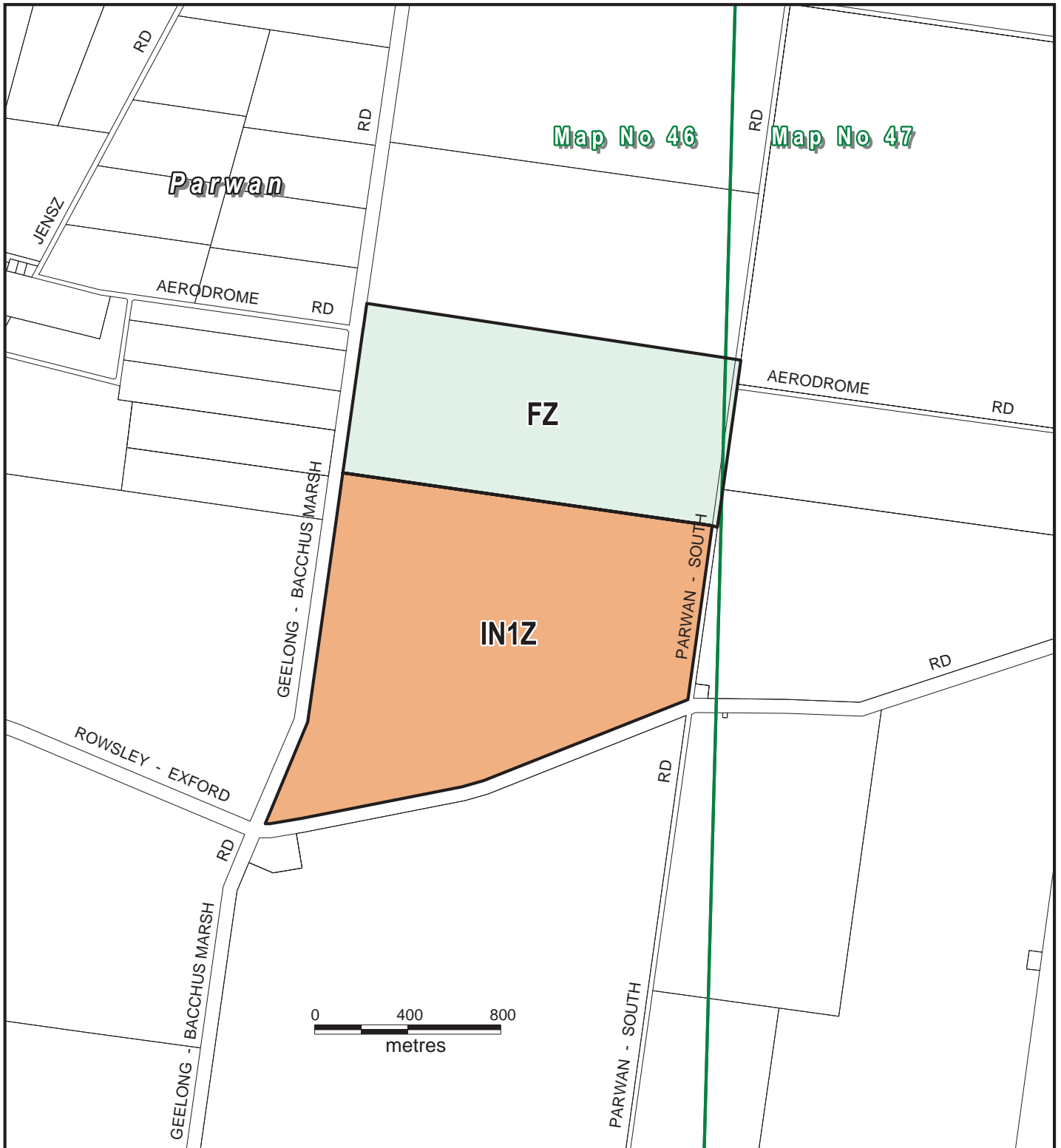
- An **Integrated Traffic Management Plan**, prepared in consultation with VicRoads that includes:
  - An existing conditions assessment.
  - The road layout.
  - Site access points, including details of appropriate intersection treatments.
  - The road infrastructure improvements necessary to accommodate traffic generated by industrial development of the site, and to mitigate any adverse impacts on existing roads.
  - Pedestrian networks.
  - Public transport options.
  - The trigger points for implementing intersection treatments, road upgrades and other traffic infrastructure works, linked to stages of development.
  - Proposed road capacities and cross-sections.
- An **Infrastructure Servicing Plan**, prepared in consultation with relevant agencies and Moorabool Shire Council, including:
  - The provision, staging and timing of stormwater drainage works (linked to stages of development), both internal and external to the site, in accordance with the approved Integrated Water Management Plan.
  - The provision, staging and timing of reticulated water, sewerage, gas and any other infrastructure, linked to stages of development.
  - Identification of any agency or person responsible for provision of particular items of infrastructure.

#### 4.0 Moorabool Agribusiness Industrial Area Concept Plan

DD/MM/YYYY  
Proposed C76



# MOORABOOL PLANNING SCHEME LOCAL PROVISION

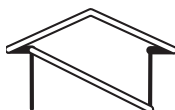


Part of Planning Scheme Maps 46 & 47

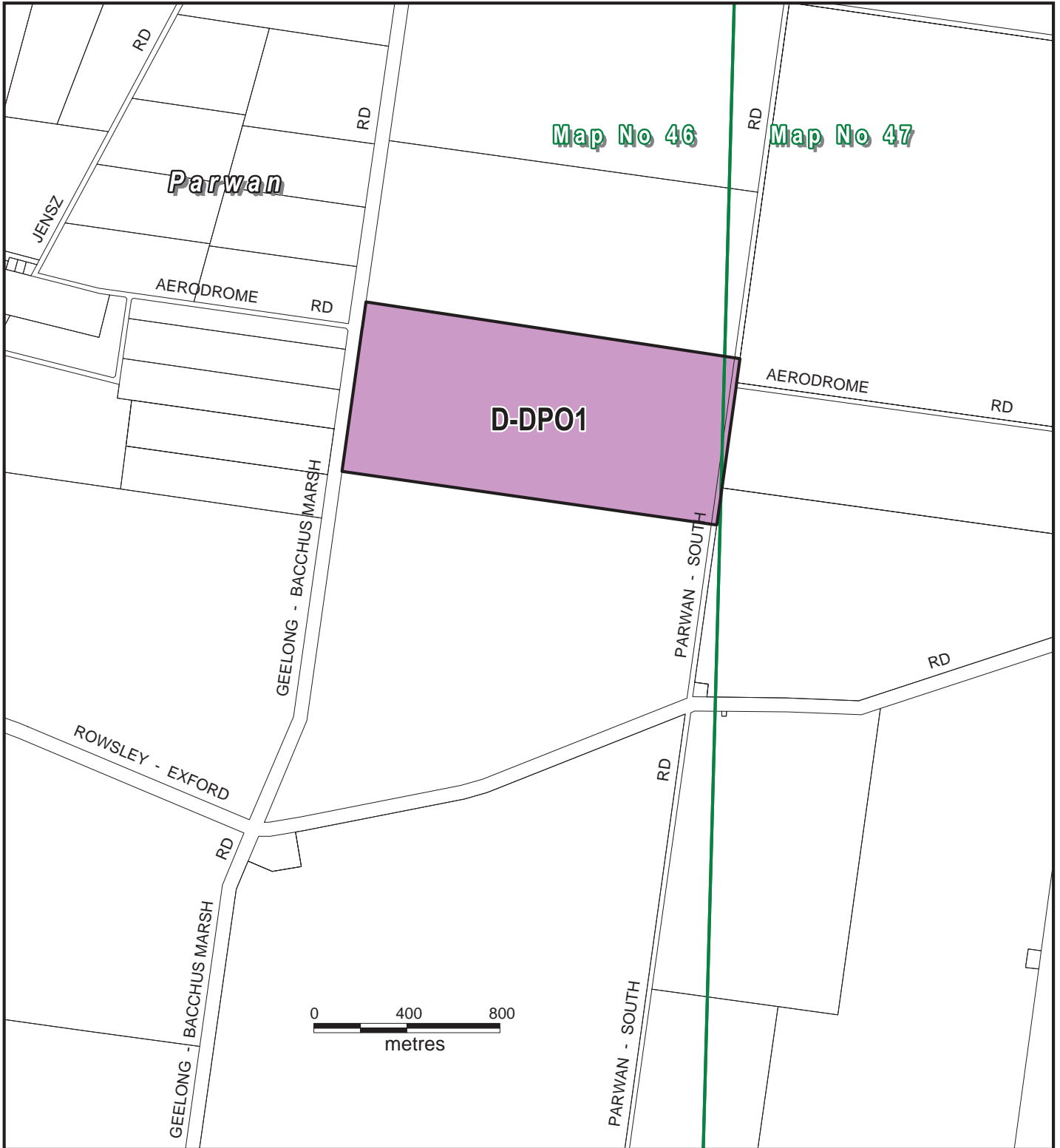
## LEGEND

FZ	Farming Zone
IN1Z	Industrial 1 Zone

## AMENDMENT C76



# MOORABOOL PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Maps 46DPO & 47DPO

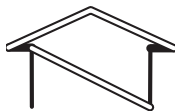
## LEGEND



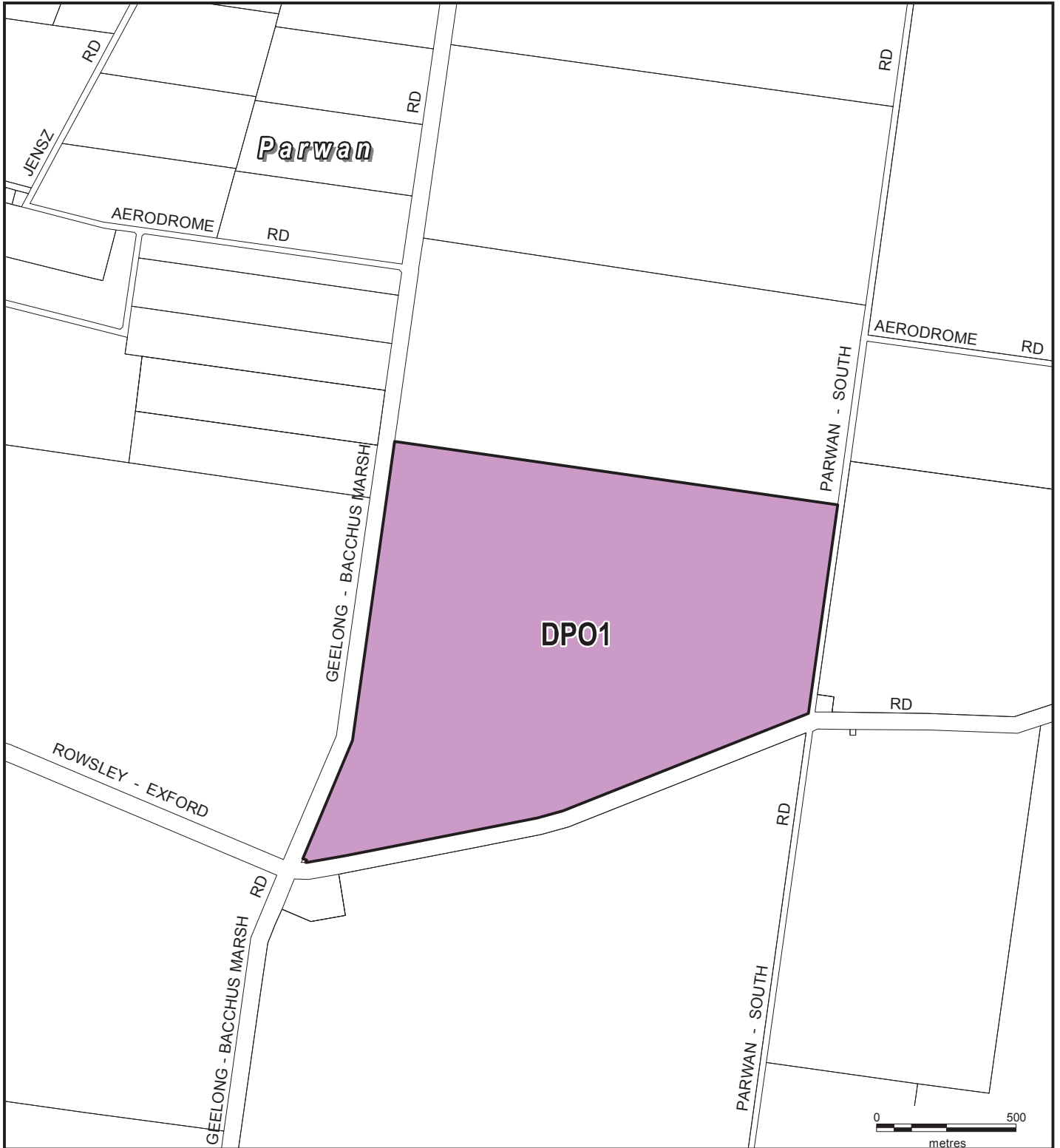
**D-DPO**

Area to be deleted from a Development Plan Overlay (D-DPO1)

## AMENDMENT C76



# MOORABOOL PLANNING SCHEME LOCAL PROVISION

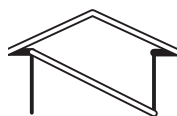


Part of Planning Scheme Map 46DPO

## LEGEND

-  DPO1 Development Plan Overlay (DPO1)

## AMENDMENT C76



Date / / 2016

## **Agreement under section 173 of the Planning and Environment Act 1987**

**Subject Land: Amendment C76 - Geelong Bacchus Marsh Road, Parwan**

**Purpose: Development Contributions and Works**

**Moorabool Shire Council**

and

**Parwan Pty Ltd  
ACN 060314516**



**WARNING AND NOTICE TO OWNERS AND PURCHASERS**

This agreement imposes obligations on the owner of the Subject Land (as defined in this agreement) to deliver infrastructure works and to pay a development contribution levy. Under this agreement the liability of the owner is “joint and several” meaning that Council is entitled to pursue any one owner for any outstanding obligation or it may pursue all landowners jointly for completion of the obligations under this agreement.

If you purchase a lot which was once part of the Subject Land as defined in this Agreement (that is part of the parent title) the obligations to construct infrastructure and pay the development levy will flow on to you as the owner of a lot created by the subdivision of the parent title.

This agreement also identifies who is also liable to deliver certain infrastructure projects where the parent title is subdivided. However, this does not relieve any owner’s liability to Council for delivery of the various Infrastructure Projects.

Purchases should carefully check the liabilities that they will acquire when they purchase any lot which this Agreement is recorded over.

A Purchase should obtain its own independent legal advice on its likely liabilities under this agreement prior to execution of any contract for the purchase of a lot. A purchase should also check to ascertain whether any other purchase of a lot forming part of the Subject Land has entered into a contributions agreement with any other owner to divide responsibilities under this agreement.



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## Agreement under section 173 of the Planning and Environment Act 1987

Dated        /        / 2016

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### Parties

Name	<b>Moorabool Shire Council</b>
Address	Civic Centre, 15 Stead Street, Ballan, Victoria 3342
Short name	<b>Council</b>
Name	<b>Parwan Pty Ltd</b>
	<b>ACN 060314516</b>
Address	6 Woolpack Road, Bacchus Marsh Victoria 3340
Short name	<b>Owner</b>

---

### Background

- A. Council is the responsible authority for the Planning Scheme. Council is also Planning Authority for Amendment C76.
- B. Council enters into this Agreement in its capacity as the responsible authority.
- C. The Owner is the registered proprietor of the Subject Land.
- D. The Owner proposes to develop the Subject Land as an industrial estate. The Parties have identified that the efficient servicing and development of the Subject Land requires the provision of drainage, road and intersection works. The drainage, road and intersection works are likely to be a benefit to the Subject Land and the Adjoining Land.
- E. Amendment C76 proposes to rezone the Subject Land from Farming Zone to Industrial 1 Zone to facilitate the development of the Land. Amendment C76 rezones the Adjoining Land from Industrial 1 Zone to Farming Zone.
- F. The development of the Subject Land will give rise to the need to improve road and drainage infrastructure.
- G. Instead of the preparation of a formal Development Contribution Plan, Council has resolved that the Owner and the owner of the Adjoining Land must enter into an agreement to address the provision of infrastructure as a precondition to Amendment C76 proceeding.

**The Parties agree:**

---

**1. Definitions**

In this Agreement unless the context admits otherwise:

**Act** means the *Planning and Environment Act 1987*.

**Adjoining Land** means the land being contained in PC 362391Y and being the land described in Certificate of Title Volume 10392 Folio 269.

**Agreement** means this agreement and includes this Agreement as amended from time to time.

**Amendment C76** means Amendment C76 to the Planning Scheme.

**Approval Date** means the day on which a Notice of Approval of Amendment C76 has been published in the Government Gazette in accordance with section 37 of the Act.

**Building Permit** means a building permit issued under the *Building Act 1993* or any regulations or code made under the *Building Act 1993*.

**Certificate of Practical Completion** means a written certificate issued by Council in respect of the Drainage Works or an Infrastructure Project stating that the Drainage Works or an Infrastructure Project or a specified stage of the Drainage Works or the Infrastructure Project has been completed to the satisfaction of Council.

**CPI** means the annual Consumer Price Index (All Groups-Melbourne) as published by the Australian Bureau of Statistics, or, if that index number is no longer published, its substitute as a cumulative indicator of the inflation rate in Australia, as determined by Council from time to time.

**Current Address** means:

- for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

**Current Email** means:

- the Council email address listed on Council's website; and
- for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

**Development Infrastructure Levy** means the development infrastructure levy that is specified in Schedule 2 subject to Indexation annually on 1 July.

**Drainage Works** means:

- the construction of a retarding basin on the Adjoining Land;
- the provision of water sensitive urban design treatments to the drainage lines leading to and from the retarding basin on the Adjoining Land

- any water storage or distribution infrastructure associated with the reuse of stormwater or treated wastewater; and
- any other drainage related works that are required in a planning permit issued in respect of the development of the Subject Land.

**Endorsed Plan** means the plan endorsed with the stamp of Council from time to time as the plan which forms part of a Planning Permit.

**General Infrastructure Works** means works which have the purpose of:

- undertaking a corridor study for a north – south bypass road to the east of Bacchus Marsh; or
- road works with a purpose of improving north - south freight movements through or around Bacchus March.

**GST Act** means the *New Tax System (Goods and Services Tax) Act 1999* (Cwlth), as amended from time to time.

**Indexation** means an adjustment to an amount carried out using the CPI as the index.

**Infrastructure Project** means an infrastructure project in the general vicinity of the Subject Land which:

- Council advises in writing is regarded as reasonably necessary to be provided on or to the Subject Land or in the general vicinity of the Subject Land; and
- Which is recommended to be provided by a report or assessment prepared by any expert as part of their consideration of any proposal to use or develop the Subject Land for the purpose facilitated by the planning scheme provisions introduced by Amendment C76 regardless of the extent to which the use or development of the Subject Land contributes to then need for that infrastructure; and
- comprise works such as:
  - new intersection works where any subdivision creates a new road that intersects with an existing road;
  - upgrade works to existing intersections;
  - road widening or pavement improvement works along Nerowie Road or Parwan South Road;
  - Provision of a service road along Geelong-Bacchus Marsh Road; and
  - Drainage infrastructure around the perimeter of the Subject Land

**Localised Infrastructure** means works, services or facilities on the Subject Land necessitated by the subdivision or development of land including but not limited to provision of utility services such as water supply, stormwater drainage, sewerage, gas and electricity services, telecommunications infrastructure and local roads, bridges, culverts and other water crossings, any required associated traffic control measures and devices together with the associated land. For the purposes of this Agreement, Localised Infrastructure does not include the infrastructure required for the Drainage Works or the Infrastructure Projects or other infrastructure that is in the nature of regional or state infrastructure.

**Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

**Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of the Subject Land and includes any Mortgagee-in-possession.

**Party or Parties** means the Parties to this Agreement but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land.

**Plan of Subdivision** means a plan of subdivision which creates an additional lot which can be disposed of separately or which is intended to be used for a building and works or which can be re-subdivided.

**Planning Permit** means a planning permit for development which issues in respect of the Subject Land.

**Planning Scheme** means the Moorabool Planning Scheme and any other planning scheme that applies to the Subject Land.

**Schedule** means a schedule to this Agreement.

**Stage** is a reference to a stage of a subdivision of the Subject Land.

**Statement of Compliance** means a Statement of Compliance under the *Subdivision Act 1988*.

**Subject Land** means the land described in Schedule 1 and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.

## 2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

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**3. Purposes of Agreement**

The Parties acknowledge and agree that the purposes of and the reasons Council entered into this Agreement are to:

- 3.1 facilitate Amendment C76;
- 3.2 ensure the provision of Infrastructure Projects;
- 3.3 ensure the provision of the Drainage Works;
- 3.4 to require the payment of a levy for General Infrastructure Works; and
- 3.5 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

---

**4. Payment of Development Infrastructure Levy**

The Owner agrees that:

- 4.1 the Owner must pay the Development Infrastructure Levy to Council which is intended to be put by Council towards the General Infrastructure Works;
- 4.2 the Development Infrastructure Levy must be paid:
  - 4.2.1 where there is a subdivision of the Subject Land and that part being subdivided has not previously paid a contribution in accordance with this Agreement, then in respect of the number of hectares or part of a hectare of the Subject Land in the subdivision or a Stage, before the issue of a Statement of Compliance in respect of that subdivision or that Stage; or
  - 4.2.2 where there is buildings and works but no subdivision, and the part of the Subject Land on which the buildings and works are proposed has not paid a contribution previously in accordance with this Agreement, then, prior to the issue of any Certificate of Occupancy in which case the Development Infrastructure Levy must be paid in respect of each hectare of land encumbered by buildings and associated car parking, landscaping areas, loading areas , access driveways and storage areas to which the Planning Permit applies.

---

**5. Delivery of Drainage Works and Infrastructure Projects****5.1 Construction of Drainage Works and Infrastructure Projects**

The Owner covenants and agrees that the Owner will construct the Drainage Works and any Infrastructure Project :

- 5.1.1 in accordance with the Approved Plans approved by Council under clause 5.3;
- 5.1.2 before any milestone specified by Council or which is set out in a planning permit; and
- 5.1.3 to the satisfaction of Council or any other relevant authority.

**5.2 Responsibility for delivery of Drainage Works and Infrastructure Projects where land is subdivided and sold**

The Owner acknowledges and agrees that:

- 5.2.1 where the Subject Land<sup>1</sup> is subdivided and sold to a subsequent owner and the Subject Land is then held by multiple owners, the responsibility to deliver the Drainage Works and the Infrastructure Projects is to be determined by each of the owners of the Subject Land; and
- 5.2.2 Council may at its discretion seek enforcement of the obligations in this Agreement against any owner of the Subject Land without pursuing every owner of the Subject Land provided that the Owner acknowledges and agrees that nothing in this clause derogates from Council's right to seek enforcement of the obligations in this Agreement against each owner of the Subject Land.

**5.3 Design of Drainage Works and Infrastructure Projects**

The Owner covenants and agrees that:

- 5.3.1 the Owner must, at the full cost of the Owner, prepare the engineering plans and specifications (**Designs**) in respect of the Drainage Works and Infrastructure Projects and submit the Designs to Council and any other relevant authorities for approval;
- 5.3.2 approval of the Designs will be reflected in a set of plans and specifications endorsed by Council as the Approved Plans;
- 5.3.3 the Owner must obtain all necessary permits, consents and approvals for the Drainage Works and Infrastructure Projects.

**5.4 Variation of Approved Plans**

The Owner covenants and agrees that upon the endorsement by Council of Approved Plans there will be no further variations to the Approved Plans without the prior written consent of Council.

**5.5 Construction of Drainage Works and Infrastructure Projects**

The Owner covenants and agrees that in carrying out the Drainage Works and Infrastructure Projects the Owner is responsible for all costs associated with the design, supervision and delivery of the Drainage Works and Infrastructure Projects.

**6. Standard of Work**

**6.1 Standard of work**

The Owner covenants and agrees that in addition to any other requirement in this Agreement, the Drainage Works and all work for an Infrastructure Project must:

- 6.1.1 accord with the Approved Plans;
- 6.1.2 be fit and structurally sound, fit for purpose and suitable for its intended use;

<sup>1</sup> The Subject Land is the parent parcel

- 6.1.3 comprise best industry practice to the extent required by the Approved Plans;
- 6.1.4 not encroach upon any land other than the land shown in the Approved Plans; and
- 6.1.5 comply with any relevant current Australian Standard unless otherwise agreed in writing by Council.

**6.2 Construction Procedures**

The Parties agree that:

- 6.2.1 upon the completion of any component of the Drainage Works or an Infrastructure Project, the Owner must notify Council and any other relevant authority of the completion of the said works or said project ;
- 6.2.2 within 14 days of receiving the said notice of the completion of the Drainage Works or an Infrastructure Project from the Owner, Council and any other relevant authority must inspect the Drainage Works or Infrastructure Project as the case may be and determine whether to issue the Certificate of Practical Completion;
- 6.2.3 if Council is not satisfied with the Drainage Works or the Infrastructure Project, Council may refuse to issue a Certificate of Practical Completion provided Council:
  - (a) identifies in what manner the Drainage Works or the Infrastructure Project is not satisfactorily completed; and
  - (b) what must be done to satisfactorily complete the Drainage Works or the Infrastructure Project;
- 6.2.4 Council may, notwithstanding a minor non-compliance, determine to issue a Certificate of Practical Completion if Council is satisfied that the proper construction of the Drainage Works or the Infrastructure Project can be secured or otherwise guaranteed by a further agreement to its satisfaction;
- 6.2.5 before accessing land owned by Council or a third party for the purpose of constructing the Drainage Works or an Infrastructure Project or undertaking any maintenance or repair of defects in respect of the Drainage Works or an Infrastructure Project, the Owner must satisfy Council or if requested by a third party that person, that the Owner has:
  - (a) consent of the owner of land to access such land; and
  - (b) satisfied any condition of such consent;
- 6.2.6 subject to the Owner satisfying any conditions of consent to access land owned by Council, Council will provide all reasonable access as may be required to its land in order to enable the Drainage Works or an Infrastructure Project to be completed, maintained or repaired in accordance with the Approved Plans.

**6.3 Obligations following Certificate of Practical Completion**

Following the issue of a Certificate of Practical Completion for the Drainage Works or an Infrastructure Project, the Owner:

- 6.3.1 must provide Council with a copy of any maintenance information, operational manual or other material which is reasonably required for the ongoing operation and maintenance of the Drainage Works and the Infrastructure Project;



- 6.3.2 must provide Council with a copy of any certificate, consent or approval required by any authority for the carrying out, use or occupation of the Drainage Works and the Infrastructure Project;
- 6.3.3 is responsible for the maintenance of the Drainage Works and Infrastructure Project in good order, condition and repair and free of all defects to the satisfaction of Council until the end of the Maintenance Period.

---

## **7. Localised Infrastructure**

The Parties acknowledge and agree that:

- 7.1 The Development Infrastructure Levy required under this Agreement relates only to the infrastructure forming part of the General Infrastructure Works and not Localised Infrastructure or the Drainage Works or an Infrastructure Project; and
- 7.2 compliance with the obligations of this Agreement does not relieve the Owner of any obligation imposed by Council or a tribunal to provide Localised Infrastructure which obligation may be imposed as a condition in a Planning Permit for the subdivision, use or development of the Subject Land.

---

## **8. Further obligations of the Parties**

### **8.1 Notice and registration**

The Owner covenants and agrees that the Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

### **8.2 Further actions**

The Owner covenants and agrees that the Owner:

- 8.2.1 must do all things necessary to give effect to this Agreement;
- 8.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the Certificate of Title of the Subject Land in accordance with section 181 of the Act; and
- 8.2.3 agrees to do all things necessary to enable Council to do so, including:
  - (a) sign any further agreement, acknowledgment or document; and
  - (b) obtain all necessary consents to enable the recording to be made.

### **8.3 Council's costs to be paid**

The Owner covenants and agrees that the Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 8.3.1 drafting, signing and recording this Agreement;
- 8.3.2 drafting, finalising and recording any amendment to this Agreement; and

- 8.3.3 drafting, finalising and recording any document to give effect to the ending of this Agreement.

#### **8.4 Time for determining satisfaction**

If Council makes a request for payment of any costs or expenses under this Agreement the Parties agree that Council will not decide whether the Owner's obligation has been undertaken to Council's satisfaction, or whether to grant the consent sought, until payment has been made to Council in accordance with the request.

#### **8.5 Interest for overdue money**

The Owner agrees that:

- 8.5.1 the Owner must pay to Council interest in accordance with section 172 of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date.
- 8.5.2 if interest is owing, Council will apply any payment made first towards interest and then any balance of the payment will be applied to the principal amount.

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### **9. Agreement under section 173 of the Act**

The Parties agree that without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

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### **10. Owner's warranties**

- 10.1 The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

---

### **11. Successors in title**

The Owner covenants and agrees that until such time as a memorandum of this Agreement is recorded on the certificate of titles of the Subject Land, the Owner must require successors in title to:

- 11.1 give effect to this Agreement; and
- 11.2 enter into a deed agreeing to be bound by the terms of this Agreement.

---

### **12. General matters**

#### **12.1 Notices**

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 12.1.1 personally on the other Party;

- 12.1.2 by leaving it at the other Party's Current Address;
- 12.1.3 by posting it by prepaid post addressed to the other Party at the other Party's Current Address; or
- 12.1.4 by email to the other Party's Current Email.

**12.2 No waiver**

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

**12.3 Severability**

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

**12.4 No fettering of Council's powers**

The Owner acknowledges agrees that this Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

**12.5 Inspection of documents**

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

**12.6 Counterparts**

This Agreement may be executed in any number of counterparts. All counterparts together will be taken to constitute one instrument.

**12.7 Governing law**

The Parties agree that this Agreement is governed by and is to be construed in accordance with the laws of Victoria.

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**13. GST**

- 13.1 In this clause words that are defined in the GST Act have the same meaning as their definition in that Act.
- 13.2 Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.
- 13.3 If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 13.4 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.
- 13.4 The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 13.3.

---

**14. Commencement of Agreement**

This Agreement commences on the Approval Date.

---

**15. Ending of Agreement**

- 15.1 This Agreement ends when the Subject Land has been fully developed as evidenced by the issue of a statement of compliance for the plan of subdivision relevant to each part of the Subject Land.
- 15.2 Once this Agreement ends as to part of the Subject Land, Council will, within a reasonable time following a request from the Owner and at the cost of the Owner, execute all documents necessary to make application to the Registrar of Titles under section 183(2) of the Act to cancel the recording of this Agreement on the register as to that part of the Subject Land.
- 15.3 On completion of all the Owner's obligations under this Agreement, Council must as soon as practicable following the ending of this Agreement and at the Owner's request and at the Owner's cost, execute all documents necessary to make application to the Registrar of Titles under section 183(2) of the Act to cancel the recording of this Agreement on the register.

---

## Schedule 1

### The Subject Land

The land being Lots 1 and 2 on Title Plan 188461W, and being the land contained and described in Certificate of Title Volume 09399 Folio 137.

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## Schedule 2

### The Development Infrastructure Levy is:

\$2,631.58 per hectare of land as at the date of this Agreement.

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## Schedule 3

### Maintenance Period for defined categories of infrastructure

Infrastructure Project Category	Maintenance Period
Roads	3 months from the date of practical completion
Intersections	3 months from the date of practical completion
Drainage infrastructure	3 months from the date of practical completion

# Signing Page

Signed, sealed and delivered as a deed by the Parties.

The Common Seal of the Moorabool Shire Council )  
was affixed to this document in the presence of: )  
)  
)

..... Councillor  
..... Councillor  
..... Chief Executive Officer  
..... Date

Executed by Parwan Pty Ltd ACN )  
060314516 in accordance with s 127(1) of the )  
Corporations Act 2001 by authority of its  
directors:

..... Signature of Director/Company Secretary  
Signature of Director  
..... Print full name  
Print full name

Date / / 2016

## **Agreement under section 173 of the Planning and Environment Act 1987**

**Subject Land: Amendment C76 - Geelong Bacchus Marsh Road, Parwan**

**Purpose: Drainage Works and Drainage Easements**

**Moorabool Shire Council**

and

**Giuseppina Failli**

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## Agreement under section 173 of the Planning and Environment Act 1987

Dated        /        / 2016

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### Parties

Name	<b>Moorabool Shire Council</b>
Address	Civic Centre, 15 Stead Street, Ballan, Victoria 3342
Short name	<b>Council</b>
Name	<b>Giuseppina Failli</b>
Address	of crn Smiths Road and Geelong Bacchus Marsh Road, Parwan
Short name	<b>Owner</b>

---

### Background

- A. Council is the responsible authority for the Planning Scheme. Council is also Planning Authority for Amendment C76.
- B. Council enters into this Agreement in its capacity as the responsible authority.
- C. The Owner is the registered proprietor of the Subject Land.
- D. The Owner's land is being rezoned from Industrial 1 Zone to Farming Zone under Amendment C76. The development of the Adjoining Land requires the Drainage Infrastructure to service the Adjoining Land and the Owner of the Subject Land has agreed with the Owner of the Adjoining Land and Council for the Drainage Infrastructure to be constructed on the Subject Land.
- E. The Owner of the Adjoining Land also requires easements to be provided in it's favour over the Subject Land in order to gain access to the Drainage Infrastructure. The Owner of the Subject Land has agreed to provide such easements as are reasonably required for the purpose of enabling the Adjoining Land to gain access to the Drainage Infrastructure.

**The Parties agree:**

---

**1. Definitions**

In this Agreement unless the context admits otherwise:

**Act** means the *Planning and Environment Act 1987*.

**Adjoining Land** means the land being Lots 1 and 2 on Title Plan 188461W and being the land described in Certificate of Title Volume 09399 Folio 137.

**Agreement** means this agreement and includes this Agreement as amended from time to time.

**Amendment C76** means Amendment C76 to the Planning Scheme.

**Approval Date** means the day on which a Notice of Approval of Amendment C76 has been published in the Government Gazette in accordance with section 37 of the Act.

**Approved Plans** means plans of the Drainage Works which are required to be approved pursuant to the Section 173 Agreement for the Adjoining Land.

**Current Address** means:

- for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

**Current Email** means:

- the Council email address listed on Council's website; and
- for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

**Drainage Easements** means an easement or easements for stormwater drainage purposes over the Subject Land in favour of the Owners of the Adjoining Land or in favour of Council as an "in gross" easement.

**Drainage Works** means:

- the construction of a retarding basin on the Subject Land;
- the provision of water sensitive urban design treatments to the drainage lines leading to and from the retarding basin on the Subject Land
- any water storage or distribution infrastructure associated with the reuse of stormwater or treated wastewater to be located on the Subject Land; and
- any other drainage related works that are required in a planning permit issued in respect of the development of the Adjoining Land which are reasonably required to be located on the Subject Land.

**Endorsed Plan** means the plan endorsed with the stamp of Council from time to time as the plan which forms part of a Planning Permit.

**GST Act** means the *New Tax System (Goods and Services Tax) Act 1999* (Cwlth), as amended from time to time.

**Localised Infrastructure** means works, services or facilities on the Subject Land necessitated by the subdivision or development of the Subject Land including but not limited to provision of utility services such as water supply, stormwater drainage, sewerage, gas and electricity services, telecommunications infrastructure and local roads, bridges, culverts and other water crossings, any required associated traffic control measures and devices together with the associated land. For the purposes of this Agreement, Localised Infrastructure does not include the infrastructure required for the Drainage Works or other infrastructure that is in the nature of regional or state infrastructure.

**Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

**Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of the Subject Land and includes any Mortgagee-in-possession but does not mean the Owner of a Residential Lot. .

**Party or Parties** means the Parties to this Agreement but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land.

**Plan of Subdivision** means a plan of subdivision which creates an additional lot which can be disposed of separately or which is intended to be used for a dwelling or which can be re-subdivided.

**Planning Permit** means a planning permit for the development of the Subject Land or the Adjoining Land.

**Planning Scheme** means the Moorabool Planning Scheme and any other planning scheme that applies to the Subject Land.

**Schedule** means a schedule to this Agreement.

**Stage** is a reference to a stage of a subdivision of the Subject Land or the Adjoining Land.

**Section 173 Agreement for the Adjoining Land** means the agreement made under Section 173 of the Act between Council and the owner of the Adjoining land which applies to and is recorded against the title to the Adjoining Land and which among other things requires the construction of drainage works as defined in that agreement.

**Statement of Compliance** means a Statement of Compliance under the *Subdivision Act 1988*.

**Subject Land** means the land described in Schedule 1 and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.

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## 2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

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## 3. Purposes of Agreement

The Parties acknowledge and agree that the purposes of and the reasons Council entered into this Agreement are to:

- 3.1 facilitate Amendment C76;
- 3.2 ensure the provision of the Drainage Works and the Drainage Easements; and
- 3.3 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

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## 4. Consent to Drainage Works

The Owner agrees that:

- 4.1 the owner of the Adjoining Land together with its servants, agents and contractors may enter upon the Subject Land and remain on the Subject Land for the purpose of
  - 4.1.1 undertaking any ground testing or analysis for the purpose of the constructing the Drainage Works;
  - 4.1.2 undertaking any survey of the Subject Land; and
  - 4.1.3 constructing the Drainage Works

provided;

- 4.1.4 not less than 7 days written notice of any testing or analysis or survey work is given to the Owner;
- 4.1.5 not less than 14 days written notice of the commencement of the Drainage Works is given to the Owner;
- 4.1.6 the Drainage Works are constructed in accordance with the Approved Plans to the satisfaction of Council; and
- 4.1.7 the Drainage Works and any testing, analysis or survey work is carried out and constructed at the cost of the owner of the Adjoining Land in each and every respect;
- 4.1.8 the Subject Land is able to connect its stormwater infrastructure to the Drainage Works;
- 4.1.9 after construction of the Drainage Works, the Subject Land is left in a clean and tidy condition with all spoil and unwanted soil, clay or overburden removed from the Subject Land unless -
  - (i) the Owner of the Subject Land and the Owner of the Adjoining Land have agreed in writing to another arrangement; or
  - (ii) any condition of a Planning Permit requires the overburden to be kept on the Subject Land
- 4.2 the Owner shall not seek, require or claim from any person including Council, any form of compensation including monetary compensation in respect of:
  - 4.2.1 the area of the Subject Land which is required for the purpose of the Drainage Works;
  - 4.2.2 the carrying out of the Drainage Works including any disturbance or occupation of the Subject Land which is to the reasonable extent necessary for the purpose of constructing the Drainage Works;
  - 4.2.3 any legal interest in the Subject Land which is acquired for the purpose of the Drainage Easements;
- 4.3 Council and its servants and agents may enter the Subject Land at any time for the purpose of undertaking any maintenances work on the Drainage Works and the drainage infrastructure that is installed and constructed as part of the Drainage Works;
- 4.4 the Owner releases Council from all and any liability in relation to:
  - 4.4.1 the construction of the Drainage Works; and
  - 4.4.2 the grant of the Drainage Easements.
- 4.5 the Owner will enter into any further agreement or deed which is reasonably required to
  - 4.5.1 give effect to the Drainage Works; and
  - 4.5.2 enable the future maintenance of the Drainage Works; and
  - 4.5.3 formalise the grant of the Drainage Easements -

and without limiting the generality of the foregoing this includes the execution of any creation of easement document, plan of subdivision, application for planning permit or any other similar document.

## **5. Further obligations of the Parties**

### **5.1 Notice and registration**

The Owner covenants and agrees that the Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

### **5.2 Further actions**

The Owner covenants and agrees that the Owner:

- 5.2.1 must do all things necessary to give effect to this Agreement;
- 5.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the Certificate of Title of the Subject Land in accordance with section 181 of the Act; and
- 5.2.3 agrees to do all things necessary to enable Council to do so, including:
  - (a) sign any further agreement, acknowledgment or document; and
  - (b) obtain all necessary consents to enable the recording to be made.

### **5.3 Council's costs to be paid**

The Owner covenants and agrees that the Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 5.3.1 drafting, signing and recording this Agreement;
- 5.3.2 drafting, finalising and recording any amendment to this Agreement; and
- 5.3.3 drafting, finalising and recording any document to give effect to the ending of this Agreement.

### **5.4 Time for determining satisfaction**

If Council makes a request for payment of any costs or expenses under this Agreement the Parties agree that Council will not decide whether the Owner's obligation has been undertaken to Council's satisfaction, or whether to grant the consent sought, until payment has been made to Council in accordance with the request.

### **5.5 Interest for overdue money**

The Owner agrees that:

- 5.5.1 the Owner must pay to Council interest in accordance with section 172 of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date.

- 5.5.2 if interest is owing, Council will apply any payment made first towards interest and then any balance of the payment will be applied to the principal amount.

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**6. Agreement under section 173 of the Act**

The Parties agree that without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

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**7. Owner's warranties**

- 7.1 The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

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**8. Successors in title**

The Owner covenants and agrees that until such time as a memorandum of this Agreement is recorded on the certificate of titles of the Subject Land, the Owner must require successors in title to:

- 8.1 give effect to this Agreement; and
- 8.2 enter into a deed agreeing to be bound by the terms of this Agreement.

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**9. General matters****9.1 Notices**

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 9.1.1 personally on the other Party;
- 9.1.2 by leaving it at the other Party's Current Address;
- 9.1.3 by posting it by prepaid post addressed to the other Party at the other Party's Current Address; or
- 9.1.4 by email to the other Party's Current Email.

**9.2 No waiver**

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

**9.3 Severability**

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

**9.4 No fettering of Council's powers**

The Owner acknowledges agrees that this Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

**9.5 Inspection of documents**

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

**9.6 Counterparts**

This Agreement may be executed in any number of counterparts. All counterparts together will be taken to constitute one instrument.

**9.7 Governing law**

The Parties agree that this Agreement is governed by and is to be construed in accordance with the laws of Victoria.

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**10. GST**

10.1 In this clause words that are defined in the GST Act have the same meaning as their definition in that Act.

10.2 Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.

10.3 If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 10.4 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.

10.4 The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 10.3.

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**11. Commencement of Agreement**

This Agreement commences on the Approval Date.





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## Schedule 1

The Subject Land

The land being PC362391Y and being the land contained and described in Certificate of Title Volume 10392 Folio 269.



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# Signing Page

**Signed, sealed and delivered** as a deed by the Parties.

**The Common Seal of the Moorabool Shire Council** )  
was affixed to this document in the presence of: )  
)

..... Councillor  
..... Councillor  
..... Chief Executive Officer  
..... Date

**Signed sealed and delivered** by Giuseppina Failli in )  
the presence of: )  
) .....

.....  
Witness

**Attachment 4: Summary of Submissions**

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
1	Bacchus Marsh Aerodrome Management Inc.	Bacchus Marsh Aerodrome	Supports Amendment	The Amendment will be advantageous, as it will move the proposed industrial estate further away from the aerodrome. In particular, it will move the industrial estate away from under the flight path of powered aircraft landing on runway 27 which is the most heavily used of all the runways.	Noted
2	Country Fire Authority (CFA)	N/A	Supports Amendment	The Amendment does not appear to have significant implications relating to bushfire and/or service delivery for the CFA. The CFA supports the Amendment in its current form.	Noted

**Attachment 4: Summary of Submissions**

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
3	APA	N/A	Supports Amendment	<p>APA Group is Australia's largest natural gas infrastructure business and has direct management and operational control over its assets and investments.</p> <p>APA has one high pressure gas transmission pipelines (HPGTP) pipeline located near 3922 Geelong-Bacchus Marsh Road Parwan.</p> <p>In managing HPGTP's &amp; considering land use changes APA must focus on that area geographically defined by the measurement length (ML). The ML area is essentially the area within which APA is mandated to consider community safety in the event the pipe is impacted in some way &amp; fails. The ML is the area of safety consequence should such a failure occur. APA must consider any changes in land uses within the ML area.</p> <p>The ML associated with the Brooklyn to Ballan Pipeline is 160 metres either side of the pipe. APA generally seeks to limit sensitive uses from establishing in the ML so as to retain a high level of compliance with applicable safety standards. To this end APA's preferred position is that all sensitive land uses be located outside of the ML.</p> <p>From the plan submitted, it appears that none of these defined sensitive uses are located within the ML &amp; therefore APA has no objection or issues with the proposal as currently depicted. Should the plan change &amp; higher density residential outcomes or any of the listed sensitive land uses are introduced within 160 metres of the pipeline, please contact APA to discuss potential implications, options &amp; process.</p>	Noted

Attachment 4: Summary of Submissions

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
4	Department of Economic Development, Jobs, Transport & Resources (DEDJTR)	N/A	Comments only	<p>DEDJTR is working to achieve a more integrated approach to planning coordination &amp; management of all transport modes. In particular, one of DEDJTR's agendas is to improve productivity &amp; liveability, &amp; how these outcomes are delivered in a spatial context, i.e. through integrated transport &amp; land use planning.</p> <p>Public Transport Victoria, VicRoads &amp; DEDJTR have reviewed the exhibited documentation. The Traffic Engineering Assessment (TEA) report indicates that there are no issues that would require further work/resolution prior to the proposed rezoning to an industrial zone. However, it is considered that the traffic report lacks detail, does not discuss requirements for an eastern bypass road &amp; is not consistent with the more objective assessment provided in the Planning Report. The TEA fails to demonstrate the adequacy of the existing transport network to service the future needs of the Agribusiness Industrial Area in Parwan &amp; should be revised prior to the rezoning of the land. The revised report should provide more detail regarding the types of industries that may be established on the site, the type &amp; number of vehicles likely to service the site &amp; the anticipated distribution of these trips to &amp; from the site.</p> <p>The Victorian Government has committed to implementing road safety improvements along the Geelong-Bacchus Marsh Rd along the site's frontage to address the poor safety record of this stretch of road. As part of Towards Zero 2016-2020, a wire rope barrier will be installed along the centreline to prevent crashes &amp; a new roundabout constructed at the intersection of Geelong-Bacchus Marsh Rd, Glenmore Rd &amp; Nerowie Rd. These works will be completed within the next 12-18 months. VicRoads has advised that the proposed fully directional intersection at Geelong-Bacchus Marsh Rd &amp; the internal street would not be approved as it would compromise these committed safety improvements. Any future access to Geelong-Bacchus Marsh Rd would be restricted to left-in/left-out movements only. The revised TEA prepared on behalf of the applicant should reflect these constraints.</p> <p>There is general agreement that an eastern bypass road is required for the proposed Agribusiness Industrial Area in Parwan to operate efficiently. This is highlighted in the Bacchus Marsh Integrated Transport Strategy 2015 as a key network improvement required to accommodate expected growth in the township &amp; surrounding areas &amp; to remove freight movements</p>	<p>Council's Infrastructure Department concurs with DEDJTR's concerns.</p> <p>It is recommended that:</p> <ul style="list-style-type: none"> <li>• The TEA be reviewed to identify: <ul style="list-style-type: none"> <li>○ The full extent of traffic generated by the industrial development of the proposed IN1Z land at 3922 Geelong-Bacchus Marsh Road (i.e. rather than based on the net increase of IN1Z land).</li> <li>○ The road infrastructure improvements necessary to accommodate traffic generated on the wider road network. (&amp; the associated trigger points for implementation) for two scenarios: <ul style="list-style-type: none"> <li>▪ The interim road infrastructure improvements required for existing conditions (i.e. prior to the construction of an eastern bypass road); &amp;</li> <li>▪ The ultimate road infrastructure improvements required post-construction of the eastern bypass road.</li> </ul> </li> </ul> </li> <li>• The DPO Schedule be amended under Clause 3.0, to require that the Integrated Traffic Management Plan identify the road infrastructure improvements necessary to accommodate traffic generated on the wider road network. (&amp; the associated trigger points for implementation) for the above two scenarios.</li> </ul>

**Attachment 4: Summary of Submissions**

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
				<p>from the town centre. VicRoads is currently seeking funding to progress the preparation of an eastern bypass road corridor study. However, this may take time to secure. The proposed DPO1 requires the preparation of an Integrated Traffic Management Plan (ITMP) that would consider the views of VicRoads before the development plan is approved. DEDJTR supports this, however, it is important that any ITMP details the road infrastructure improvements required both within the site &amp; on the wider road network (&amp; the associated trigger points for implementation) for two scenarios:</p> <ul style="list-style-type: none"> <li>a) The interim road infrastructure improvements required for existing conditions (i.e. prior to the construction of an eastern bypass road), &amp;</li> <li>b) The ultimate road infrastructure improvements required post-construction of the eastern bypass road.</li> </ul> <p>PTV, VicRoads &amp; DEDJTR look forward to working closely with Council to progress the eastern bypass road corridor study once funding is secured.</p>	

Attachment 4: Summary of Submissions

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
5	Civil Aviation Safety Authority (CASA)	Bacchus Marsh Aerodrome	Comments only	<p>The aerodrome is an 'Aeroplane Landing Area' and is not a regulated aerodrome or subject to CASA oversight. However, the exhibited Development Plan Overlay Schedule 1 (DPO1) requires that the development plan must include a 'Bacchus Marsh Aerodrome Impact Assessment Report', prepared in consultation with CASA, the Aerodrome manager and Moorabool Shire Council, that is consistent with the National Airports Safeguarding Framework.</p> <p>CASA advised that, further to the management of obstacle limitation surface (OLS) penetrations (i.e. as proposed under the exhibited DPO1), the approach to runway 27 and take-off from runway 09 are directly over the site. There is commentary about wildlife in the exhibited documentation but there is no analysis of the potential impact of wildlife activity on aircraft activities. There may be the potential for aircraft to be operating at low levels over the site and an interaction with birds. From a duty of care perspective it may be advisable to understand this risk further.</p>	<p>It is recommended that the DPO1 be amended by deleting the reference to CASA.</p> <p>The Amendment and ultimate industrial development is likely to result in reduced risk to aircraft.</p> <p>The exhibited DPO1 requires that the development plan must include an 'ecological assessment report', and that any future permits for subdivision must include a 'habitat zone management plan' for Bingham's Swamp and any other habitat zones to be retained. The 'habitat zone management plan' must include management actions for each habitat zone and associated buffer areas to mitigate risks to ecological values during subdivision and construction and from the industrial use of the balance of the land. The implementation of management plans for Bingham's Swamp and other habitat zones is unlikely to result in increased bird numbers or movements.</p>

6	Environment Protection Authority (EPA)	N/A	Comments only	<p><u>Separation Distances:</u>  Within the immediate vicinity of the site there are several agribusiness or agricultural related industries currently operating, including the Parwan Recycled Water Plant, Genetics Australia, poultry farms &amp; the Parwan Valley Mushroom.</p> <p>EPA notes that there are also some existing residents to the south &amp; west of the site. Potential amenity impacts to existing residents will need to be considered.</p> <p>The Moorabool Agribusiness Industrial Area includes a proposed abattoir &amp; rendering plant, as well as areas for manufacturing &amp; sales, &amp; storage &amp; distribution. The scale &amp; intensity of these types of land uses will dictate appropriate buffer zones from sensitive uses in accordance with EPA Publication 1518 Recommended separation requirements for industrial residual air emissions (2013).</p> <p>The Moorabool Agribusiness Industrial Area Concept Plan has been provided in the DPO1, however in order for the EPA to determine potential amenity impacts, the scale &amp; locations of operations would need to be further considered. There are various uses in Section 1 (permit not required) &amp; Section 2 (permit required) of the IN1Z.</p> <p><u>Noise:</u>  Management of noise will also be a key issue into the future. EPA Publication 1411 Noise from Industry in Regional Victoria (NIRV; 2011) will need to be considered. This publication sets recommended maximum noise levels that apply to noise impacting on noise sensitive areas. Council will need to ensure that recommended noise levels at surrounding sensitive receptors can be met.</p> <p><u>State Environment Protection Policies (SEPP's):</u>  It is recommended that the requirements for the development plan include an assessment of the proposal against relevant SEPP's. Consideration of the issues identified above will assist in protecting both the viability of industry &amp; human health &amp; amenity.</p> <p><u>EPA Works Approval:</u>  A works approval will be required for the abattoir &amp; rendering plant in accordance with the Environment Protection (Scheduled Premises &amp; Exemptions) Regulations 2007.</p>	<p>The proposed IN1Z will result in potential for a large number of uses to establish without the need for a planning permit. Consequently, separation distance (i.e. buffer) requirements for dust, odour and noise will need to be determined as part of the development plan approval process under the proposed DPO1. However, the difficulty with this approach is that the exact type and intensity of uses will not be known at the time of development plan preparation, with the possible exception of the proposed abattoir and rendering plant.</p> <p>The proposed DPO1 requires that a development plan must be prepared to the satisfaction of the responsible authority prior to a permit being granted to use or subdivide land, construct a building or construct or carry out works. A permit granted must be generally in accordance with the development plan.</p> <p>The purpose of the development plan is to set a 'framework' for the consideration of future land development proposals, and for future land use proposals in instances where a planning permit is required. The DPO offers only limited potential for consideration of SEPP requirements, as the exact details of uses will not be known at the time of development plan preparation, with the possible exception of the proposed abattoir and rendering plant.</p> <p>The exhibited draft DPO1 includes a requirement for an Integrated Water Management Plan prepared in consultation with Melbourne Water, Western Water, the EPA and Council. It is recommended that the draft DPO1 be amended to refer specifically to the relevant SEPPs, these being the SEPP (Waters of Victoria) and the SEPP (Groundwaters of Victoria). It is not possible for the DPO1 to refer to other SEPPs. The proposed IN1Z will mean that any consideration of these SEPPs will be limited to future land use proposals in instances where a planning permit is required.</p> <p>An EPA works approval is beyond the scope of the Amendment. Works approvals are issued by the EPA under the Environment Protection Act 1970, and are required for industrial and waste management activities that have the potential for significant environmental impact.</p>
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Attachment 4: Summary of Submissions

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
7	Victorian Planning Authority (VPA)	N/A	Comments only	<p>The VPA &amp; Council are working collaboratively to prepare an Urban Growth Framework (UGF) for Bacchus Marsh. This document is being prepared in response to State policy which earmarks Bacchus Marsh for significant growth. The State policy direction is for a regionally-significant employment hub in Parwan.</p> <p>The UGF is currently a working draft &amp; is yet to undergo public consultation. Accordingly, the VPA provides comments on the Amendment in relation to existing state policy. These comments may be expanded during a Panel Hearing to reflect advancement of the UGF.</p> <p><u>Strategic Planning:</u> Parwan is earmarked as a future employment hub by State policy.</p> <ul style="list-style-type: none"> <li>The proposed zones of industrial &amp; farming are both generally consistent with an employment hub use.</li> <li>Any planning for an employment precinct will likely be undertaken at the precinct level via a Precinct Structure Plan (PSP), accompanied by the application of zoning &amp; overlay provisions as appropriate. If the precinct includes the subject sites, it is likely the same zone &amp; overlay provisions will be applied on the subject sites, consistent with planning of the broader precinct. Assessment of the current Amendment should give consideration as to how this could impact on the subject sites.</li> </ul> <p><u>Statutory Planning:</u></p> <ul style="list-style-type: none"> <li>It is noted that a planning permit application did not accompany the planning scheme amendment application.</li> <li>In relation to land use, an 'abattoir' is included in 'rural industry' which falls within the 'industry' group. This is a section 1 use, providing the conditions of the Table of Uses at 33.01-1 are met. Should any of these conditions not be met, an abattoir is a Section 2 use &amp; requires a planning permit. During a planning permit application process, Council must have regard to the existing residential dwellings &amp; any other sensitive land use proximate to the subject site to ensure their amenity is not adversely affected by a proposed abattoir.</li> <li>As an abattoir is a section 1 use (providing the conditions of 33.01-1 are met), the application requirements for landscaping treatment within the IN1Z &amp; the DPO1 will be integral to manage amenity impacts &amp; integrate the facility into the surrounding area.</li> </ul>	<p>At this point in time, zone &amp; overlay provisions it is uncertain what zone &amp; overlay provisions might be applied to the broader Parwan Employment Precinct (PEP) as a result of any PSP process. However, it is noted that the adopted Agribusiness Analysis; Proposed Parwan Employment Precinct (CBRE, 2015) suggests (in Clause 13.2) that planning controls should encourage a well-defined mix of farming/agribusiness &amp; industrial type uses. The CBRE report suggests the possibility application of the Special Use Zone (SUZ) or the Rural Activity Zone (RAZ). It is also possible that the Urban Growth Zone (UGZ) may be applied to the PEP as an interim control.</p> <p>The proposed rezoning to IN1Z will facilitate the development of an abattoir &amp; rendering plant. These uses are consistent with the vision for the PEP. It is difficult to determine the extent to which the proposed application of IN1Z to the subject site may or may not be compatible with the ultimate application of another zone control to the broader PEP. The application of IN1Z to the subject site may result in some uses establishing which ultimately become prohibited uses under a future precinct wide zone control. It may also result in a subdivision density &amp;/or pattern which is incompatible with a future zone control.</p> <p>Well designed perimeter landscaping will be integral to managing amenity impacts &amp; integrating development into the surrounding landscape. The exhibited draft DPO Schedule 1 requires that a development plan must include an 'Urban Design Masterplan' that includes (amongst other matters) landscaping consistent with a 'Landscape Masterplan'. The requirements for a 'Landscape Masterplan' include details, including dimensions, species selection &amp; planting densities, of a landscape buffer area around the perimeter of the land at the interface between the site &amp; neighbouring land uses, including all perimeter road frontages.</p> <p>It is recommended that the draft section 173 agreement relating to 3922 Geelong-Bacchus Marsh Road (i.e. the proposed IN1Z land) be amended, to include a sunset clause in respect to the development infrastructure levy (i.e. clause 4 of the agreement). Upon any future DCP (or Infrastructure Contributions Plan [ICP]) coming into effect, the DCP (or ICP) levy would apply to the subject land, &amp; the development infrastructure levy under the section 173 agreement would discontinue.</p> <p>The amendment as drafted addresses a number of known infrastructure requirements. It is however acknowledged that infrastructure requirements for the wider PEP need to be</p>

Attachment 4: Summary of Submissions

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
				<p><u>Technical Planning:</u></p> <ul style="list-style-type: none"> <li>Any future planning for an employment precinct on a greenfield site such as Parwan will likely require a Development Contributions Plan (DCP) &amp; associated overlay to ensure the precinct is appropriately serviced &amp; infrastructure costs apportioned between landowners &amp; service providers. At the time of precinct planning, it may be considered necessary to combine the development contributions agreement proposed by Amendment C76 with a DCP that accompanies a Precinct Structure Plan. Assessment of the Amendment should give consideration as to how this could impact on the subject sites.</li> <li>Site-specific responses for infrastructure, transport &amp; drainage will be required on the subject sites. Assessment of the Amendment should give consideration as to how these might respond to a broader precinct.</li> <li>An abattoir development, or another industrial use with off-site air emission impacts, on the subject site may require consideration of cumulative impacts due to proximity of the Parwan Recycled Water Plant (RWP) which also has off-site air emission impacts.</li> <li>In accordance with PPN30, consideration should be given to the potential for land contamination &amp; the need for an associated assessment given the land will be rezoned to FZ which will allow as-of-right agriculture uses.</li> </ul>	<p>considered as development occurs on the subject land as well as the wider precinct. Referral of planning applications to relevant agencies will be critical to identifying many of these off-site issues &amp; the required responses (road works, drainage, etc.).</p> <p>Development facilitated by amendment C76 will be subject to conditions which require necessary infrastructure to be provided at developer cost. The wider PEP area will be assessed for infrastructure needs as part of future PSP preparation. It should be noted, that Council has also undertaken preliminary infrastructure planning for the wider PEP &amp; responses will continue to evolve as planning continues in the area.</p> <p>The IN1Z will result in potential for a large number of uses to establish without the need for a planning permit. Consequently, separation distance (i.e. buffer) requirements for dust, odour and noise will need to be determined as part of the development plan approval process under the proposed DPO schedule. However, the difficulty with this approach is that the exact type and intensity of uses will not be known at the time of development plan preparation, with the possible exception of the proposed abattoir and rendering plant. In order to provide some opportunity for consideration of cumulative off-site air emission impacts (i.e. odour), it is recommended that the proposed DPO schedule be amended to include a requirement for a Parwan RWP Impact Assessment Report prepared in consultation with Western Water and the Environment Protection Authority that includes:</p> <ul style="list-style-type: none"> <li>An odour assessment for the proposed abattoir and rendering plant, that gives due consideration to cumulative impacts due to the proximity of the Parwan RWP and other nearby odour generating sources.</li> <li>Buffer areas around the Parwan RWP, abattoir and rendering plant, that take into account both the current and future expected populations, designed in accordance with the relevant EPA guidelines on separation distances. (N.B. Multiple odour generating sources may impact upon a larger area, thereby requiring larger buffer distances.)</li> </ul> <p>In this instance, the land proposed to be rezoned from IN1Z to FZ is currently used for agriculture and is not known to have been previously used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel. Therefore, the land is not considered to be potentially contaminated, and an environmental audit is not deemed necessary.</p>

Attachment 4: Summary of Submissions

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
8	N/A	N/A	Objects	<ul style="list-style-type: none"> <li>• Objects to the rezoning of land at Parwan to IN1Z.</li> <li>• The Amendment is premature, lacks proper support and will create just a standard industrial estate, and potentially accommodate heavy industry.</li> <li>• If an agribusiness/industrial precinct in the area is necessary, the northern part of Parwan adjacent to the railway line would be a superior location; it could accommodate an interchange facility to allow for transfer of goods from road to rail, and would still have similar access to the Geelong port. It would also be closer to the Western Fwy and other existing infrastructure, thereby reducing costs to the community.</li> <li>• There would be greater benefit in first obtaining clear strategic justification for land use changes, and preparing a master plan for all land south of Bacchus Marsh before rezoning the land.</li> <li>• Clause 11.02-3 requires Councils to prepare structure plans to facilitate the orderly development of urban areas, which include industrial areas.</li> <li>• The planning needs to provide greater clarity around the vision for the area and how this will be achieved, including incentives and strategies for facilitating preferred agribusiness related uses.</li> <li>• The proposed use of the IN1Z highlights that there is still uncertainty, at least in Council's view, about the future of this precinct, and is even more reason why further assessment and master planning work should be undertaken.</li> <li>• It appears that the IN1Z is being sought by the developer in order to provide the greatest flexibility for future uses to locate in the precinct, rather than a bona fide agribusiness precinct.</li> <li>• The IN1Z provides for a range of potential uses (either as-of-right or permit required) which may be incompatible with agribusiness uses. Also, the IN1Z lacks appropriate guidance for the exercise of discretion as to whether a use has a direct association with agribusiness.</li> <li>• The focus appears to be on the use of the IN1Z across all or part of the area to accommodate heavy industry and modern industrial developments, which appears contrary to, and could undermine, the current and future agribusiness role of the wider precinct.</li> </ul>	<p>The Amendment implements the Central Highlands Regional Growth Plan (CHRG) regional policy to ensure that Bacchus Marsh retains a strong local employment focus to reduce its role as a commuter town. The CHRG identifies Parwan as an area with opportunities for a flexible range of rural and industrial uses.</p> <p>The Moorabool Industrial Areas Strategy (MIAS; adopted 2015) identifies Parwan for a range of agribusiness and industrial uses and supports Amendment C76. However, the MIAS recommends that consideration should be given to finding suitable sites further to the north, closer to the Western Freeway, railway line and proposed eastern bypass road.</p> <p>Council is currently working with the VPA to prepare a UGF for Bacchus Marsh. A key focus of this work will involve planning for a regionally significant employment hub in Parwan (i.e. the PEP). Council has applied for State Government funding for the development of a PSP and associated background studies.</p> <p>Amendment C76 was initiated by the landowners of the subject site, and Council has resolved to seek authorisation to prepare and exhibit the Amendment. Council therefore has a duty, as the planning authority, to process and consider the Amendment on its merits.</p> <p>The amendment supports the following elements of the State Planning Policy Framework: Clauses 11.02 (Urban Growth), 11.06 (Central Highlands Regional Growth) and 14.01 (Agriculture).</p> <p>The amendment supports the following objectives and strategies of the Municipal Strategic Statement (MSS): Clauses 21.03 (Settlement &amp; Housing) and 21.04 (Economic Development &amp; Employment).</p> <p>With regard to the proposed application of IN1Z, the submission has some merit. The IN1Z provisions do allow for a large number of uses to establish without the need for a planning permit; e.g. industry (other than materials recycling and transfer station) and warehouse uses (other than mail centre and shipping container storage) don't require a planning permit, subject to satisfying the specified adverse amenity conditions. Consequently, it will not be possible to limit potential uses to those associated with agribusiness.</p>

Attachment 4: Summary of Submissions

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
				<p>The lack of clarity or uncertainty about the future of this precinct supports the premise of rezoning the land to a precinct based Special Use Zone (SUZ). The SUZ would be the most appropriate planning instrument to implement the strategic objectives of an agribusiness precinct and would allow provisions to be tailored to facilitate a range of agribusiness and related uses. A SUZ could explicitly support agribusiness and related uses while preventing the establishment of incompatible industrial and other uses that would undermine the role of the precinct.</p> <ul style="list-style-type: none"> <li>The application of SUZ would still require further supporting strategic work to be completed, being the preparation of an agribusiness precinct master plan. Also, stipulations should be developed and included for deciding if a proposal has a direct association with agribusiness.</li> <li>There appears to be a lack of guidelines for future development ... Controls need to be put in place, including standards of quality design and building appearance, so that the development provides an attractive appearance (high level of visual amenity) when viewed from adjacent transport routes and surrounding land.</li> <li>There has been limited demand for industrial development in Bacchus Marsh/Parwan, and there is no demonstrated need for a significantly larger area of industrial land in Parwan.</li> <li>The proponent and Council have not presented adequate justification for the increase in industrial land at Parwan.</li> <li>There is vacant industrial land adjacent to the old CSR factory, which is either serviced or closer to services than the Parwan site, and land adjacent to the Maddingley coal mine.</li> <li>Land adjacent to the old CSR factory is relatively flat and approval was previously granted by VCAT for an abattoir on part of the land.</li> <li>The land to the west of the coal mine, between the SUZ1 and IN2Z, could be investigated for industrial type uses as it is unlikely that residential development could be sandwiched between these two areas.</li> </ul>	<p>Council officers discussed this matter with the proponents and suggested that the SUZ may be more suitable, as a SUZ Schedule could be drafted to suit the desired mix of land uses. Importantly, a SUZ Schedule could:</p> <ul style="list-style-type: none"> <li>Require a planning permit for uses that have potential for adverse amenity potential, and thus enable the consideration of buffer requirements and the application of permit conditions relating to the use.</li> <li>Prohibit certain uses that might be considered detrimental to the desired outcome for the precinct.</li> </ul> <p>The proponents expressed their desire to proceed with the proposed IN1Z which can be 'tested' via a Panel process. Council officers, however, would not be opposed to the use of the SUZ with an appropriate schedule to manage use and development.</p> <p>Regardless of the fact that a permit is not required for large number of uses in the IN1Z, a permit is required to subdivide land, and a permit is generally required to construct a building or construct or carry out works. The proposed DPO1 requires that a development plan must be prepared to the satisfaction of the responsible authority prior to a permit being granted to use or subdivide land, construct a building or construct or carry out works. A permit granted must be generally in accordance with the development plan.</p> <p>The exhibited draft DPO1 requires that a development plan must include an 'Urban Design Masterplan' that includes (amongst other matters):</p> <ul style="list-style-type: none"> <li>The distribution of uses, including the location of uses which require a larger separation distance from sensitive uses or food production/processing activities centrally within the site with buffers to the meet the requirements of Western Water and the EPA.</li> <li>Buffer areas to minimise air emissions beyond the curtilage of the land, to meet the requirements of Western Water and the EPA.</li> <li>Landscaping consistent with the Landscape Masterplan.</li> </ul> <p>Council officer review of the MIAS identified some limitations in the assumptions made. Consequently, Council engaged SGS Economics and Planning in early 2017 (authors of the MIAS) to undertake a fresh review of industrial land demand. SGS</p>

Attachment 4: Summary of Submissions

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
					<p>produced a report titled Moorabool Industrial Areas Strategy Update; January 2017 (MIAS Update) which concluded:</p> <ul style="list-style-type: none"> <li>• Taking into account the revised supply figures and potential growth in demand, by 2031 the net available land supply is projected to be only 13.3 hectares<sup>2</sup>, which is substantially less than the 181.9 hectares projected by the MIAS ( <sup>2</sup> This figure excludes the increase in industrial land that would occur as a result of C76).</li> <li>• The MIAS model predicted that there would be a total of 152.9 hectares or surplus industrial land by 2051. The revised model produced as part of this engagement predicts that industrial land within Moorabool will be exhausted by around 2038, with a deficit rising to around 27.9 hectares by 2051.</li> <li>• Taking into consideration the new demand and supply assumptions detailed in this report, there is at most 22 years of industrial land supply remaining in Moorabool. However, accounting for constraints associated with existing land and uncertainties in relation to the impact of growth on the Melton economy, the supply of industrial land in Moorabool may be exhausted much sooner.</li> <li>• Given this, to ensure that the future growth of Moorabool's economy is not stymied by a lack of suitable land, there is a need for further industrial land to be made available in the near future.</li> </ul> <p>In response to the issues raised regarding the existing SUZ1 land, Council is currently working with the VPA to prepare a UGF for Bacchus Marsh (as discussed above). A key focus will involve planning for a regionally-significant 'Parwan Employment Precinct' (PEP). The PEP, as currently defined (refer to map on page 14 of Agribusiness Analysis; Proposed Parwan Employment Precinct; CBRE) encompasses a large portion of the SUZ1 land. Council could give consideration to revising the PEP boundaries, to encompass all of the SUZ1.</p>

Attachment 4: Summary of Submissions

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
9	Western Water	Parwan Recycled Water Plant	Supports Amendment subject to changes	<p>No objection to the Amendment, provided that the following items are taken into consideration:</p> <ul style="list-style-type: none"> <li>• A buffer is set around the Parwan Recycled Water Plant (RWP) that takes into account both the current and future expected populations in accordance with the relevant EPA guidelines on separation distances.</li> <li>• Uses of the industrial land are consistent with the EPA guidelines on separation distances and do not impact upon the operation of the plant. These proposed uses cannot compromise the continued operation or expansion of the recycled water plant facilities to service both current and future growth of the shire without express approval from Western Water.</li> <li>• Any use of the proposed industrial land includes the requirement for an odour assessment for the proposed use. The odour assessment should take into account other nearby odour generating sources. There may be occasions that multiple odour generating sources may impact upon a larger area requiring larger buffer distances.</li> <li>• Any development or land use application proposal must be accompanied by plans indicating distances of property boundaries and any proposed buildings to the property boundary of the RWP, an estimate of the number of persons drawn to the buffer area as a result of the proposal and an odour impact assessment if the proposed use will generate odours.</li> <li>• Work commences shortly on the creation of an ESO to identify and enforce a buffer from significant odour sources within the Parwan area.</li> <li>• Land owners and developers shall be made aware of the current and future buffer around the recycled water plant and its likely expansion and/or intensification over time.</li> <li>• The planning scheme should encourage the reuse of recycled water wherever possible.</li> <li>• Western Water's recycled water plant may not be the appropriate destination for some industrial wastes.</li> <li>• Western Water has limited water and sewer infrastructure in this area and the land owner shall consult with Western Water on any proposed use of the rezoned land.</li> <li>• Agreement shall be required with Western Water on connection to the water and sewer networks including the allowable discharges to the plant and offtrakes for potable water.</li> </ul>	<p>As discussed above, the proposed IN1Z will result in potential for a large number of uses to establish without the need for a planning permit. Consequently, separation distance (i.e. buffer) requirements for dust, odour and noise will need to be determined as part of the development plan approval process under the proposed DPO schedule. However, the difficulty with this approach is that the exact type and intensity of uses will not be known at the time of development plan preparation, with the possible exception of the proposed abattoir and rendering plant.</p> <p>In order to provide some opportunity for consideration of cumulative off-site air emission impacts (i.e. odour), it is recommended that the proposed DPO schedule be amended to include a requirement for:</p> <ul style="list-style-type: none"> <li>• A Parwan Recycled Water Plant (RWP) Impact Assessment Report prepared in consultation with Western Water and the Environment Protection Authority that includes: <ul style="list-style-type: none"> <li>• An odour assessment for the proposed abattoir and rendering plant, that gives due consideration to cumulative impacts due to the proximity of the Parwan RWP and other nearby odour generating sources.</li> <li>• Buffer areas around the Parwan RWP, abattoir and rendering plant, that take into account both the current and future expected populations, designed in accordance with the relevant EPA guidelines on separation distances. (N.B. Multiple odour generating sources may impact upon a larger area, thereby requiring larger buffer distances.)</li> </ul> </li> </ul> <p>It is also noted by staff that the concerns raised in submission 8 could be addressed by use of the SUZ. Uses with potential for significant adverse amenity impacts could be scheduled as Section 2 (permit required) uses, thereby enabling due consideration of separation distances and the application of appropriate permit conditions.</p> <p>The following matters are beyond the scope of the Amendment, including:</p> <ul style="list-style-type: none"> <li>• The planning scheme should encourage the reuse of recycled water wherever possible.</li> <li>• Response: SPPF Clause 14.02-3 encourages water conservation measures such as recycling.</li> <li>• Western Water's recycled water plant may not be the appropriate destination for some industrial wastes.</li> <li>• Response: This is a matter for the proponent to deal with.</li> </ul>

Attachment 4: Summary of Submissions

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
				<p>• Note that the Bacchus Marsh Recycled Water Plant is now called the Parwan Recycled Water Plant. The planning scheme needs to be updated accordingly.</p> <p>On this occasion, Western Water is supportive of the rezoning of industrial land to Farming Zone in close proximity to the recycled water plant. Generally farming land is an acceptable use within land that may be affected by the operation of the plant.</p> <p>Other than land already zoned for industrial purposes Western Water would be concerned with any new proposals to rezone land within the buffer to the Parwan RWP to industrial. Western Water's preference is for land within the buffer to remain as Farming Zone.</p> <p>To determine the most appropriate buffer for the Parwan Recycled Water Plant, Western Water has been in consultation with the VPA and will be looking at commencing an odour study shortly. It is hoped that this will inform future zoning decisions by both Moorabool Shire Council and the Victorian Planning Authority and form the basis of an ESO.</p>	<ul style="list-style-type: none"> <li>• Western Water has limited water and sewer infrastructure in this area and the land owner shall consult with Western Water on any proposed use of the rezoned land. Response: This is a matter for the proponent to deal with.</li> <li>• Agreement shall be required with Western Water on connection to the water and sewer networks including the allowable discharges to the plant and offtakes for potable water. Response: This is a matter for the proponent to deal with.</li> <li>• Note that the Bacchus Marsh Recycled Water Plant is now called the Parwan Recycled Water Plant. The planning scheme needs to be updated accordingly. Response: This is a matter for the future MSS review.</li> </ul>

**Attachment 4: Summary of Submissions**

Submission Number	Agency	Affected Property	Submitter's Position on the Amendment	Submission Summary	Council Officer Recommendations / Comments
10	Regional Development Victoria (RDV)	N/A	Supports Amendment	<p>Parwan Employment Precinct (PEP) is a project supported by RDV. The proposed rezoning is consistent with State Government policy and the efforts of the PEP project control group to activate the precinct. With the appropriate planning and infrastructure support, the PEP will attract private agribusiness investment and offer a flexible range of industrial uses. The PEP is expected to deliver new employment opportunities for circa 1,200 people within an integrated agribusiness precinct. RDV will continue to work with landowners to develop the PEP to its full potential.</p>	Noted.



**BACCHUS MARSH AERODROME MANAGEMENT INC. Assoc.No. A0025907B  
P.O. Box 375, Bacchus Marsh, Vic. 3340  
ABN 79 105 246 390**

To: Moorabool Shire Council  
PO Box 18,  
Ballan Vic. 3342  
Attn: Andrew Goodsell

29 December 2016

Dear Andrew,

**Moorabool Planning Scheme – Amendment C76 - Submission**

I have reviewed the planning scheme amendment C76 in detail from the perspective of BMAM and the situation of operations at the Bacchus Marsh Aerodrome, and I find advantage in making this amendment. It moves the proposed industrial estate further away from the Aerodrome, and in particular it moves the industrial estate from being under the flight path of powered aircraft landing on runway 27 which is the most heavily used of all the runways.

Yours Faithfully

*Not signed - Sent by email*

Chairperson  
BMAM Inc

Tel:  
Mob:  
Email:



**Fire Safety Referrals**  
**Fire & Emergency Management**  
Email: [firesafetyreferrals@cfa.vic.gov.au](mailto:firesafetyreferrals@cfa.vic.gov.au)  
Telephone: 03 9262 8578

Our Ref:  
Telephone:  
Council Ref: **AMENDMENT C76 / 13/06/080**  
TRAX Ref: **slup\_psa\_submission**

3 January 2017

Rod Davison  
Strategic Planner  
Moorabool Shire Council  
P. O.Box 18  
**BALLAN VIC 3342**

Dear Rod

#### **SUBMISSION TO PLANNING SCHEME AMENDMENT**

**Proposal:** Amendment C76  
**Location:** 3922 Geelong-Bacchus Marsh Road Parwan

Thank you for providing CFA notice of C76 in accordance with section 19 of the *Planning and Environment Act 1987*

CFA has reviewed the proposed planning scheme amendment and given the amendment is proposing to rezone some parcels of land from Farming Zone to Industrial 1 Zone, and revert some adjacent land from Industrial 1 Zone to Farming Zone; it does not appear to have significant implications relating to bushfire and/or service delivery for CFA.

#### **Conclusion**

CFA supports the amendment in its current form.

If you wish to discuss this matter in more detail, please do not hesitate to contact!  
Manager Community Safety, on

Yours sincerely,

A handwritten signature in black ink, appearing to be a stylized name, written over a horizontal line.

Acting Assistant Chief Officer  
West Region  
Country Fire Authority



6 January 2017

Our Reference- 161221\_LO\_3922 Geelong-Bacchus Marsh Road C76

Your Reference- Amendment C76

Moorabool Shire Council  
PO Box 18  
BALLAN VIC 3342  
Re: Submission to Amendment C76  
Attention SSD

Email to: [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

Dear Sir/Madam,

**Re: AMENDMENT C76 3922 Geelong- Bacchus Marsh Road Parwan**

Thank you for providing notice of Amendment C76 to the Moorabool Planning Scheme to APA for review and comment. Your engagement with APA is appreciated.

APA Group is Australia's largest natural gas infrastructure business and has direct management and operational control over its assets and investments. APA's gas transmission pipelines span across Australia, delivering approximately half of the nation's gas usage. APA owns and operates over 2000 km of high pressure gas transmission pipelines (HPGTP) within Victoria.

APA has one HPGTP pipeline located near 3922 Geelong-Bacchus Marsh Road Parwan (see attachment 1):

**Table 1: Transmission gas pipelines in the area of consideration**

Pipeline	Pipeline Licence	Easement Width (m)	Diameter (mm)	Measurement Length (m)
Brooklyn to Ballan	PL78(T56)	20.1m	200	160

**Note:** measurement length is applied to either side of the pipeline.

**APA's role**

When considering land use and development proximate to high pressure gas transmission pipelines (HPGTP) and associated infrastructure, APA must consider safety as a key priority. We wish to emphasise it is APA's intent and duty to ensure that high pressure gas pipelines and local communities are safely protected; in accordance with Australian Standards 2885 (AS2885) for Pipelines – Gas and Liquid Petroleum (Part 1), explicitly addressed in Clause 4.7.4 & 4.7.3 of that document and subject to required Safety Management Studies (SMSs). APA's technical regulator (Energy Safe Victoria) and the AS2885 impose obligations on pipeline licensees to maintain appropriate safety risk levels of pipelines.

APA has a number of responsibilities and duties to perform under a complex framework of legislation, standards and controls across Federal, State and Local Government landscapes. In discharging these

duties, APA needs to continuously review what is happening around its assets, what land use changes are occurring and what development is taking place to ensure it remains in a position to comply with applicable operational and safety standards and legislation whilst meeting its commercial obligations and imperatives.

In addition to the macro level perspective, APA needs to ensure that future land use and development patterns do not inadvertently (or intentionally) erode, reduce or extinguish the current controls and contractual rights commercially obtained by APA through easement agreements within which pipelines and associated infrastructure are located.

### Measurement Length (ML) and Safety

In managing HPGTP's and considering land use changes APA must focus on that area geographically defined by the ML. The ML area is essentially the area within which APA is mandated to consider community safety in the event the pipe is impacted in some way and fails. The ML is the area of safety consequence should such a failure occur. The ML is determined taking account a number of factors including:

- The design criteria of the pipe (driven by the environment within which it was designed for at the time of construction);
- The Maximum Allowable Operating Pressure (MAOP) of the pipe;
- The depth of the pipe

APA must consider any changes in land uses within the ML area.

The ML associated with the Brooklyn to Ballan Pipeline is 160 metres either side of the pipe.

APA generally seeks to limit sensitive uses from establishing in the ML so as to retain a high level of compliance with applicable safety standards. To this end APA's preferred position is that all below listed sensitive land uses be located outside of the ML.

- Aged Care Facility
- Child care centre
- Cinema based entertainment facility
- Education centre
- Hospital
- Place of assembly
- Retail premises.
- Service station
- Residential densities exceeding 30 dwellings per hectare (lot sizes generally below 250sqm).

From the plan submitted, it appears that **none** of these defined sensitive uses are located within the ML and therefore APA has no objection or issues with the proposal as currently depicted. Should the plan change and higher density residential outcomes or any of the listed sensitive land uses are introduced within 160 metres of the pipeline, please contact APA to discuss potential implications, options and process.

Please note that within 50 metres of the HPGTP, APA typically seek to have any Construction Management Plans referred to us for our review and approval to ensure construction techniques and methodologies take account of risks presented by working proximate to a pipeline of this nature.

For any further enquiries relating to this submission please feel free to contact myself on the Infrastructure, Planning & Protection Team by email at [planningvic@apa.com.au](mailto:planningvic@apa.com.au).

or

Yours faithfully,

**Senior Urban Planner  
Infrastructure Planning & Protection**

**Attachments**

- 1: APA Group Pipeline & Associated Assets in proximity to the subject site.

**Attachments**

1: APA Group Pipeline & Associated Assets in proximity to the subject site (red line).





## Department of Economic Development, Jobs, Transport & Resources

88 Learmonth Road  
Wendouree Victoria 3355  
PO Box 580  
Ballarat Victoria 3350  
Telephone (03) 5333 8754  
Facsimile (03) 5333 8771  
DX 214287

Ref: DOC/16/532092

Mr Andrew Goodsell  
Manager, Strategic and Sustainable Development  
Moorabool Shire Council  
PO Box 18  
BALLAN VIC 3342

Dear Mr Goodsell

### **MOORABOOL PLANNING SCHEME AMENDMENT C76**

Thank you for the opportunity to provide a submission in relation to Amendment C76 of the Moorabool Planning Scheme to re-zone land at 3922 Geelong-Bacchus Marsh Road, Parwan, as outlined in your letter dated 18 November 2016.

The Department of Economic Development, Jobs Transport and Resources (DEDJTR) is working to achieve a more integrated approach to planning coordination and management of all transport modes. In particular, one of the Department's agendas is to improve productivity and liveability, and how these outcomes are delivered in a spatial context, i.e. through integrated transport and land use planning.

Public Transport Victoria, VicRoads and DEDJTR have reviewed the exhibited documentation, including the Traffic Engineering Assessment dated 27 August 2014 prepared by Traffix Group and the Planning Report dated 27 October 2016 prepared by Urban Design and Management Pty Ltd.

Reference is also made to our previous comments provided by email on 3 October 2016 in relation to the draft exhibition material. These comments still stand and are reproduced below:

*"The Traffic Engineering Assessment report indicates that there are no issues that would require further work/resolution prior to the proposed rezoning of the land at 3922 Geelong-Bacchus Marsh Road, Parwan to an industrial zone. However, it is considered that the traffic report lacks detail, does not discuss requirements for an eastern bypass road and is not consistent with the more objective assessment provided in the Planning Report.*

*Figure 9 of the Traffic Engineering Assessment shows "likely traffic routes" between the site and Melbourne, Ballarat, Geelong and Werribee. There are concerns with the nominated route between the site and Ballarat, which indicates traffic would travel along Geelong-*

*Bacchus Marsh Road, Grant Street and Bacchus Marsh Road to access the Western Freeway. The Traffic Engineering Assessment fails to consider how additional truck traffic generated to/from a future Moorabool Agribusiness Industrial Area in Parwan would impact upon existing congestion in Grant Street.*

*Figure 9 also suggests two routes to Melbourne – one via Geelong-Bacchus Marsh Road, Woolpack Road, Hopetoun Park Road to the Western Freeway and the other via Nerowie Road, Exford Road, Greigs Road and Hopkins Road to the Western Freeway. Whilst both options are approved B-Double routes, it is considered more desirable that truck traffic utilises the most direct route to the Western Freeway - which would be via a new eastern bypass road. On this basis, the submitted documentation by Traffix Group does not demonstrate the adequacy of the existing transport network to service the future needs of Parwan.*

*The Planning Report acknowledges that Parwan scores lowest for manufacturing suitability presently but states its limitations can be addressed more readily than other precincts. Its major disadvantage is the lack of infrastructure, specifically - an eastern bypass road, gas and water. The Planning Report states that whilst infrastructure provision and/or upgrades will be costly, they can still be resolved.*

*It is agreed that an eastern bypass road is required for a range of reasons including:*

- Growth management in Bacchus Marsh*
- Reducing congestion in Gisborne Road and Grant Street*
- Reducing freight movements within the town to those that service the town*
- Better accessing planned future residential land releases in the broader Bacchus Marsh district.*

*VicRoads confirm that a brief will be issued to consultants in the coming months for an eastern bypass road corridor strategy. It is considered that the provision of an eastern bypass road is critical to the efficient operation of a future Agribusiness Industrial Area in Parwan. It also needs to be acknowledged that there are significant risks in securing an alignment for such a road, as previous work has shown”.*

It is reiterated that the 2014 Traffic Engineering Assessment report prepared by Traffix Group fails to demonstrate the adequacy of the existing transport network to service the future needs of the Agribusiness Industrial Area in Parwan and should be revised prior to the rezoning of the land. The revised report should provide more detail regarding the types of industries that may be established on the site, the type and number of vehicles likely to service the site and the anticipated distribution of these trips to and from the site. It should also consider other travel modes i.e. walking, cycling, public transport. This information will be valuable in informing future work by VicRoads, Council and other stakeholders.

It is advised that the Victorian Government has committed to implementing road safety improvements along the Geelong-Bacchus Marsh Road along the site’s frontage to address the poor safety record of this stretch of road. As part of Towards Zero 2016-2020, a wire rope barrier will be installed along the centreline to prevent crashes and a new roundabout constructed at the intersection of Geelong-Bacchus Marsh Road, Glenmore Road and Nerowie Road. These works will be completed within the next 12-18 months. VicRoads has



advised that the proposed fully directional intersection at Geelong-Bacchus Marsh Road and the internal street would not be approved as it would compromise these committed safety improvements. Any future access to Geelong-Bacchus Marsh Road would be restricted to left-in/left-out movements only. The revised Traffic Engineering Assessment prepared on behalf of the applicant should reflect these constraints.

There is general agreement that an eastern bypass road is required for the proposed Agribusiness Industrial Area in Parwan to operate efficiently. This is highlighted in the Bacchus Marsh Integrated Transport Strategy 2015 as a key network improvement required to accommodate expected growth in the township and surrounding areas and to remove freight movements from the town centre. VicRoads is currently seeking funding to progress the preparation of an eastern bypass road corridor study. However, this may take time to secure.

It is noted that the proposed Schedule 1 to the Development Plan Overlay requires the preparation of an Integrated Traffic Management Plan that would consider the views of VicRoads before the Development Plan is approved. This is supported. It is important that any Integrated Traffic Management Plan details the road infrastructure improvements required both within the site and on the wider road network (and the associated trigger points for implementation) for two scenarios:

- a) The interim road infrastructure improvements required for existing conditions (i.e. prior to the construction of an eastern bypass road), and
- b) The ultimate road infrastructure improvements required post-construction of the eastern bypass road.

PTV, VicRoads and DEDJTR look forward to working closely with Council to progress the eastern bypass road corridor study once funding is secured.

If you have any queries, please contact \_\_\_\_\_, Senior Transport Planner on \_\_\_\_\_ or \_\_\_\_\_

Yours sincerely

Regional Transport Planning Manager  
Grampians

12/1/2017



**Australian Government**  
**Civil Aviation Safety Authority**

STAKEHOLDER ENGAGEMENT GROUP

CASA Ref: G116/959

13 January 2017

Mr Andrew Goodsell  
Manager, Strategic and Sustainable Development  
Moorabool Shire Council  
PO Box 18  
BALLAN VIC 3342

Email: [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

Dear Mr Goodsell

I refer to your letter of 18 November 2016 addressed to the Civil Aviation Safety Authority (CASA) regarding Amendment C76 to the Moorabool Planning Scheme.

I am advised that the Bacchus Marsh Airport is an Aeroplane Landing Area and is not a regulated aerodrome or subject to CASA oversight. However, the document does contain the following information in Section 3.0 of the Moorabool Planning Scheme:

***Requirements for development plan***

*A development plan must apply to all the land described as Lots 1 and 2 TP188461 and must be generally in accordance with the concept plan in Clause 4.0.*

*The development plan must include:*

- *A Bacchus Marsh Aerodrome Impact Assessment Report prepared in consultation with the Civil Aviation Safety Authority, the aerodrome manager and Moorabool Shire Council, that is consistent with the National Airports Safeguarding Framework and includes:*
  - *The configuration and details of any obstacle limitation surface protection area (OLSPA) applicable to the environs of the aerodrome.*
  - *Details and dimensions of any obstacle limitation surfaces (OLS) applicable to the OLSPA.*
  - *Recommended maximum heights for buildings and landscaping located within the OLSPA, to ensure the OLS is not penetrated.*

Further to the management of OLS penetrations, the approach to Runway 27 and take-off from Runway 09 are directly over the site. There is commentary about wildlife in the report but there is no analysis of the potential impact of wildlife activity on aircraft activities. There may be the potential for aircraft to be operating at low levels over the site and an interaction with birds. From a duty of care perspective it may be advisable to understand this risk further.

I trust this information is of assistance.

Yours sincerely

Manager  
Government and International Relations

Attention: SSD  
MOORABOOL SHIRE COUNCIL  
PO Box 18  
BALLAN VIC 3342

11 January 2017

Our Ref: 5007083

Dear Sir/Madam,

**RE: PLANNING SCHEME AMENDMENT C76**

Thank you for your letter dated 18 November 2016 seeking comments in relation to the above proposed planning scheme amendment which has been formally exhibited.

The Environment Protection Authority (EPA) understands that the Amendment seeks to:

- Rezone 3922 Geelong – Bacchus Marsh Road from Farming Zone to Industrial 1 Zone and apply the revised DPO1 to guide the future industrial use and development.
- Rezone PC362391 from Industrial 1 Zone to Farming Zone and delete Schedule 1 to the Development Plan Overlay.
- The amendment will also update the Municipal Strategic Statement to include strategic directions in Clauses 21.01-2, 21.04-4 and 21.07-3 (including the Bacchus Marsh Framework Plan) to provide an appropriate strategic context to facilitate the Moorabool Agribusiness Industrial Area.

In relation to the documentation provided, EPA provides the following comments for Councils consideration:

**Separation Distances**

Within the immediate vicinity of the site there are several agribusiness or agricultural related industries currently operating, including the Parwan Western Water Treatment Plant, Genetics Australia, poultry farms and the Parwan Valley Mushroom.

EPA notes that there are also some existing residents to the south and west of the site. Potential amenity impacts to existing residents will need to be considered.

The Moorabool Agribusiness Industrial Area includes a proposed abattoir and rendering plant, as well areas for manufacturing and sales, and storage and distribution. The scale and intensity of these types of land uses will dictate appropriate buffer zones from sensitive uses in accordance with EPA Publication 1518 *Recommended separation requirements for industrial residual air emissions* (2013).

The separation distances in EPA Publication 1518 are generic recommendations based on previous experience of the impacts of industrial residual air emissions. The recommended distances apply only to residual air emissions for dust and odour. That is, they are not designed to be an



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alternative to source control or for management of emissions under normal and foreseen circumstances. They also assume that the industry is complying with relevant statutory rules and policies.

The Moorabool Agribusiness Industrial Area Concept Plan has been provided in schedule 1 to the Development Plan Overlay, however in order for the EPA to determine potential amenity impacts, the scale and locations of operations would need to be further considered. There are various uses in Section 1 (permit not required) and Section 2 (permit required) of the Industrial 1 Zone.

It is noted that Schedule 1 to the Development Plan Overlay includes requirements for a development plan to include buffer areas meeting the requirements of the EPA.

#### **Noise**

Management of noise will also be a key issue into the future to ensure the amenity of nearby residents is not unreasonably impacted upon as a result of the sites ongoing future use and development. EPA Publication 1411 *Noise from Industry in Regional Victoria* (NIRV; 2011) will need to be considered. This publication sets recommended maximum noise levels that apply to noise impacting on noise sensitive areas. Council will need to ensure that recommended noise levels at surrounding sensitive receptors can be met.

#### **Recommendation**

In addition the above, it is recommended that the requirements for the development plan include an assessment of the proposal against relevant State Environment Protection Policies (SEPP's).

Consideration of the issues identified above will assist in protecting both the viability of industry and human health and amenity.

Please note a works approval will be required for the abattoir and rendering plant in accordance with the Environment Protection (Scheduled Premises and Exemptions) Regulations 2007.

If you need additional information or assistance, please contact our Assessing Officer, \_\_\_\_\_ on \_\_\_\_\_.

Yours sincerely

\_\_\_\_\_  
Manager  
EPA South West  
EPA Victoria

## Rod Davison

---

**From:**  
**Sent:** Friday, 13 January 2017 2:33 PM  
**To:** Rod Davison  
**Subject:** 1225 - Bacchus Marsh - Moorabool Planning Scheme Amendment C76 - 13 January 2017

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** BluePoint Captured

Dear Rod,

Thank you for the opportunity to respond to the exhibited proposed Moorabool Planning Scheme Amendment C76.

The VPA understands the amendment, in essence, seeks to “swap” the zone and DPO1 controls between 3922 Geelong-Bacchus Marsh Road and the land described as PC362391 (proposed changes summarised below) and make consequential changes to the LPPF including specifically identifying the Moorabool Agribusiness Industrial Area as a new economic area.

	3922 Geelong-Bacchus Marsh Road	PC362391
Existing Zone	FZ	IN1Z
Proposed Zone	IN1Z	FZ
Existing overlays	ESO4, DDO2	ESO4, DDO2 (partial), DPO1
Proposed overlays	ESO4 (no change) DDO2 (no change) DPO1 (amended version)	ESO4 (no change) DDO2 (no change) Delete DPO1

As you will be aware, the VPA and Council are working collaboratively to prepare an Urban Growth Framework (UGF) for Bacchus Marsh. This document is being prepared in response to state policy which earmarks Bacchus Marsh for significant growth. The state policy direction is for a regionally-significant employment hub in Parwan.

The UGF is currently a working draft and is yet to undergo public consultation. Accordingly, the VPA provides comments on the Amendment in relation to existing state policy. These comments may be expanded during a Panel Hearing to reflect advancement of the UGF.

### Strategic Planning

- Parwan is earmarked as a future employment hub by state policy.
- The proposed zones of industrial and farming are both generally consistent with an employment hub use.
- Any planning for an employment precinct will likely be undertaken at the precinct level via a Precinct Structure Plan (PSP), accompanied by the application of zoning and overlay provisions as appropriate. If the precinct includes the subject sites, it is likely the same zone and overlay provisions will be applied on the subject sites, consistent with planning of the broader precinct. Assessment of the current Amendment should give consideration as to how this could impact on the subject sites.

### Statutory Planning

- It is noted that a planning permit application did not accompany the planning scheme amendment application.
- In relation to land use, an ‘abattoir’ is included in ‘rural industry’ which falls within the ‘industry’ group. This is a section 1 use, providing the conditions of the Table of Uses at 33.01-1 are met. Should any of these

conditions not be met, an abattoir is a Section 2 use and requires a planning permit. During a planning permit application process, Council must have regard to the existing residential dwellings and any other sensitive land use proximate to the subject site to ensure their amenity is not adversely affected by a proposed abattoir.

- As an abattoir is a section 1 use (providing the conditions of 33.01-1 are met), the application requirements for landscaping treatment within the IN1Z and the DPO1 will be integral to manage amenity impacts and integrate the facility into the surrounding area.

#### Technical Planning

- Any future planning for an employment precinct on a greenfield site such as Parwan will likely require a Development Contributions Plan and associated overlay to ensure the precinct is appropriately serviced and infrastructure costs apportioned between land owners and service providers. At the time of precinct planning, it may be considered necessary to combine the development contributions agreement proposed by Amendment C76 with a Development Contributions Plan that accompanies a PSP. Assessment of the Amendment should give consideration as to how this could impact on the subject sites.
- Site-specific responses for infrastructure, transport and drainage will be required on the subject sites. Assessment of the Amendment should give consideration as to how these might respond to a broader precinct.
- An abattoir development, or another industrial use with off-site air emission impacts, on the subject site may require consideration of cumulative impacts due to proximity of the Parwan Wastewater Treatment Plant which also has off-site air emission impacts.
- In accordance with PPN30, consideration should be given to the potential for land contamination and the need for an associated assessment given the land will be rezoned to FZ which will allow as-of-right agriculture uses.

Please should me on                      should you wish to discuss the above.

Regards,

Victorian Planning Authority  
Level 25, 35 Collins Street, Melbourne VIC 3000



*Partners in planning and infrastructure coordination*

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Moorabool Shire Council  
PO Box 18  
BALLAN VIC 3342

MOORABOOL SHIRE COUNCIL  
CENTRAL RECORDS

Re: Submission to Amendment C76

16 JAN 2017

Attention: SSD

File No. 13/06/080

9 January 2017

Dear Sir/Madam,

I wish to object to the rezoning of the land at Parwan to the Industrial 1 Zone, i.e., Amendment C76 made at the request of L & G Failli.

The Amendment is premature, lacks proper support and as advertised will create just a standard industrial estate, and potentially accommodate heavy industry. It appears that robust infrastructure planning has not been done and Council may have to meet funding gaps, effectively creating a situation where Council is responsible for providing many millions of dollars in infrastructure. It is like handing the landowner a 'blank cheque' for infrastructure.

If an agribusiness/industrial precinct in the area is necessary, the northern part of Parwan adjacent to the Melbourne to Ballarat Railway Line would be a superior location, it could accommodate an interchange facility to allow for the transfer of goods from road to rail, and would still have similar access to the Geelong Port.

In addition, this area is closer to the Western Freeway and other existing infrastructure than the proposed site. An agribusiness/industrial precinct closer to existing infrastructure would reduce the costs of the development to the community.

**Moorabool Agribusiness Industrial Area**

This Amendment on its own, does not go far enough – it is not supported by a clear vision for the precinct or directions on how it is to be achieved. The current proposal appears to be to 'rezone and hope for the best', which is not an appropriate planning outcome.

It seems that the proposal has been driven by the developer and planning has been undertaken in an attempt to make it fit, rather than the planning being done as the first stage of the process.

Council appears to be giving one owner a 'head start' over others in the area, before overall planning has been undertaken, which does not represent fair and orderly planning. It is noted that Clause 11.02-3 Structure planning requires Councils to prepare structure plans to facilitate the orderly development of urban areas, which include industrial areas.

There would be greater benefit in first obtaining clear strategic justification for land use changes, and preparing a master plan – or at least a plan – for this area, before rezoning the land.

Therefore, a master plan needs to be developed for all of the land south of Bacchus Marsh and a verified assessment of the feasibility study of an Agribusiness Precinct. The current agribusiness study is full of disclaimers and is just a 'puff piece' to justify a pre-conceived proposal, rather than a proper pre-development strategic assessment.

Specifically, the planning needs to provide greater clarity around what the vision is for the area and how this will be achieved, including incentives and strategies for facilitating preferred agribusiness related uses.

### **Industrial 1 Zone**

The proposed use of the Industrial 1 Zone highlights that there is still uncertainty, at least in the Council's view, about the future of this precinct, and is even more reason why further assessment and master planning work should be undertaken.

It appears that the Industrial 1 Zone is being sought by the developer in order to provide the greatest flexibility for future uses to locate in the precinct, rather than creating a 'bona fide' agribusiness precinct. Thus the requested rezoning for industrial development under the guise of an agribusiness precinct may simply be an attempt to drive a greater return from the land.

However, there has been limited demand for industrial development in Bacchus Marsh/Parwan, and no demonstrated need or reason for a significantly larger area of industrial land in Parwan.

The proposed re-zoning will create a larger area of 'general' industrial land, which will provide for manufacturing industry and have no exclusive relationship with the agribusiness industry.

There are a range of uses, which may be inconsistent or incompatible with the 'Agribusiness Precinct', that are either as-of-right, or permit required, uses in the IN1Z including: Adult Sex Bookshop, Leisure and Recreation, Materials Recycling, Place of Assembly, and Transfer Station. Industry is an as-of-right use in the zone, but has a very broad definition and some 'industry' could be inconsistent or incompatible with agribusiness uses.

Also the Industrial 1 Zone lacks appropriate guidance for the exercise of discretion as to whether a use has a 'direct association' with the agribusiness industry.

Furthermore, there is a lack of analysis of buffers required from future industrial development to existing uses in the area, including the broiler and mushroom farms, or potential impacts on harness racing training establishments.

In addition, the documents on notification indicate that Parwan is to be developed for heavy industry, as other industrial land is unsuitable for heavy industrial uses due to inadequate buffer areas.

It is stated in the explanatory report that:

*"The MIAS recognised the need for alternative locations capable of accommodating heavy industry and, in particular, identified Parwan as the best location. The Moorabool Agribusiness Industrial Area, at Parwan, is capable of being developed with larger lot sizes to accommodate modern industrial developments that are large employment generators."*

Therefore, the focus appears to be on the use of the IN1Z across all or part of the area to accommodate heavy industry and modern industrial developments, which appears contrary to, and could undermine, the current and future agribusiness role of the wider precinct.

The lack of clarity or uncertainty about the future of this precinct supports the premise of rezoning the land to a precinct based, Specific Use Zone (SUZ).



The SUZ would be the most appropriate planning instrument to implement the strategic objectives of an agribusiness precinct and would allow provisions to be tailored to facilitate a range of agribusinesses and related uses.

Use of an SUZ could explicitly support agribusiness and related uses while preventing the establishment of incompatible industrial and other uses that would undermine the role of the precinct.

Yet, the SUZ would still require further supporting strategic work to be completed, being the preparation of an Agribusiness Precinct Master Plan, to provide greater planning certainty and ensure the vision for the precinct can be achieved. Also stipulations should be developed and included to provide guidance for deciding if a proposal has a 'direct association' with the agribusiness industry.

In addition, there appears to be a lack of guidelines for future development on the land to make sure that the area does not become just another unpleasant industrial estate that is a blight on the landscape.

Controls need to be put in place, including standards of quality design and building appearance, so that the development provides an attractive appearance (high level of visual amenity) when viewed from adjacent transport routes and surrounding land. These types of standards appear to be applied to similar newly developing precincts in other areas.

#### **Infrastructure**

The subject land is akin to a growth area or strategic development area where the scale of development will necessitate new infrastructure in its own right or more extensive upgrades to infrastructure than would normally be expected of infill development.

However, it appears that the developer is attempting to take advantage of a 'get in early' approach, before planning has been undertaken for the wider area and infrastructure requirements and funding arrangements have been developed.

At this stage, Council doesn't appear to have an adopted position on the provision of infrastructure within the Parwan area. There is considerable uncertainty with the approach proposed by the Council and the proponent re: provision of infrastructure, particularly in relation to the cost of infrastructure items in the absence of a costed DCP.

This lack of certainty exposes Council to the potential risk of addressing the gap of underfunded infrastructure, which may impact upon Council's service delivery and spending in the future.

It may be prudent to await the preparation of a DCP for the area before finalising the rezoning. This will provide the opportunity to match the infrastructure requirements to the final form of the DCP and better enable Council to properly plan how they will implement infrastructure projects and fund any shortfall.

The advertised Section 173 Agreement is vague and uncertain in relation to the delivery of Drainage Works and Infrastructure Projects. It appears that the responsibility for delivery of the works can be passed on from the original subdivider to future owners. This appears to be contrary to the practice of requiring the subdivider to provide all infrastructure before selling the land, and may require Council to negotiate with multiple owners to gain delivery of the works and/or projects.

The basis of the levy for General Infrastructure Works is vague and uncertain and the Development Infrastructure Levy of \$2,631.58 per hectare of land appears to be well below levies for similar development in neighbouring municipalities, e.g., Melton and Wyndham. In addition, the recommended standard levies for industrial/employment land in growth areas are \$63,000 (non-metropolitan) and \$80,000 (metropolitan) per net developable hectare.

A \$500,000 contribution by the developer is only likely to be a token payment towards the major infrastructure upgrades, for example, transport infrastructure, required to cater for the development of the area. A s173 is a binding commitment on Council. All works included in the agreement are to be provided as part of the agreement. The plan seems to include several if not tens of millions of dollars of infrastructure which is uncosted and to which only \$500,000 seems to be apportioned to the developer.

Furthermore, indexation of the levy is based on the CPI rather than by reference to an appropriate industry index to ensure that the levy reflects contemporary infrastructure requirements. Such an approach has been regarded as inappropriate elsewhere, given that the goods considered by the CPI are very different and vary in vastly different ways to construction and land costs contained in DCPs.

It is critically important that the real value of any proposed Development Infrastructure Levy is maintained over time. The failure of some of the DCPs approved in the early to the middle part of the last decade, to properly adjust for price and value changes has led to significant funding gaps in them, and a significant funding gap for the Councils involved.

In this context there are significant concerns about the wisdom of the course of action proposed by the Council and the developer.

By following the proposed approach, the Council runs a significant risk of communicating to future developers that its development contributions system is not robust or well justified. It is likely to drive demands for a system in which significant funding gaps are subsidised by Council or public authorities. This approach would be to the detriment of the residents and ratepayers of Moorabool, unless Council develops and implements a development contributions system of the type used in Melbourne's growth areas.

It is not known whether the developer funded works via permit conditions will stand up at VCAT. There is nothing in the amendment that formalises/provides safeguards to ensure that the developer funded works will be so. Not clearly outlining these requirements at the amendment stage may well lead to delays in, or litigation over, planning approvals sought through the Council.

The Section 173 Agreement, between the land holder(s) and Council, should identify and nominate the funding of all the capital financial requirements for development of the land and the delivery agency for those projects and/or works. If the landowner is genuinely committed to the developer funded works approach, there should be no objection to specifying these matters in the Section 173 Agreement.

### **Industrial Land**

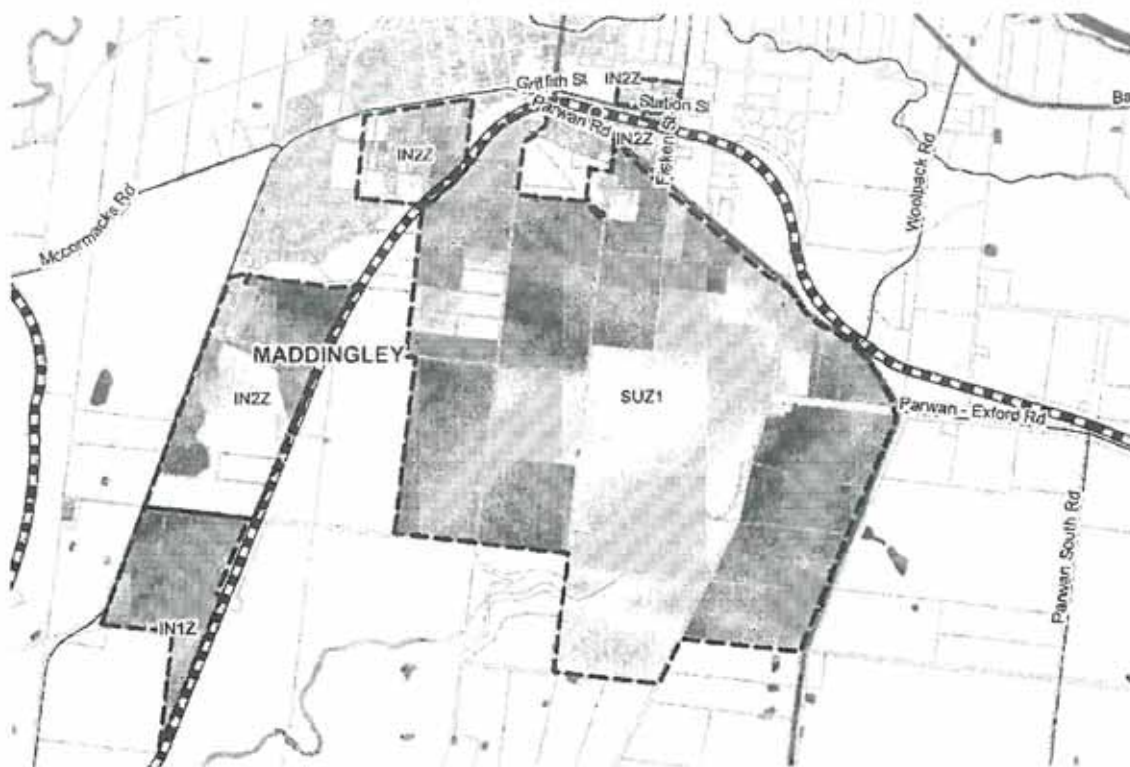
The proponent and Council have not presented adequate justification for the increase in industrial land at Parwan. Large areas are already zoned or are potentially suitable for industrial development within Bacchus Marsh and surrounds. There is vacant industrial land adjacent to the old CSR factory, which is either serviced or closer to services than the Parwan site, and land adjacent to the Maddingley brown coal mine.

Land adjacent to the old CSR factory is relatively flat and approval was previously granted by VCAT for an abattoir on part of the land. VCAT ruled that this land's size and location characteristics support the establishment of the use, access to the site and its connection to the arterial road network is of a high standard, the land is fully serviced, and the character of abutting land uses did not constitute a significant constraint to the establishment of an abattoir, i.e., an industrial development requiring large buffers.

In that case, VCAT also commented that industrial areas within the Shire suffer from competition with industrial development in the western suburbs of Melbourne.

The area adjacent to the brown coal mine cannot be subdivided for residential development due to onerous buffer requirements and owners have been awaiting a solution for years. This land could be used for industrial development, however, no land use investigation of the area has been undertaken as specified in Council's planning regulations.

Enabling an enlarged industrial development at Parwan before looking at the area adjacent to Maddingley brown coal, leaves a justifiable feeling of concern amongst those land owners who have been poorly served by Council's planning.



The above map shows vacant land in the industrial zones and SUZ1 in the dark colour, noting that the amount of vacant land on the old CSR site is possibly underestimated and the existing buildings are possibly underutilised.

In addition, the land between the SUZ1 and the INZZ/railway line to the south west of the town could be investigated for industrial type uses as it unlikely that residential development could be sandwiched between the two areas.

Therefore, ample choice exists for complementary industries that would not be suitable for location within an agribusiness precinct to establish or relocate to Bacchus Marsh. Infrastructure already exists in existing industrial areas in reasonable proximity to the site. Increasing the focus on these areas would be more fiscally responsible and more economic for the community than supporting development in Parwan, some distance to the south of the existing town.

#### **Conclusion**

In conclusion, it appears that the proposal is premature, it has been driven by a backwards planning process, there will be nothing in place to ensure that a 'bona fide' agribusiness precinct will eventuate, infrastructure requirements and funding is vague and uncertain, and there is adequate zoned land within Bacchus Marsh and surrounds to provide for future industrial growth for many years.

Yours sincerely

Bacchus Marsh Vic 3340

Monday, 3 October 2016



Andrew Goodsell  
Manager Strategic & Sustainable Development  
[info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

Dear Andrew

**RE: MOORABOOL PLANNING SCHEME AMENDMENT C76**

Thank you for providing Western Water the opportunity to comment on Amendment C76 to the Moorabool Planning Scheme.

Western Water has reviewed the documentation attached to the request for comment and advises that we have no objection to the amendment for rezoning for the land described as PC362391Y (Geelong-Bacchus Marsh Road Parwan [Volume 10392, Folio 269]), Lots 1 and 2 TP188461W, Lot 1 TP253271 and Lot 1 TP175583 (3922 Geelong-Bacchus Marsh Road Parwan [Volume 09399 Folio 137, Volume 08227 Folio 763 and Volume 09168 Folio 241]) provided that the following items are taken into consideration:

- A buffer is set around the Parwan Recycled Water Plant (RWP) that takes into account both the current and future expected populations in accordance with the relevant EPA guidelines on separation distances
- Uses of the industrial land are consistent with the EPA guidelines on separation distances and do not impact upon the operation of the plant. These proposed uses cannot compromise the continued operation or expansion of the recycled water plant facilities to service both current and future growth of the Shire without express approval from Western Water
- Any use of the proposed industrial land includes the requirement for an odour assessment for the proposed use. The odour assessment should take into account other nearby odour generating sources. There may be occasions that multiple odour generating sources may impact upon a larger area requiring larger buffer distances
- Any development or land use application proposal must be accompanied by plans indicating distances of property boundaries and any proposed buildings to the property boundary of the RWP, an estimate of the number of persons drawn to the buffer area as a result of the proposal and an odour impact assessment if the proposed use will generate odours.
- Work commences shortly on the creation of an Environmentally Significant Overlay (ESO) to identify and enforce a buffer from significant odour sources within the Parwan area
- Land owners and developers shall be made aware of the current and future buffer around the recycled water plant and it's likely expansion and/or intensification over time
- The planning scheme should encourage the reuse of recycled water wherever possible
- Western Water's recycled water plant may not be the appropriate destination for some industrial wastes.
- Western Water has limited water and sewer infrastructure in this area and the land owner shall to consult with Western Water on any proposed use of the rezoned land.
- Agreement shall be required with Western Water on connection to the water and sewer networks including the allowable discharges to the plant and offtakes for potable water





- Note that the Bacchus Marsh Wastewater Treatment Plant is now called the Parwan Recycled Water Plant. Can you please update this wording within the planning scheme.

On this occasion, Western Water is supportive of the rezoning of industrial land to farming zone in close proximity to the recycled water plant. Generally farming land is an acceptable use within land that may be affected by the operation of the plant.

Other than land already zoned for industrial purposes Western Water would be concerned with any new proposals to rezone land within the buffer to the Parwan RWP to industrial. Western Water's preference is for land within the buffer to remain as Farming Zone.

To determine the most appropriate buffer for the Parwan Recycled Water Plant, Western Water has been in consultation with the Victorian Planning Authority and will be looking at commencing an odour study shortly. It is hoped that this will inform future zoning decisions by both the Moorabool Shire Council and the Victorian Planning Authority and form the basis of an ESO.

If you have any further queries with regards to this response please don't hesitate to contact [redacted] on [redacted] for further information.

Yours sincerely,

Manager, Planning



19th January 2017



Rod Davison  
Strategic Planner  
Moorabool Shire Council  
PO Box 18, Ballan 3342

Reference No: Amendment C776A  
File: 13/06/080

Dear Rod,

**RE: Moorabool Planning Scheme Amendment C76 (Parwan)**

Western Water appreciates Moorabool Shire Council accommodating their response to Amendment C76 (Parwan).

Western Water has keen interest in this area owing to the proximity to its Parwan Recycled Water Treatment Plant.

Western Water has reviewed the amendment and reiterates their comment made in the letter dated 3 October (attached).

Yours sincerely,

Manager, Planning

*ACTING MANAGER, PLANNING,*





## Regional Development Victoria

111 Armstrong Street North  
Ballarat VIC 3350  
Australia  
Telephone:  
Facsimile:  
DX 214283

13 January 2017

Dear Moorabool Shire Council,

RE: Submission to Moorabool Planning Scheme – Amendment C076

“Rezones 190 hectares of land at 3922 Geelong -Bacchus Marsh Road, Parwan from Farming Zone to Industrial 1 Zone; 116 hectares of land described as PC362391Y from Industrial 1 Zone to Farming Zone and amends Clause 21.01, 21.04, 21.07 and Development Plan Overlay Schedule 1 to facilitate the Moorabool Agribusiness Industrial Area”

The Parwan Employment Precinct (PEP) is a project supported by Regional Development Victoria (RDV). The rezoning of the land identified within the above Amendment C076 is consistent with State Government policy and the efforts of the PEP project control group to activate the precinct.

With the appropriate planning and infrastructure support the PEP will attract private agribusiness investment and offer a flexible range of industrial uses. The PEP is expected to deliver new employment opportunities for circa 1200 people within an integrated agribusiness precinct.

RDV will continue to work with landowners to develop the PEP to its full potential.

Yours sincerely,

Investment and Trade Specialist – Food and Fibre

Regional Development Victoria





**Attachment 5 - Industrial Land Supply Review - December 2016**

Existing Industrial Precincts	Existing IN1Z				Existing IN2Z				Total Existing IN1Z & IN2Z					
	Existing IN1Z Land Area (Ha)	Area (Ha) unavailable due to environmental constraints (e.g. steep topography, native vegetation or drainage constraints)	Area (Ha) occupied by existing industrial use & road reserves	Available Land Supply (Ha)	Existing IN2Z Land Area (Ha)	Area (Ha) unavailable due to environmental constraints (e.g. steep topography, native vegetation or drainage constraints)	Area (Ha) occupied by existing industrial use & road reserves	Available Land supply (Ha)	Total Existing zoned land (Ha)	Area (Ha) unavailable due to environmental constraints (e.g. steep topography, native vegetation or drainage constraints)	Area (Ha) occupied by existing industrial use & road reserves	Available Land Supply (Ha)	20% Vacancy Allowance	Net Available Land Supply (Ha)
Maddingley 1	0.0	0.0	0.0	0.0	7.6	0.0	7.2	0.4	7.6	0.0	7.2	0.4	1.4	-1.0
Maddingley 2	0.0	0.0	0.0	0.0	33.3	4.0	21.5	7.8	33.3	4.0	21.5	7.8	4.3	3.5
Maddingley 4	58.0	0.0	8.0	50.0	111.0	10.0	63.4	37.6	169.0	10.0	71.4	87.6	14.3	73.3
Parwan	116.0	93.0	0.0	23.0	0.0	0.0	0.0	0.0	116.0	93.0	0.0	23.0	0.0	23.0
Ballan	0.0	0.0	0.0	0.0	19.5	0.0	9.2	10.3	19.5	0.0	9.2	10.3	1.8	8.5
<b>TOTAL (currently zoned land)</b>	<b>174.0</b>	<b>93.0</b>	<b>8.0</b>	<b>73.0</b>	<b>171.4</b>	<b>14.0</b>	<b>101.3</b>	<b>56.1</b>	<b>345.4</b>	<b>107.0</b>	<b>109.3</b>	<b>129.1</b>	<b>21.9</b>	<b>107.2</b>

# Moorabool Industrial Areas Strategy Update

**DRAFT**

Moorabool Shire Council  
January 2017



1991-2016  
**25** Independent  
years of insight.



This report has been prepared for Moorabool Shire Council. SGS Economics and Planning has taken all due care in the preparation of this report. However, SGS and its associated consultants are not liable to any person or entity for any damage or loss that has occurred, or may occur, in relation to that person or entity taking or not taking action in respect of any representation, statement, opinion or advice referred to herein.

SGS Economics and Planning Pty Ltd  
ACN 007 437 729  
[www.sgsep.com.au](http://www.sgsep.com.au)  
Offices in Canberra, Hobart, Melbourne and Sydney

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# EXECUTIVE SUMMARY

In June 2015, SGS Economics and Planning (SGS) completed the Moorabool Industrial Areas Study (MIAS) for Moorabool Shire Council (Council). The study looked at the market for industrial land across the municipality, and provided a set of related recommendations to Council. Broadly speaking, the study concluded that there was an oversupply of industrial zoned land across the municipality.

A follow-up review of industrial land supply in Moorabool has been undertaken by Council. This found that a total of 107 hectares of vacant industrial-zoned land is presently unavailable owing to a range of environmental constraints, reducing the level of available supply across the municipality by nearly half from the MIAS estimate – from 204.8 to 107.2 hectares.

## SUMMARY OF COUNCIL REVIEW OF INDUSTRIAL LAND SUPPLY

	Total zoned industrial land	Demand (existing industrial usage)	Environmentally constrained industrial land	Total available supply	20% vacancy allowance	Net available supply
<b>MIAS (2011)</b>	<b>346.0</b>	<b>117.7</b>	-	<b>228.3</b>	<b>23.5</b>	<b>204.8</b>
Council review (2016)	345.4	109.3	107.0	129.1	21.9	107.2

Source: SGS Economics and Planning, Moorabool Shire Council

Moorabool Planning Scheme Amendment C76 is currently on public exhibition. This landowner-initiated amendment relates to land in the Parwan area and will facilitate the relocation of Westside Meats from its current location just beyond the eastern edge of Bacchus Marsh to a substantially less constrained location to the south. The amendment proposes:

- The rezoning of 190 hectares of land (Lots 1 and 2, TP 188461W) presently zoned for farming use (FZ) to Industrial 1 (IN1Z); and
- The rezoning of 116 hectares of land (PC 362391) presently zoned IN1Z to FZ.

## Supply assessment

Given the sporadic nature of industrial land take-up in regional LGAs like Moorabool, there is scope for Council to take a strategic approach to the management of land supply, responding to opportunities as they arise.

Council should also ensure a diversity of land types exist across multiple locations, with this diversity driving regional competitiveness and optimising the appeal of the region's industrial land to a range of business types.

## Demand assessment

In reconsidering demand for industrial land are a range of non-core industrial uses that are permitted within industrial zones that sit outside of the broad land use (BLU) categories used by SGS in formulating the MIAS. These uses can be grouped under a number of subcategories. These are:

- Rural activities (e.g. abattoirs);
- Low value land uses (e.g. selected places of assembly, leisure and recreation facilities);
- Small-format retail and services (e.g. various types of retail premises, gyms); and
- Large-format (restricted) retailers.

Taking account of demand associated with these non-core industrial land uses, an additional 37.1 hectares will be demanded by 2031, rising to 44.7 hectares by 2051.

Take-up of land in Moorabool may occur more rapidly as a result of demand associated with the expansion of Melton. Land use / business categories that may drive increased demand in Moorabool include:

- ‘Lower order’ activities with a preference for cheap land;
- Externality-generating businesses with requirements for buffers with sensitive uses; and
- Businesses whose activities are linked to the storage, processing or packaging of primary produce.

Assuming economic growth in Melton contributes to a 10 per cent increase in industrial land take-up in Moorabool, an additional 13.7 hectares of land will be taken up by 2031, and 16.1 hectares by 2051. Taking into account an assumed 20% frictional vacancy rate, this additional take-up results in reductions in available supply for 2031 and 2051 of 16.5 hectares and 19.3 hectares respectively.

## Revised market assessment and conclusion

The following table outlines the findings of the revised model, showing how the demand and supply assumptions reduce the available supply of industrial land. The table also shows the impact of the rezoning, with a net addition to total supply of 124 hectares<sup>1</sup>.

### SUMMARY OF REVISED MARKET ASSESSMENT

	Moorabool IAS	With revised supply figures	With revised supply figures and accounting for non-core industrial uses	With revised supply figures and accounting for non-core industrial uses and growth in Melton	Including net increase in industrial land associated with Amendment C76
Total supply	346.0	238.4 <sup>2</sup>	238.4	238.4	362.4
Demand (2031)	136.8	136.8	173.9	187.6	187.6
<i>With 20% vacancy allowance</i>	<i>164.1</i>	<i>164.1</i>	<i>208.7</i>	<i>225.1</i>	<i>225.1</i>
<b>Gap (2031)</b>	<b>181.9</b>	<b>74.3</b>	<b>29.7</b>	<b>13.3</b>	<b>137.3</b>
Demand (2051)	161.0	161.0	205.7	221.8	221.8
<i>With 20% vacancy allowance</i>	<i>193.1</i>	<i>193.1</i>	<i>246.8</i>	<i>266.1</i>	<i>266.1</i>
<b>Net available supply (2051)</b>	<b>152.9</b>	<b>45.3</b>	<b>-8.4</b>	<b>-27.7</b>	<b>96.3</b>

Source: SGS Economics and Planning

Taking into account the revised supply figures and potential growth in demand, by 2031 the gap of 181.9 hectares projected by the MIAS is reduced to only 13.3 hectares<sup>3</sup>.

The MIAS model predicted that there would be a total of 152.9 hectares or surplus industrial land by 2051. The revised model produced as part of this engagement predicts that industrial land within Moorabool will be exhausted by around 2037/38, with a deficit rising to around 27.7 hectares by 2051.

Taking into consideration the new demand and supply assumptions detailed in this report, there is at most 22 years of industrial land supply remaining in Moorabool. However, accounting for constraints

<sup>1</sup> This figure is the sum of the developable portion of proposed IN1Z land resulting from C76 (i.e. 190-43=147ha) minus the developable portion of existing IN1Z land (i.e. 116-93=23ha).

<sup>2</sup> This figure comprises the reduction in supply owing to the 107.0 hectares of land identified as ‘undevelopable’ by Council. Note that the Council review arrived at a slightly reduced total supply figure compared to the MIAS – 345.4 hectares, compared with 346.0 hectares.

<sup>3</sup> This figure excludes the increase in industrial land that would occur as a result of C76

associated with existing land and uncertainties in relation to the impact of growth on the Melton economy, the supply of industrial land in Moorabool may be exhausted much sooner.

Given this, to ensure that the future growth of Moorabool's economy is not stymied by a lack of suitable land, there is a need for further industrial land to be made available in the near future.

# 1 INTRODUCTION

## 1.1 Project context

### Original Moorabool Industrial Areas Study

In June 2015, SGS Economics and Planning (SGS) completed the Moorabool Industrial Areas Study (MIAS 2015) for Moorabool Shire Council (Council). The study looked at the market for industrial land across the municipality, and provided a set of related recommendations to Council. Broadly speaking, the study concluded that there was an oversupply of industrial zoned land across the municipality. The work also found that there were significant constraints to growth in a number of submarkets in the form of sensitive nearby uses, insufficient infrastructure, and a number of other issues. Therefore, while the model that formed the basis of the study found a theoretical oversupply of industrial land in Moorabool, options for new and expanded activity in Moorabool's industrial precincts are considerably more limited in reality.

### Subsequent council work

The MIAS 2015 was adopted by Council in December 2015. Since this time, Council has conducted a fine-grain analysis of their industrial land holdings and further developed their understanding of the market for industrial land in Moorabool. Further investigations into the nature of constraints has revealed that a substantial quantity of land zoned for industrial uses is unlikely to attract development due to a range of geographic and environmental constraints including steep topography, native vegetation, the existence of water features, and drainage issues. A significant quantity of the remaining industrial land is affected by the encroachment of sensitive (typically residential) uses.

### Recent rezoning application C76

Council has also received an application (C76) to rezone 190 hectares of land in the Parwan area from Farming Zone (FZ) to Industrial 1 (IN1Z). As part of this application, the 116 hectare parcel in Parwan presently zoned IN1Z would revert to FZ. This rezoning would lead to a net increase in the volume of land zoned for industrial uses in Moorabool of 74 hectares. With the application tied to a proposed relocation and expansion of activities at Westside Meats (an abattoir presently located on Bacchus Marsh Road), the rezoning is likely to lead to an expansion of regional economic activity, an increase in local employment, and an improvement in regional employment self-containment. It is important to note that despite the large quantity of industrial land available in Moorabool, there is presently a lack of suitable sites for the location of industrial activities that require buffers from sensitive uses.

As part of the application process, Council will need to explain how it proposes to address the current oversupply of industrial land identified within the MIAS 2015.



## 1.2 Summary of tasks

Council has requested SGS complete additional analysis to further understand the extent to which availability of industrial land in Moorabool is more restrictive than the pure modelling suggests.

In particular, the paper will provide an independent understanding of the Council hypothesis that, 'despite the large quantity of vacant industrial land within the municipality, within key submarkets there is a lack of availability of the right type/located land and without supportive zoning this has the potential to constrain the growth of the Moorabool economy.'

The following tasks will be carried out as part of this engagement:

### **Review of MIAS 2015 findings.**

The findings of the MIAS 2015 are reviewed at a high level, with a focus on overall demand and supply findings and the employment projections that underpin the model.

### **Review the supply of industrial land in Moorabool, including impacts of C76**

A review of land supply both overall and by precinct is carried out. This review includes a summary of the revised supply data that has emerged from the recently undertaken Council work, and an overview of supply by precinct. The impact of the proposed amendment on the supply of industrial land in Moorabool is also discussed.

### **Review of forecast land demand.**

The MIAS 2015 assumed that demand for industrial zoned land would be associated with a small number of key industrial Broad Land Use (BLU) categories. In reality, there are a number of uses outlined in the Victorian Planning Provisions (VPP) that fall under other BLU categories but that are nonetheless likely to contribute to demand for industrial-zoned land in Moorabool. In order to understand the impact of demand associated with these other VPP uses on the market for industrial land in Moorabool, SGS align VPP uses with the BLUs to estimate the likely demand associated with these 'non-core industrial land uses'. There is also a discussion around how economic and population growth expected to occur outside of Moorabool (in Melton in particular) may impact demand for industrial land within Moorabool.

### **Modelling of changed supply and demand figures**

An updated model is generated that takes into account:

- the impact of Council's revised supply figures;
- the proposed rezoning and associated relocation of the abattoir;
- increased demand associated with non-core land uses; and
- the impact of growth occurring outside of Moorabool.

The outputs of the model are discussed, and a range of other conclusions that relate to the market for industrial land in Moorabool are outlined.

# 2 SUMMARY OF MIAS 2015

## 2.1 Overview

The MIAS 2015 reviewed demand relating to a range of land uses across Moorabool, and projected forward – estimating the likely requirement for industrial land in the municipality to 2051.

The work concluded that in 2011 a total of 117.7 hectares of industrial-zoned land within Moorabool was occupied, and that this would rise only gradually over the next 40 years to approximately 161.0 hectares by 2051. Given the current supply of zoned land (346 hectares), the projections indicated a substantial oversupply at the time and going forward, with less than half of Moorabool’s industrial land holdings expected to be occupied by 2051.

Even assuming a relatively high frictional vacancy rate of around 20 per cent, there was projected to be more than 150 hectares of vacant industrial zoned land in Moorabool in 2051.

## 2.2 MIAS 2015 supply assessment

SGS was engaged to review and provide a market forecast for industrial land across Moorabool. These findings were used to identify the strategic direction for industrial precincts in the municipality. The work took into consideration broader issues such as projected population growth, the structure of the local economy and zoning controls.

The work found that demand for industrial land in Moorabool was expected to grow over time for three broad land uses (BLU); manufacturing, logistics, and service industry. The total quantity of required industrial-zoned land (assuming a 20 per cent frictional vacancy rate) was expected to increase from 141 hectares in 2014 to 193 hectares by 2051.

TABLE 1. SUMMARY OF MIAS 2015 FINDINGS

Year	Demand (ha)	Frictional vacancy (ha)	Total required industrial land (ha)	Total supply (ha)	Gap (net available supply)
<b>2011</b>	<b>117.7</b>	<b>23.5</b>	<b>141.2</b>	<b>346.0</b>	<b>204.8</b>
2021	127.7	25.5	153.2	346.0	192.8
2031	136.8	27.4	164.1	346.0	181.9
2041	149.3	29.9	179.1	346.0	166.9
2051	161.0	32.2	193.1	346.0	152.9

Source: Moorabool Industrial Areas Strategy, SGS Economics & Planning, 2014

Five industrial precincts in Ballan, Maddingley and Parwan were identified and assessed in detail. Overall it was found that whilst the precincts in Ballan and Maddingley possessed significant levels of industrial development these precincts were impacted by residential encroachment. This significantly reduces the long-term viability of these precincts to perform the heavy industrial role that their Industrial 2 Zoning is intended to support.

In order attract and sustainably accommodate new industrial investment, Moorabool must therefore identify alternative locations capable of accommodating externality-generating industrial uses.

**The MIAS 2015 identified the Parwan region as ideal for these uses.** Although development in this part of Moorabool would need to be supported by further investment in key infrastructure such as improved road access to the Western Freeway, it does possess important natural advantages including relative proximity to Melbourne and an absence of nearby sensitive uses.

### 2.3 MAIS 2015 demand projection

The method used by SGS to project demand for industrial land uses is detailed below. The related model sees demand for industrial-zoned land in Moorabool as driven by a combination of local and regional population growth, change in employment mix, and improvements in productivity.

As a starting point, SGS utilised internally-generated employment forecasts by small area. These figures reveal that the number of people employed in Moorabool is expected to increase from an estimated 7,855 in 2011 to approximately 11,450 by 2031. These employment forecasts also predict future employment growth by industry (by ANZSIC category) between 2011 and 2051.

The methodology addresses the role of productivity improvements in the generation of demand for employment land, with efficiency gains relating to industrial land activities contributing to reductions in employee density, and (assuming no reduction in the numbers of employees required), contributing to overall increase in the quantity of land demanded.

Taking account of the fact that workers within a single industry can work across a range of land use types, employment by industry projections for Moorabool are translated into internally-generated broad land use (BLU) categories. These projections are made using the results of a Moorabool land use audit, and experience from similar engagements carried out elsewhere in regional Australia. This analysis concluded a total of 641 workers would be employed in Moorabool’s employment lands by 2011. The figure is projected to rise to 776 in 2031 and 892 by 2051.

Table 2 shows the numbers of people employed overall, and on employment land (service industry, manufacturing and freight and logistics) in Moorabool in 2011, 2031 and 2051. In the MIAS 2015, SGS utilised the numbers of people employed on these three employment land uses to estimate the total demand for employment land across Moorabool.

TABLE 2. MIAS 2015 EMPLOYEE PROJECTIONS

Year	Total employees	Total industrial employment land employees	Employment land demanded (ha)
2011	7,862	641	117.7
2031	11,279	776	136.8
2051	14,134	892	161.0

Source: Moorabool Industrial Areas Strategy, SGS Economics & Planning, 2014

# 3 SUPPLY REVIEW

## 3.1 Overview

The MIAS 2015 assessed the total supply of industrial land in Moorabool (occupied and unoccupied) at 346 hectares, with nearly 60 per cent of the total land (204.8 hectares) identified as unoccupied. Given anticipated take-up rates, the amount of vacant land in Moorabool is expected to be more than sufficient to ensure the supply of industrial land to 2051.

A landowner-initiated planning scheme amendment is presently on exhibition, and proposes to increase the supply of industrial land by a further 74 hectares.

The following section reviews the supply of industrial land across Moorabool in more detail, incorporating recent work undertaken by Council and demonstrates that the industrial land supply situation in Moorabool is more complex than a cursory review of the headline figures would indicate.

## 3.2 Council review of industrial land supply

A follow-up review of industrial land supply in Moorabool has been undertaken by Council. This found that a total of 107 hectares of vacant industrial-zoned land is presently unavailable owing to a range of environmental constraints. As shown in the table below, consideration of this constrained land reduces the level of available supply across the municipality by nearly half from the MIAS 2015 estimate – from 204.8 to 107.2 hectares. Of this revised supply total, 46.6 hectares (or 43.5 per cent of total) are located within parcels zoned IN2Z, while 60.6 hectares (56.5 per cent of the total) are located in the IN1Z parcels in Parwan and Maddingley 4.

TABLE 3. COUNCIL REVIEW OF INDUSTRIAL LAND SUPPLY

	Total zoned industrial land	Occupied industrial land	Environmentally constrained industrial land	Total available supply	Frictional vacancy (20%)	Gap (net available supply)
<b>MIAS 2015</b>	<b>346.0</b>	<b>117.7</b>	-	<b>228.3</b>	<b>23.5</b>	<b>204.8</b>
Council review (2016)	345.4	109.3	107.0	129.1	21.9	107.2

Source: Moorabool Industrial Areas Strategy, SGS Economics & Planning, 2014; Moorabool Shire Council.

Of the industrial land identified in the strategy as undevelopable, 93 hectares are in the Parwan precinct. Of the remaining 14 hectares of undevelopable land, four are located in Maddingley 2 while a further ten are located in Maddingley 4. Council also estimate (reiterating the findings of the MIAS 2015) that development on a substantial proportion of the remaining industrial land is likely to be restricted by the encroachment of residential land.

Taking into account the industrial land found to be unsuitable for development, Council estimate the available supply of industrial land is significantly lower than suggested within the MIAS 2015. Whilst the MIAS 2015 found approximately 204.8 hectares of available industrial land, the Council review found only around half of this figure (107.2 hectares) to be presently available.

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## Council review of industrial land supply precinct summary

The MIAS 2015 calculated the available supply of industrial land in Moorabool by establishing the volume of zoned land in Moorabool and utilising a combination of local and regional land use audits, site visits and satellite imagery to determine the extent of vacancy.

Supply across the municipality is spread across five distinct precincts – with three in Maddingley and one each in Parwan and Ballan. Key features of these are summarised below.

### Ballan (IN2Z)

**MIAS 2015 findings: 19.5 ha, vacancy rate 17 per cent, 16.4 per cent total employment land jobs**

Ballan is a relatively mature industrial precinct, comprising 19.5 hectares and consisting of businesses including manufacturing, services and freight and logistics. The precinct is relatively well-separated from sensitive uses, and had a vacancy rate at the time of 17 per cent. This precinct is home to 106 jobs, equivalent to 16.4 per cent of total jobs across the five precincts.

*Subsequent Council review has found a substantial increase in available supply since the release of MIAS 2015. A number of tenancies appear to have been vacated in recent times, with the vacancy rate at the Ballan precinct found to have risen from 17 per cent to 53 per cent.*

### Maddingley 1 (IN2Z)

**MIAS 2015 findings: 7.6 ha, vacancy rate 5 per cent, 37.3 per cent total employment land jobs**

Maddingley 1 is a well-established precinct, with a vacancy rate of only 5 per cent. The precinct is relatively small, comprising only 7.6 hectares. The site is substantially constrained by sensitive uses, with a large number of dwellings just outside of the 100 metre precinct buffer. There are also a small number of residential dwellings within the precinct. With 240 jobs (37.3 per cent of the total), this precinct is the most important employment location among the five industrial precincts.

*The recent review of the Moorabool's industrial land supply has found that the vacancy rate at the Maddingley 1 precinct remains at around 5 per cent.*

### Maddingley 2 (IN2Z)

**MIAS 2015 findings: 33.6 ha, vacancy rate 49 per cent, 31.6 per cent total employment land jobs**

This precinct is also located in close proximity to sensitive uses. A large quantity of vacant land is presently used for agriculture, and this land has a substantial slope, impacting its potential as a future location for industry. Including this agricultural parcel as vacant land, the vacancy rate in the precinct is 49 per cent. This precinct accommodates 204 jobs, making it the second most important among the five employment precincts.

*Council review has found that approximately 4.0 hectares of zoned industrial land at the Maddingley 2 precinct should not be considered as supply owing to environmental constraints. This, combined with take-up of industrial land in the interim has resulted in a substantially reduced vacancy rate within this precinct of around 23.6 per cent. Future expansion of many industrial activities in this precinct is likely to be impacted by the proximity of sensitive uses.*

### Maddingley 4 (IN1Z/IN2Z)

**MIAS 2015 findings: 169.0 ha, vacancy rate 53 per cent, 14.1 per cent total employment land jobs**

This precinct is substantially less intensively developed than the other Maddingley industrial precincts. The site is less impacted by proximate residential areas, though half of the precinct is less than a kilometre from these and other sensitive uses. A large proportion of the precinct is presently used for agriculture, and the vacancy rate including these farming uses is around 53 per cent. The precinct accommodates 91 jobs.

*Council review of the Maddingley 4 precinct finds that approximately 10.0 hectares of industrial-zoned land is unsuitable for development owing to environmental constraints. This review reaches a similar conclusion to the MIAS 2015, with approximately 52 per cent of zoned land in Maddingley 4 considered to be available supply.*

## **Parwan (IN1Z)**

### **MIAS 2015 findings: 116.7 ha, vacancy rate 100 per cent**

There are approximately 116.7 hectares of industrial land at Parwan, all of which is presently used for agriculture. In some ways, the land is ideal for industrial uses, having no sensitive uses in the vicinity. Development of the site is restricted however by a current lack of access to services.

*Council review has found that 93.0 hectares of land at the Parwan precinct (equivalent to 80.2 per cent of total land) is unsuitable for industrial development as a result of environmental constraints. This substantially reduces the quantity of zoned industrial land with separation from sensitive uses that is available for immediate development.*

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## **Summary findings from supply review**

Broadly speaking two categories of industrial land across the municipality can be identified:

- Land in the first category tends to be located close to population centres (Maddingley 1, Maddingley 2, and Ballan). Service industry and manufacturing firms that benefit from proximity to customers, suppliers and related businesses are suited to these areas. Vacancy rates at the Ballan precinct in 2016 were found to be substantially greater than indicated within the MIAS, while occupancy at Maddingley 2 is largely unchanged.
- Land in the second category accounts for the majority of vacant land across Moorabool’s industrial precincts. These precincts (Maddingley 4, Parwan) are generally further from major centres of population and as a result tend to struggle to compete with more centrally-located precincts. Land within these precincts has remained undeveloped for many years. Nevertheless, as the only precincts in Moorabool that are unconstrained in regard to the encroachment of sensitive uses, they are important components of the industrial land market, ensuring that externality-generating industrial uses seeking to locate within Moorabool at any point in the future are able to do so.

### 3.3 Moorabool Planning Scheme Amendment C76

As discussed, Moorabool Planning Scheme Amendment C76 (hereafter referred to as C76) was recently on public exhibition. This landowner-initiated amendment relates to land in the Parwan area and proposes:

- The rezoning of 190 hectares of land (Lots 1 and 2, TP 188461W) presently zoned for farming use (FZ) to Industrial 1 (IN1Z); and
- The rezoning of 116 hectares of land (PC 362391) presently zoned IN1Z to FZ.

The figure below shows the parcels to which C76 relates, with the northern-most parcel to be zoned for farming use, and the larger southern precinct to be zoned for industrial use.

FIGURE 1. LAND PARCELS TO WHICH C76 RELATES



Source: Moorabool Shire Council

The proposal would lead to an increase in the total supply of industrial land in Parwan by a total of approximately 74 hectares. A major driver of the application relates to the relocation of an abattoir to the newly zoned industrial land. The abattoir, Westside Meats, is presently located on the corner of

Woolpack Road and Bacchus Marsh Road around 1.5 kilometres from the eastern urban fringe of Bacchus Marsh township. Bacchus Marsh Road is the main thoroughfare connecting the town with the Western Highway and Melbourne. This being the case, the abattoir occupies a strategically important, prominent position at the gateway to the township.

There are a number of sensitive uses within a one kilometre radius of the abattoir. These include:

- Several dwellings.
- Market gardens and orchards, many of which serve as tourism and visitation generators, offering fruit-picking facilities.
- A café, approximately 400 metres to the north-west on Bacchus Marsh Road.
- A plant nursery.

The operation of the abattoir generates significant odours that impact the amenity of surrounding areas and as a result is generally considered an undesirable use of land given its strategic location. There is also some concern that the abattoir may be seeking to expand its footprint – something that would not be possible in its present location owing to the proximity of sensitive uses.

As part of the amendment, the existing Parwan industrial precinct would be rezoned to farming zone. As identified in Section 3.3, a recent Council review has found that the future development of this parcel is likely to be compromised by the existence of environmental drainage constraints. Therefore, the amendment will also create an opportunity for industrial development in Parwan that is presently not available despite the prevailing zoning.

### **Positive impacts of the relocation**

As discussed, the relocation of the abattoir from its present site to one approximately eight kilometres to the south would lead to a substantial increase in the supply of the industrial zoned land in Moorabool, further increasing the amount of surplus industrial land across the municipality. That said, a number of benefits can be directly linked to the rezoning. These include:

- A reduction in the number of residents and businesses impacted by externalities generated as a result of operations at the abattoir.
- An expansion of economic activity, with an expansion of operations and associated rendering plant to be enabled by the relocation.
- Ensuring that Westside Meats is able to find an appropriate local site, helping to ensure that it remains an important part of the Moorabool economy into the future.
- Creation of an opportunity for industrial development at Parwan.



### 3.4 The importance of a flexible approach to land use zoning

MIAS 2015 found that take-up of land in industrial precincts in Moorabool is relatively slow, with the bulk of vacant supply located in precincts that are relatively distant from the municipality's main population centres. Nonetheless, these presently largely unoccupied precincts are important components of regional supply in that they provide opportunities for future prospective entrants to access industrial land in Moorabool that is not impacted by the encroachment of sensitive uses.

In regional areas such as Moorabool, demand for industrial land is likely to be lower than that experienced across metropolitan Melbourne. Competition from alternate uses is also far lower, so vacant industrial land is less likely to 'crowd out' higher and better uses.

With take-up slow, it is important that Council be active, pragmatic and opportunistic in seeking to support the establishment of industrial uses. In cases where amendments to rezone land to industrial can lead directly to an expansion of industrial activity, Council should consider supporting them, provided they do not conflict with existing land use policies.

Although Moorabool lies outside of the UGB, its economy will undergo substantial change as a result of development immediately to the east. At this stage, the extent to which the market for industrial land in Moorabool changes as a result of growth in the Melton corridor is unknown. Substantial further work would be required to better delineate the nature and scale of these transformations, with the final impact likely to depend on, among others:

- The extent to which the economies of Melton and Moorabool are linked;
- The market for industrial land in Melton;
- Changes in the economy of Melton; and
- The pace, scale and nature of population increases in Melton.

Given these uncertainties, it is reasonable to set aside industrial land in the event take-up occurs at a greater rate than suggested in the MIAS 2015. Given that competition from alternate land uses in the southern part of Maddingley 4 and Parwan is not expected to be strong, having large parcels in these areas zoned speculatively for industrial land uses is not likely to carry a significant opportunity cost.

### 3.5 The importance of providing choice

Future demand for industrial land in Moorabool is likely to come from a variety of businesses across a range of sectors, each with their own spatial requirements. Therefore in order to ensure that all prospective market entrants are able to access land that suits their requirements, and to ensure that opportunities for economic development within Moorabool are not foregone, it is important to provide a choice of precinct types/locations across the municipality.

Furthermore, ensuring the availability of land across a range of precincts makes it more likely that ownership of industrial land parcels is not concentrated, which helps to promote competition, driving regional competitiveness and productivity.

# 4 DEMAND REVIEW

## 4.1 Overview

The findings of the MIAS 2015 are reviewed in Chapter 2. The MIAS 2015 found an oversupply of industrial land in Moorabool, with a substantial gap projected up to 2051 and beyond. This model assumed demand for industrial land was associated only with core industrial land uses, and tied to the size of the local population and the projected employment mix.

There is a possibility that demand for industrial land could exceed that in the MIAS 2015 as a result of:

- Additional demand for industrial land associated with non-core industrial land uses, and
- Flow-on impacts of the anticipated expansion of the population and economy within the Melton growth corridor.

Below is a high-level discussion around potential impacts of these factors on overall demand for industrial land. Their potential impact is modelled at the conclusion of this chapter.

## 4.2 Demand linked to non-core industrial uses

As discussed, the MIAS 2015 methodology assumes that demand for employment land linked directly with only the following three BLU categories:

- Service industry;
- Manufacturing; and
- Freight and logistics

In reality, there are a range of other uses that are permitted within industrial zones that sit outside of these BLU categories. The table in the Appendix lists the Victorian Planning Provision (VPP) uses that are commonly situated on industrial-zoned land. Many of the uses listed in the table are Section 2 uses for land zoned Industrial 1, 2, and 3. This means that they are permitted, subject to the granting of a planning permit by Council. These uses can be grouped under a number of subcategories, and these are outlined below.

- Rural activities (e.g. abattoirs)

Moorabool is a largely rural municipality, with a sizeable proportion of its population engaged in agriculture and farming. Agriculture and other rural land uses generate demand for a range of related activities including abattoirs and associated facilities.

- Low value land uses (e.g. selected places of assembly, leisure and recreation facilities)

Some of these uses seek out cheap urban land (land prices are typically lower in industrial precincts). These uses are minimally impacted by proximity to many manufacturing facilities, urban services and freight and logistics uses, and for these reasons often seek to locate within industrial precincts.

Furthermore, owing to the nature of these uses, their ongoing presence within industrial precincts poses no threat to ongoing activities within the precinct so Councils are typically happy to support their presence.

- Small-format retail and services (e.g. various types of retail premises, gyms)

Some uses provide retail and service amenity for employees and customers of employment precincts. As these precincts expand in size and complexity, their ability to support these ancillary retail and service uses grows.

- Large-format (restricted) retailers

These businesses may locate outside of activity centres for a number of reasons, including the following:

- A large proportion of their customer base lies within industrial areas, and so choose to locate proximate to these groups.
- Day-to-day sales activities that have the potential to impact adversely on surrounding areas. These impacts may be in the form of heavy vehicle movements, noise and outside storage etc. For these uses, industrial precincts offer the ideal locational attributes.
- A large-format floorplan model that is poorly suited to activity centres. These groups tend to locate on the edge of industrial precincts where they benefit from lower amenity standards, larger lots, cheaper land and visibility and access from key roads.

### Scenario 1 – Inclusion of non-core industrial land uses

In order to understand the potential for changes in demand relating to non-industrial uses to impact demand for industrial land in the future, SGS has assumed a percentage of a number of non-industrial uses associated with 'non-core industrial' BLU categories will locate within industrial precincts by 2031 and 2051. These revised figures also take into account the proposed shift (and expansion) of Westside Meats from its existing location into the new Parwan industrial precinct associated with C76.

The impact of these changed assumptions on demand for industrial land across Moorabool in 2031 and 2051 is summarised in Tables 4 and 5 below.

TABLE 4. INDUSTRIAL LAND DEMAND, INC. NON-CORE USES, 2031<sup>4</sup>

Broad land use	Land area	MIAS %	MIAS land demand (ha)	Revised proportion (%)	Revised demand (ha)	Difference (ha)
Business / Office Parks	5.9	0%	-	100%	5.9	+5.9
Office	7.0	0%	-	0%	-	-
Retail - Big Box	7.6	0%	-	20%	1.5	+1.5
Bulky Goods Retail	25.0	0%	-	20%	5.0	+5.0
Retail - Main Street	10.1	0%	-	3%	0.3	+0.3
Dispersed Activities	4.7	0%	-	20%	0.9	+0.9
Special Activities	34.3	0%	-	5%	1.7	+1.7
Service Industry	61.7	100%	61.7	100%	61.7	-
Manufacturing	70.3	100%	70.3	100%	70.3	-
Freight and Logistics	4.7	100%	4.7	100%	4.7	-
Rural Activities	724.2	0%	-	3%	21.7	+21.7
<b>Total</b>	<b>955.6</b>	<b>-</b>	<b>136.8</b>	<b>-</b>	<b>173.9</b>	<b>+37.1</b>

Source: SGS Economics and Planning

<sup>4</sup> Revised demand figure does not incorporate the impact of 'frictional vacancy'. Frictional vacancy is vacancy that different to typical vacancy in that it is not indicative of disequilibrium in the market. It refers to land that may be vacant for a time as a result of the entry and exit of firms, the need to properly advertise and market parcels, demolition, construction, refurbishment and repurposing of existing facilities and structures and the time taken to assess planning and building applications. Frictional vacancy rates associated with industrial land use categories tend to be higher than for other land uses.

TABLE 5. INDUSTRIAL LAND DEMAND, INC. NON-CORE USES, 2051<sup>5</sup>

Broad land use	Land area	MIAS %	MIAS land demand (ha)	Revised proportion (%)	Revised demand (ha)	Difference (ha)
Business / Office Parks	7.3	0%	-	100%	7.3	+7.3
Office	9.4	0%	-	0%	-	-
Retail - Big Box	9.6	0%	-	20%	1.9	+1.9
Bulky Goods Retail	31.5	0%	-	20%	6.3	+6.3
Retail - Main Street	12.6	0%	-	3%	0.4	+0.4
Dispersed Activities	6.8	0%	-	20%	1.4	+1.4
Special Activities	47.4	0%	-	5%	2.4	+2.4
Service Industry	79.3	100%	79.3	100%	79.3	-
Manufacturing	76.2	100%	76.2	100%	76.2	-
Freight and Logistics	5.5	100%	5.5	100%	5.5	-
Rural Services	838.5	0%	-	3%	25.2	+25.2
<b>Total</b>	<b>1,123.9</b>	<b>-</b>	<b>161.0</b>	<b>-</b>	<b>205.7</b>	<b>+44.7</b>

Source: SGS Economics and Planning

Taking account demand for industrial-zoned land associated with non-core industrial uses, demand for land in Moorabool is expected to rise to a total of 173.9 hectares by 2031 and 205.7 hectares by 2051. This amounts to an increase on the total MIAS 2015 demand figures of 37.1 hectares (27.1 per cent) in 2031 and 44.7 hectares (27.7 per cent) in 2051.

## Scenario 2 – Expansion of economic activity in Melton

The MIAS 2015 assumes that employment growth in Moorabool is linked to growth of the local population, changes in its employment makeup and changes in technology. It is possible however that future demand for industrial land in Moorabool will be partly driven by economic development in surrounding regions, especially within the Melton growth corridor.

### Scenario basis - Growth of Melton

Moorabool is immediately to the west of the metropolitan Melbourne, with the urban growth boundary (UGB) only around five kilometres to the east of the Bacchus Marsh/Parwan Western Highway exit.

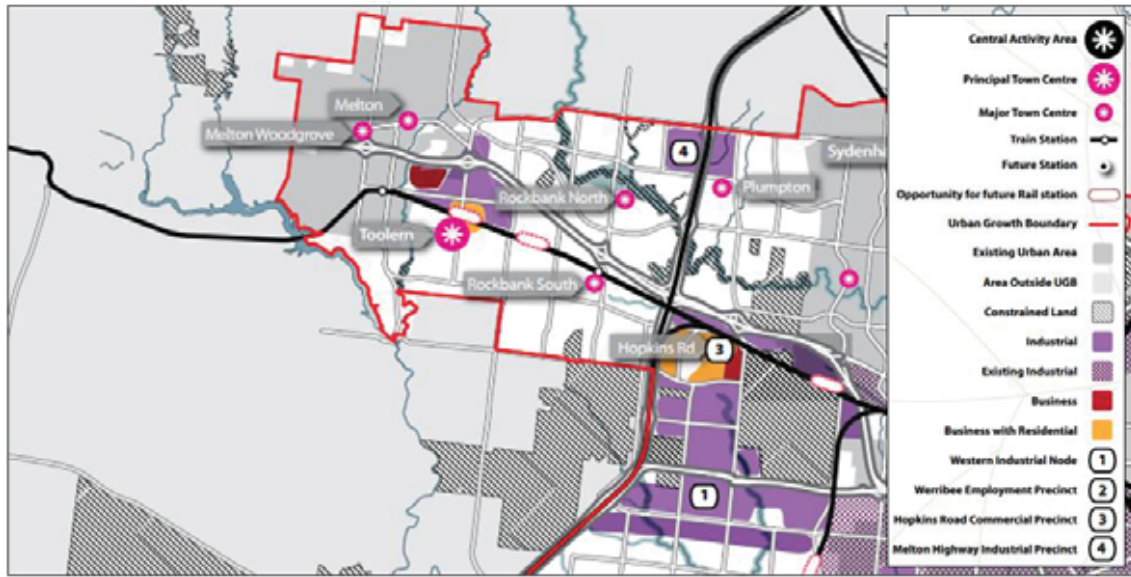
Melton is projected to experience the second fastest average annual growth rate (AAGR) in Victoria between 2016 and 2031 (4.5 per cent). The Melton LGA is expected to grow by a total of 127,827 between 2016 and 2031, accounting for 7.6 per cent of Victoria’s total projected population growth over the period. In net terms, only the populations of Wyndham (8.4 per cent of Victoria’s total population growth) and Casey (8.0 per cent) are expected to grow by more.

The rapidly growing population to the east will generate demand for industrial land in Melton with manufacturing, service industry and freight and logistics uses emerging to serve the rapidly growing population of the area.

Rapid growth of the population and economy of Melton is likely to have implications on Moorabool. Growth immediately to the east may present opportunities for Moorabool to capture overflows of demand for industrial land. The map below shows Melton’s position within the west growth corridor. Areas in grey represent regions that are already developed for urban purposes, while white areas denote presently undeveloped regions. Future industrial areas are shown in purple. The Toolern Employment Precinct (TEP) is located just to the east of Melton and is to consist of ‘around 470 (gross) hectares of industrial land...as well as 120 (gross) hectares of mixed use employment activities’.

<sup>5</sup> Revised demand figure does not incorporate the impact of ‘frictional vacancy’.

FIGURE 2. MELTON AND THE WEST GROWTH CORRIDOR



Source: West Growth Corridor Plan, VPA

Corridor planning for the region is likely to have ensured that the TEP can accommodate growth in demand for industrial land in the region to 2051. However, for some regional industrial users the TEP is unlikely to be an optimal location for their operations. For many within this group, Moorabool is likely to be an ideal location, with Moorabool’s industrial precincts offering benefits that are unavailable within metropolitan Melbourne industrial precincts. Possible drivers of demand for industrial land include:

– **‘Lower order’ activities with a preference for cheap land.**

Industrial uses that generate low profits relative to land area consumed are likely to seek the lowest-value land<sup>6</sup>. In future industrial-zoned land in Moorabool is almost certain to be cheaper than land in Melton. Among these lower order activities for which an urban location is not important, expansion of the population through the Melton corridor will generate opportunities that could be realised within Moorabool’s industrial precincts.

– **Externality-generating businesses with requirements for buffers with sensitive uses.**

The TEP is to be a large precinct consisting of around 470 gross hectares. Within such a large precinct, there is likely to be a central core with sufficient buffers from sensitive uses that will be suitable for externality-generating industrial activity. That said, in a number of recently-developed industrial precincts across metropolitan Melbourne, externality-generating activity is restricted. This is in large part due to a growing understanding of the importance of delivering client and worker amenity, particularly as technology becomes an increasingly important component of manufacturing, and as educated workers make up an increasingly large proportion of employees within industrial precincts.

In this context, ensuring the availability of unconstrained land on which the most externality-generating industries are able to locate becomes important. There is an opportunity for land in the Parwan area in particular to serve this function as a regionally-significant location for industrial activity.

<sup>6</sup> Section 74 land uses in this category may include *materials recycling, refuse disposal and transfer station*.

- **For activities associated with the storage, processing or packaging of primary produce, proximity to other businesses in the supply chain is likely to be better outside of urban regions.**

Some industrial land uses are closely linked to the primary sector. A relevant example of these types of uses are the abattoir and rendering plant proposed for Parwan as part of C76. Beyond these, there may be opportunities associated with industrial sub-categories such as tanneries, and farm equipment providers/services, as well as facilities for the handling, treating, processing and packaging of agricultural produce.

## Scenario 2 results

With local industrial activities increasingly linked to metropolitan Melbourne, proximity to Bacchus Marsh and Ballan will become relatively less important in driving locational choices, driving demand for land in Parwan and Maddingley 4. Such a trend would essentially lead to a situation in which the link between the Moorabool population and demand for industrial land assumed by the MIAS 2015 is broken, with the municipality's industrial precincts taking on a more regionally significant role.

The extent to which activity in Melton triggers growth in demand for industrial land in Moorabool is difficult to quantify, with a range of factors likely to affect the extent to which it impacts demand for industrial land in Moorabool. The following tables show the effect of a moderate increase in demand for core industrial land uses in Moorabool equivalent to 10 per cent of the projected demand according to MIAS 2015. An increase in demand on this scale is equivalent to additional annual uptake of industrial-zoned land of around 6,850sq.m per annum between 2011 and 2031, rising to around 8,050sq.m per annum between 2031 and 2051.

TABLE 6. INDUSTRIAL LAND DEMAND, INC. NON-CORE USES AND HIGH DEMAND, 2031

Broad land use	Land area	MIAS %	MIAS land demand (ha)	Revised proportion (%)	Revised demand (ha)	Difference (ha)
Business / Office Parks	5.9	0%	-	100%	5.9	+5.9
Office	7.0	0%	-	0%	-	-
Retail - Big Box	7.6	0%	-	20%	1.5	+1.5
Bulky Goods Retail	25.0	0%	-	20%	5.0	+5.0
Retail - Main Street	10.1	0%	-	3%	0.3	+0.3
Dispersed Activities	4.7	0%	-	20%	0.9	+0.9
Special Activities	34.3	0%	-	5%	1.7	+1.7
Service Industry	61.7	100%	61.7	110%	67.9	+6.2
Manufacturing	70.3	100%	70.3	110%	77.4	+7.0
Freight and Logistics	4.7	100%	4.7	110%	5.2	+0.5
Rural Services	724.2	0%	-	5%	21.7	+21.7
<b>Total</b>	<b>955.6</b>	<b>-</b>	<b>136.8</b>	<b>-</b>	<b>187.6</b>	<b>+50.8</b>

Source: SGS Economics and Planning

TABLE 7. INDUSTRIAL LAND DEMAND, INC. NON-CORE USES AND HIGH DEMAND, 2051

Broad land use	Land area	MIAS %	MIAS land demand (ha)	Revised proportion (%)	Revised demand (ha)	Difference (ha)
Business / Office Parks	7.3	0%	-	100%	7.3	+7.3
Office	9.4	0%	-	0%	-	-
Retail - Big Box	9.6	0%	-	20%	1.9	+1.9
Bulky Goods Retail	31.5	0%	-	20%	6.3	+6.3
Retail - Main Street	12.6	0%	-	3%	0.4	+0.4
Dispersed Activities	6.8	0%	-	20%	1.4	+1.4
Special Activities	47.4	0%	-	5%	2.4	+2.4
Service Industry	79.3	100%	79.3	110%	87.3	+7.9
Manufacturing	76.2	100%	76.2	110%	83.8	+7.6
Freight and Logistics	5.5	100%	5.5	110%	6.0	+0.5
Rural Services	838.5	0%	-	3%	25.2	+25.2
<b>Total</b>	<b>1,123.9</b>	<b>-</b>	<b>161.0</b>	<b>-</b>	<b>221.8</b>	<b>+60.9</b>

Source: SGS Economics and Planning

# 5 REVISED MARKET SUMMARY

## 5.1 Overview

Chapter 3 assessed the impact of recently-identified constraints on the theoretical supply of industrial land in Moorabool. Chapter 4 looked at how demand relating to non-core industrial uses (along with the impact of C76 and the associated relocation of Westside Meats) along with growth of the Melton corridor could impact future take-up of industrial land in Moorabool. This section brings together the findings of these two chapters to reassess the market for industrial land in Moorabool.

## 5.2 Revised market assessment

As outlined, this section reanalyses the market for industrial land in Moorabool, taking into account the following:

- Revised supply figures from recent work carried out by Council,
- Demand for industrial land associated with non-core industrial land use categories, and
- The impact of urban growth in the Melton growth corridor on industrial land uses in Moorabool.

The following table outlines the findings of the revised model, showing how the demand and supply assumptions reduce the available supply of industrial land. The table also shows the impact of the rezoning, with a 124 hectare net increase in total supply<sup>7</sup>.

TABLE 8. SUMMARY OF REVISED MARKET ASSESSMENT

	Moorabool IAS	With revised supply figures	With revised supply figures and accounting for non-core industrial uses	With revised supply figures and accounting for non-core industrial uses and growth in Melton	Including net increase in industrial land associated with Amendment C76
Total supply	346.0	238.4	238.4	238.4	362.4
Demand (2031)	136.8	136.8	173.9	187.6	187.6
<i>With 20% frictional vacancy</i>	<i>164.1</i>	<i>164.1</i>	<i>208.7</i>	<i>225.1</i>	<i>225.1</i>
<b>Gap (2031)</b>	<b>181.9</b>	<b>74.3</b>	<b>29.7</b>	<b>13.3</b>	<b>137.3</b>
Demand (2051)	161.0	161.0	205.7	221.8	221.8
<i>With 20% frictional vacancy</i>	<i>193.1</i>	<i>193.1</i>	<i>246.8</i>	<i>266.1</i>	<i>266.1</i>
<b>Gap (2051)</b>	<b>152.9</b>	<b>45.3</b>	<b>-8.4</b>	<b>-27.7</b>	<b>96.3</b>

Source: SGS Economics and Planning

Taking into account the revised supply figures and potential growth in demand, the net available supply is projected to be only 13.3 hectares, which is substantially smaller than the gap of 181.9 hectares projected for 2031 in the MIAS 2015 report<sup>8</sup>. Of the difference in net available supply in 2031 between

<sup>7</sup> This figure is the sum of the developable portion of proposed IN1Z land resulting from C76 (i.e. 190-43=147ha) minus the developable portion of existing IN1Z land (i.e. 116-93=23ha).

<sup>8</sup> This figure excludes the increase in industrial land that would occur as a result of C76



the MIAS 2015 and the revised model, approximately 66.6 per cent relates to the exclusion of undevelopable land; 23.2 per cent to the inclusion of demand relating to non-core industrial land uses; and 10.2 per cent to increased activity associated with the growth of Melton.

The MIAS 2015 model predicted that there would be a total of 152.9 hectares or surplus industrial land by 2051. The revised model produced as part of this engagement predicts that by 2051, industrial land within Moorabool will be exhausted, with a deficit of 27.7 hectares.

The final column of Table 8 shows the impact on available land supply of the rezoning associated with C76. The table shows that this amendment would ensure the availability of industrial land beyond 2051.

## Summary

The model suggests that the true supply of industrial land in Moorabool may be substantially lower than what was suggested in the MIAS 2015. Assuming that the constraints discussed throughout this report do not prevent the take-up of land in some precincts, and that the various assumptions that underpin the revised model hold, land supply is likely to be exhausted by around 2037/38, assuming take-up occurs evenly across time. With sensitive uses likely to constrain certain categories of activity across the Maddingley 1 and Maddingley 2 precincts in particular, it is possible that land may be exhausted even earlier. In addition, the extent of the increase in take-up associated with the expansion of Melton is unknown. If this occurs more rapidly than implied in the revised model, the date of exhaustion may occur earlier still.

Taking into consideration the new demand and supply assumptions detailed in this report, there is at most 22 years of industrial land supply remaining in Moorabool. However, accounting for constraints associated with existing land and uncertainties in relation to the impact of growth on the Melton economy, the supply of industrial land in Moorabool may be exhausted much sooner.

Given this, to ensure that the future growth of Moorabool's economy is not stymied by a lack of suitable land, there is a need for further industrial land to be made available in the near future.

As discussed in Chapter 3, there are a number of other considerations that should guide decision-making around the management of industrial land supply across Moorabool. Firstly, in a situation where demand for industrial land is sporadic, Council should be proactive in adopting a strategic approach to rezoning that responds to one-off opportunities. Secondly, ensuring a range of types of industrial precinct are available to the market is important in ensuring that opportunities for economic development in Moorabool are captured.

# APPENDIX

## Broad land use (BLU) categories

The following broad land use categories were utilised in the formulation of the MIAS 2015:

- **Business / Office Parks;** Integrated warehouse, storage, R&D, ‘back-room’ management and administration with up to 40 per cent office component. Example uses: Generally ancillary administration office to a manufacturing/warehousing/distribution facility.
- **Office;** Office buildings that are independent (i.e. are not ancillary to another use on site) and likely to accommodate a significant number of administration staff. Example uses: finance, engineering, architectural services.
- **Retail – Big Box;** Big Box retailers are engaged with the sale of goods from large format premises. Examples include IKEA, Bunnings and Officeworks.
- **Bulky Goods Retail;** Typically large, one-storey buildings surrounded by car-parking selling goods that are typically large in size. Example uses: Homemaker centres and electronics retailers such as Fantastic Furniture and Harvey Norman.
- **Retail - Main Street;** Main Street Retail involves small scale and local retailing activities, traditionally found on the main street of an area. Example uses: Post office, convenience stores.
- **Dispersed Activities;** Social and community services, trades construction, other ‘nomads’ including service stations. Example uses: childcare centres, churches.
- **Special Activities;** Public sector administration, health services, police services. Example uses: hospitals, police stations.
- **Service Industry and urban support;** Car service and repair; joinery, construction and building supplies; and domestic storage. Typically does not interfere with the amenity of the neighbourhood via pollution. Example uses: auto repairs, building supplies.
- **Manufacturing;** comprising,
  - Light: Small scale production with lower noise and emission levels than heavy manufacturing. Example uses: printing works, clothing manufacturing, boat building, light engineering activities.
  - Heavy: Large scale production activity. Likely to be characterised by high noise emission; emission stacks; use of heavy machinery; and frequency of large trucks. Example uses: chemical manufacturing, processing and packaging of animal products, and iron/steel manufacturing.
- **Freight and Logistics;** Warehousing and distribution activities. Includes buildings with a number of docking facilities; ‘hardstand’ areas with trucks or goods awaiting distribution; and large storage facilities. Examples linked to the rural sector include the storage and distribution of primary outputs, and the transfer of processed agricultural outputs to retailers and distribution centres.
- **Rural Services;** General agricultural and mining-related uses, including abattoirs.

## Industrial precinct VPPs, alignment with BLUs

The table overleaf lists VPP uses that are permitted to be located (under certain conditions) on industrial-zoned land. The table contains uses that were incorporated in the MIAS 2015, and many that weren't. The final column shows how these various VPP uses align with SGS' broad land use categories.

TABLE 9. INDUSTRIAL LAND USE CATEGORIES - VICTORIAN PLANNING PROVISIONS

Nesting level 1	Nesting level 2	Nesting level 3	Included within MIAS 2015 model	Most appropriate MIAS 2015 land use category
<b>Agriculture</b>	Animal husbandry	<i>Animal keeping</i>	No	Rural services
<b>Education centre</b>	Employment training centre		No	Special services
<b>Emergency services facility</b>			No	Special services
<b>Industry</b>	Materials recycling		Included	Manufacturing
	Refuse disposal		Included	Manufacturing
	Transfer station		Included	Manufacturing
	Research and development centre		Included	Manufacturing
	Rural industry	<i>Abattoir</i>	No	Rural services
	Service industry	<i>Motor repairs</i>	Included	Service industry
		<i>Dry cleaner</i>	Included	Service industry
		<i>Car wash</i>	Included	Service industry
<b>Leisure and recreation</b>	Minor sports and recreation facility	<i>Indoor recreation facility</i>	No	Dispersed activities
		<i>Informal outdoor recreation</i>	No	Dispersed activities
		<i>Outdoor recreation facility</i>	No	Dispersed activities
		<i>Restricted recreation facility</i>	No	Dispersed activities
<b>Place of assembly</b>	Function centre	<i>Conference centre</i>	No	Dispersed activities
		<i>Reception centre</i>	No	Dispersed activities
		Restricted place of assembly	No	Dispersed activities
<b>Retail premises</b>	Food and drink premises	<i>Convenience restaurant</i>	No	Retail – main street
		<i>Takeaway food premises</i>	No	Retail – main street
	Manufacturing sales		No	Bulky goods retail
	Motor vehicle, boat or caravan sales	<i>Car sales</i>	No	Bulky goods retail
	Landscape gardening supplies	<i>Garden supplies</i>	No	Bulky goods retail
		<i>Plant nursery</i>	No	Bulky goods retail
	Primary produce sales		No	Bulky goods retail
	Shop	<i>Convenience shop</i>	No	Retail – main street
		<i>Restricted retail premises</i>	No	Retail – main street
	Trade supplies	<i>Timber yard</i>	No	Bulky goods retail
<b>Saleyard</b>	Saleyard		No	Rural services
<b>Service station</b>			No	Dispersed activities
<b>Transport terminal</b>	Road freight terminal		Included	Freight and logistics
<b>Utility installation</b>	Minor utility installation		Included	Service industry
	Telecommunications facility		Included	Service industry
<b>Warehouse</b>	Fuel depot	<i>Liquid fuel depot</i>	Included	Freight and logistics
		<i>Solid fuel depot</i>	Included	Freight and logistics
	Mail centre		Included	Freight and logistics
	Milk depot		Included	Freight and logistics
	Commercial display area		Included	Freight and logistics
	Store	<i>Freezing and cool storage</i>	Included	Freight and logistics
		<i>Boat and caravan storage</i>	Included	Freight and logistics
		<i>Shipping container storage</i>	Included	Freight and logistics
		<i>Rural store</i>	Included	Freight and logistics
		<i>Vehicle store</i>	Included	Freight and logistics

Source: SGS Economics and Planning

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### 10.2.3 Amendment C78 – Small Towns and Settlement Strategy

#### Introduction

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#### Background

In September 2016, Council adopted the Moorabool Shire Small Towns and Settlements Strategy, which is a component of Moorabool 2041. Since this time, Council staff have been working on the preparation of an Amendment (known as C78) to implement the Strategy within the Moorabool Planning Scheme.

The purpose of this report is to seek Council support to seek Ministerial authorisation to proceed with the amendment and exhibit for public comment.

The Small Towns and Settlements Strategy (2016) provides an overarching vision for how the Shire will manage the future of its small towns and settlements through to the year 2041. The Strategy addresses a community aspiration to maintain and enhance the sustainability of the Shire's small towns and settlements by providing a framework identifying what is possible, efficient and justifiable in terms of population growth, public realm improvements, economic development, the environment, changes to the planning controls and other measures. The recommendations relate to sixteen small towns and settlements.

In order to give the Small Towns and Settlements Strategy weight Amendment C78 has been prepared based on the Strategy.

#### Proposal

Amendment C78 seeks to carry over key recommendations from the Small Towns and Settlements Strategy and include it as a reference document within the Planning Scheme. It was developed after internal consultation involving relevant Council staff, as well as officers from the Department of Environment, Land, Water and Planning (DELWP).

The Amendment includes a long term work program for Council in the Small Towns and Settlements, with a scope based on the opportunities identified in the settlements. In most cases recommendations are town specific but a limited number of overarching strategies apply to many Small Towns and Settlements (such as flood investigations, heritage, tourism trail opportunities).

The most resource dependent recommendations carried over from the Small Towns and Settlements Strategy are Structure Plans, which would be used to identify needed infrastructure to facilitate population growth, review the zoning and overlay controls for the existing parts of the town and identify public realm improvements. These are long term plans to guide Council decisions about changes to land use on public and private property for existing and new areas. Separate funding bids will be required for each structure plan.

Amendment C78 specifies the need for Structure Plans for Bungaree and Wallace followed, as resources allow, by structure plans for Dunnstown and Myrning. The provision of reticulated sewer within these towns, as well as water in the case of Dunnstown will be necessities.

A Structure Plan is recommended for Blackwood to manage a wide range of issues from heritage conservation, to landscape and local wastewater solutions. This initiative is already foreshadowed as a priority in the existing Planning Scheme (as is also the case for Myrning). A Structure Plan for Blackwood is unlikely to expand the settlement boundaries of the town because of constraints including extreme bushfire risk.

Other key recommendations included within Amendment C78 include preparing an Urban Design Framework for Elaine, Greendale, Lal Lal and Mount Egerton. More limited local projects are also identified (as Settlement Improvement Plans) for Balliang and Balliang East, Clarendon and Korweinguboorra/Spargo Creek and Yendon.

The Amendment also carries over particular recommendations which relate to various areas of Council such as investigating opportunities for the resource sharing of facilities within nearby towns, mapping flood risk where needed, supporting the establishment of heritage walks, investigating the potential for safety improvements along particular roads, mitigating the potential for subdivision and town growth in areas with known extreme bushfire fire risk, advocating for natural gas and other measures.

Specifically, the amendment proposes updates to the following Clauses of the Moorabool Shire Planning Scheme:

Updated Clauses can be viewed at **Appendix 1** to this report.

**Clause 21.01** (Municipal Context) has been updated to:

Include reference to the Small Towns and Settlements Strategy (2016) and the need for reticulated sewer and a supportive business case in order for towns within the Special Water Supply Catchments to grow.

Include a revised Municipal Framework Map showing the hierarchy of towns in the Shire, drawing on terminology from the Small Towns Strategy.

**Clause 21.02** (Natural Environment) has been updated to:

Include reference to limited growth prospects for towns that lack reticulated sewer.

Include reference to supporting the installation of reticulated sewer in Bungaree, Dunnstown, Wallace and Myrning subject to a viable business case.

**Clause 21.03** (Settlement and Housing) has been updated to:

Include reference to the Central Highlands Regional Growth Plan as the key Strategic Planning document for the region.

Include reference to key recommendations and components of the Small Towns and Settlements Strategy.

**Clause 21.09** (Small Towns and Settlements) has been updated to:

Include a section with overarching strategies for Small Towns and Settlements, including some strategies for particular towns (where specified). Components from a former section on Blackwood have been incorporated into this section, other parts of the Blackwood have been deleted to improve policy clarity.

Include specific sections for Bungaree, Wallace, Dunnstown and Myrning with a vision and recommendations from the Small Towns and Settlements Strategy.

Modify the existing section on Gordon to conform to other parts of the document.

The name of Clause 21.09 has been changed from “Small Towns” to “Small Towns and Settlements”.

**Clause 21.11** (Reference Documents) has been updated to:

Include the Small Towns and Settlements Strategy as a Reference Document within the Moorabool Planning Scheme.

### **Timeline and Next Steps**

A brief summary of the typical steps with an amendment are outlined as follows:

- Step 1: Requesting an amendment (if proponent based)
- Step 2: Authorisation (Council resolution – current stage)
- Step 3: Preparation
- Step 4: Exhibition
- Step 5: Submissions, panels & advisory committees
- Step 6: Adoption
- Step 7: Approval

Subject to receiving permission from Council to proceed to seek Ministerial; Authorisation, the amendment will be placed on public exhibition with a report on submissions to be tabled in coming months.

## **Policy Implications**

The 2013 – 2017 Council Plan provides as follows:

**Key Result Area** Enhanced Infrastructure and Natural and Built Environment.

**Objective** Effective and integrated strategic planning in place to create sustainable communities.

**Strategy** Development of Urban and Rural Growth Strategies in conjunction with other related plans.

The Amendment reflects a part of the implementation phase of a key Rural Growth Strategy.

## **Financial Implications**

Preparation and processing of the amendment is being undertaken in-house by Council's Strategic and Sustainable Development team.

Costs for the amendment including any Panel hearing is already provided within the 2016/17 budget of Strategic and Sustainable Development.

## **Risk & Occupational Health & Safety Issues**

There are no identified risks associated with the amendment.

## **Communications and Consultation Strategy**

Implementation of the amendment will include statutory notification processes. Submitters to the Planning Scheme Amendment will have the ability to present to a Planning Panel to be appointed by the Minister for Planning.

## **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 – Geoff Alexander*

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

### Conclusion

Moorabool 2041, the Small Towns and Settlements Strategy presents Council with an opportunity to develop a consolidated and coordinated vision and plan for its smaller settlements.

Amendment C78 has been prepared to implement the Small Towns and Settlement Strategy.

It is considered appropriate to submit the Amendment to the Minister for Planning for Authorisation to prepare and exhibit the Amendment.

### Recommendation:

#### That Council:

1. **Resolve, in accordance with Section 8A (2) of the *Planning and Environment Act 1987*, to request authorisation to prepare Amendment C78 to the Moorabool Planning Scheme.**
2. **Exhibit Amendment C78 in accordance with the *Planning and Environment Act 1987*, subject to receiving authorisation from the Minister for Planning.**
3. **Following receipt of authorisation exhibit the amendment in accordance with the requirements of the *Planning and Environment Act 1987*.**

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### Report Authorisation

Authorised by:

**Name:** Satwinder Sandhu   
**Title:** General Manager Growth and Development  
**Date:** Friday, 10 February 2017

# Attachment - Item 10.2.3

**21.01 MUNICIPAL CONTEXT**

26/02/2009  
C34

The context of land use planning issues, objectives, strategies, and implementation measures of this Municipal Strategic Statement (MSS) is summarised below. Further information about the Shire of Moorabool can be found in Council’s corporate plan and the reference documents to the MSS.

Moorabool Shire is located on the western urban/rural fringe of the Melbourne metropolitan area and extends to the outskirts of Ballarat to the west, along the major rail and road transport corridor between the two cities. This location within the Ballarat Transport corridor has seen an increase in commuting to both cities from towns within the Shire, and Melbourne 2030 recognises that the corridor can accommodate additional development.

Bacchus Marsh is the municipality’s main centre for retail, service, and employment activities. Bacchus Marsh has the most comprehensive community infrastructure in the Shire but there are shortfalls in infrastructure and service provision that require a larger population base for cost effective responses. Bacchus Marsh is the focus for economic and residential growth, with Ballan and potentially Gordon providing complementary roles.

There are planning challenges in accommodating and servicing residential growth and demand for lifestyle housing while protecting agricultural productivity, and environmental values and significant landscapes.

Moorabool Shire is characterised by its townships in rural settings and its distinctive rural landscapes which comprise a diversity of vast ranges, plains, ancient gorges, and areas of intensive horticulture. The varied and rich topographical features are integral environmental, agricultural, and recreational resources for the Shire.

These environmental assets, as well as existing built form, historic buildings and landscapes, contribute to the Shire’s numerous places of natural and cultural heritage significance.

Much of the Shire is in Special Water Supply Catchments, which has a significant impact on the development potential of land in the west and north of the Shire. This combined with large areas of National or State Park or State Forest that traverse the Shire limit development opportunities and pose significant land management issues, particularly relating to sediment control and land clearing.

Agriculture is the major sector in Moorabool’s economy and also contributes to the rural landscape setting that typifies the Shire. Agricultural production is predominantly broad acre cropping and grazing with intensive horticulture on irrigated land around Bacchus Marsh. Council’s economic development strategies encourage new and innovative sustainable agricultural industries and the promotion of value adding industries that can capitalise the agricultural and resource base.

**21.01-2 Key Issues**

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Key issues that direct land use planning in Moorabool Shire are:

**Settlement**

There is increasing pressure to balance residential growth objectives with the protection of environmental, landscape and lifestyle values across the Shire.

Significant population growth in consolidated urban areas over the next 25 years is expected which will need to provide cost effective delivery of appropriate infrastructure and services.

Moorabool Shire’s capacity to accommodate future urban development is physically and environmentally constrained. Approximately two-thirds of the Shire is located in Special Water Supply Catchments, which includes privately owned land, mainly used for

agricultural purposes, or National or State Park or State Forest. Steep land, areas subject to flooding, and resources capable of economic extraction are also significant development constraints. These constraints are shown in the Moorabool Corridor Framework Plan (Clause 21.03-2).

~~Development~~In the absence of reticulated sewer, the development of both townships and rural land within the Special Water Supply Catchments needs to be managed to protect water quality and quantity, ~~or a.~~ Cost is the major hurdle to the extension of reticulated sewer systems to other towns in the Shire, however without it the small towns and settlements of the Shire cannot grow to any substantial degree.

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Many of the small towns and settlements lack the quantum of population to be considered sustainable communities in the sense that they lack diversity in the provision of local jobs, retail, public transport, other public and medical services and community infrastructure. They rely heavily on larger communities and tend to be strongly car dependent.

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Future population growth needs to be balanced with protection and sustainable use of the Shire's environmental assets which contribute significantly to the lifestyle and attraction of Moorabool Shire as a place to live, invest and visit.

Urban growth, residential development, and lifestyle housing need to be managed to maintain the attractive rural setting and lifestyle, and to provide adequate services and facilities in a cost effective manner.

Urban growth has the potential to develop up to the LGA boundary and therefore reduce the existing rural buffer between Moorabool Shire and- the Shire of Melton

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### Housing

A range of residential choices is needed to attract residents and to meet the changing needs and preferences of an ageing population.

### Transport

There is a need to improve vehicle and freight links between communities within the municipality and links to destinations outside the Shire. There is a need for links to address physical division created by the Ballarat Freeway and Ballarat Rail line, particularly in Bacchus Marsh.

Improved public transport levels of service and integration throughout the municipality and particularly along the Melbourne – Ballarat rail corridor are needed to support sustainable growth.

### Environment

The varied and rich topographical features of Moorabool Shire (including ranges, plains, and ancient gorges) need to be conserved not only for their intrinsic environmental and landscape values but also as a recreational resource to the Shire.

The environmental assets (including the Brisbane Ranges National Park, Lerderberg State Park, Werribee Gorge State Park, the Wombat State Forest, and Long Forest Nature Conservation Reserve), as well significant waterways, historic buildings, rural townscapes, and landscapes contribute to the Shire's numerous places of natural and cultural heritage significance. These features inter-twine to form the character and lifestyle opportunities that attract people to Moorabool Shire.

Moorabool River, Werribee River, and Lerderberg River supply water for domestic and agricultural purposes. Inappropriate development, land clearing and sediment deposition from erosion can threaten riparian environments and water quality within the catchments.

### Economic Development

Continued productive and sustainable agricultural and horticultural land use, which is critical to the Shire's economy and its ongoing economic development, requires protection from residential encroachment.

It is important to ensure planning to accommodate demand for rural living opportunities produces enhanced environmental outcomes and also protects agricultural production, particularly highly productive areas in the west of the Shire and irrigated land around Bacchus Marsh.

There is an ongoing need to manage existing and potential conflict between residential, rural residential and agricultural and horticultural production.

There is a need to strengthen the local economy to improve local employment opportunities and reduce the leakage of retail spending.

Bacchus Marsh and Ballan provide areas of important industrial and mineral resource. These include large sites zoned Industrial 2, the Maddingley Brown Coal Mine and quarries in Bacchus Marsh. Planning to manage off-site impacts and avoid conflict with sensitive uses is required to realise economic development opportunities.

### 21.01-3

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### Strategic Framework Plan

Council's key strategic planning directions are illustrated on the Strategic Land Use Framework Plan. The framework plan identifies overall direction to guide specific land use outcomes. It identifies potential 'development opportunity areas' where significant land use change may be expected, and areas where land use constraints are likely to restrict future development.

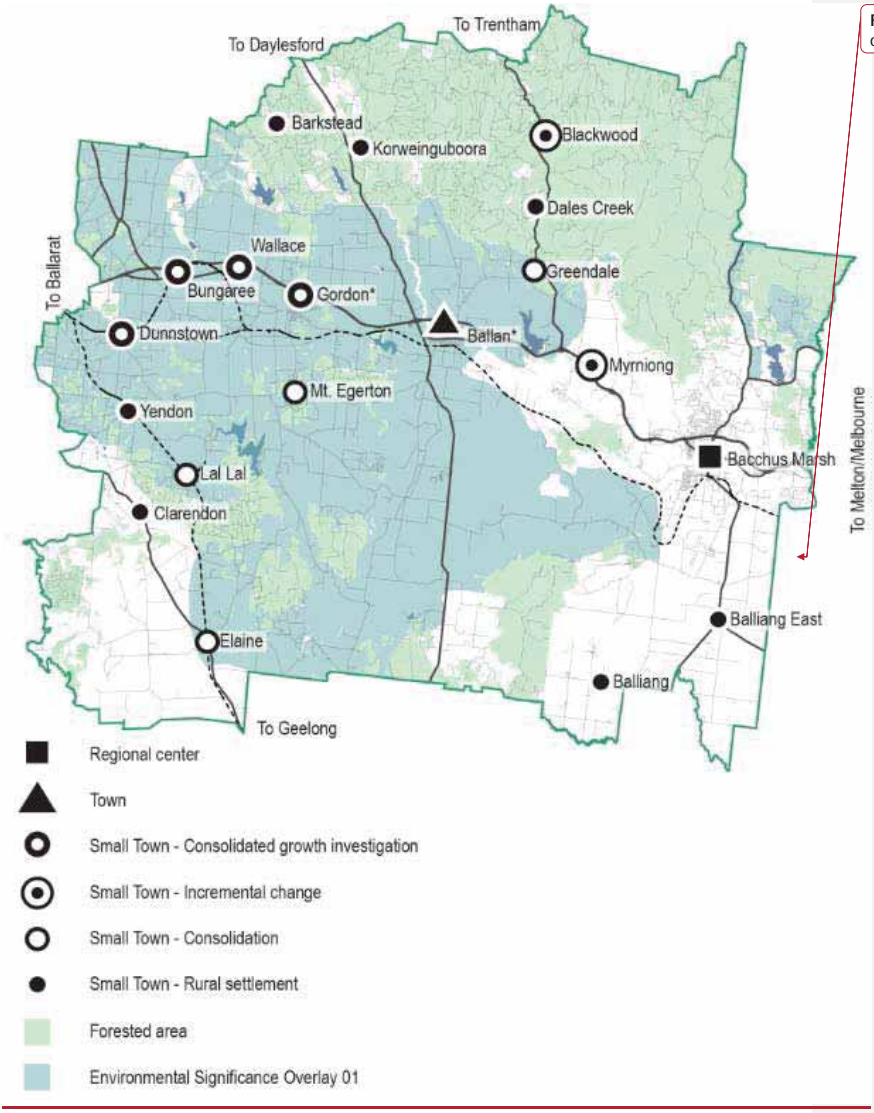
Separate land use framework plans in Clauses 21.07 and 21.08 provide more detailed guidance for major townships.

The major strategic directions identified on the ~~Municipal Strategic Framework Plan~~ include:

- The location of Special Water Supply Catchments, parks and forests which have limited development potential;
- Designation of key towns in the municipality, with Bacchus March identified as the key centre for economic and residential growth and Ballan fulfilling a complementary role; and
- Identification of the Ballarat Rail line as part of the Ballarat-Melbourne transport corridor.
- Identifies a cluster of towns which have a noted infrastructure and servicing role to be subject to a residential growth investigation.



MOORABOOL PLANNING SCHEME



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**21.01-4 Objectives - Strategies - Implementation**

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**Municipal Planning Framework**

The Municipal Planning Framework objectives, strategies, and implementation mechanisms are structured around five key land use themes, based on those in the State Planning Policy Framework (SPPF). There is considerable overlap between each of these themes and none should be read in isolation.

- Natural Environment (Clause 21.02).
- Settlement and Housing (Clause 21.03).
- Economic Development and Employment (Clause 21.04).
- Development and Community Infrastructure (Clause 21.05).
- Heritage (Clause 21.06).

**Place-based Planning Framework**

The Place-based Planning Framework sets out objectives and strategies that provide more detailed planning direction for specific places and towns within the municipality.

The places contained in the Place-based Planning Framework are:

- Bacchus Marsh (21.07);
- Ballan (21.08); and
- Small Towns (21.09).



**21.02 NATURAL ENVIRONMENT**

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C57

**21.02-1 Key Issues and Influences**

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**Non Urban Landscapes**

- Moorabool Shire's natural environment, towns, rural landscapes, and forested areas are important elements of the Shire's character.

**Water and Catchment Management**

- Large areas of Moorabool Shire are in Special Water Supply Catchments providing potable water for local and regional populations.
- [For public health reasons, prospects for population growth and investment are minimal for small towns and settlements that reside within a Special Water Supply Catchment and lack reticulated sewerage.](#)
- Much of the Special Water Supply Catchment areas contain towns, communities, and productive farms that have a legitimate expectation to grow and prosper—.
- There is a combined responsibility for water quality by the Shire, Water Authorities and Catchment Management Authorities.

**Biodiversity**

- Lerderderg State Park, the Brisbane Ranges National Park, Wombat State Forest, Werribee Gorge State Park, Long Forrest Nature Conservation Reserve and other bushland areas in the Shire are highly significant natural resources with nationally important flora, fauna habitat values. These values are also valuable attractors of recreation and tourism.
- Human activity particularly the impacts of population growth, urban growth, and agricultural activity have contributed to the decline in biodiversity, quality and quantity of native vegetation and waterway condition.
- Roadside vegetation is of great value to the Moorabool Shire as it provides for flora and fauna movement corridors between State and National Parks or Forests and supports the rural character of the area.
- Pest and environmental weed control are important issues within the Shire as is the revegetation of native flora along waterways.

**Wildfire**

- Large areas of the Shire are at risk of wildfire particularly forested areas on steep inclines.

**Environmentally Sustainable Development**

- Planning for development in Moorabool Shire must give deliberate consideration to environmentally sustainable development principals that will maintain and enhance the quality of the environment and natural resource base.

**Flood Management**

- Large areas of the Moorabool Shire are prone to flooding as the Moorabool, Werribee, and Lerderderg Rivers flow through the Shire.

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#### **Objective—Non Urban Landscapes**

- To maintain and enhance the natural environment and the Shire's rural identity and character.

#### **Strategies**

- Maintain the open rural landscape between the Shire's eastern boundary and Bacchus Marsh as a visual buffer.
- Recognise and protect the national, state and regional values of Werribee George State Park, Bungal State Forest, Long Forest nature Reserve, Lal Lal State Forest, Lal Lal Falls, Brisbane Ranges Lerderderg State Park, and Wombat State Forest.
- Protect the landscape and scenic qualities of forested hill slopes, rural landscapes, and bushland setting of the Shire's rural and urban areas.
- Preserve high quality landscapes by not supporting development on hilltops and ridgelines.

21.02-3

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#### **Objective—Water and Catchment Management**

- To protect the quality and quantity of water within the Moorabool Shire.

#### **Strategies**

- [Where reasonable, promote the installation of reticulated sewerage within all areas of Moorabool Shire-Bungaree, Dunnstown, Wallace and Myrniong subject to a viable business case to support provision.](#)
- Promote land use and development compatible with the Shire's natural environment, native vegetation, and places of environmental significance.
- Ensure that the removal of all stormwater and effluent associated with new development is undertaken in a way which is not to the detriment of the quality or quantity of water in local watercourses and limits downstream effects.
- Ensure the retention, protection, and revegetation of the riparian area along watercourses.

21.02-4

[10/11/2011](#)  
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#### **Objective—Biodiversity**

- To positively enhance biodiversity in the Moorabool Shire.

#### **Strategies**

- Support the implementation of the appropriate Regional Catchment Management Strategy
- Require land use change and development to retain native vegetation and to minimise topsoil disturbance.
- Require an increase in sustainable rural land management practices (in particular weed and pest management) when supporting land use change or development within rural areas.

- Maintain protect, and enhance the biodiversity values of important roadsides, particularly those within the surrounds of the state and national parks or forests.
- Maintain, protect and enhance the River Red Gum (*Eucalyptus Camaldulensis*) Population within the Bacchus Marsh Valley.

**21.02-5 Objective—Wildfire**

26/02/2009  
C34

- To minimise risk of wildfire damage.

**Strategies**

- Develop and apply the annual Moorabool Municipal Fire Prevention Plan.

**21.02-6 Objective—Environmentally Sustainable Development**

26/02/2009  
C34

- To manage land use in an environmentally sustainable manner, to assist in reducing the ecological footprint of land within Moorabool Shire.

**Strategies**

- Ensure that the natural drainage functions are retained in the development of land for residential purposes.
- Ensure that new dams in the rural zones consider stream flow, catchment, landscape, environmental and land degradation issues.
- Encourage the principals of energy efficient building design and site layout to be considered for new developments, to reduce reliance on artificial heating and cooling and therefore subsequently reducing green house gas emissions.
- Ensure Best Practice Water Sensitive Urban Design principals are applied to all new development within the Moorabool Shire.

**21.02-7 Implementation**

26/02/2009  
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**Zones and Overlays**

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

- Apply relevant overlays (VPO or ESO) to reflect biodiversity mapping of the Shire when completed;
- Apply Erosion Management Overlay (EMO) and Salinity Management Overlays (SMO) to reflect land capability across the Shire;
- Apply Floodway Overlay (FO) and Land Subject to Inundation Overlays (LSIO) to reflect relevant Council flood studies;
- Apply Significant Landscape Overlay (SLO) to ridgelines, escarpments, and hilltops; and
- Apply Wildfire Management Overlay to areas of fire risk.

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**21.02-8 Further Strategic Work**

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- Complete the biodiversity mapping project.
- Undertake studies to further identify areas subject to flooding and areas subject to poor drainage.
- Undertake erosion studies to inform the incorporation of the Erosion Management Overlay.
- Undertake salinity mapping to inform the incorporation of the Salinity Management Overlay.
- Investigate an appropriate buffer zone around the Ballan and Parwan Waste Water Plants in conjunction with the relevant Water Authorities, and develop ESO's within these buffers in conjunction with the Water Authorities and the EPA.
- Revise Environmental Significance Overlay Schedule 2 (ESO2 Waterway Protection) to incorporate floodway management.
- Extend and update the Wildfire Management Overlay (WMO) based on CFA mapping for bushfire prone areas.
- Review, update, and implement the Moorabool Shire Council Roadside Management Plan, 2001, including the application of a Vegetation Protection Overlay along roadsides with vegetation of significance.

**21.02-9 Other Actions**

26/02/2009  
C34

- Work with and encourage other land managers and authorities to ensure a consistent and proactive approach to land and biodiversity conservation and enhancement.
- Encourage greater land owner awareness, involvement, and responsibility towards protecting their land and property from the threat of wildfire and flooding.
- Support the introduction of Stream Flow Management Plans.
- Work with the State Government to monitor the impact of domestic and stock dams on river flows and ground water quality and quantity.
- Work with Water Authorities to review planning controls relating to development in Special Water Supply Catchments.

**21.03 SETTLEMENT AND HOUSING**

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C72

**21.03-1 Key Issues and Influences**

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It is expected that outward pressure from the Melbourne metropolitan area, the location of the Shire on one of the State's major regional transport corridors and proximity to the regional centres of Ballarat and Geelong will continue to reinforce the advantages of the Shire as a place to live and invest.

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Population growth in Moorabool Shire is ~~s also~~ influenced by people choosing to live in rural areas and small towns, particularly where they are serviced by the regional transport corridor.

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A limited number of small towns have been identified as appropriate for population growth within the Moorabool Shire Small Towns and Settlements Strategy (2016). The Strategy also identifies that growth is not appropriate for most small towns and settlements for reasons such as an absence of community support, constraints such as bushfire or flooding risk, isolation and lack of services. A key hurdle to growth is the fact that most small towns reside within a Special Water Supply Catchment, meaning dwelling development is often costly or impossible.

~~In particular, plans to sewer Gordon may enable development of the township, which has scenic qualities and is close to Ballarat, without unacceptable environmental impact on the Moorabool River water catchment.~~

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The communities and towns of Moorabool Shire have a ~~very~~ strong rural setting and character that is defined by the local agricultural base, spectacular scenic landscapes and diverse vegetation. There is a need to ensure that these values, which draw people to the area, are protected.

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Planning for residential and other urban growth must recognise the range of physical and infrastructure constraints particularly in relation to resource management and environmental values.

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While there is an existing 'pool' of small, vacant lots in the rural areas, potential development on many of these is constrained because they are located within a Special Water Supply Catchments area.

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**Objective—Urban Growth Management**

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- To promote an accelerated rate of population and local employment growth to support the provision of improved social and physical infrastructure in the Shire.
- To plan and manage sustainable urban growth that is concentrated in and around the Shire's major towns.

**Strategies**

- Ensure the supply of land zoned for industry, business, and residential purposes is sufficient to accommodate accelerated rates of growth.
- Facilitate and promote a range of residential and economic development options, including high quality 'master-planned' developments.

- Direct ~~the majority of the~~ population and employment growth to Bacchus Marsh with supporting growth in Ballan.
- Consolidate established urban areas by promoting infill development of land zoned for urban purposes.
- Retain the non-urban break between Bacchus Marsh and the metropolitan area.
- ~~Avoid-Limit~~ urban development where it is likely to impact on highly productive agricultural land, environmental values and the long-term sustainability of natural resources.
- Ensure planning and management of urban growth in designated towns takes account of existing and proposed infrastructure capacity.
- Do not support residential and other development in settlements where reticulated sewerage systems are not available and onsite treatment of effluent cannot be provided.
- ~~Ensure 10-15 years of appropriately zoned land is always available in Bacchus Marsh and Ballan to provide for a range of housing options.~~
- Manage urban growth through ~~Precinct Structure Planning or Development Plan Overlays,~~ and the implementation of ~~development-Development contributions Contributions plansPlans or Infrastructure Contributions Plans.~~ Discourage subdivisions ~~over 20 lots~~ other than in accordance with an approved growth area precinct structure plan or ~~for larger infill areas,~~ a development plan.
- Ensure a clear separation between urban development and farming activities.

**21.03-3 Objective—Residential Development**

26/02/2009  
C34

To extend the range of housing types available to provide resident choice and meet changing housing needs.

To achieve high quality living environments which balance the provision of residential development opportunities with the protection of productive agricultural land and environmental assets.

**Strategies**

- Facilitate the creation of integrated, liveable, walkable neighbourhoods in towns.
- Plan for a diversity of housing types and densities, particularly near activity centres and community focal points in Bacchus Marsh and Ballan.
- Design housing to be adaptable for use by smaller households, the aged and people with disabilities.
- Provide for non residential uses, including convenience shops and medical centres, in locations that are consistent, and compatible, with the scale and character of the area, in particular adjacent properties. These uses should be located on lots fronting main or local arterial roads.

**21.03-4 Objective—Landscape and Neighbourhood Character**

26/02/2009  
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To ensure new development in all zones respects the existing character, landscape setting and amenity of the local area.

### Strategies

- Infill development should protect and-or enhance the existing character, built form and natural environment of the Shire's towns and villages including the country town scale and rural atmosphere of each town-smaller towns.
- Development in growth areas should develop a strong sense of place that respects its landscape setting.
- New development should protect the visual, aesthetic, and environmental values of escarpments and ridgelines generally, and views from the Bacchus Marsh valley in particular.
- Community identity of townships should be strengthened through design of new development, landscapes and streetscapes, signage and open space.
- Retain non-urban breaks between towns and settlements.
- Avoid residential development in the farming areas unless it is required for the agricultural use of the land.
- Protect and reinforce the Shire's built and natural heritage as identified in heritage studies for the Shire.
- Ensure that new development is appropriately sited, designed and constructed to blend with the surrounding landscape and protect significant landscape values, native vegetation and rural settings.
- Discourage inappropriate development on scenic hilltops, ridge lines and areas of visual prominence.

#### 21.03-5 Objective – Small Town Development

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To support the sustainable development of small towns and settlements in accordance with the direction of the Moorabool Small Towns and Settlements Strategy (2016).

#### Strategies

- Consider the role and function of small towns and settlements when considering future development and planning.
- Plan for population growth, service delivery and investment on a cluster basis, rather than a town specific basis having regard for the social and economic linkages between towns.
- Guide growth to settlements where the capacity to accommodate growth can be met, the sustainability of towns can be enhanced, constraints are limited, towns are close to major transport corridors and community facilities are underutilised.
- Protect declared water supply catchments and facilitate growth by investigating and supporting the development of reticulated sewerage and water systems in the priority growth investigation settlements identified within the Small Towns and Settlements Strategy (2016).
- Mitigate the potential for the the expansion of small towns and settlements where extreme bushfire risk, isolation and other serious constraints make expansion impracticable.

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21.03-56 Objective—Rural Lifestyle Opportunities

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To support development opportunities in ~~small towns and~~ rural lifestyle areas opportunities under certain circumstances, as an additional residential choice.

Strategies

- Prevent the fragmentation of farm land through inappropriate subdivisions.
- Limit ~~residential-rural lifestyle~~ development in areas without reticulated services where the development would compromise water quality (particularly in Special Water Supply Catchments), adversely affect agricultural production, or impact on native vegetation and habitat values.
- ~~Only consider expansion of existing small towns after land already zoned for urban purposes has been substantially developed.~~
- Provide for planned rural living development in appropriate locations in recognition of the attractiveness of rural lifestyle options. ~~Identify appropriate opportunities for planned rural residential/rural living development after the Moorabool rural strategy has been completed.~~
- Provide for limited residential development in areas zoned Rural Living. Preference will be given to subdivision where the following criteria can be met:
  - the overall density of residential development satisfies environmental and physical requirements, including appropriate on-site treatment of effluent and stormwater management;
  - development does not restrict agricultural and horticultural production;
  - sealed access roads service all lots;
  - reticulated water services are provided; and
  - the development leads to an overall enhancement in the condition of the environment.
- Focus rural living development in areas close to urban centres with good access to services and facilities where there is minimal impact on productive agriculture and horticulture or areas with environmental values.

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~~Require development in the Bencos Road Local Area Structure area to be in accord with the Bencos Road Local Area Structure Plan~~

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Proposed C78

Implementation

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Zones and Overlays

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

- Apply the General Residential Zone Schedule 2 to designated areas within the Bacchus Marsh Activity Centre, Bacchus Marsh Civic and Community Hub, Halletts Way and designated areas surrounding Darley Plaza;
- Apply the General Residential Zone Schedule 3 to designated areas near community and retail facilities in Bacchus Marsh and Darley;
- Apply the Neighbourhood Residential Zone Schedule 1 to Gordon to reflect the landscape character and minimum lot size requirements (infrastructure capacity constraints) within the Gordon Structure Plan;
- Apply Development Plan Overlays to provide for density patterns, road networks, open space networks, staging, and integration between new and existing development, supply



of reticulated water and sewerage, drainage, fire prevention, and vegetation and landscape protection to ~~planned-zoned greenfield~~ residential areas requiring development;

- ~~Apply the Environmental Significance Overlay Schedule 1 to Barkstead and Dales Creek to reflect the location of these towns within a Special Water Supply Catchment.~~
- Review the Restructure Overlay to the old Crown townships of Blakeville, Old Wallace, Elaine North, and Rowsley and other measures necessary to support the implementation of restructure plans; and,
- ~~Review the Rural Conservation Zone Schedule in Korweinguboora/Spargo Creek and Dales Creek with a view to limiting the growth potential of these towns due to the fire risks and constraints applicable to these towns.~~
- ~~Apply an Incorporated Plan Overlay to the Beneces Road Local Area Structure Plan area that is in accord with the Beneces Road Local Area Structure Plan Report.~~

**Local policy and exercise of discretion**

- Provide heavily vegetated buffers of at least 50 metres between industrial and residential land to protect the amenity of the residential areas.
- ~~Where, and where~~ possible, provide opportunities for pedestrian and cycling links to Council's ~~Tracks and Trails Master Plan-Hike and Bike Strategy~~.
- Where relevant require a report to accompany planning applications that explains how the siting and design of the proposal has responded to objectives and strategies of this MSS, the topography, environmental constraints, and the landscape significance and character of the area.
- One dwelling may be constructed on each lot created in accordance with an incorporated restructure plan subject to appropriate responses to environmental issues, siting, construction details and effluent disposal.
- Ensure that new buildings and works are sited, designed and constructed to:
  - minimise the removal and disturbance of native vegetation;
  - avoid protruding above ridgelines, hill tops and tree canopies;
  - avoid construction on slopes greater than 20%;
  - minimise soil disturbance and levels of excavation and fill;
  - avoid the use of reflective building materials such as zincalume; and
  - use external colours, materials and finishes of subdued tones that blend with the surrounding landscape and vegetation.
- Prevent the construction of buildings that create an appearance of bulk, scale and size in visually prominent and significant landscape areas.
- Encourage the planting of indigenous ~~-native-~~vegetation to assist in screening new development.
- Require the design and construction of all weather access roads and driveways that traverse slopes and minimise visual intrusion and soil erosion.
- -Require applications for buildings and works to be accompanied by a report that explains how the proposal has been sited and designed to respond to the topography, landscape significance and character of the surrounding area and achieve the objectives and performance criteria of this policy.

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**21.03-78 Further Strategic Work**

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- Prepare structure plans for Gordon and Blackwood as a high priority in preparation for sewerage of the towns.
- Prepare structure plans for towns including Wallace, Dunnstown, Yendon, Myrniong, and Mt Egerton-Bungaree, Dunnstown, Wallace and Myrniong subject to a residential growth investigation and a commitment to provide reticulated sewer and water to the towns or a localised solution (where applicable) as per the Moorabool Small Towns and Settlements Strategy (2016).
- Develop a partnership with relevant water authorities to inform and guide the inclusion of reticulated sewer and water projects for identified growth investigation towns within their 5 year capital works programme, subject to the provision of a viable business case.
- Prepare a Structure Plan for Blackwood that does not expand the settlement area of the town.
- Undertake a study to identify strengths and development opportunities for Moorabool's small towns with a view to facilitating the better utilisation of existing infrastructure.
- With water authorities develop agreed municipality-specific provisions for the Shire's Special Water Supply Catchments to provide the basis for a revised schedule to ESO1 and review of associated policies.
- Prepare Urban Design Frameworks for Elaine, Greendale, Mount Egerton and Lal Lal.
- Prepare Settlement Improvement Plans for Balliang and Balliang East, Clarendon, Korweinguboora/Spargo Creek and Yendon.
- Undertake a Flood Study and provide flood mapping for Blackwood, Clarendon, Elaine, Korweinguboora/Spargo Creek, Lal Lal, Bungaree, Wallace and Dunnstown.
- Develop protocols for involvement of water authorities in urban growth strategies and rezoning proposals.
- Develop a Local Policy or overlay(s) to manage development to address heritage, landscape, vegetation, and environmental values in Blackwood, Barry's Reef, and Simmons Reef.
- Review absorption and contamination risk of land in existing Rural Living Zones in Special Water Supply Catchments.
- Integrate the Wildfire Management Overlay and the Municipal Fire Prevention Plan.
- Develop a Social Impact Assessment Policy to ensure consideration of the social impacts of major developments proposals.

**21.03-89 Other Actions**

26/02/2009  
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- Advocate Investigate and continue support for capital works programs of infrastructure agencies to:
  - to address the issue of future water supply;

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Commented [GA2]: Need to confirm what Part B of the STS says about these towns, however this statement would perhaps be better suited to 21.09.

MOORABOOL PLANNING SCHEME

- ~~Sewer Gordon and Blackwood and advocate for sewerage of other townships in water catchment areas; Bungaree, Wallace, Dunnstown and Myrniong if financially feasible, in accordance with the Moorabool Small Towns and Settlements Strategy (2016).~~
- ~~Improve and integrate public transport services, including reopening the Gordon railway station; and public transport in identified growth towns to provide efficient levels of services that meet community needs.~~
- ~~Provide other utilities (including natural gas) to small towns.~~
- \* ~~Develop a Shire-wide telecommunications strategy to identify current and future telecommunication/broadband needs and provision as part of new development and subdivision applications.~~
- ~~Facilitate future transport infrastructure planning through local structure plans.~~
- \* ~~Develop agreed municipality specific provisions for the Shire's Special Water Supply Catchments to provide the basis for a revised schedule to ESO1 and review of associated policies.~~
- \* ~~Develop protocols for involvement of water authorities in urban growth strategies and rezoning proposals.~~

**21.09 SMALL TOWNS AND SETTLEMENTS**DD/MM/YY  
Proposed C78

This clause focuses on local area implementation for the objectives and strategies set out in Clause 11 and Clause 21.03. It includes a section relating to all Small Towns and Settlements and a section relating to particular Small Towns and settlements.

**21.09-X Small Towns and Settlements**DD/MM/YY  
Proposed C78

This section provides overarching strategies applicable to all Small Towns and Settlements (unless otherwise stated).

**Key Issues**

- Bushfire Risk is significant for many small towns and settlements.
- Flood Risk is not fully mapped or understood in many small towns and settlements.
- Limited development opportunities due to being located within Special Water Supply Catchments (where applicable).
- Lack of retail choices and public infrastructure including medical and effective public transport infrastructure.
- Missed opportunities for tourism.
- The environmental value of surrounding land.
- Lacking the critical mass of local jobs, population and services to enable sustainable communities.

**Key Influences**

- Rural Environments with high quality landscapes and surrounding farmland.
- The distinctive character of towns with a village feel.
- Many towns have significant heritage buildings and streetscapes.
- Ageing populations.
- Towns and Settlements have strong social and economic connections to each other and operate as clusters.

**Vision**

To promote the social and economic sustainability of Small Towns and Settlements, to ensure bushfire and flood risk is appropriately recognised, to ensure landscapes and heritage elements are preserved and to provide adequate community and physical infrastructure to service the community.

**Local Area Implementation***Economic Development and Tourism*

- Investigate how new businesses can benefit from local agribusiness activities, how existing businesses are marketed and how small towns can build on their historic roles as service hubs for agriculture and farming enterprises.

- Strengthen and support local business and encourage further development of industrial and agricultural businesses to generate activity and employment locally.
- Promote the growth of the tourism sector.
- **Blackwood** - Provide improved signage, maps, tracks, designated parking and promotion of tourism experiences around Blackwood including access to the Lerderberg State Park and Wombat State Forest.
- **Blackwood** - Investigate the potential development of soft adventure activities in forested areas, such as mountain bike trails, in partnership with Parks Victoria.
- **Blackwood** - Support the establishment of a heritage walk within Blackwood to identify, interpret and link locations of historical interest throughout the village.
- **Elaine** - Work with stakeholders to build on the competitive advantages of the town in local services, branding, agriculture, tourism and proximity to both Geelong and Ballarat.
- **Elaine** - Investigate the potential for increased utilisation of the Mechanics Hall and/or investigate the provision of more visible and central facilities along Midland Highway – for a growers market, public toilets and social meeting place within the heart of the settlement.
- **Elaine** - Investigate strategies to attract and support “grey nomads” and other travellers to stop and experience Elaine. Measures could include dedicated camping sites, clean and accessible public toilets, comprehensive tourism signage concerning local attractions as well as the wider Moorabool Shire offerings, and trail brochures for regional heritage and natural attractions.
- **Greendale** - Identify opportunities linked to convenient public access and parking to the Wombat State Forest and local trails networks.
- **Greendale** - Review the potential for further tourism routes (including cycling and pedestrian trails) and marketing opportunities for Greendale as a foothills settlement and key entry point to the Wombat State Forest.
- **Greendale** - Investigate and apply (if appropriate) strategies to capture passing trade within Greendale.
- **Korweinbugoora/Spargo Creek** - Facilitate economic growth based on roadside markets of localised agricultural product.
- **Korweinbugoora/Spargo Creek** - Investigate economic opportunities to capture passing trade including capitalising on the areas proximity to nearby mineral springs.
- **Korweinbugoora/Spargo Creek** - Promote the area as a nature based and recreational tourism destination, building on proximity to the tourist town of Daylesford.
- **Lal Lal** - Promote enhanced capture of passing trade by promoting the areas attractions such as Lal Lal falls, the Blast Furnace, Bungal Dam and the Bluestone Train Station.

*Environment*

- Identify flood risks in towns and settlements where it is poorly understood.
- Limit subdivision potential of towns subject to severe bushfire risk and other serious constraints including Korweinbugoora/Spargo Creek, Dales Creek, Blackwood, Greendale and Lal Lal.

- **Blackwood** - Protect remnant native vegetation and encourage planting of additional indigenous vegetation to preserve and enhance the amenity of Blackwood as a woodland settlement.
- **Blackwood** - Retain the visual dominance of the bush landscape and ensure development responds to the scenic qualities and vegetated landscape character of the township.
- **Elaine** - Investigate the potential for consolidation of vacant lots that support housing applying Council's Domestic Wastewater Policy.
- **Lal Lal** - Consider the preparation and implementation of a re-vegetation plan for the Lal Lal Falls.

*Heritage*

- Encourage the ongoing protection and refurbishment of heritage buildings and promote heritage walks and trails where applicable.
- **Lal Lal and Mount Egerton** - Support the establishment of a heritage walk within and around the settlement to identify, interpret, and link locations of historical interest.

*Social Sustainability*

- Foster community participation and "ownership" of actions so as to enhance the social, environmental and economic opportunities within all settlements.
- Strengthen and expand events and festivals which promote towns and the experiences on offer within those districts.
- Develop an online vehicle pooling forum for towns with limited public transport.

*Built Form*

- Identify and carry out public realm improvements including landscaping, signage, and other.
- Ensure the type and scope of development is sensitive to the character and heritage elements of the town.
- **Blackwood** - Restrict growth to the existing settlement area.
- **Blackwood** - Identify where lot consolidation of vacant land may enable limited new development, or more appropriately sized lots.
- **Greendale** - Enhance local and visitor amenity, especially around the hotel and oval site.

*Infrastructure*

- Investigate opportunities for rationalising the efficient use of community infrastructure, including the sharing of existing facilities and resources. Future community infrastructure needs will be planned on the basis of small town clusters as functional areas and districts rather than individual towns competing with each other for infrastructure investment.
- Provide for the progressive development of designated cycle pathway systems in accordance with the Hike and Bike Strategy to promote leisure, tourism and experiencing the Shire's natural environment.
- Investigate the establishment of a regional touring route and or heritage trail.

- Investigate reductions in road speed limits through settlements and advocate to VicRoads where appropriate.
- Investigate opportunities for efficient resource sharing of existing facilities.
- **Balliang and Balliang East** - Investigate funding sources to undertake safety improvements on the Geelong-Bacchus Marsh Road.
- **Elaine** - Investigate the prospect of attracting funding from VicRoads and the Transport Accident Commission to undertake safety improvements along the Midland Highway.
- **Elaine** - Work with VicRoads, DELWP and landowners to provide a pedestrian/cycle path from the centre of the settlement to the recreation reserve.
- **Elaine** - Investigate parking arrangements along the edges of Midland Highway to allow for freight vehicle stopovers, as a convenient stopping point between Geelong and Ballarat.
- **Korweinbugoora/Spargo Creek** - Map existing tracks and trails and the opportunity for associated tourism signage.
- **Lal Lal** - Improve signposting of tourism attractions and liaise with VicRoads to ensure provision of adequate direction signs to the Lal Lal Falls reserve from Ballarat and appropriate main roads.
- **Lal Lal** - Investigate the viability of adapting the historic water tank for use as a contemporary un-manned tourist information centre.

**21.09-X**  
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Proposed C78

## **Bungaree**

### **Vision**

Bungaree will be a thriving and sustainable town in a rural district that serves a range of local community needs as well as those of surrounding smaller settlements. Subject to the provision of reticulated sewer, the town will grow its population to make better use of existing services and infrastructure, expand local employment opportunities and diversify the retail and services offering. The heritage of the town will be valued and future development will be sympathetic to existing heritage fabric.

### **Local Area Implementation**

#### *Population Growth*

- Investigate the feasibility and funding of providing reticulated sewer to Bungaree.
- Identify future areas suitable for housing and commercial development while respecting the heritage values of the town (contingent on a commitment to sewer the town).
- Identify the scope for future infrastructure and investment.
- Investigate the provision of natural gas to Bungaree.
- Identify the flood risk for the town to better inform future development proposals and to assist in the identification of areas suitable for growth.
- Investigate the potential of upgrading the Western Highway to Freeway status (subject to VicRoads support), between Leigh Creek and Woodmans Hill, including the provision of an interchange at the Bungaree – Creswick Road overpass.

*Infrastructure*

- Review the use of the vacant Council owned site opposite the Bungaree Recreation Reserve as part of a wider strategic review of the growth potential of Bungaree (such as through a structure plan).
- Liase with PTV regarding the prospect of enhanced bus services connecting with Ballarat and Ballan.

**21.09-X**  
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Proposed C78

**Dunnstown**

**Vision**

Dunnstown will be a picturesque rural village nestled at the southern foot of Mt Warrenheip with magnificent tree lined boulevards that reflect the Irish history of the district. It will be a town with appropriate and well used community infrastructure with a service role supporting smaller settlements. Subject to the provision of reticulated sewer and water, Dunnstown will support population growth.

**Local Area Implementation**

*Population Growth*

- Investigate the feasibility of providing reticulated sewer and water to Dunnstown.
- Identify future areas suitable for housing and commercial development while respecting the heritage values of the town (contingent on a commitment by CHW to sewer the town).
- Identify the scope for future infrastructure and investment.
- Investigate the provision of natural gas to Dunnstown, contingent on a finalised structure plan being prepared.
- Identify the flood risk for the town to better inform future development proposals and to assist in the identification of areas suitable for growth.

*Infrastructure*

- Liase with PTV regarding the prospect of enhanced bus services in Dunnstown connecting with Ballarat and Ballan.

**21.09-X**  
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Proposed C78

**Gordon**

**Key Issues and Influences**

- Gordon is the third largest town in the Shire located on the Western Freeway some 23 kilometres from central Ballarat. The town layout is characterised by two residential areas and a denser central core with larger lots on its outskirts that provide a distinctly rural character. The recent sewerage of the town provides opportunities and increased demand for residential growth upto a current maximum capacity of 800 residents.
- Gordon is strategically located on the Western Freeway between Bacchus Marsh and Ballarat, and has direct access to both Ballarat and Melbourne by rail with the Gordon Railway Station located less than a kilometre south of the town centre that could be re-opened to support public transport to both Ballarat and Melbourne. Sewerage and the proximity to Ballarat and major employers such as the University of Ballarat and IBM are anticipated to drive growth that must be planned for.



- Future growth of the township will be based initially on infill development within the existing township boundary.
- Long term future growth in Gordon will be concentrated between the southern boundary of the existing township and the railway line and areas to the west on Old Melbourne Road.
- There are significant environmental constraints within Gordon and surrounds, including bushfire risks and special water catchments, which affect future potential for expansion of the town.

### **Local Area Implementation**

#### *Built Form*

- Manage the development of Gordon consistent with the principles of establishing walkable catchments with access to community facilities, shops, and public transport.
- Maintain a clear township boundary.
- Contain urban growth by promoting infill development.

#### *Environment*

- Protect the urban and landscape elements including view lines, windbreak planting, large freestanding native trees and areas of bushland that adjoin the township, that contribute to the township's village and rural character.
- Ensure that new development in the township responds to bushfire risk in a manner which minimises loss of the environmental values of the surrounding landscape.

#### *Infrastructure*

- Provide for the progressive development of a linked series of parks to serve township and local needs.
- Require new development to provide adequate drainage infrastructure.
- Provide for the progressive development of a designated pedestrian and cycle pathway system.
- Investigate the potential for more effective public transport links with Ballarat and Ballan.

**21.09-X**  
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Proposed C78

### **Myrniong**

#### **Vision**

Myrniong will be a township that celebrates its agrarian heritage and strong food and wine links. Located on the doorstep of Bacchus Marsh and Melbourne it is a town with appropriate services and infrastructure to support moderate growth in local population and facilities which benefit surrounding settlements. Myrniong will retain its picturesque rural landscape and views to the rural surrounds.

### **Local Area Implementation**

#### *Population Growth*

- Identify future areas suitable for housing and commercial development while respecting the heritage values of the town.

*Public Realm*

- Investigate the potential for better landscaping integration between the old and new parts of the town.

*Infrastructure*

- Enhance the amenity of the town including better pedestrian access to key facilities.
- Investigate the improvement of pedestrian access between the Primary School and the Recreation Reserve, to enable students to safely access the Reserve.
- Develop and enhance the recreation reserve as a Village Green focal point for the settlement.

**21.09-X**

**Wallace**

DD/MM/YY  
Proposed C78

**Vision**

Wallace will be a thriving town with heritage, food, wine and sporting facilities supported by appropriate levels of growth (subject to the provision of reticulated sewer). It is a town that through its facilities and services will support surrounding settlements. It will provide residents with a quiet, relaxed country lifestyle.

**Local Area Implementation**

*Population Growth*

- Identify future areas suitable for housing and commercial development while respecting the heritage values of the town (contingent on a commitment to sewer the town).
- Ensure the type and scope of development is sensitive to the character and heritage elements of the town.
- Identify the scope for development, stages of development, infrastructure and investment.
- Investigate the potential for, and encourage alternative uses of, the dairy complex, community hall and Masonic Temple such as for community markets or pop up stores.
- Investigate potential treatment options for the intersection of Ormond Road and the Bungaree – Wallace Road.
- Develop a Masterplan for the Wallace Recreation Reserve.
- Identify the flood risk for the town to better inform future development proposals and to assist in the identification of areas suitable for growth.



**21.11**

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**REFERENCE DOCUMENTS**

- Bacchus Marsh Accessibility, Parking, and Traffic Management Strategy 2003.
- Bacchus Marsh Gateways Strategy 2003.
- Bacchus Marsh Heritage Study, 1995.
- Bacchus Marsh Tracks and Trails Master Plan 2004-2005.
- Bences Road Local Area Structure Plan Report 2007.
- Growing Moorabool, Economic Development Strategy, 2006.
- Moorabool Growth Management Strategy, 2002.
- Moorabool Industrial Areas Strategy, 2001.
- Moorabool Shire Council Roadside Management Plan, 2001.
- Moorabool Social Infrastructure Plan 2007.
- Moorabool Shire Land Use and Development Strategy 1997.
- Moorabool Municipal Fire Prevention Plan.
- [River Red Gums in the Bacchus Marsh Valley, December 2008](#)
- [Moorabool Shire Small Towns and Settlements Strategy, 2016.](#)

## 10.2.4 Planning Scheme Amendment C79 - Implementation of Bacchus Marsh Housing Strategy

File No.: 13/06/083  
Author: Tim Doolan  
General Manager: Satwinder Sandhu

### Introduction

This report presents Planning Scheme Amendment C79 for Council to seek Ministerial authorisation to prepare a planning scheme amendment to implement Council's adopted housing strategy, *Housing Bacchus Marsh to 2041*.

### Background

In July 2012 Council established the Moorabool 2041 (M2041) project to develop a vision and planning principles to guide and manage future growth and development across the Shire. M2041 has two main components; an Urban Growth Strategy (UGS) based on Bacchus Marsh and the surrounding district, and a Small Towns and Settlement Strategy (STS) based on the smaller towns and settlements west, north and south of Bacchus Marsh.

The UGS addresses housing, retail, industrial, community facilities, infrastructure needs and the transport network along with other required infrastructure. As part of the UGS Council has commissioned and adopted *Housing Bacchus Marsh to 2041*.

*Housing Bacchus Marsh to 2041* was adopted by Council at its Ordinary Meeting on 3 August 2016. The Strategy provides a framework for housing development in existing urban areas of Bacchus Marsh. This includes directing growth to appropriate existing locations and ensuring new development is in accordance with preferred character as identified in the Strategy.

### What the amendment does

Planning Scheme Amendment C79 will implement the findings of *Housing Bacchus Marsh to 2041*.

As outlined in the attached explanatory report;

*The Amendment implements the findings of the Bacchus Marsh Housing Strategy... The Strategy sets the direction for residential development within Bacchus Marsh to 2041 with specific directions in regards to neighbourhood character, housing supply and demand, housing diversity and affordability. The Strategy also sets out a residential settlement framework for Bacchus Marsh to ensure appropriate residential development is directed to appropriate locations.*

More specifically, the amendment:

- *Amends the Municipal Strategic Statement by updating Clause 21.01 (Municipal Context), Clause 21.03 (Settlement & Housing), Clause 21.07 (Bacchus Marsh) and Clause 21.11 (Reference Documents).*
- *Introduces a Residential Settlement Framework Plan and updates the Bacchus Marsh Framework Plan at Clause 21.07 of the Municipal Strategic Statement as per the recommendation of Housing Bacchus Marsh to 2041.*
- *Includes Housing Bacchus Marsh to 2041 as a Reference Document in Clause 21.11.*
- *Removes the Low Density Residential Zone, Schedule 1 and General Residential Zone Schedule 1 from residential land within Bacchus Marsh.*
- *Deletes the General Residential Zone Schedule 2 and Schedule 3.*
- *Introduces a new Schedule 2, Schedule 3, Schedule 4 and Schedule 5 to the Neighbourhood Residential Zone.*
- *Introduces a new Schedule 2 and Schedule 3 to the General Residential Zone.*
- *Introduces a new Schedule 2 to the Low Density Residential Zone.*

Figure 1 depicts the 32 precinct areas as identified in *Housing Bacchus Marsh to 2041*. Each of these precinct areas has a corresponding character and level of growth that will be implemented through Amendment C79, through changes to local policy, zoning and zone schedules in the Moorabool Planning Scheme.

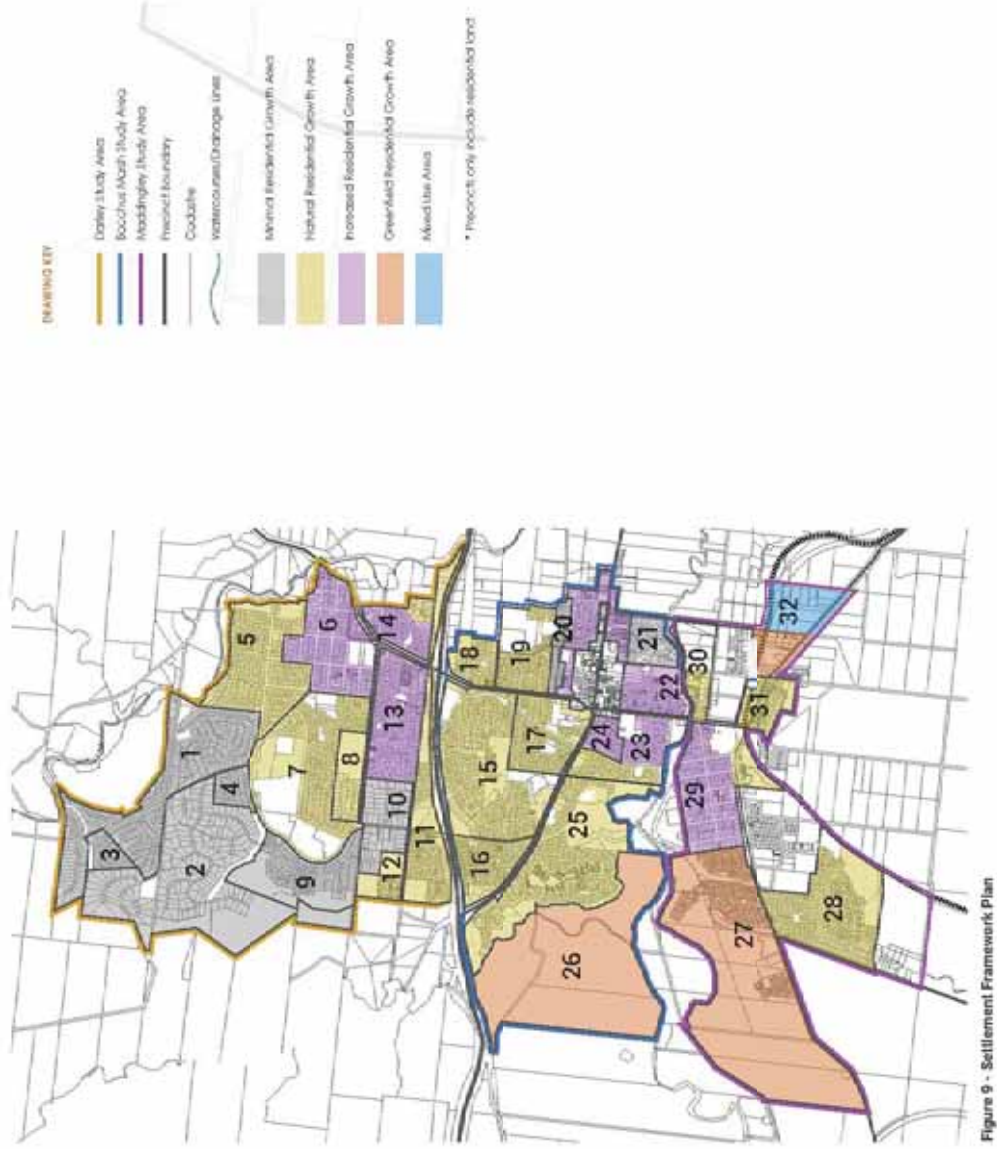


Figure 9 - Settlement Framework Plan

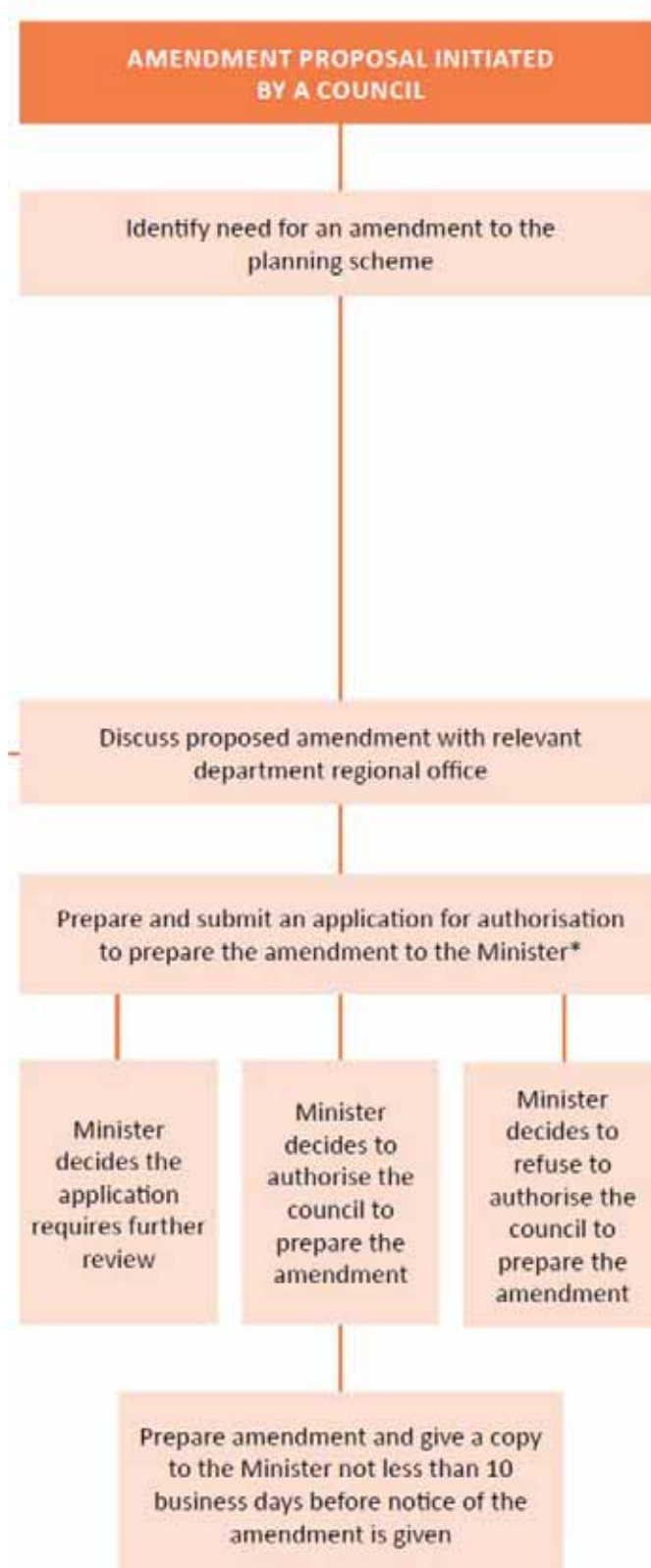
Figure 1: Map identifying the location of proposed neighbourhood character precincts and zones to be applied under Amendment C79

Further detail on these areas including specific proposed zoning, schedules and neighbourhood character guidelines can be found contained in *Housing Bacchus Marsh at 2041* and in the planning scheme amendment documentation contained as appendices to this report.

### **The amendment process**

Council is required to seek Authorisation from the Minister for Planning to prepare and proceed with the Planning Scheme Amendment process. This process is illustrated in Figure 2.





**Figure 2: Authorisation from the Minister for Planning (excerpt from 'Using Victoria's Planning System', DELWP)**

Upon authorisation, Council has 40 business days to prepare and give notice of the amendment. The remainder of the process is outlined in the *Planning and Environment Act 1987* and is illustrated in Figure 3.

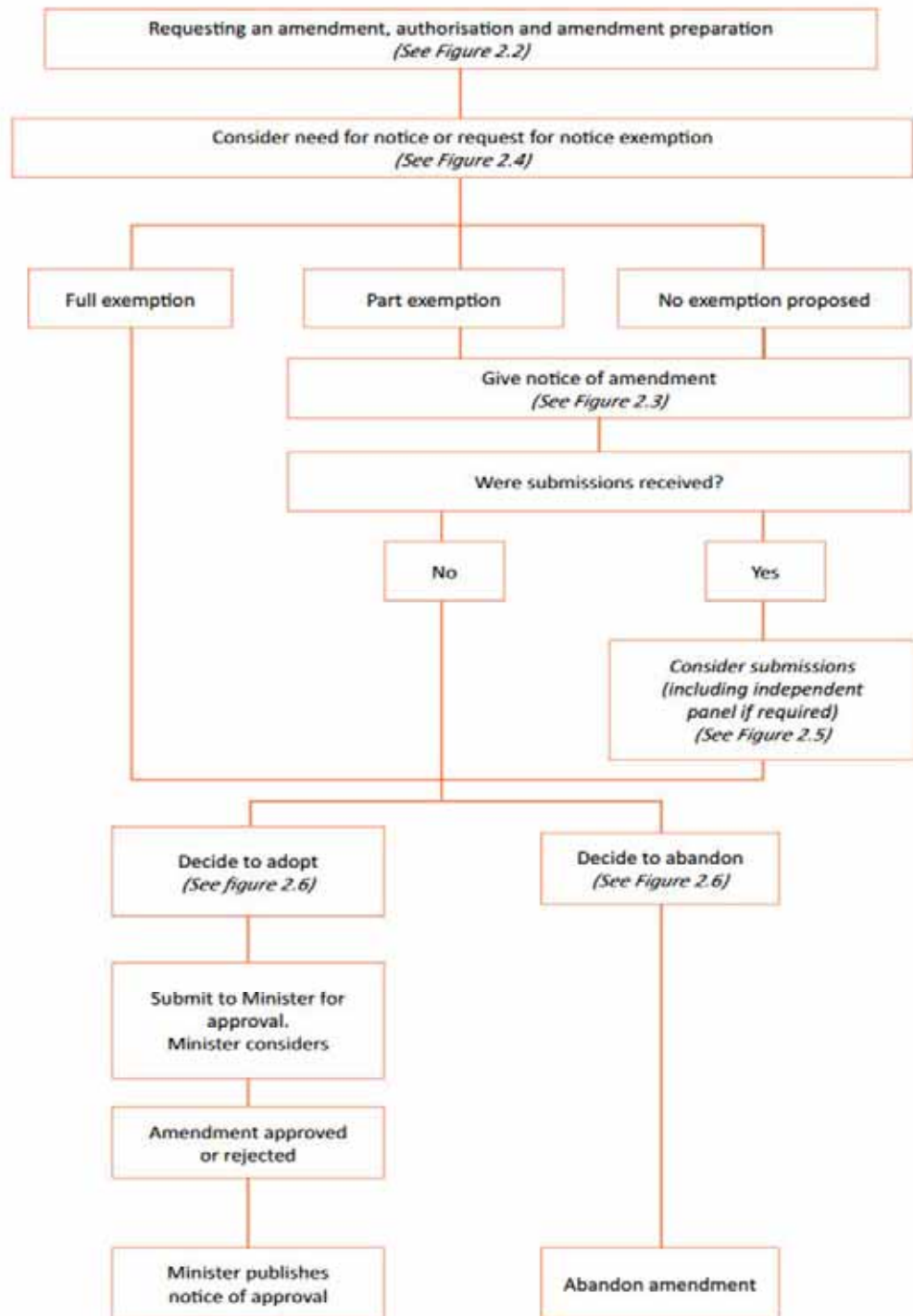


Figure 3: Planning scheme amendment process (excerpt from “Using Victoria’s Planning System”, DELWP)

To date, Council and the consultants Mesh (authors of the housing strategy) have been in ongoing discussions with the Department of Environment, Land, Water and Planning (DELWP) to ensure the content and format of the amendment is well resolved and suitable for Authorisation. This is in accordance with various guidelines provided by the State Government that encourage early consultation with the Department's relevant regional office.

It is noted that a key recommendation from *Housing Bacchus Marsh to 2041* involved preparation of residential design and sustainability guidelines to improve built form outcomes in Bacchus Marsh. These guidelines are currently under preparation and will be implemented separate to C79 as part of a full planning scheme review in 2017/18 (subject to funding bid).

### Timeline and Next Steps

A brief summary of the typical steps with an amendment are outlined as follows:

- Step 1: Requesting an amendment (if proponent based)
- Step 2: Authorisation (Council resolution – current stage)
- Step 3: Preparation
- Step 4: Exhibition
- Step 5: Submissions, panels & advisory committees
- Step 6: Adoption
- Step 7: Approval

Please note that Amendment C79 along with C78 Small Towns are both being tabled concurrently at the March 2017 Ordinary Meeting of Council to achieve efficiencies and cost savings on likely future Panel hearings and simplify the amendments proposed to the planning scheme. This approach has been discussed and is broadly supported by DELWP officers.

### Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Infrastructure and Natural and Built Environment.
<b>Objective</b>	Effective and integrated strategic planning in place to create sustainable communities.
<b>Strategy</b>	Adoption of Moorabool 2041 Framework and vision.  Development of Urban and Rural Growth Strategies in conjunction with other related plans.  Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.

<b>Objective</b>	Promote, and enhance places of heritage, landscape and environmental significance.
<b>Strategy</b>	Develop future planning policy to ensure it: <ul style="list-style-type: none"> <li>- Preserves the unique character and sense of place</li> <li>- Maintains the rural setting of the Shire</li> <li>- Provides a sense of connection with the town's origins and familiarity with the country town feel</li> </ul>
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications. <p>Ensure the Planning Scheme is reviewed and updated in order to facilitate land use and development to support the social economic environment and wellbeing of the Shire.</p> <p>Ensure that development is sustainable, resilient to change and respects the existing character.</p>

The implementation of *Housing Bacchus Marsh at 2041* through Amendment C79 is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

Financial implications include costs for ongoing engagement of Mesh planning consultants, planning scheme amendment process fees such as planning panel fees, and notice and exhibition costs, as well as associated Council staff costs.

Costs can be covered under the SSD budget for 2016/17 financial year.

### **Risk & Occupational Health & Safety Issues**

There are no immediate risks associated with the consideration of this report.

### **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 – Tim Doolan*

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

### Conclusion

Planning Scheme Amendment C79 seeks to implement Council's adopted housing strategy and provide a substantial update to the Moorabool Planning Scheme relating to neighbourhood character and housing growth in Bacchus Marsh.

### Recommendation:

#### That Council:

1. **Resolve, in accordance with Section 8A (2) of the *Planning and Environment Act 1987*, to request authorisation to prepare Amendment C79 to the Moorabool Planning Scheme.**
2. **Exhibit Amendment C79 in accordance with the *Planning and Environment Act 1987*, subject to receiving authorisation from the Minister for Planning.**
3. **Following receipt of authorisation exhibit the amendment in accordance with the requirements of the *Planning and Environment Act 1987*.**

---

### Report Authorisation

#### Authorised by:

**Name:** Satwinder Sandhu   
**Title:** General Manager Growth and Development  
**Date:** Friday, 10 February 2017

# Attachment - Item 10.2.4

## **MOORABOOL PLANNING SCHEME**

### **AMENDMENT C79**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This Amendment has been prepared by the Moorabool Shire Council, which is the planning authority for this Amendment.

The Amendment has been made at the request of Moorabool Shire Council.

##### **Land affected by the Amendment**

The Amendment applies to residential land within Bacchus Marsh.



Figure 1 – Bacchus Marsh residential boundary

## What the amendment does

The Amendment implements the findings of the *Bacchus Marsh Housing Strategy (Housing Bacchus Marsh to 2041, 2016)*. The Strategy sets the direction for residential development within Bacchus Marsh to 2041 with specific directions in regards to neighbourhood character, housing supply and demand, housing diversity and affordability. The Strategy also sets out a residential settlement framework for Bacchus Marsh to ensure appropriate residential development is directed to appropriate locations.

The Amendment:

- Amends the Municipal Strategic Statement by updating Clause 21.01 (Municipal Context), Clause 21.03 (Settlement & Housing), Clause 21.07 (Bacchus Marsh) and Clause 21.11 (Reference Documents).
- Introduces a Residential Settlement Framework Plan and updates the Bacchus Marsh Framework Plan at Clause 21.07 of the Municipal Strategic Statement as per the recommendation of *Housing Bacchus Marsh to 2041*.
- Includes *Housing Bacchus Marsh to 2041* as a Reference Document in Clause 21.11
- Removes the Low Density Residential Zone, Schedule 1 and General Residential Zone Schedule 1 from residential land within Bacchus Marsh.
- Deletes the General Residential Zone Schedule 2 and Schedule 3.
- Introduces a new Schedule 2, Schedule 3, Schedule 4 and Schedule 5 to the Neighbourhood Residential Zone.
- Introduces a new Schedule 2 and Schedule 3 to the General Residential Zone.
- Introduces a new Schedule 2 to the Low Density Residential Zone.



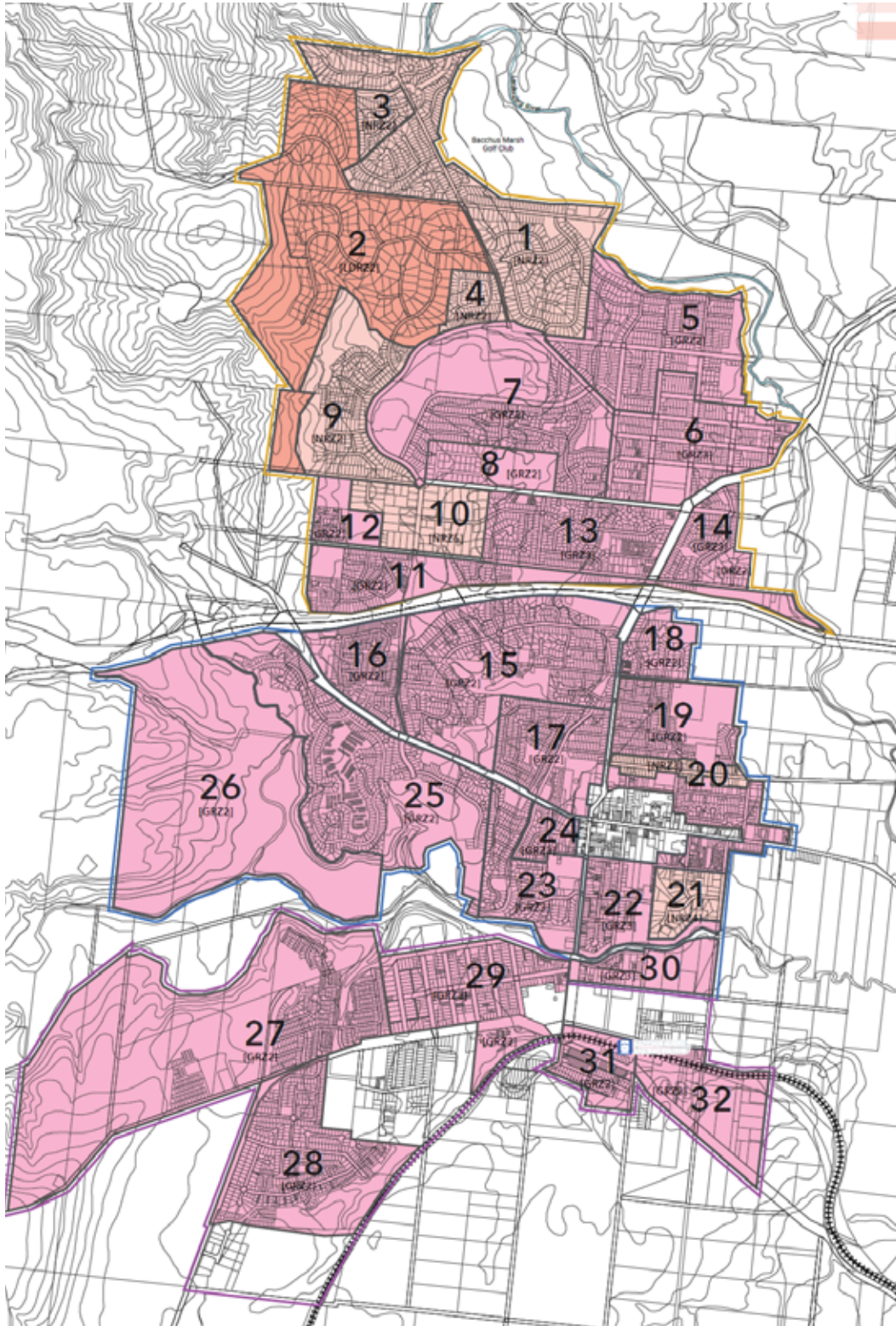


Figure 2: Map identifying location of the zones proposed to be applied as part of the Amendment

## Strategic assessment of the Amendment

### Why is the Amendment required?

The Amendment is required to implement the strategic intent of *Housing Bacchus Marsh to 2041* which sets out Council's plan for managing residential development to respond to the current and future housing needs of the Bacchus Marsh community. By implementing the Strategy, the Amendment will:

- apply the suite of the State Government's residential zones to residential areas within Bacchus Marsh as identified by *Housing Bacchus Marsh to 2041*;
- ensure new development is consistent with the preferred neighbourhood character brochures that form part of *Housing Bacchus Marsh to 2041* for each identified precinct within Bacchus Marsh;
- provide a balance between the protection of neighbourhood character and areas of environmental and agricultural significance and the need to facilitate housing and population growth while responding to the needs of the Bacchus Marsh community;
- identify key housing issues for Bacchus Marsh, such as affordable and social housing, housing diversity, affordability, housing supply and demand;
- provide greater certainty over the level of housing change envisaged across Bacchus Marsh and ensure new development is directed to appropriate locations, by adopting a scaled approach to residential development. This scaled approach includes the introduction of four settlement types that together form a *Residential Settlement Framework* which includes:
  - *Minimal Residential Growth Areas* - Generally applies to residential land on the fringe of the township that does not have direct access to services and facilities and often has limitations to further development, e.g. topography, connectivity, existing development. May also include residential land that has been identified as having strong characteristics that requires protection from further development.
  - *Natural Residential Growth Areas* - Generally applies to residential land that has been identified for natural change over time. Appropriate well designed, infill development, including multi-unit developments that complement the preferred character of the area, while providing for a variety of housing options will be encouraged in appropriate locations.
  - *Increased Residential Growth Area* - Generally applies to residential land that is well located to services and facilities and has been identified as suitable for infill and increased densities of development. This will include a range of multi units, townhouses and alternative housing options within a walkable catchment of residents' daily needs.
  - *Greenfield Residential Growth Area* - Land that is generally located on the fringe that has been identified as land suitable for future residential development or is in the process of being developed for residential purposes, often over a number of years.

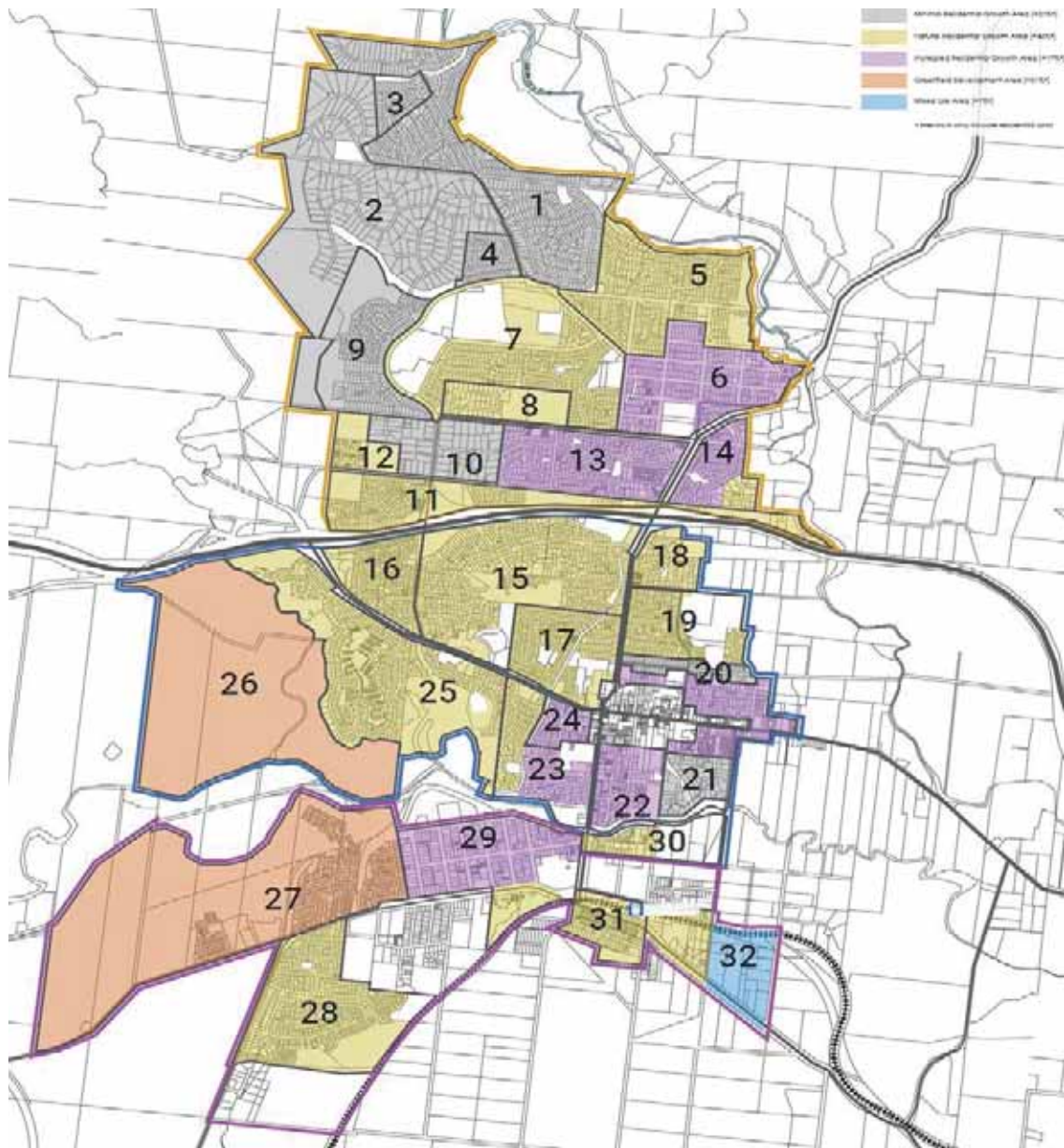


Figure 3: Map identifying the location of settlement areas

### How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives of planning in Victoria by achieving a balanced approach towards housing provisions within Bacchus Marsh, providing increased housing capacity and diversity in locations that are accessible to services and facilities. The Amendment will provide clear and consistent direction for residential development within Bacchus Marsh which balances the present and future interests of all Bacchus Marsh residents.

More specifically, the Amendment is consistent with the following objectives of planning in Victoria identified in Section 4(1) of the *Planning and Environment Act 1987*:

- To provide for the fair, orderly, economic and sustainable use and development of land.
- To secure a pleasant living and recreational environment for all Victorians and visitors to Victoria.
- To facilitate development in accordance with the above objectives.
- To balance the present and future interests of all Victorians.

## **How does the Amendment address any environmental, social and economic effects?**

The Amendment will have a number of positive environmental, social and economic effects including:

### *Environmental*

- encouraging sustainable urban growth by increasing housing densities in preferred locations with good access to community infrastructure, services, employment and public transport;
- the protection of the natural landscape within Bacchus Marsh, such as the hills, ridgelines and escarpments while also recognises the importance of ensuring residential development does not encroach into the Bacchus Marsh irrigation district;

### *Social*

- providing greater certainty and direction for future housing development to meet the changing needs of the Bacchus Marsh community while achieving greater efficiencies for existing infrastructure;
- providing a variety of housing choices for current and future Bacchus Marsh residents that will help support the needs of a changing population;
- seeking to protect the aspects of Bacchus Marsh that are valued by the community (such as the natural landscape, Avenue of Honour and the irrigation district) which are central elements of the town's sense of place and identity;
- encouraging more intensified residential development in areas with good access to public transport which will assist in residents being able to access services and facilities more easily.

### *Economic*

- encouraging more intensified residential development around Activity Centres which will assist in further activating the centres and potentially create new business opportunities;
- encouraging more intensified residential development in areas with good access to public transport which will assist in residents being able to access employment opportunities;
- supporting a range of residential lot sizes, including smaller lots, which are more affordable; and

### *Environmental, Social and Economic*

- the introduction of the concept of sustainable neighbourhoods which encourages higher densities of development in areas within close proximity to activity centres and public transport and encourages, walking and cycling as well as infrastructure upgrades.

## **Does the Amendment address relevant bushfire risk?**

The Amendment will not increase the risk to life, property, community infrastructure and the natural environment from bushfire. The Amendment does not remove or modify provisions that relate to bushfire risk such as the Bushfire Management Overlay.

## **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

### Ministerial Direction – The Form and Content of Planning Schemes

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

### Ministerial Direction 9 – Metropolitan Strategy

This Amendment has considered Ministerial Direction 9 and is consistent with the policy directions of the Metropolitan Strategy, in particular:

- Housing Choice and Affordability
  - 2.1 Understand and plan for expected housing needs
  - 2.2 Reduce the cost of living by increasing housing supply near services and public transport.
  - 2.3 Facilitate the supply of social housing.
  - 2.4 Facilitate the supply of affordable housing.
  
- Liveable Communities and Neighbourhoods
  - 4.1 Create a city of 20-minute neighbourhoods
  - 4.2 Protect Melbourne and its suburbs from inappropriate development
  - 4.3 Create neighbourhoods that support safe communities and healthy lifestyles
  - 4.4 Plan for future social infrastructure
  - 4.5 Make our city greener
  - 4.7 Respect our heritage as we build for the future
  - 4.8 Achieve and promote design excellence
  
- A State of Cities
  - 6.2 Rebalance Victoria’s population growth from Melbourne to Rural and Regional Victoria over the life of the Strategy.
  - 6.3 Integrate Metropolitan peri-urban and regional planning implementation

The Amendment will assist in the implementation of the Metropolitan Strategy by:

- Encouraging increased densities of residential development in and around activity centres and areas with access to public transport;
- Promoting high quality urban design in residential development.
- Protecting areas of identified environmental significance.
- Providing guidance on the provision of affordable and social housing.
- Accommodating some of Melbourne’s population growth.
- Recognising and protecting elements which contribute to neighbourhood character and sense of place.

#### Ministerial Direction 11 – Strategic Assessment of Amendments

The requirements of Ministerial Direction 11 have been followed in the course of preparing this Amendment, and are embodied within this report.

#### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The proposed amendment will support the relevant objectives of the State Planning Policy Framework (the “SPPF”). The Amendment will assist in achieving objectives in relation to the following clauses:

#### Clause 11 – Settlement

Clause 11 provides strategic guidance for responding to the needs of existing and future communities through the provision of appropriately zoned and serviced land for housing, employment, commercial and community facilities among other considerations. The Amendment supports this clause by providing strategic direction at a local level to facilitate residential development which meets the current and future needs of the Bacchus Marsh community.

The Amendment also reflects the intent of Clause 11 by reflecting the role of Bacchus Marsh as a regional centre, anticipated to assist in accommodating some of Melbourne's population growth.

#### Clause 15 – Built Environment and Heritage

Clause 15 seeks to create urban environments that are safe, functional and provide a sense of place and protect areas of identified cultural identity and heritage. The Amendment supports this clause by providing appropriate design guidance to ensure that residential development is site responsive and appropriate in the context of neighbourhood character.

#### Clause 16 – Housing

Clause 16 encourages a diversity of housing which meets the needs of the community, with a substantial proportion of new housing to be located where they have good access to public transport and a range of services. Additionally, it seeks to provide affordable housing and allow for the timely development of residential aged care facilities.

This Amendment implements the objectives of this clause within Bacchus Marsh. The Amendment will provide strategic direction and guidance on the appropriate location of residential development as well as facilitating increased housing diversity and encouraging more efficient use of areas close to facilities and services.

#### Clause 17 – Economic Development

Clause 17 seeks to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. Encouraging more housing to locate in locations with good access to community infrastructure, services, employment and public transport will support the future growth and economic sustainability of these areas. This Amendment implements the objectives of this clause within Bacchus Marsh, through the introduction of the *Sustainable Neighbourhoods* concept and identifying areas around Activity Centres and public transport as *Increased Residential Growth Areas*.

#### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Amendment supports the Local Planning Policy Framework by amending the Local Planning Policy Framework to implement *Housing Bacchus Marsh to 2041, 2016*. The revised Local Planning Policy Framework will clarify and outline the vision, strategic directions and implementation measures for future residential development within Bacchus Marsh.

The Amendment supports existing policy which seeks to provide for housing in areas where services are readily accessible and where development will not compromise agricultural land uses.

#### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the Victoria Planning Provisions by utilising the correct tools to implement *Housing Bacchus Marsh to 2041* and facilitate appropriate residential rezonings. The Amendment appropriately adopts the reformed residential zones across all residential land within Bacchus Marsh.

## How does the Amendment address the views of any relevant agency?

The views of relevant agencies were sought during exhibition of *Housing Bacchus Marsh to 2041* and will be further sought during exhibition stage of the planning scheme amendment process.

## Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment complies with the requirements of the *Transport Integration Act 2010*. This Amendment seeks to provide housing in consolidated areas to improve potential for access to public transport and other active transport opportunities. The Amendment also seeks to reinforce principles for neighbourhood planning which facilitate transport integration.

## Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment will not result in any significant impact on the resources and administrative costs of the Responsible Authority.

## Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Moorabool Shire Council

182 Halletts Way  
Darley VIC 3340

215 Main Street  
Bacchus Marsh

15 Stead Street  
Ballan VIC 3342

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

## Submissions

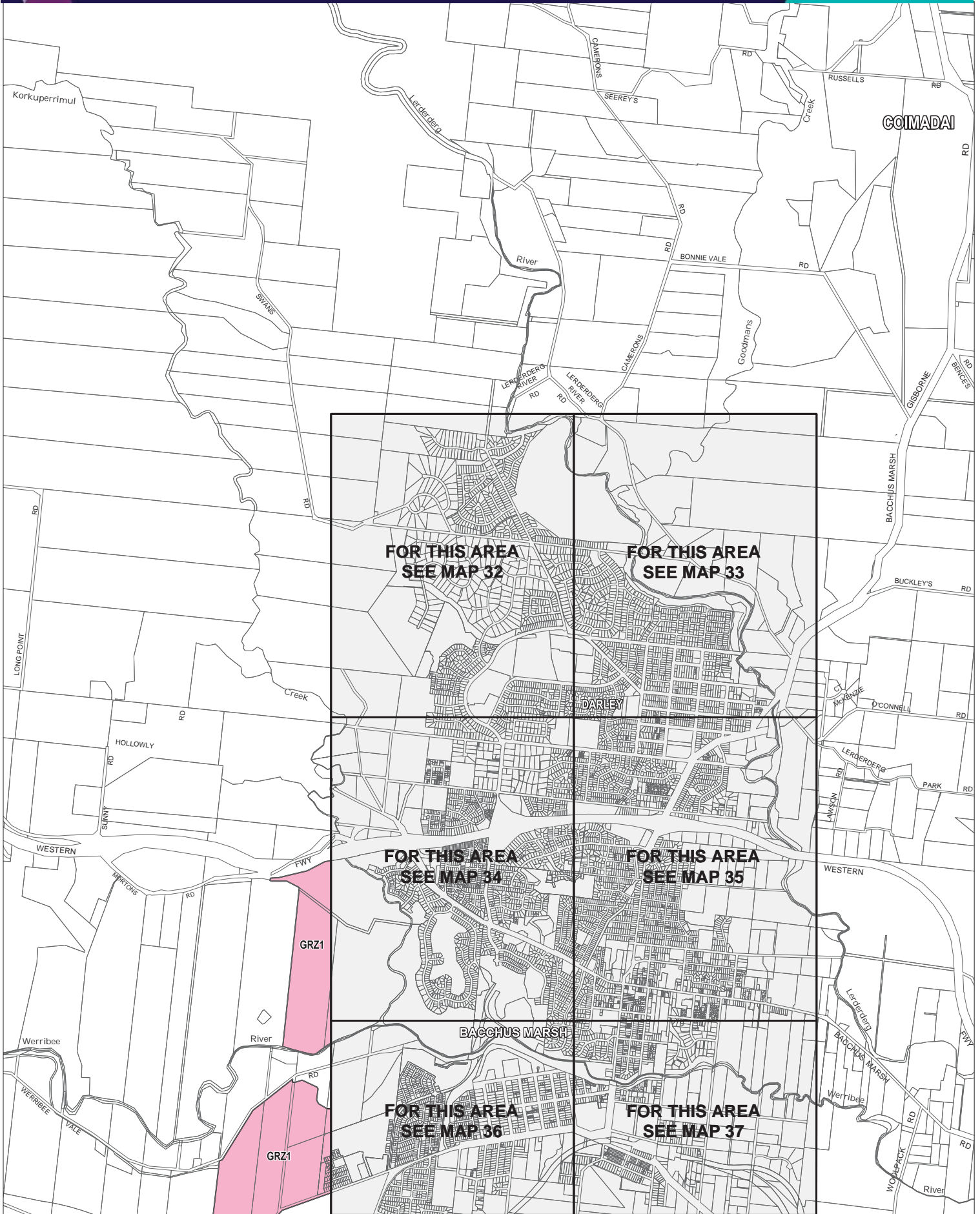
Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment [and/or planning permit] must be received by .

A submission must be sent to: Moorabool Shire Council, PO Box 18, BALLAN VIC 3342, or via email to [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

## Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**



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**Residential**  
 GRZ1 General Residential Zone - Schedule 1

Municipal Boundary (if shown)

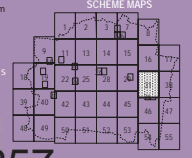


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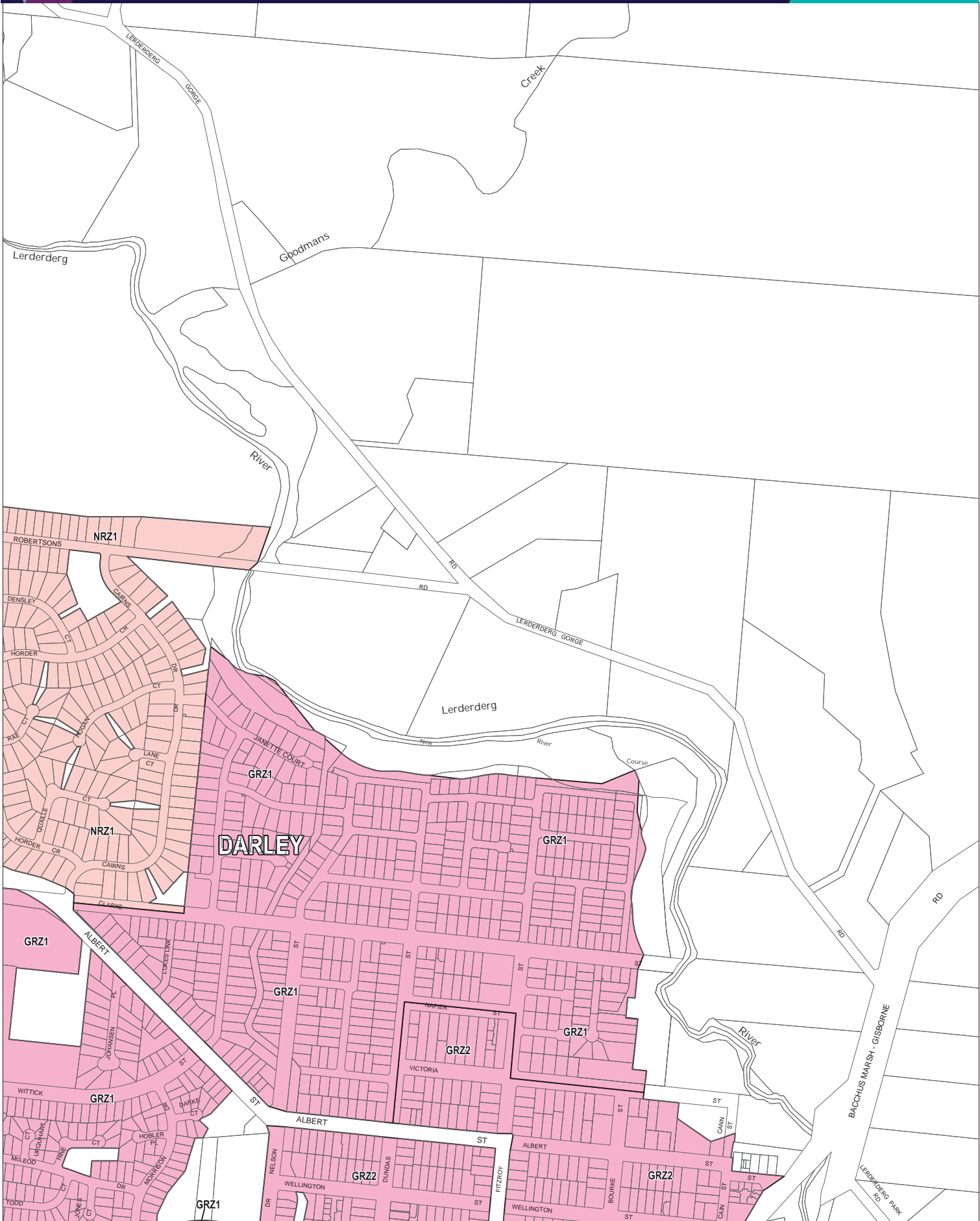
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  - GRZ2 General Residential Zone - Schedule 2
  - NRZ1 Neighbourhood Residential Zone - Schedule 1

Municipal Boundary (if shown)

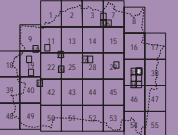
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Environment, Land, Water and Planning

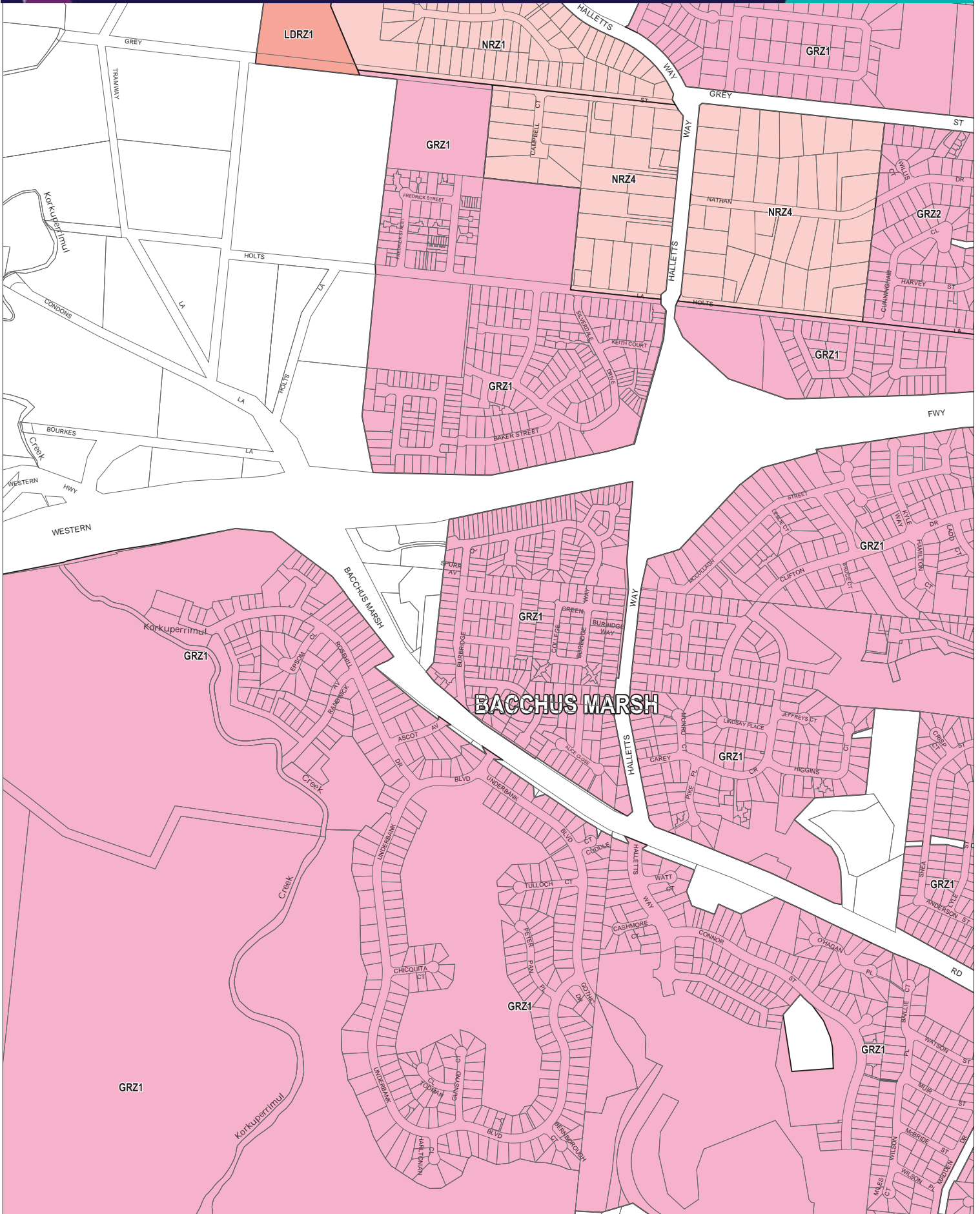
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- Residential**
- GRZ1 General Residential Zone - Schedule 1
  - GRZ2 General Residential Zone - Schedule 2
  - LDRZ1 Low Density Residential Zone - Schedule 1
  - NRZ1 Neighbourhood Residential Zone - Schedule 1
  - NRZ4 Neighbourhood Residential Zone - Schedule 4

Municipal Boundary (if shown)

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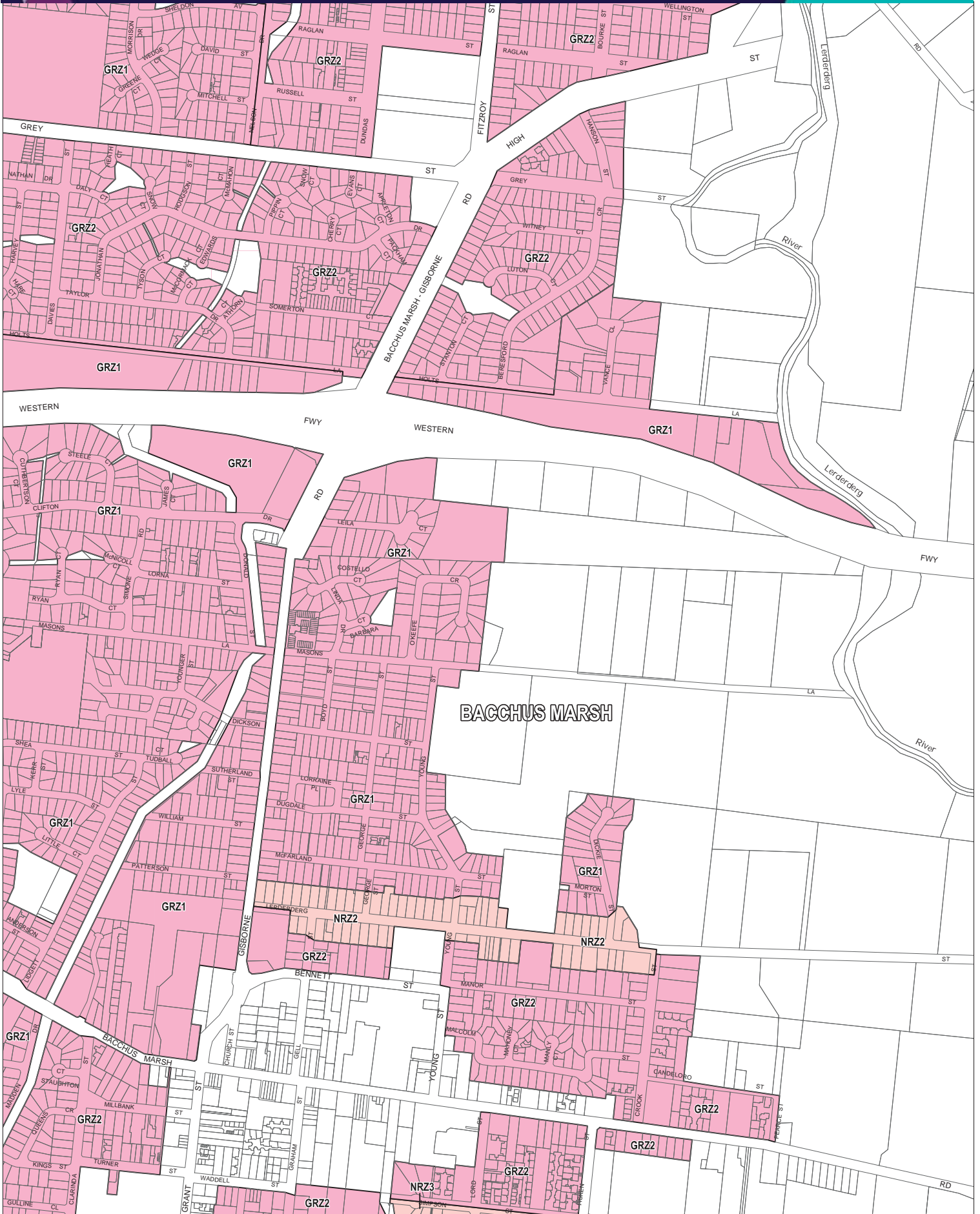


Environment, Land, Water and Planning

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# MOORABOOL PLANNING SCHEME - LOCAL PROVISION



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  - NRZ2 Neighbourhood Residential Zone - Schedule 2
  - NRZ3 Neighbourhood Residential Zone - Schedule 3

Municipal Boundary (if shown)

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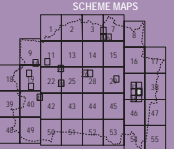
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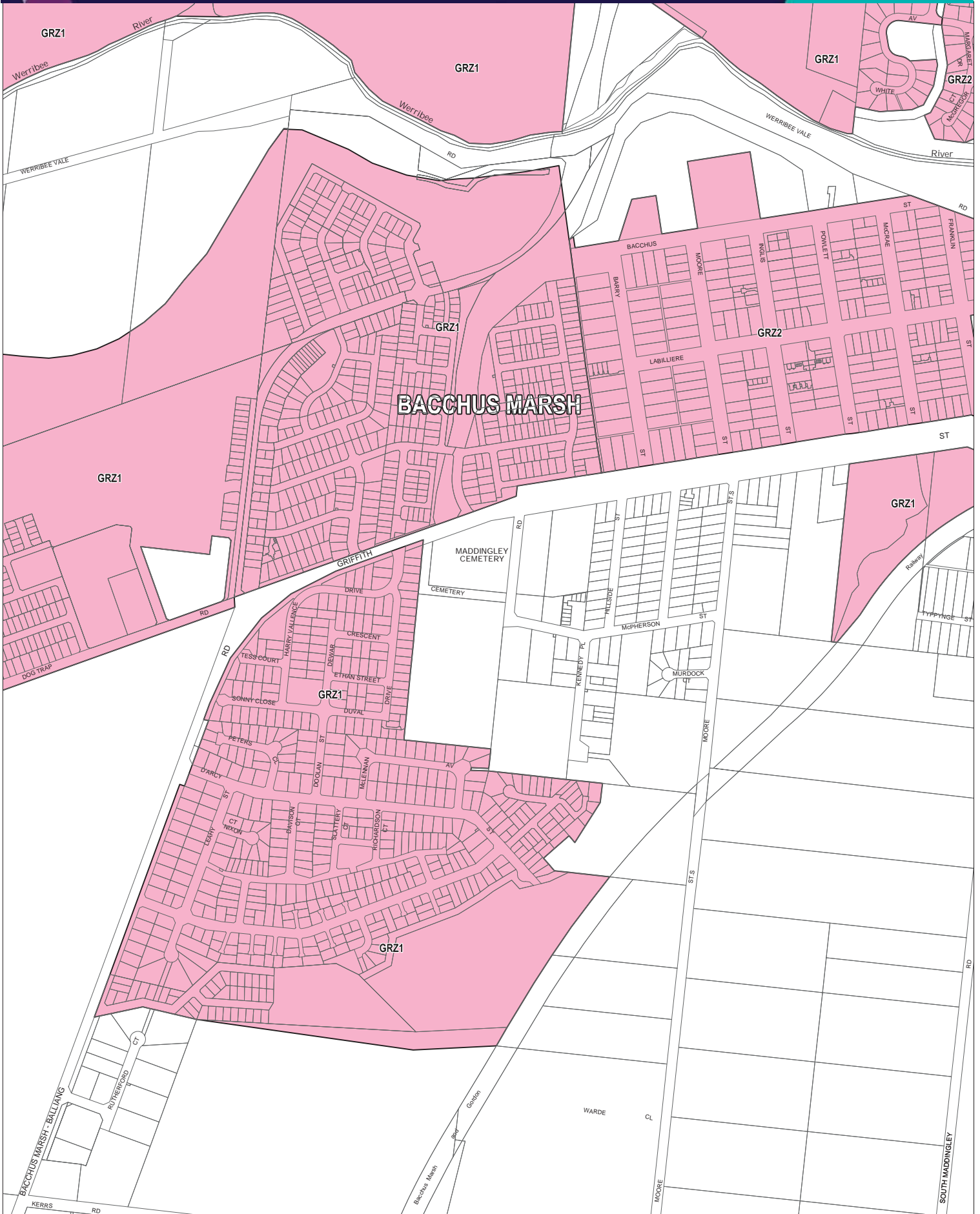


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Municipal Boundary (if shown)

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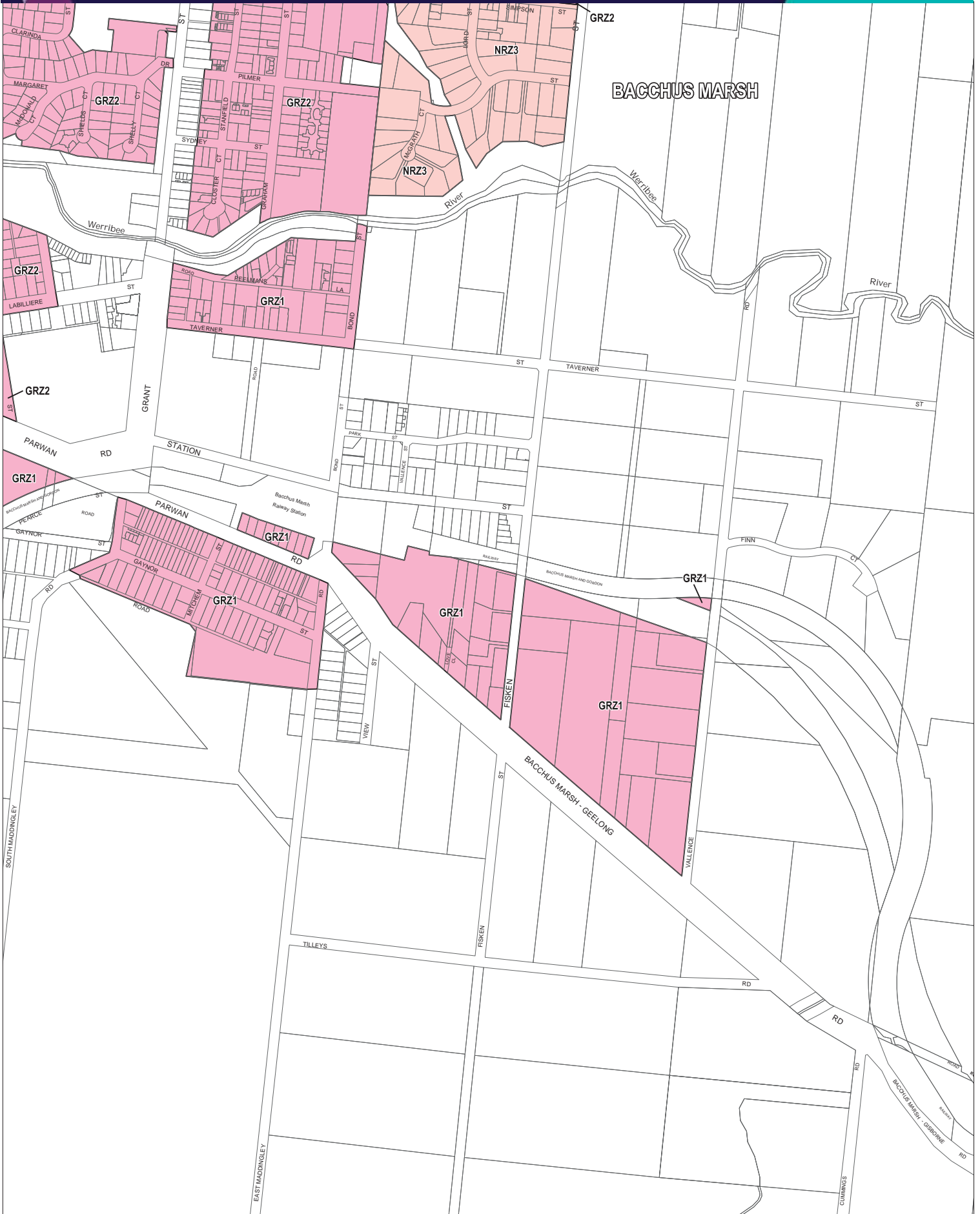
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Municipal Boundary (if shown)

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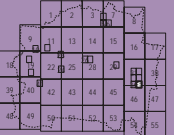


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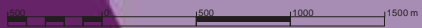


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**21.01**

26/02/2009  
C34

**MUNICIPAL CONTEXT**

~~The context of land use planning issues, objectives, strategies, and implementation measures of this Municipal Strategic Statement (MSS) is summarised below. Further information about the Shire of Moorabool can be found in Council's corporate plan and the reference documents to the MSS.~~

Moorabool Shire is located on the western urban/rural fringe of the Melbourne metropolitan area and extends to the outskirts of Ballarat to the west, along the major rail and road transport corridor between the two cities. This location within the Ballarat Transport corridor has seen an increase in commuting to both cities from towns within the Shire, and Melbourne 2030 recognises that the corridor can accommodate additional development.

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Bacchus Marsh is the municipality's main centre for retail, service, and employment activities. Bacchus Marsh has the most comprehensive community infrastructure in the Shire but there are shortfalls in infrastructure and service provision that require a larger population base for cost effective responses. Bacchus Marsh is the focus for economic and residential growth, with Ballan and potentially Gordon providing complementary roles.

Plan Melbourne and the Central Highlands Regional Growth Plan refer to Bacchus Marsh as a regional centre in recognition of its historical service centre role. Bacchus Marsh also has the potential to play a role in relieving population pressure on metropolitan Melbourne by absorbing a share of the projected housing growth.

There are planning challenges in accommodating and servicing residential growth and demand for lifestyle housing while protecting agricultural productivity, and environmental values and significant landscapes.

Moorabool Shire is characterised by its townships in rural settings and its distinctive rural landscapes which comprise a diversity of vast ranges, plains, ancient gorges, and areas of intensive horticulture. The varied and rich topographical features are integral environmental, agricultural, and recreational resources for the Shire.

These environmental assets, as well as existing built form, historic buildings and landscapes, contribute to the Shire's numerous places of natural and cultural heritage significance.

Much of the Shire is in Special Water Supply Catchments, which has a significant impact on the development potential of land in the west and north of the Shire. This combined with large areas of National or State Park or State Forest that traverse the Shire limit development opportunities and pose significant land management issues, particularly relating to sediment control and land clearing.

Agriculture is the major sector in Moorabool's economy and also contributes to the rural landscape setting that typifies the Shire. Agricultural production is predominantly broad acre cropping and grazing with intensive horticulture on irrigated land around Bacchus Marsh. Council's economic development strategies encourage new and innovative sustainable agricultural industries and the promotion of value adding industries that can capitalise the agricultural and resource base.

**21.01-2**

26/02/2009  
C34

**Key Issues**

Key issues that direct land use planning in Moorabool Shire are:

**Settlement**

There is increasing pressure to balance residential growth objectives with the protection of environmental, landscape and lifestyle values across the Shire.



Significant population growth in consolidated urban areas over the next 25 years is expected which will need to provide cost effective delivery of appropriate infrastructure and services.

Bacchus Marsh is one of a number of important peri-urban towns or settlements that Plan Melbourne has identified as being suitable for increased development and offers an alternative housing destination within easy reach of Melbourne. The growth potential of Ballan is also recognised in both Plan Melbourne and the Central Highlands Regional Growth Plan.

Moorabool Shire's capacity to accommodate future urban development is physically and environmentally constrained. Approximately two-thirds of the Shire is located in Special Water Supply Catchments, which includes privately owned land, mainly used for agricultural purposes, or National or State Park or State Forest. Steep land, areas subject to flooding, and resources capable of economic extraction are also significant development constraints. These constraints are shown in the Moorabool Corridor Framework Plan (Clause 21.03-2).

Development of both townships and rural land within Special Water Supply Catchments needs to be managed to protect water quality and quantity.

Future population growth needs to be balanced with protection and sustainable use of the Shire's environmental assets which contribute significantly to the lifestyle and attraction of Moorabool Shire as a place to live, invest and visit.

Urban growth, residential development, and lifestyle housing need to be managed to maintain the attractive rural setting and lifestyle, and to provide adequate services and facilities in a cost effective manner.

Urban growth has the potential to develop up to the LGA boundary and therefore reduce the existing rural buffer between Moorabool Shire and the Shire of Melton

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### Housing

A range of residential- housing choices is ~~needed~~ required to attract residents and to meet ~~the~~ the changing needs and preferences of existing residents. ~~of The population is an~~ ageing population, and often ageing in place, and therefore there may be demands for alternative dwelling types, with lower maintenance options.

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### Transport

There is a need to improve vehicle and freight links between communities within the municipality and links to destinations outside the Shire. There is a need for links to address physical division created by the Ballarat Freeway and Ballarat Rail line, particularly in Bacchus Marsh.

Improved public transport levels of service and integration throughout the municipality and particularly along the Melbourne – Ballarat rail corridor are needed to support sustainable growth.

### Environment

The varied and rich topographical features of Moorabool Shire (including ranges, plains, and ancient gorges) need to be conserved not only for their intrinsic environmental and landscape values but also as a recreational resource to the Shire.

The environmental assets (including the Brisbane Ranges National Park, Lerderderg State Park, Werribee Gorge State Park, the Wombat State Forest, and Long Forest Nature Conservation Reserve), as well significant waterways, historic buildings, rural townscapes, and landscapes contribute to the Shire's numerous places of natural and cultural heritage significance. These features inter-twine to form the character and lifestyle opportunities that attract people to Moorabool Shire.

Moorabool River, Werribee River, and Lerderberg River supply water for domestic and agricultural purposes. Inappropriate development, land clearing and sediment deposition from erosion can threaten riparian environments and water quality within the catchments.

### **Economic Development**

Continued productive and sustainable agricultural and horticultural land use, which is critical to the Shire's economy and its ongoing economic development, requires protection from residential encroachment.

It is important to ensure planning to accommodate demand for rural living opportunities produces enhanced environmental outcomes and also protects agricultural production, particularly highly productive areas in the west of the Shire and irrigated land around Bacchus Marsh.

There is an ongoing need to manage existing and potential conflict between residential, rural residential and agricultural and horticultural production.

There is a need to strengthen the local economy to improve local employment opportunities and reduce the leakage of retail spending.

Bacchus Marsh and Ballan provide areas of important industrial and mineral resource. These include large sites zoned Industrial 2, the Maddingley Brown Coal Mine and quarries in Bacchus Marsh. Planning to manage off-site impacts and avoid conflict with sensitive uses is required to realise economic development opportunities.

**21.01-3**  
28/02/2009  
C34

### **Strategic Framework Plan**

Council's key strategic planning directions are illustrated on the Strategic Land Use Framework Plan. The framework plan identifies overall direction to guide specific land use outcomes. It identifies potential 'development opportunity areas' where significant land use change may be expected, and areas where land use constraints are likely to restrict future development.

Separate land use framework plans in Clauses 21.07 and 21.08 provide more detailed guidance for major townships.

The major strategic directions identified on the Municipal Framework Plan include:

- The location of Special Water Supply Catchments, parks and forests which have limited development potential;
- Designation of key towns in the municipality, with Bacchus March identified as the key centre for economic and residential growth and Ballan fulfilling a complementary role; and
- Identification of the Ballarat Rail line as part of the Ballarat-Melbourne transport corridor.



**21.01-4 Objectives - Strategies - Implementation**

26/02/2009  
C34

**Municipal Planning Framework**

The Municipal Planning Framework objectives, strategies, and implementation mechanisms are structured around five key land use themes, based on those in the State Planning Policy Framework (SPPF). There is considerable overlap between each of these themes and none should be read in isolation.

- Natural Environment (Clause 21.02).
- Settlement and Housing (Clause 21.03).
- Economic Development and Employment (Clause 21.04).
- Development and Community Infrastructure (Clause 21.05).
- Heritage (Clause 21.06).

**Place-based Planning Framework**

The Place-based Planning Framework sets out objectives and strategies that provide more detailed planning direction for specific places and towns within the municipality.

The places contained in the Place-based Planning Framework are:

- Bacchus Marsh (21.07);
- Ballan (21.08); and
- Small Towns (21.09).

**21.03**

09/10/2014  
C72

**21.03-1**

26/02/2009  
C34

**SETTLEMENT AND HOUSING**

**Key Issues and Influences**

It is expected that outward pressure from the Melbourne metropolitan area, the location of the Shire on one of the State's major regional transport corridors and proximity to the regional centres of Ballarat and Geelong will continue to reinforce the advantages of the Shire as a place to live and invest.

Bacchus Marsh has been identified in Plan Melbourne and the Central Highlands Regional Growth Plan as a suitable location to accommodate growth due to its regional service centre role, its relative accessibility to Melbourne, Geelong and Ballarat, its well established town centre and the availability of greenfield and infill development opportunities.

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The growth potential of Ballan is also recognised in both Plan Melbourne and the Central Highlands Regional Growth Plan.

Population growth is also influenced by people choosing to live in rural areas and small towns particularly where they are serviced by the regional transport corridor. In particular, plans to sewer Gordon may enable development of the township, which has scenic qualities and is close to Ballarat, without unacceptable environmental impact on the Moorabool River water catchment.

The communities and towns of Moorabool Shire have a very strong rural setting and character that is defined by the local agricultural base, spectacular scenic landscapes and diverse vegetation. There is a need to ensure that these values, which draw people to the area, are protected.

Planning for residential and other urban growth must recognise the range of physical and infrastructure constraints particularly in relation to resource management and environmental values.

While there is an existing 'pool' of small, vacant lots in the rural areas, potential development on many of these lots is constrained because they are within a Special Water Supply Catchments area.

**21.03-2**

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**Objectives—Urban Growth Management**

- To ensure that Bacchus Marsh and Ballan accommodate the most residential growth in the municipality.
- To maintain an adequate long term land supply to accommodate the projected increase in population.
- To promote an accelerated rate of population and local employment growth to support the provision of improved social and physical infrastructure in the Shire to support the growing population.
- To plan and manage promote sustainable urban growth, including increasing densities that is concentrated in and around the Shire's major towns activity centres and public transport network.
- To direct growth to preferred locations and away from non-preferred locations.

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**Strategies**

- Ensure the supply of residential land zoned for industry, business, and residential purposes is sufficient to accommodate projected ~~accelerated~~ rates of growth.

- Ensure at least 15 years of appropriately zoned land is always available in Bacchus Marsh and Ballan to provide for a range of housing options.
- Facilitate and promote a range of residential ~~and economic~~ development options, including high quality 'master-planned' developments.
- Direct population and employment growth to Bacchus Marsh with supporting growth in Ballan.
- Consolidate established urban areas by promoting infill development of land zoned for urban purposes.
- Retain the non-urban break between Bacchus Marsh and the metropolitan area.
- Ensure a clear separation between urban development and farming activities is retained.
- Avoid urban development where it is likely to impact on highly productive agricultural land, environmental values and the long-term sustainability of natural resources.
- Ensure planning and management of urban growth in designated towns takes account of existing and proposed infrastructure capacity.
- ~~Discourage Do not support residential and other~~ development in settlements where reticulated sewerage systems are not available and onsite treatment of effluent cannot be provided.
- ~~Ensure 10 – 15 years of appropriately zoned land is always available in Bacchus Marsh and Ballan to provide for a range of housing options.~~
- Manage urban growth through Development Plans or Precinct Structure Plans and the implementation of ~~d~~Development ~~e~~Contributions ~~p~~Plans where appropriate.
- Discourage large subdivisions unless they are other than in accordance with an approved Development Plan or Precinct Structure Plan. ~~growth area precinct structure plan or, for larger infill areas, a development plan.~~
- Ensure a clear separation between urban development and farming activities is retained.

### 21.03-3 Objectives—Residential Development

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- ~~To extend the range of housing types available to provide resident choice and meet changing housing needs.~~

To achieve high quality residential living environments which ~~balance the provision of residential development opportunities with the protection of productive agricultural land and environmental assets~~ enhance liveability, sustainability, healthy and active neighbourhoods.

To promote Environmentally Sustainable Design principles to reduce the cost of living and improve liveability.

To improve the diversity of housing stock within the municipality.

To design housing to be adaptable for use by smaller households, the aged and people with disabilities

#### Strategies

- Facilitate the creation of sustainable neighbourhoods that encourage integrated, liveable, walkable neighbourhoods ~~within their~~ towns.
- Encouraging higher density development close to activity centres.

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- Encourage high quality design of dwellings, open space and the public realm as an important contributor to achieving sustainable developments.
  - Encourage provision of natural light, orientating the building to the north to allow for solar gain in the winter and, addressing the street for safety and access.
  - Encourage a combination of greenfield and infill opportunities to enhance the diversity of housing choices and affordability.
- Promote the delivery of affordable, diverse and accessible housing opportunities which are flexible, adaptable and cater for differing household types, housing tenures, lifecycles, incomes and disabilities.
- Encourage subdivision patterns that provide a diversity of lot sizes.
  - Encourage the delivery of alternative housing models in appropriate locations, such as co-housing or eco-villages.
- ~~Plan for a diversity of housing types and densities, particularly near activity centres and community focal points in Bacchus Marsh and Ballan.~~
    - ~~Design housing to be adaptable for use by smaller households, the aged and people with disabilities.~~
  - Provide for non residential uses, including convenience shops and medical centres, in locations that are consistent, and compatible, with the scale and character of the area, in particular adjacent properties.
  - Encourage non residential uses to These uses should be located on lots fronting main or local arterial roads.

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#### 21.03-4 Objective—Landscape and Neighbourhood Character

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To ensure new development in all zones respects the existing character, landscape setting and amenity of the local area.

##### Strategies

- Ensure infill development ~~should~~ protects and enhances the existing character, built form, ~~and~~ natural environment, of the Shire's towns and villages including the country town scale and rural atmosphere of each town.
- Encourage dDevelopment in growth areas ~~to should develop a strong sense of place that~~ respects its landscape setting.
- Ensure nNew development ~~should~~ protects the visual, aesthetic, and environmental values of escarpments, ~~and~~ ridgelines generally, and views from the Bacchus Marsh valley ~~in particular.~~
- Facilitate cCommunity identity of townships ~~should be strengthened~~ through design of new development.
- Retain non-urban breaks between towns and settlements.
- Discourage/Avoid residential development in the farming areas unless it is required for the agricultural use of the land.
- Protect and reinforce the Shire's built and natural heritage ~~as identified in heritage studies for the Shire.~~

- Ensure that new development is appropriately sited, designed and constructed to blend with the ~~surrounding landscape and protect~~ significant landscape values, native vegetation and rural settings.
- Discourage inappropriate development on scenic hilltops, ridge lines and areas of visual prominence.
- Ensure housing and subdivision complements the existing environment and has regard to the town's unique landform, as well as the likely existing and future market acceptance of housing forms.
- Ensure the impact of small lot development in greenfield areas is minimized.
- Incorporate larger lots in other locations, incorporating widened road reserves with provision for enhanced street tree plantings and other design based initiatives to avoid emergence of a typical suburban character.

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#### Objective—Rural Lifestyle Opportunities

To support development in small towns and rural lifestyle opportunities as an additional residential choice.

#### Strategies

- Prevent the fragmentation of farm land through inappropriate subdivisions.
- Limit residential development in areas without reticulated services where the development would compromise water quality (particularly in Special Water Supply Catchments), adversely affect agricultural production, or impact on native vegetation and habitat values.
- ~~Discourage~~Only consider expansion of existing small towns ~~until~~after land already zoned for urban purposes has been substantially developed.
- Provide for planned rural living development in appropriate locations in recognition of the attractiveness of rural lifestyle options.
- Identify appropriate opportunities for planned rural residential/rural living development after the Moorabool rural strategy has been completed.
- Provide for limited residential development in areas zoned Rural Living.
- Ensure residential Preference will be given to subdivision satisfies~~where~~ the following criteria ~~can be met~~:
  - the overall density of residential development satisfies environmental and physical requirements, including appropriate on-site treatment of effluent and stormwater management;
  - development does not restrict agricultural and horticultural production;
  - sealed access roads service all lots;
  - reticulated water services are provided; and
  - the development leads to an overall enhancement in the condition of the environment.
- ~~Encourage~~Focus rural living development only in areas close to urban centres with good access to services and facilities where there is minimal impact on productive agriculture and horticulture or areas with environmental values.
- Ensure~~Require~~ development in the Bences Road Local Area Structure area ~~is to be~~ in accordance with the Bences Road Local Area Structure Plan report.



**21.03-6 Implementation**

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**Zones and Overlays**

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

- [Apply the Residential Zones to Bacchus Marsh as identified by the Settlement Framework at Clause 21.07-2.](#)
- Apply the Neighbourhood Residential Zone Schedule 1 to Gordon to reflect the landscape character and minimum lot size requirements (infrastructure capacity constraints) within the Gordon Structure Plan;
- Apply Development Plan Overlays to provide for density patterns, road networks, open space networks, staging, and integration between new and existing development, supply of reticulated water and sewerage, drainage, fire prevention, and vegetation and landscape protection to planned residential areas requiring development;
- Review the Restructure Overlay to the old Crown townships of Blakeville, Old Wallace, Elaine North, and Rowsley and other measures necessary to support the implementation of restructure plans; and,
- [Apply an Incorporated Plan Overlay to the Bences Road Local Area Structure Plan area that is in accord with the Bences Road Local Area Structure Plan Report.](#)

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**Local policy and exercise of discretion**

- Provide heavily vegetated buffers of at least 50 metres between industrial and residential land to protect the amenity of the residential areas, and where possible, provide opportunities for pedestrian and cycling links to Council's Tracks and Trails Master Plan.
- Where relevant require a report to accompany planning applications that explains how the siting and design of the proposal has responded to objectives and strategies of this MSS, the topography, environmental constraints, and the landscape significance and character of the area.
- [Ensure only one](#) One dwelling may be constructed on each lot created in accordance with an incorporated restructure plan subject to appropriate responses to environmental issues, siting, construction details and effluent disposal.
- Ensure that new buildings and works are sited, designed and constructed to:
  - minimise the removal and disturbance of native vegetation;
  - avoid protruding above ridgelines, hill tops and tree canopies;
  - avoid construction on slopes greater than 20%;
  - minimise soil disturbance and levels of excavation and fill;
  - avoid the use of reflective building materials such as zincalume; and
  - use external colours, materials and finishes of subdued tones that blend with the surrounding landscape and vegetation.
- [Discourage/Prevent](#) the construction of buildings that create an appearance of bulk, scale and size in visually prominent and significant landscape areas.
- Encourage the planting of indigenous native vegetation to assist in screening new development.
- [Ensure/Require](#) the design and construction of all weather access roads and driveways that traverse slopes and minimise visual intrusion and soil erosion.

- ~~Ensure~~**Require** applications for buildings and works ~~are to be~~ accompanied by a report that explains how the proposal has been sited and designed to respond to the topography, landscape significance and character of the surrounding area and achieve the objectives and performance criteria of this policy.

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#### Further Strategic Work

- Prepare structure plans for Gordon and Blackwood as a high priority in preparation for sewerage of the towns.
- Prepare structure plans for towns including Wallace, Dunnstown, Yendon, Myrmiong, and Mt Egerton.
- Undertake a study to identify strengths and development opportunities for Moorabool's small towns with a view to facilitating the better utilisation of existing infrastructure.
- Develop agreed municipality-specific provisions for the Shire's Special Water Supply Catchments to provide the basis for a revised schedule to ESO1 and review of associated policies.
- ~~With water authorities develop agreed municipality specific provisions for the Shire's Special Water Supply Catchments to provide the basis for a revised schedule to ESO1 and review of associated policies.~~
- Develop protocols for involvement of water authorities in urban growth strategies and rezoning proposals.
- Develop a Local Policy or overlay(s) to manage development to address heritage, landscape, vegetation, and environmental values in Blackwood, Barry's Reef, and Simmons Reef.
- Review absorption and contamination risk of land in existing Rural Living Zones in Special Water Supply Catchments.
- Integrate the ~~Bushfire~~**Wildfire** Management Overlay and the Municipal Fire Prevention Plan.
- Develop a Social Impact Assessment Policy to ensure consideration of the social impacts of major developments proposals.

#### 21.03-8

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#### Other Actions

- Advocate and continue support for capital works programs of infrastructure agencies to:
  - to address the issue of future water supply;
  - Sewer Gordon and Blackwood and advocate for sewerage of other townships in water catchment areas;
  - Improve and integrate public transport services, including reopening the Gordon railway station; and
  - Provide other utilities (including natural gas) to small towns.
- Develop a Shire-wide telecommunications strategy to identify current and future telecommunication/broadband needs and provision as part of new development and subdivision applications.
- Facilitate future transport infrastructure planning through local structure plans.
- Develop agreed municipality-specific provisions for the Shire's Special Water Supply Catchments to provide the basis for a revised schedule to ESO1 and review of associated policies.

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- ~~\*—Develop protocols for involvement of water authorities in urban growth strategies and rezoning proposals.~~

21.07 BACCHUS MARSH

23/

21.07-1 Key Issues and Influences

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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. Bacchus Marsh currently fulfills a number of important functions as a regional service centre, a peri-urban town and an increasingly popular alternative housing destination to the west of Melbourne.

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New residents of Bacchus Marsh have been attracted to Bacchus Marsh the town 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.

The town character is defined by the following character elements:

- The rural and natural gateway entries, in particular the entrance from the Western Freeway through the Avenue of Honour;

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An open feel due to the rural and low density surrounds, wider streetscapes, large open space areas, farmlands, orchards and market gardens;

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- A natural landscape character and setting with undulating landforms.
- A scenic backdrop that surrounds the town with Lerderderg Gorge, Werribee Gorge, Long Forest Nature Reserve and the tall timbers of the Lerderderg State Forest.
- Werribee and Lerderderg Rivers that traverse through the town and in some places include linear walking paths and open space along the waterways.

- Networks of open space throughout residential areas and adjoining forested areas;

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- Township character with a strong range of commercial and business enterprises set within a rural landscape and highly productive agricultural areas;

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- Significant heritage buildings and trees including the Bacchus Marsh Avenue of Honour, Grant Street and Maddingley Park;

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- A strong range of commercial and business enterprises including industrial base business that provide local employment opportunities, particularly in the transport and the agricultural industries; and

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- Strong industrial base providing local employment opportunities, particularly in the transport and value adding agricultural industries; and

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- A diverse and range of residential areas development opportunities (infill and greenfield), based on residential layout, lot design and housing styles, and types.

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Council seeks to establish best practice in transport-oriented activity centre planning for the Bacchus Marsh Activity Centre. 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 the surrounding natural landscape, topography, and mineral and agricultural/horticultural resources.

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.

Bacchus Marsh has an important role as an emerging regional centre and accommodating an increasing share of metropolitan and regional population growth.

The existing settlement boundary contains a substantial amount of land supply that is likely to accommodate short-medium term residential growth (infill and greenfield). However alternative opportunities for long-term growth outside of the existing settlement boundary require further investigation.

Bacchus Marsh currently has an affordable housing supply compared to the Outer Western Region and metropolitan Melbourne, however diversity of the supply is limited. It is important that diversity in housing improves to ensure there are housing options to meet the requirements of existing and future residents. This is particularly important due to the ageing population and decreasing household sizes where there is likely to be increased demand for smaller, affordable and low-maintenance dwellings.

Council also recognise the importance of directing housing to locations that are easily accessible to activity centres and public transport. Directing development to appropriate locations will assist building on Councils vision to create compact and sustainable neighbourhoods. However, new development must complement the defining character elements of the town, including the historic Avenue of Honour, the open and natural landscape while also preserving horticultural land.

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21.07-2 **Objective— Managing Residential Growth**  
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To accommodate sustainable residential growth within the existing settlement boundary of Bacchus Marsh in the short to medium term.

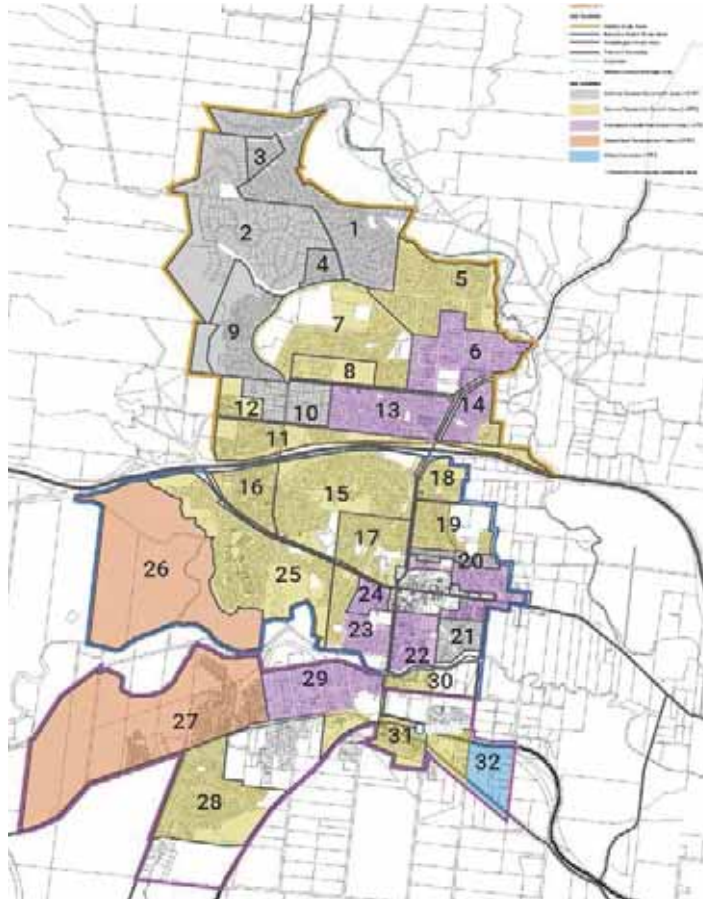
To recognise the importance of a long term residential growth strategy for Bacchus Marsh.

**Strategies**

1.1 Implement the Settlement Framework (Figure 1) within the existing Bacchus Marsh settlement boundary.

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Figure 1



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Table 1 Bacchus Marsh Settlement Framework

Settlement Type	Definition	Expected Housing Types	Zones
Minimal Residential Growth Areas	Generally applies to residential land on the fringe of the township that does not have direct access to services and facilities and often has limitations to further development, e.g. topography, connectivity, existing	Future residential development within these areas will predominantly comprise of detached dwellings, generally of a modest scale, with dual occupancies, of one to two storeys only being supported where the intent of the	<p>Precincts 1, 3, 4, 9 – Neighbourhood Residential Zone with specified schedule 1</p> <p>Precinct 20 – Neighbourhood Residential Zone, Schedule 2</p> <p>Precinct 21 –</p>

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	development. May also include residential land that has been identified as having strong characteristics that requires protection from further	settlement type and preferred character is not compromised.	Neighbourhood Residential Zone, Schedule 3  Precinct 10 – Neighbourhood Residential Zone, Schedule 4  Precinct 2 – Low Density Residential Zone – Schedule 2
Natural Residential Growth Areas	Applies to residential land that has been identified for natural change over time. Appropriate well designed, infill development, including multi-unit developments that complement the preferred character of the area, while providing for a variety of housing options will be encouraged in suitable locations.	These areas encompass the majority of Bacchus Marsh's established residential areas. The identified locations will allow for modest housing growth and a variety of housing typologies in the form of townhouses and multi-dwelling developments, with detached houses continuing to dominate. Low scale medium density housing and alternative housing typologies (such as co-housing, retirement villages, aged care etc) may be appropriate in areas within the precincts that are more accessible to public transport, activity centres and open space than others.	Precincts 5, 7, 8, 11, 12, 15, 16, 17, 18, 19, part 23, 25, 28, part 29, 30, 31, part 32 – General Residential Zone
Increased Residential Growth Areas	Generally applies to residential land that is well located to services and facilities and has been identified as suitable for infill and increased densities of development. This will include a range of multi-units, townhouses and	These areas will provide for housing growth with increased densities. Housing development will generally be in the form of townhouse and multidwelling developments with opportunities for apartments and	Precinct 6, 13, 14, 22, part 23, 24, part 29 – General Residential Zone, Schedule 2

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	alternative housing typologies within a walkable catchment of residents daily needs.	alternative forms of housing (cohousing, aged care, retirement villages, etc).	
Greenfield Residential Growth Areas	Land that is generally located on the fringe of the established urban areas and has been identified as land suitable for future residential development or is in the process of being developed for residential purposes, often over a number of years.	Providing a diverse range of lot sizes that will be capable of accomodating a range of housing typologies.	Precincts 26 & 27 – General Residential Zone (Default Schedule)

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1.2 Promote the establishment of Darley, Maddingley and Bacchus Marsh as sustainable neighbourhoods by:

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1.2.1 Encouraging high quality design of dwellings, open space and the public realm;

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1.2.2 Encouraging infill development that assist in creating walkable and pedestrian scale environments; and

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1.2.3 Encouraging quality higher density development close to acitivity centres and public transport.

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1.3 Encourage a wide range of options in terms of dwelling typologies which include affordable and accessible housing options;

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1.4 Encourage the delivery of alternative housing models, such as co-housing or eco-villages to assist in improving the diversity of housing stock within Bacchus Marsh

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1.5 Encourage subdivision patterns that provide a diversity of lot sizes.

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1.6 Ensure that Bacchus Marsh maintains an adequate long term residential land supply to accommodate the projected increase in population.

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1.7 Protect the Bacchus Marsh irrigated horticultural land from residential encroachment and ensure appropriate interface treatments in development abutting these areas.

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1.8 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.

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1.9 Ensure use and development within the South Maddingley "Investigation Area" identified on the Bacchus Marsh Framework Plan is compatible with:

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1.9.1 Protection of the brown coal resource within the defined Mining Lease Area;

1.9.2 Any existing or permissible future activities at the Maddingley Brown Coal Mine;



1.9.3 The continuation of existing industries and the establishment of new industries in the industrial zones in the locality; and

1.9.4 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.

1.10 Actively discourage residential development outside of the clearly defined settlement boundary unless exceptional circumstances apply where rezoning of non-urban land for urban purposes can articulate the rezoning through demonstrating:

1.10.1 minimal impact on the overall urban form of Bacchus Marsh and natural features;

1.10.2 that the developments location, proximity and connectivity to existing or planned residential areas is appropriate;

1.10.3 that the form of development proposed cannot be provided on land that is already zoned for urban purposes;

1.10.4 that the development will result in a significant improvement in the standard of development within the Bacchus Marsh Study Area, including its environmental performance (i.e. beyond best practice water sensitive urban design);

1.10.5 that the development incorporates a design response that achieves adherence to the principles of 'sustainable neighbourhoods' including providing key community facilities & infrastructure (where appropriate) that will benefit the community;

1.10.6 the ability of the development to be provided with reticulated services; and

1.10.7 the ability to retain Bacchus Marsh's intrinsic character elements.

#### **21.07-4 Objective - Neighbourhood Character**

To enhance the elements of Bacchus Marsh that contribute to the character of the town.

##### **Strategies**

1.11 Ensure a clear separation between urban development and farming activities is retained.

1.12 Encourage subdivision design that provides for diverse streetscapes, strong connectivity and public spaces and retains the values characteristics that make Bacchus Marsh a special place.

1.13 Ensure residential development is in accordance with the preferred character statements as set out in Housing Bacchus Marsh to 2014.

1.14 Encourage innovation and best practice sustainable design and development outcomes.

1.15 Ensure that housing design allows space for tree plantings and enhances the existing landscape as a priority on both public and private land.

1.16 Ensure the impact of small lot development in greenfield areas is minimised or offset by incorporating larger lots in other locations, incorporating widened road

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reserves with provision for enhanced street tree plantings and other design based initiatives to avoid emergence of a typical suburban character.

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**21.07-5 Objective - Consolidating urban growth land uses within the inner areas of Bacchus Marsh**

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.

**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.
- Direct housing to locations that are easily accessible to activity centres and public transport as a priority.

**21.07-3 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 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 Objective—~~Urban Design~~Connectivity and Gateways

23/

To improve the ~~urban design~~connectivity throughout Bacchus Marsh including enhancing gateways to the town as the key access points to the town.

##### 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

23/

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

##### Strategies

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

#### 21.07-7 Implementation

23/

##### Zones and Overlays

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

- ~~Apply the Residential Zones to Bacchus Marsh as identified by the Settlement Framework at Clause 21.07-2.~~
- 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.

23/0 **7-8 Further Strategic Work**

- ~~Investigate future long term residential growth opportunities to accommodate the projected population increase.~~
- ~~Prepare and adopt Development Plan Overlays and Investigate the use of Precinct Structure Plans for identified future long term designated residential development areas in Bacchus Marsh growth areas.~~
- 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**

23/0  
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- 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.

MOORABOOL PLANNING SCHEME

- 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 Plan 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.



**21.11**

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**REFERENCE DOCUMENTS**

- Bacchus Marsh Accessibility, Parking, and Traffic Management Strategy 2003.
- Bacchus Marsh Gateways Strategy 2003.
- Bacchus Marsh Heritage Study, 1995.
- Bacchus Marsh Tracks and Trails Master Plan 2004-2005.
- Bences Road Local Area Structure Plan Report 2007.
- Growing Moorabool, Economic Development Strategy, 2006.
- [Housing Bacchus Marsh to 2041, 2016](#).
- Moorabool Growth Management Strategy, 2002.
- Moorabool Industrial Areas Strategy, 2001.
- Moorabool Shire Council Roadside Management Plan, 2001.
- Moorabool Social Infrastructure Plan 2007.
- Moorabool Shire Land Use and Development Strategy 1997.
- Moorabool Municipal Fire Prevention Plan.
- River Red Gums in the Bacchus Marsh Valley, December 2008

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C--

**SCHEDULE 2 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ2**.

**NATURAL & GREENFIELD RESIDENTIAL GROWTH AREAS**

**Permit requirement for the construction or extension of one dwelling on a lot**

--/20--  
C--

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

None specified

**2.0**

**Requirements of Clause 54 and Clause 55**

--/20--  
C--

	<b>Standard</b>	<b>Requirement</b>
<b>Minimum street setback</b>	A3 and B6	None specified
<b>Site coverage</b>	A5 and B8	None specified
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	None specified
<b>Side and rear setbacks</b>	A10 and B17	None specified
<b>Walls on boundaries</b>	A11 and B18	None specified
<b>Private open space</b>	A17	None specified
	B28	None specified
<b>Front fence height</b>	A20 and B32	None specified

**3.0**

**Maximum building height requirement for a dwelling or residential building**

--/20--  
C--

None specified.

**4.0**

**Application requirements**

--/20--  
C--

The following requirements apply to an application for a permit in addition to those specified in clause 32.08 and elsewhere in the scheme:

- A statement as to how the development responds to the Preferred Character Statement for the relevant precinct in *Housing Bacchus Marsh to 2041*.
- A Landscape Plan.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

**5.0**

**Decision guidelines**

--/20--  
C--

The following decision guidelines apply in addition to those specified in clause 32.08 and elsewhere in the scheme:



- How the design, height, setbacks and appearance of the residential building appropriately responds to the Preferred Character Statement for the relevant precinct in *Housing Bacchus Marsh to 2041*.
- Whether adequate sized open space and setbacks are provided for the retention and growth of existing and new canopy trees.

--/20--  
C--

**SCHEDULE 3 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ3**.

**INCREASED RESIDENTIAL GROWTH AREAS**

**1.0 Permit requirement for the construction or extension of one dwelling on a lot**

--/20--  
C--

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

None specified

**2.0 Requirements of Clause 54 and Clause 55**

--/20--  
C--

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	5 metres
<b>Site coverage</b>	A5 and B8	70%
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	None specified
<b>Side and rear setbacks</b>	A10 and B17	None specified
<b>Walls on boundaries</b>	A11 and B18	None specified
<b>Private open space</b>	A17	None specified
	B28	None specified
<b>Front fence height</b>	A20 and B32	1.2 metres

**3.0 Maximum building height requirement for a dwelling or residential building**

--/20--  
C--

None specified

**4.0 Application requirements**

--/20--  
C--

The following requirements apply to an application for a permit in addition to those specified in clause 32.08 and elsewhere in the scheme:

- A statement as to how the development responds to the Preferred Character Statement for the relevant precinct in *Housing Bacchus Marsh to 2041*.
- A Landscape Plan.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

## 5.0 Decision guidelines

--/20--  
C--

The following decision guidelines apply in addition to those specified in clause 32.08 and elsewhere in the scheme:

- How the design, height, setbacks and appearance of the residential building appropriately responds to the Preferred Character Statement for the relevant precinct in *Housing Bacchus Marsh to 2041*.
- Whether adequate sized open space and setbacks are provided for the retention and growth of existing and new canopy trees.

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**SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE**

Shown on the planning scheme map as **LDRZ**.

**MINIMAL RESIDENTIAL GROWTH AREA – DARLEY**

<b>Land</b>				<b>Area</b>
Minimum (hectares).	subdivision	area	All	0.4ha

**Dimensions above which a permit is required to construct an outbuilding**

None specified

--/20--  
C--

**SCHEDULE 2 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ2**.

**MINIMAL RESIDENTIAL GROWTH AREAS (PARTS OF DARLEY ONLY)**

**1.0 Minimum subdivision area**

--/20--  
C--

The minimum lot size for subdivision is 700 square metres

**2.0 Permit requirement for the construction or extension of one dwelling on a lot**

--/20--  
C--

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

**3.0 Requirements of Clause 54 and Clause 55**

--/20--  
C--

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	30%
Permeability	A6 and B9	60%
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	0 metres
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1.2 metres

**4.0 Number of dwellings on a lot**

--/20--  
C--

None specified

**5.0 Maximum building height requirement for a dwelling or residential building**

--/20--  
C--

None specified

## 6.0 Application requirements

~~120~~  
C

The following application requirements apply to an application for a permit in addition to those specified in clause 32.09 and elsewhere in the scheme:

- A statement as to how the development responds to the Preferred Character Statement for the relevant precinct in *Housing Bacchus Marsh to 2041*.
- A Landscape Plan.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

## 7.0 Decision guidelines

~~120~~  
C

The following decision guidelines apply to an application for a permit in addition to those specified in clause 32.09 and elsewhere in the scheme:

- How the design, height, setbacks and appearance of the residential building appropriately responds to the Preferred Character Statement for the relevant precinct in *Housing Bacchus Marsh to 2041*.
- Whether adequate sized open space and setbacks are provided for the retention and growth of existing and new canopy trees.

--/20--  
C--

**SCHEDULE 3 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ3**.

**MINIMAL RESIDENTIAL GROWTH AREA  
LERDERDERG ST, BACCHUS MARSH**

**1.0 Minimum subdivision area**

--/20--  
C--

The minimum lot size for subdivision is 500 square metres

**2.0 Permit requirement for the construction or extension of one dwelling on a lot**

--/20--  
C--

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

**3.0 Requirements of Clause 54 and Clause 55**

--/20--  
C--

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	30%
Permeability	A6 and B9	60%
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	0 metres
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1.2 metres

**4.0 Number of dwellings on a lot**

--/20--  
C--

None specified

**5.0 Maximum building height requirement for a dwelling or residential building**

--/20--  
C--

None specified

## 6.0 Application requirements

~~32.09~~  
C-

The following application requirements apply to an application for a permit in addition to those specified in clause 32.09 and elsewhere in the scheme:

- A statement as to how the development responds to the Preferred Character Statement for the relevant precinct in *Housing Bacchus Marsh to 2041*.
- A Landscape Plan.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

## 7.0 Decision guidelines

~~32.09~~  
C-

The following decision guidelines apply to an application for a permit in addition to those specified in clause 32.09 and elsewhere in the scheme:

- How the design, height, setbacks and appearance of the residential building appropriately responds to the preferred character statement and objectives identified for the relevant precinct in the Neighbourhood Character Study.
- Whether adequate sized open space and setbacks are provided for the retention and growth of existing and new canopy trees.



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C--

## SCHEDULE 4 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ4**.

### MINIMAL RESIDENTIAL GROWTH AREA – BACCHUS MARSH

#### 1.0 Minimum subdivision area

--/20--  
C--

The minimum lot size for subdivision is 1200 square metres

#### 2.0 Permit requirement for the construction or extension of one dwelling on a lot

--/20--  
C--

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

#### 3.0 Requirements of Clause 54 and Clause 55

--/20--  
C--

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	0 metres
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1.2 metres

#### 4.0 Number of dwellings on a lot

--/20--  
C--

None specified

#### 5.0 Maximum building height requirement for a dwelling or residential building

--/20--  
C--

None specified

#### 6.0 Application requirements

--/20--  
C--

The following application requirements apply to an application for a permit in addition to those specified in clause 32.09 and elsewhere in the scheme:

- A statement as to how the development responds to the Preferred Character Statement for the relevant precinct in *Housing Bacchus Marsh to 2041*.
- A Landscape Plan.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

## **7.0 Decision guidelines**

--/20--  
C--

The following decision guidelines apply to an application for a permit in addition to those specified in clause 32.09 and elsewhere in the scheme:

- How the design, height, setbacks and appearance of the residential building appropriately responds to the Preferred Character Statement for the relevant precinct in *Housing Bacchus Marsh to 2041*.
- Whether adequate sized open space and setbacks are provided for the retention and growth of existing and new canopy trees.

--/20--  
C--

**SCHEDULE 5 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ5**.

**MINIMAL RESIDENTIAL GROWTH AREA – DARLEY**

**1.0 Minimum subdivision area**

--/20--  
C--

The minimum lot size for subdivision is 1500 square metres

**2.0 Permit requirement for the construction or extension of one dwelling on a lot**

--/20--  
C--

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

**3.0 Requirements of Clause 54 and Clause 55**

--/20--  
C--

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	0 metres
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1.2 metres

**4.0 Number of dwellings on a lot**

--/20--  
C--

None specified

**5.0 Maximum building height requirement for a dwelling or residential building**

--/20--  
C--

None specified

## 6.0 Application requirements

~~6.0~~  
C--

The following application requirements apply to an application for a permit in addition to those specified in clause 32.09 and elsewhere in the scheme:

- A statement as to how the development responds to the Preferred Character Statement for the relevant precinct in *Housing Bacchus Marsh to 2041*.
- A Landscape Plan.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

## 7.0 Decision guidelines

~~7.0~~  
C--

The following decision guidelines apply to an application for a permit in addition to those specified in clause 32.09 and elsewhere in the scheme:

- How the design, height, setbacks and appearance of the residential building appropriately responds to the Preferred Character Statement for the relevant precinct in *Housing Bacchus Marsh to 2041*.
- Whether adequate sized open space and setbacks are provided for the retention and growth of existing and new canopy trees.

## 10.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

### 10.3.1 Expressions of Interest for rental of Darley Civic and Community Hub

#### Introduction

File No.: 06/03/004  
Author: Danny Colgan  
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council approve the rental of space at the Darley Civic and Community Hub by the Country Women's Association (CWA); Apple FM; Bacchus Marsh Arts Council; allocate space for use as a Youth Space and reserve the remaining space for priority services including Family Violence Intervention and Support Services.

#### Background

At the Ordinary Meeting of Council on the 6 August 2014, the Council resolved that designated areas at the Darley Civic and Community Hub ("Hub") be available for rental to community organisations. In the report to the Council, the following service areas were to be accorded priority use of the vacant spaces at the Hub.

#### Government

- Victorian Department of Justice and Regulation
- Commonwealth Department of Human Services
- Victorian Department of Education and Training (formerly Department of Education and Early Childhood Development) - Bacchus Marsh College
- Federation University, Ballarat

#### Non-Government Organisations

- Family Violence Support Services
- Mental Health Services
- General Health and Aged Services
- Community Legal Services
- Drug & Alcohol Services
- Vocational Education providers
- Community Enterprises- hospitality and other service industries

#### Community Groups

- University of the Third Age (U3A)
- Country Women's Association
- Community Arts

### Expression of Interest Process

An expression of interest (EOI) process for rental of space at the Hub was conducted in February 2015 with five expressions of interest received by the closing date from the following organisations: Country Women's Association Bacchus Marsh; Apple FM; Bacchus Marsh College (Avenue Program); Department of Justice; and Federation University (VCAL program).

At the Ordinary Meeting of Council held on the 5 August 2015, the Council resolved to grant a lease to the CFA for use of buildings at the Hub for an initial term of 12 months with plus an option for further six month periods. As a result of this resolution there were no longer any spaces available for the EOI applicants at the Hub until after the CFA vacated the site.

At the Ordinary Meeting of Council held on the 2 September 2015, the Council resolved to (i) enter into a lease agreement with the Department of Justice and Regulation for an initial period of two years with a further option of two years under a commercial rent agreement; and (ii) defer consideration of the Expressions of Interest received from the Country Women's Association (Bacchus Marsh), Federation University, Apple FM and Bacchus Marsh College until the lease with the CFA expires and the construction of the Darley Early Years Hub and Darley Hub Multi-purpose pavilion are completed. Unfortunately the Department of Justice and Regulation was not able to take up the lease of space.

The construction of the Darley Early Years Hub and Darley Hub Multi-purpose pavilion are now complete. The CFA relinquished their lease in January 2017. Following this, groups that had submitted an expression of interest which was subsequently deferred were contacted in February 2017 to determine if they still required rental space at the hub, and asked to confirm this in writing. As the spaces available for rental had changed since the expression of interest process, a floor plan of the available spaces was sent to each applicant. At the closing date, the CWA and Apple FM had reconfirmed their interest in renting space. A further expression of interest was also received from the Bacchus Marsh Arts Council.

The consideration of the expression of interest deferred by Council are being re-presented to the Council given the Council initially considered the applications along with the new application from the Bacchus Marsh Arts Council. The CEO under delegation (Section 190 of the Local Government Act) has recently considered and approved two further applications for rental of space at the Hub from the RSPCA (Victoria) and Latrobe Community Health Services acting as the Central Highlands Local Area Coordination Service for the National Disability Insurance Scheme.

In considering a report on the rollout of the National Disability Insurance Scheme (NDIS) in Moorabool, at its Ordinary Meeting held on the 7 September 2016, the Council resolved to: "work with Latrobe Community Health Services as the Local Area Coordination Service in the Central Highlands Region to support clients to transition to the National Disability Insurance Scheme and mainstream support services".

Following the September 2016 Council meeting, discussions commenced with Latrobe Community Health Services about rental of space at the Hub from where they could provide the local coordination services. The health

service subsequently lodged an expression of interest. The expression of interest was assessed as meeting the criteria for rental of the space based on the nature of the service being to provide support and assistance to people with disabilities; the intention of the service to make a capital contribution through the fit out of the space; employing new staff members; pay additional fees for room bookings and reception services; and to work closely with the council on the rollout of the NDIS in Moorabool. The CEO under delegation agreed to enter into a lease with Latrobe Community Health Services for rental of space. La Trobe Community Health Services are due to commence operation from the site on the 1 March 2017.

The RSPCA (Victoria) also contacted Council in relation to the availability of space to base regional inspectors that would service Moorabool and the broader district. The RSPCA subsequently lodged an expression of interest. The expression of interest was assessed as meeting the criteria for rental of the space based the nature of the service; its charitable status; reliance on donations; limited government funding; proposal to work closely with Council's community safety staff and to make capital improvements to the site. The CEO under delegation agreed to enter into a lease with the RSPCA for rental of space. The RSPCA commenced operation from the site on the 21 February 2017.

### **Proposal**

The CWA and Apple FM have confirmed in writing their interest in renting space at the Hub. A new expression of interest has been received from the Bacchus Marsh Arts Council for rental of space at the Hub.

Apple FM proposes to use the facility for office accommodation and the operation of the community radio station. The station provides a voice for a broad range of individuals and community groups to be involved in broadcasting and governance of the organisations. The station operates in Moorabool and provides for local content. Apple FM have indicated a preference for five areas in priority order. The first preference is the space in the former technology wing and the space being recommended for rental. The other four spaces in priority order are the adjacent space (also sought by Bacchus Marsh Arts Council); space in the former creative arts wing (now proposed for use as a Youth Space); space in the former creative arts wing (also sought by the Country Women's Association); and vacant space in the North Wing (northern section).

The Bacchus Marsh Arts Council proposes to use the facility as an arts workshop space. The Bacchus Marsh Arts Council have expressed interest in three adjoining spaces which are the spaces recommended for rental. The spaces in priority order are the workshop area in the former technology wing; and adjoining space including a storeroom.

It is proposed that the Council enter into a licence agreement with the Country Women's Association; Apple FM and the Bacchus Marsh Arts Council for use of space at the Hub with conditions as contained in **Attachment 10.3.1(a)**. A licence agreement is considered a more appropriate arrangement than a lease as all three parties have indicated they are willing to share their space with other users. (A lease agreement is an arrangement that provides exclusive use of the space).

It is proposed that space be allocated for use as a youth space. A youth space is a dedicated space providing a point of first contact, referral and information for young people and their families which incorporates, space for programmed activities, a range of youth services including but not limited to health and mental health, counselling and support. A youth space encourages youth engagement with family, support services and the community and can be a dedicated youth environment within a larger community space. The space at the Hub is deemed suitable to house visiting youth support services, provide opportunities for programmed activities and the potential to link into other services at the site now and into the future.

The spaces currently rented, proposed for rental and remaining available spaces are represented on the site plan contained in **Attachment 10.3.1(b)**.

**Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Community self-reliance and resilience
<b>Strategy</b>	Provide community development support and partnership projects.

The proposal use of space at the Darley Civic and Community Hub is consistent with the 2013-2017 Council Plan.

**Financial Implications**

The lease with the RSPCA and Latrobe Community Health Services will involve the payment of rental at a discounted market rent plus a share of the outgoings. The licences with the CWA; Apple FM and Bacchus Marsh Arts Council at a peppercorn rental plus a share of the outgoings.

**Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Limited space for community groups and organisations	There is currently limited space for community groups in the Shire.	Medium	Complete expression of interest process.

**Communications Strategy**

The outcomes of this report will be communicated to the EOI applicants via a letter and in formal licence agreements.



## **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 – Danny Colgan*

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

*Author – Danny Colgan*

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

### **Conclusion**

An Expression of Interest process for rental space at the Darley Civic and Community Hub was conducted in February 2015, with five applications received. Due to the Council entering into a lease with the CFA for use of the space for CFA Fiskville staff, Council resolved to defer consideration of the Expressions of Interest received from the Country Women's Association (Bacchus Marsh), Federation University, Apple FM and Bacchus Marsh College until the lease with the CFA expires and the construction of the Darley Early Years Hub and Darley Hub Multi-purpose pavilion are completed.

The construction of the Darley Early Years Hub and Darley Hub Multi-purpose pavilion are now complete. The CFA also relinquished their lease effective January 2017. Given this, the groups that initially lodged an expression of interest and which were deferred, were contacted in early February asking that if they were still interested in renting space at the hub to confirm their intention in writing. Apple FM and the Country Women's Association Bacchus Marsh re-confirming in writing their interest in renting space. A new expression of interest has also been received from the Bacchus Marsh Arts Council for rental of space. An opportunity exists to establish a youth space at the hub that will provide the opportunity for visiting services to provide support to young people and program activities.

**Recommendation:****That the Council:**

1. Enters into a licence agreement with the Country Women's Association (Bacchus Marsh) for an initial period of three years with a further option of two years under a peppercorn rental plus outgoings;
  2. Enters in a licence agreement with Apple FM for an initial period of three years with a further option of two years under a peppercorn rental plus outgoings;
  3. Enters into a licence agreement with the Bacchus Marsh Arts Council for an initial period of three years with a further option of two years under a peppercorn rental plus outgoings;
  4. Allocate space for use as a youth space to be managed directly by Council; and
  5. Reserve the remaining space for priority services including Family Violence Intervention and Support Services and Mental Health Services.
- 

**Report Authorisation:**

**Authorised by:**   
**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** Tuesday 21 February 2017

# Attachment - Item 10.3.1(a)

**Attachment 1**

<b>Applicant</b>	<b>Purpose of use</b>	<b>Criteria</b>	<b>Conditions for rental agreement</b>	<b>Willing to share space</b>
<b>CWA</b>	Meetings, craft classes, catering preparation, making breast cancer care packs and chemotherapy turbans, storage of materials and sewing items, storing catering equipment and other projects. The 'night' CWA group will use the space for meetings and other uses.	CWA meet the criteria based on the group being not for profit; community based and governed organisation run by volunteers; providing a significant community service for community members requiring support; willingness to share with other users; and limited revenue raising capacity	It is proposed that the Council enter into a licence with the CWA for use of space at the Hub on a peppercorn rental (\$1 per annual payable on request) plus outgoings.  Outgoings will be charged as percentage of total building floor space that the CWA would occupy (176.30 square metres/4732 square metres = 3.7%). Based on current charges the annual amount payable would be approximately \$2,460.	CWA are willing to share their space with other users when they are not using it.
<b>Apple FM</b>	Office accommodation and the operation of the community radio station. The station provides a voice for a broad range of individuals and community groups to be involved in broadcasting and governance of the organisations. The station operates in Moorabool and provides for local content.	Apple FM meets the criteria for rental of the space based on group being not for profit; community based and governed organisation run by volunteers; providing opportunities for people to gain experience and learn technical and broadcasting skills; willingness to share with other users; and limited revenue raising capacity.	It is proposed that the Council enter into a licence with Apple FM for use of space at the Hub on a peppercorn rental (\$1 per annual payable on request) plus outgoings.  Outgoings will be charged as percentage of total building floor space that Apple FM would occupy (123.6 square metres/4732 square metres = 2.6 %). Based on current charges the annual amount payable would be approximately \$1,760.	Apple FM are willing to share their space with other users.

Applicant	Purpose of use	Criteria	Conditions for rental agreement	Willing to share space
<p><b>Bacchus Marsh Arts Council</b></p>	<p>Arts workshop space</p>	<p>Bacchus Marsh Arts Council meets the criteria for rental of the space based on group being not for profit; community based and governed organisation run by volunteers; willingness to share with other users; and limited revenue raising capacity. Community Arts is a priority community use of the hub. The Bacchus Marsh Arts Council is a relatively new organisation but has been successful in engaging community members in its activities since inception.</p>	<p>It is proposed that the Council enter into a licence with the Bacchus Marsh Arts Council for use of space at the Hub on a peppercorn rental (\$1 per annual payable on request) plus outgoings Outgoings will be charged as percentage of total building floor space that the Bacchus Marsh Arts Council would occupy (176.70 square metres/4732 square metres = 3.7%). Based on current charges the annual amount payable would be approximately \$2,460.</p>	<p>The Bacchus Marsh Arts Council are willing to share their space with other users.</p>

# Attachment - Item 10.3.1(b)



## 10.4 INFRASTRUCTURE SERVICES

### 10.4.1 Inglis Street, Ballan Streetscape Masterplan

#### Introduction

Author: Sam Romaszko  
General Manager: Phil Jeffrey

#### Background

The purpose of this report is to present the Inglis Street, Ballan Streetscape Masterplan to Council for adoption, following the public exhibition period.

At the Ordinary Meeting of Council on Wednesday 21 December 2016 the following was resolved:

*That Council:*

- 1. Endorses in principle the draft Ballan Streetscape Master Plan for the purposes of a public exhibition period of four weeks.*
- 2. Receive a further report at the conclusion of the exhibition period seeking adoption of the Ballan Streetscape Master Plan.*
- 3. Authorises officers to pursue external funding opportunities for the overall project.*
- 4. Recommends that a Terms of Reference for the Community Reference Group is developed to define its purpose, scope and duration.*

*CARRIED.*

The draft masterplan (MP) has been through an engagement process with the community prior to being formally placed on exhibition.

#### Community Reference Group (CRG)

This group was established to oversee the MP development phase. The CRG includes various traders, a representative from the Ballan Chamber of Commerce, the Ward Councillor and a member of the Ballan community. Following the finalisation of the MP, there is interest from the group to continue on through the detailed design and implementation phases of the project. The CRG provided guidance in relation to the draft document.

#### Trader Discussions

Prior to each community engagement session, various traders from within the Inglis Street precinct were consulted and their thoughts documented and considered through the MP development phase.



## Community

A number of open house sessions were held to provide an opportunity for the community to feed in their thoughts and help set the future direction of capital upgrades within the Inglis Street precinct.

The first session was held on 23 August 2016 from 4.30pm-7.00pm where members of the CRG and the community were invited to view a number of visual images and precinct themes on display to facilitate discussion, with questions posed to the community in relation to:

1. Pavement treatments (eg. asphalt/bluestone, exposed aggregate concrete, pavers).
2. Potential seating and furniture themes (eg. existing furniture, contemporary aluminium/steel, traditional timber/steel).
3. Potential street tree themes to guide replacement (eg. replace with similar, replace with evergreen trees, replace with flowering trees).
4. Existing grassed naturestrip locations (eg. maintain existing, replace with pavement and/or landscaping treatment).
5. Potential focal spaces within the Inglis Street precinct.
6. Proposal to increase parking within the Inglis Street precinct.

The meeting was attended by 35-40 people. Key outcomes of the session were:

- Preference for an asphalt and bluestone paving treatment, to ensure simplicity of the streetscape and allow a strong focus on built form and landscape outcomes.
- A preference for traditional street furniture.
- New street tree plantings to complement existing species.
- A move towards removal of grassed naturestrips within the precinct.
- The provision of additional parking within the precinct, whilst maintaining amenity.
- Undergrounding of power was a strong push from the community.

A second community engagement session was held on Monday 14 November providing an opportunity for the community to view the initial draft MP that has been developed. General feedback received on the night was positive, with the draft MP responding to the vision of the traders and community, the project key objectives and design consideration with respect to context, creating a sense of place and establishing people friendly public places.

This feedback has been used to inform the draft masterplan that was presented to Council on 21 December 2016.

During the formal public exhibition period a number of actions were taken to seek community feedback on the draft masterplan. The public submission process was advertised in the local newspaper and on the Council website, with copies also available to view at Council's Customer Service locations including the Lerderderg Library.

## **Proposal**

It is proposed that the Council adopts the Inglis Street, Ballan Streetscape Masterplan as attached.

### Key issues raised in feedback

Three submissions were received during the public exhibition period and included a range of comments in relation to the draft masterplan.

Some of the feedback received through the consultation process was in relation to McLean Reserve that did not form part of the original scope. It is acknowledged that this reserve is integral in the function of the Inglis Street and that a masterplanning for this reserve should also be developed as a future project. Other items identified through the feedback included the provision of shade and a bubbler within the precinct and should be considered through the McLean Reserve project.

Concerns relating to proposed street themes and parking capacity improvements were also raised. Through the community engagement process a number questions in relation to these items were put to the community, including those relating to parking, various street themes and landscaping treatments. The masterplan has been drafted with consideration to the feedback obtained through the community engagement sessions, and represents the general themes most supported through this process.

It was also identified that the Peter Blizzard sculpture was not included in the draft masterplan documentation. This will be rectified in the final masterplan document.

A copy of submissions and associated responses can be found in the attachment.

### Staging of Works

Council has budgeted \$400,000 in the 2016/17 Capital Improvement Program for the replacement of footpaths in Inglis Street, Ballan. The masterplan will be used to inform the design and construction of the paving replacement.

The difficulty in replacing footpath in isolation is that future works will most likely disturb any works completed. This is especially the case if grant funding became available to underground the power in the street or if kerb alterations were implemented.

With the power lines on the north side of the street, it is considered that stage 1 should concentrate on the south side of Inglis Street between Stead and Fiskin and include kerb alterations and undergrounding of overhead power property connections. An expression of interest for funding is currently being prepared and works should not commence until the outcome of this is known. Detailed design can commence however.

**Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and leadership of our community
<b>Objective</b>	Advocate for services and infrastructure that meets the Shire’s existing and futures needs
<b>Strategy</b>	Advocate on behalf of the community to improve services and infrastructure within the Shire

The proposal is consistent with the 2013-2017 Council Plan.

**Financial Implications**

Council has included in the 2016/17 Capital Improvement Program an allocation of \$400,000 for the replacement of footpaths in Inglis Street, Ballan (between Fiskin Street and Stead Street). Stage 1 works will be scoped to fit within this budget allocation. The MP development has been funded from this allocation.

Following completion of works funded in 2016/17, the remaining works will be referred to the Long Term Capital Improvement Program for consideration in future budgets or through grant opportunities.

**Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Community need and reputation	Exposes Council to a number of risks if items within the MP are not implemented	Medium	Future planning for recommendations identified in context of other capital priorities
Financial	Ability to fund items within the MP	High	Pursue external funding options

**Communications and Consultation Strategy**

The following community engagement activities have been undertaken, in accordance with the Council’s Community Engagement Policy and Framework.

Masterplan Development

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Consult	Community Reference Group	Meetings & Informal Discussions	Ballan	2016	Feedback including concerns raised were reflected in the draft MP
Consult	Various Traders	Informal Discussions	Ballan	23 Aug 2016 14 Nov 2016	Feedback including concerns raised were reflected in the draft MP
Consult	Community	Open house session Issues and opportunities document presented with feedback requested  Draft MP was displayed for comment	Ballan	23 Aug 2016  14 Nov 2016	Feedback including concerns raised were reflected in the draft MP

Public Exhibition

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Consult	Community	Draft MP displayed for comment	Ballan, Bacchus Marsh	2017	Feedback considered and reflected in draft MP
Consult	Community	Draft MP advertised for comment	Council website, local newspaper	2017	Feedback considered and reflected in draft MP

## **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 – Phil Jeffrey*

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

*Author – Sam Romaszko*

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

### **Conclusion**

To help guide footpath renewal works, a Masterplan has been prepared for the Inglis Street precinct (between Cowie Street and Stead Street). This MP addresses footpath materials, street plantings, street furniture, seating areas and other points of focus.

This project has been initiated through the recently adopted Ballan Structure Plan that aims to improve streetscape amenity within the Inglis Street precinct and surrounding residential areas.

Community consultation has occurred through the development of this Masterplan, including a 4 week public exhibition period to ensure input from key stakeholders and the community. A copy of the feedback received through the public exhibition process is attached, along with officers' response and a summary of amendments made to the Masterplan as a result. It is now recommended that the Council adopts the Inglis Street, Ballan Streetscape Masterplan as attached.

**Recommendation:**

**That Council:**

- 1. Adopts the Inglis Street, Ballan Streetscape Masterplan as attached.**
- 2. Authorises a Stage 1 project on the south side of Inglis Street between Stead Street and Fiskin Street.**

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**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Thursday 22 February 2017



# Attachment - Item 10.4.1(a)



INGLIS STREET, BALLAN DRAFT MASTER PLAN  
COWIE STREET TO STEAD STREET





## INTRODUCTION

Inglis Street, between Stead Street and Cowie Street, is the main commercial and community Town Centre precinct of Ballan. The precinct contains a mix of commercial and community uses, as well as some residential properties.

The zoning of the precinct as Commercial 1 indicates that it is likely to see further commercial uses into the future, intensifying its role as a Centre of community activity.

The streetscape of the precinct has seen a number of changes over recent years, with a range of pavement materials, furniture and tree planting having been installed. These streetscape features, particularly the footpath materials, are now in need of review and placement.

As a result, Council has included in the 2016/17 Capital Improvement Program an allocation of funding for the replacement of footpaths in Inglis Street, between Fiskin Street and Stead Street.

In considering these works and the significance of the Town Centre precinct to the life of Ballan, Council has undertaken a streetscape master plan design process to guide the current Capital Improvement Program works, as well as future works which may be undertaken within the precinct.



## KEY OBJECTIVES

The Masterplan aims to ensure that design responds to place, people and the contemporary role of Ballan, with key objectives including:

- Enhanced mobility for pedestrians
- Upgrading of streetscape amenity and infrastructure
- General public safety
- Fostering of civic pride

To achieve this, consideration was given to the following:

### Context

- Appreciating the role of the main street in the context of Ballan and the broader Moorabool region.
- Understanding existing conditions and the success of previous streetscape works.
- Developing streetscape treatments which produce appropriate interfaces with adjoining commercial uses.
- Defining 'gateways' to the precinct and incorporating subtle transitions responding to site conditions.
- Accommodating the needs of a population with varied interests, mobility and local knowledge.
- Working within the limitations of existing civil and servicing infrastructure.
- Creating a sense of unity within the Town Centre.

### Creating a Sense of Place

- Identifying a character that is relevant to the historical, contemporary, social and cultural connections of Ballan.
- Responding to existing character with design solutions considering more than 'pavements, bins and seats'.
- Improving amenity, attractiveness and sustainability through the use of appropriate materials.
- Creating a seamless interplay between hard and soft landscape, circulation routes and gathering places.
- Planting design that makes a strong and positive contribution to the character of the streetscape.

### Establishing People-Friendly Public Places

- Balancing vehicle demand with pedestrian amenity via the creation of clear and safe pedestrian environments.
- Siting public amenities for safety and convenience whilst creating a place which is comfortable for people.
- Creating an environment that feels safe and secure to users during day or night
- Ensuring that materials, pavement, site furniture details and planting areas are viable in the long term

## SUMMARY OF EXISTING CONDITIONS

### Pavements

The existing footpaths in Inglis Street are made up of a combination of concrete, coloured concrete and brick pavers. The footpaths have become dated over time as well as uneven and sometimes hazardous for pedestrians. The master plan will provide guidance for the replacement of these pavements.



### Street Furniture

Seats, litter bins and cycle rails have all been added to the streetscape and replaced at various times, leading to a range of different styles of various ages and conditions. The master plan will guide the location and style of furniture replacement.



### Trees

The trees are the most prominent feature of the Ballan streetscape. A number of trees, however, have become mature and senescent. The treatments of the pavement surrounding existing trees also varies, with the brick planter boxes constructed in some areas now becoming damaged and hazardous. The master plan will guide the location, species and style of new tree planting.



### Focal Spaces

The precinct includes a number of existing points of community focus, such as the Post Office forecourt and war memorial, and the Mechanics Hall forecourt. The master plan will guide the integration of these spaces with the general streetscape, while rating their individual character.











section CC typical road cross section  
1:50 @ A1





Bluestone at back of kerb, with asphalt along building line



Sawn Bluestone



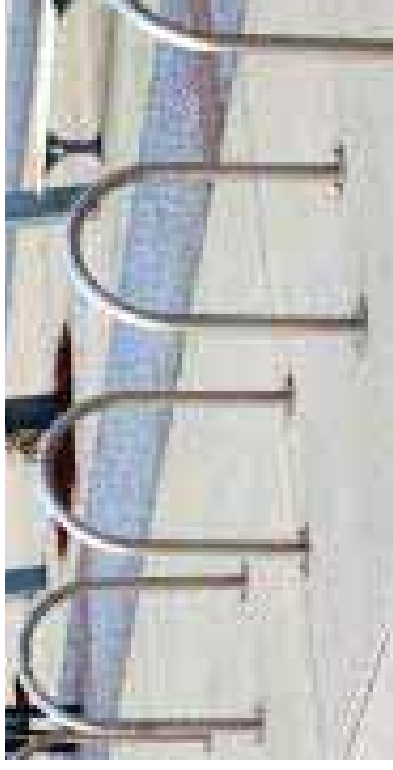
Sawn coloured concrete



Inglis Street montage with bluestone pavers and asphalt



Stainless steel bicycle rail



Stainless steel bicycle rails



Timber and steel bench seat with back and arm rests



Timber and steel bench seat with back and arm rests



Timber and steel litter bin surrounds





Quercus palustris - Pin Oak



Quercus bicolor - Swamp Oak



Ulmus glabra - Scotch Elm



Tilia cordata - Linden



Ulmus parvifolia 'Todd' - Chinese Elm



Lagerstroemia fauriei 'Sioux' - Crepe



Mass planting at roundabouts and intersections - evergreen texture and colour



Detailed planting within the streetscape



PLANTING



# Attachment - Item 10.4.1(b)

# INGLIS STREET, BALLAN - STREETSCAPE MASTERPLAN

## Community Consultation Submissions

	Submission	Officers Response
Submission 1	<p>On behalf of a large number of concerned Ballan residents (particularly from the Arts community), I wish to bring to your attention the Peter Blizzard Sculpture situated outside the Mechanics Institute/Community Centre. Many of us have noted that the sculpture is not visible or mentioned on the draft Ballan Streetscape. Neither is the chess board embedded in the concrete. Whilst I am of the understanding that this is an oversight in the plans, we would greatly appreciate confirmation that the statue and chess board are remaining in place.</p> <p>The fact that the statue is not mentioned raises other related issues, such as whether or not the statue is listed on a Moorabool Shire Arts Assets Register, and whether or not the draft Arts Policy (which was submitted to Council back in 2012) was ever adopted by Council. Considerable work by arts volunteers produced this document. I appreciate that this is not related to the Ballan Streetscape proposal, hence we will be asking Council in the near future what the status of this document is.</p> <p>Your consideration and response will be very much appreciated.</p>	<p>The Peter Blizzard sculpture was not identified on the draft masterplan documentation.</p> <p>The intention is that both the Peter Blizzard sculpture and chessboard remain within the Ballan streetscape and complement future works that occur in the Ballan Mechanics Institute precinct.</p> <p>This has been rectified in the final masterplan document.</p>
Submission 2	<p>This submission follows my first submission dated August 25th 2016 (attached at the back of this document). My earlier concerns remain and I will not reiterate them here at length. This submission is largely based upon the material on exhibition which comprises six pages of plans and photographs. I have also attended information sessions run by Council, and some time ago I did read the agenda report when the Draft Masterplan went to Council.</p> <p>At the A3 size of the sheets that I have examined, detail is hard to determine and so it is difficult to see exactly what changes are being proposed. Unfortunately the material does not include any accompanying narrative about critical matters such as the present shortfalls and issues associated with the existing streetscape, the objectives/rationale of the master plan, the terms of reference for the masterplan (I have asked Council for this), how the masterplan would change the existing streetscape (for example, how many trees would be removed, how many new seats would be provided?), the implementation scheme for the master plan (when will Stage 1 take place, when will Stage 2 take place, how long will it take to have the whole concept functional?), the future maintenance schedule for the new streetscape. At the second of the information sessions I attended I suggested to one of the Consultants the usefulness of having an accompanying narrative to the plans.</p>	<p>It is noted that the current documentation presented does not include introductory notes to provide readers with an overview of the project. This has been amended in the final masterplan document to provide further clarity around objectives.</p>

Submission 2	<p><u>Scope and objective</u></p> <p>In my opinion this Draft Masterplan has missed an opportunity to provide an exciting vision for the future of Ballan’s main street. Its scope is too limited – at minimum it should also encompass the McLean reserve which is an integral part of the central Ballan streetscape. I am concerned that the sentiment in the yet to be finalised Ballan Structure Plan, namely “Inglis Street will become a more pedestrian friendly space. Wider footpaths, cycle routes, small deciduous trees will encourage movement. Well placed street furniture will allow for people to rest, meet and mingle in the town centre.” has not been enthusiastically embraced by the Draft Masterplan.</p>	<p>The existing streetscape currently provides opportunities to enhance pedestrian activity. The masterplan proposes a dedicated pedestrian pathway adjacent to properties that is delineated with an asphalt treatment, with all street furniture and landscaping located outside of this pedestrian corridor.</p> <p>It is noted that McLean Reserve does not form part of the current project scope. Officers have identified that this Reserve is an important function of the Inglis Street streetscape and that masterplanning of this reserve should be developed as a future project.</p>
	<p><u>Parking and the cycle lane</u></p> <p>I believe that the Draft Masterplan aims to increase the number of car parking spaces in the main street. More car parking spaces in the main street would further clutter the streetscape and prejudice the amenity of pedestrians and cyclists. How the present cycle lanes would be maintained to at least their present widths (I was assured by a Council employee that this would be the case) is difficult to see.</p> <p>I am opposed to a narrowing of the cycle lanes. Given that Council now intends to prepare a parking strategy for Ballan, it is precipitate of this Draft Masterplan to concern itself with amending the present parking regime.</p>	<p>The slight realignment of car parking bays will see capacity improvements along the Inglis Street precinct which will not impact on the current cycling lane width. Improvements to parking was welcomed by the community during the community engagement sessions held through this process.</p>
	<p><u>Public art</u></p> <p>The Draft Masterplan does not, apparently, take any notice of the one piece of public art that Ballan has, namely the Peter Blizzard sculpture outside the Mechanics’ Institute. This art work should be featured as a fine focal point for the township and specifically this particular part of the street.</p>	<p>Noted and will be included in final masterplan.</p>
	<p><u>Chessboard</u></p> <p>This feature outside of the Mechanics’ Institute is rarely used. In summer it is exposed to full sun. The boxes storing the giant chess pieces are not aesthetically attractive nor are they particularly comfortable as seats. Access to the chess pieces is not straightforward. The chess game feature should be abandoned (I do not object to the paving remaining).</p> <p>A far better idea, if Council were keen on fostering the concept of public chess games, would be to provide a number of small table/seat structures where the tabletop has a chessboard marked on it, and players bring their own chess pieces (or borrow them when the library is open). However as a spectator sport, chess has limited public</p>	<p>The current masterplan proposes to maintain the chessboard.</p>

Submission 2	<p>appeal, and the space would, in my view, be far better used for suitable general seating (see heading Seating below).</p>	
	<p><u>Seating</u></p> <p>Apparently bench seats with back and arm rests are being proposed. What is important is to facilitate social interaction by (a) having the configuration of two seats at right angles, or facing each other, to make them conducive for conversation between two or more seated people, rather than one person seated while the other person stands in front and (b) using smaller and simpler structures (without arm rests or backs), presumably less expensive, for example: (image). Opportunities to have some seat/table combinations should also be taken, for example: (image)</p> <p>The use of some shade canopies (see heading Shade below) associated with seating would be advantageous. In short, I do not think that the seating arrangements as outlined in the Draft Masterplan are exciting or innovative and would not stimulate the “happenstance” meeting, greeting and tarrying to have a chat that can be such a wonderful aspect of country town community living.</p>	<p>There are a number of locations on the draft masterplan that include seating to facilitate social interaction, however officers have identified a number of locations that further enhancements can be made. It is proposed that this principle be considered during the detailed design phase of the project and implemented accordingly.</p>
	<p><u>Bubbler</u></p> <p>The only public drinking water point in the town (apart from using the water supply in the public toilets) is located some way along Inglis Street in the reserve west of the Police Station. There is a defunct water bubbler at the War Memorial outside the Post Office. In my view there should be a drinking water fountain provided on the Inglis Street side of McLean Reserve.</p>	<p>The provision of a bubbler within the Inglis Street precinct would be best located in the passive space within McLean Reserve.</p> <p>It is noted that McLean Reserve does not form part of the current project scope. Officers have identified that this Reserve is an important function of the Inglis Street streetscape and that masterplanning of this reserve should be developed as a future project.</p>
	<p><u>Poster Pillar</u></p> <p>The Draft Masterplan indicates that this structure will remain. While the original intention for this structure as a noticeboard for events and tourism is fine, in practice it is used for all sorts of other notices from private individuals and organisations. It is usually in a forlorn and tatty state with out of date faded and torn posters on it. Most of the time it is thus an eyesore at the major intersection of the commercial area. In my opinion this structure should be removed unless Council is prepared to constantly maintain it in a presentable and useful condition and limit its use to current community activities.</p>	<p>The current masterplan proposes to maintain the poster pillar.</p>
	<p><u>Shade</u></p> <p>The Draft Masterplan indicates the removal of some large trees. This, coupled with the time required for new plantings to mature, and the exposed nature of some areas anyway,</p>	<p>The street tree planting proposed will see a double canopy of trees established over time that will provide shade along the streetscape. Various existing buildings provide elements of</p>

Submission 2	<p>would mean that some public places would have a dearth of shade. I think that the Draft Masterplan should provide some sun-smart shaded seating using canopies (with or without tables) following ideas for example provided by the Municipal Association of Victoria in its publication “Shade Design for Public Places” or like the following:</p>	<p>shade due to awnings that present over the pathways. Although shade structures are not explicitly proposed along the Inglis Street corridor, it is proposed that shade structures be considered within McLean Reserve.</p> <p>It is noted that McLean Reserve does not form part of the current project scope. Officers have identified that this Reserve is an important function of the Inglis Street streetscape and that masterplanning of this reserve should be developed as a future project.</p>
	<p><u>Rubbish bins</u></p> <p>The siting of rubbish bins does not appear to be included in the Draft Masterplan. Some of the existing bin positions, and their design, are intrusive into the public pedestrian space and are not aesthetically pleasant (for example, the bins on the corner of Inglis and Fiskens Streets).</p>	<p>Rubbish bin locations are included on the draft masterplan. It is proposed that siting of these bins be further reviewed during detailed design phase.</p>
	<p><u>Conclusion</u></p> <p>I may wrongly have the impression that the approach that was taken was to obtain or identify a parcel of money and then to say – ok, how can we spend this amount? What should take place is that sufficient funds should be allocated to allow the production, by professional urban landscape planners, of a full Masterplan in accordance with clearly specified terms of reference. Then, once this overarching Masterplan is accepted, a staged implementation can take place as and when funds are obtained. It would be better, in my view, to have a full and visionary plan in place and tackle it in several stages, rather than have this limited plan, and then later have to attach to it other areas and aspects in a piecemeal manner. Nowhere is this shortfall more dramatically demonstrated than in the omission of McLean Reserve from the present Draft Streetscape Masterplan.</p> <p><b>Submission for Ballan Streetscape Upgrade Master Plan August 25th 2016</b></p> <p>The commissioning of this Master Plan is a great opportunity to revitalise and improve Ballan’s main street. Council is to be congratulated for its initiative in this regard. This submission is guided by Section 5.1 in the yet to be finalised Ballan Structure Plan (2015): Particular attention is drawn to the above boxed areas. As far as I can see, the material being presented for comment is focussed on the treatment of existing areas with respect matters such as trees, pavings, and seating. These issues are of obvious importance. There are also other subjects which I believe should be incorporated into this discussion about the Inglis Street streetscape. The following submission is presented in two parts. Firstly, I make some brief comments on the</p>	<p>It is noted that McLean Reserve does not form part of the current project scope. Officers have identified that this Reserve is an important function of the Inglis Street streetscape and that masterplanning of this reserve should be developed as a future project.</p> <p>The earlier submission is noted.</p>

treatment of existing infrastructure, and secondly, I give suggestions about addressing some broader matters raised in the Ballan Structure Plan.

### 1. Treatment of existing infrastructure

a) It is surprising that the option of putting powerlines underground is not explicitly broached, given the already much publicity about this possibility. Instead we are being asked where the trees on the northern side of the street be replaced with smaller trees. In my opinion the large trees on the northern side of the street are a great asset and should be retained, and the powerline should be placed underground.

b) Any new trees along Ballan's main street should be deciduous to provide maximum sunlight during the cold winter.

### 2. Broader issues

a) I have observed that the Rotunda in McLean Reserve is rarely used for any official function, and the seating and tables outside of the rotunda are preferentially used by the public. The Rotunda is dark and uninviting, it tends to accumulate litter and leaves, and its steps, seating arrangement and barrier west wall to Fisken Street are not conducive for casual meetings. In my opinion, the rotunda should be removed, the site levelled with the surrounding area, and further seat/table combinations installed. This arrangement could be further enhanced by providing umbrellas over the tables during the summertime.

b) The tree immediately adjacent to the rotunda and the horse trough on Fisken Street is inappropriate for the site. Its fruit litter the area for a considerable part of the year and it should be replaced by a better (and deciduous) plant.

c) The horse trough should be maintained and functional so that people can bring horses there

for watering. A hitching rail could be added. d) The toilet block in McLean Reserve is of obvious public value.

However its appearance is "in your face" which tends to spoil the overall amenity of the area for gathering and playing. This could be mitigated by a hedge planting (say waist high) in front of its entrance facing Inglis Street.

e) To further enhance the "pedestrian friendliness" of the area, I suggest that a widening of the pedestrian area be considered. As a first move, I suggest removing parking spaces as shown in yellow below (image). The above suggestion would remove about nine car parking spaces. In return, it would

create a fine space for further public seating and use by the cafe on the south side, and the two cafes on the north side. Effectively, together with removing the rotunda and the augmentation of public seating, this would create a destination at which people could meet and socialise, rather than the street merely being a thoroughfare for business and shopping. A quasi "town square" is made!

f) My final suggestion is that consideration should be given to closing Inglis Street between Fisken and Stead Streets to vehicles on Saturdays (and possibly all weekend). This

	<p>could be simply undertaken on a trial basis by strategically placed bollards and signage at each end. Experience with the Ballan Festival and with the recent street works for the pedestrian crossings has demonstrated that diversion of traffic around this area can be accomplished without major disruption. Creating this Inglis Street Mall could facilitate the conduct of many new community activities and also improve the amenity of the current Saturday Lions Club Market.</p> <p><u>Concluding remarks:</u></p> <p>If we are to create a vibrant town centre we need to take innovative approaches which must be embodied within a Master Plan. Ancillary to such a plan is a Council commitment to permanently divert large truck traffic from the main street and to require future developers in the main street to accept their responsibilities to provide adequate parking for their businesses, and for Council to provide adequate off-street parking for town users.</p>	
Submission 3	<p>Re Inglis St, Ballan, proposed Landscape and pavement infrastructure changes.</p> <p>Thank you for the opportunity to be involved in these discussions. I wish to offer these comments and hope they will be accepted in the spirit in which they are given i.e. a shared interest in the development of the town of Ballan. There is a trend happening all over the world and that is taking cars out of streets and putting people spaces back in. I realize in a country town that conditions will be different, as car needs also need to be met. I feel though that with these recent plans car parking has been the predominate basis of the enquiry.</p> <p>We were presented with choices of material of which only one box was to be ticked. Creative and conceptual ideas appear not to be a part on the design brief given to the Landscape Architects and the ideas suggested in the Ballan Strategy Plan have not been discussed ie to make “a heart “ space in the centre of town. What is proposed is quite different to what now exists. We are going from roses, green nature strips, red and cream patterned paving brickwork to big expanses of harsh black bitumen. It is a big change.</p> <p>With the signage at the east and western entrances to the town signifying the town’s special focus in autumn I feel the treescape needs further discussion. Diversity of species with their different shapes and colour display is being championed with the warmer weather conditions will be experiencing in the years ahead. The scale at which the plans have been drawn and not having an accompanying narrative it has been difficult to decipher and follow or those not used to reading plans. I recommend and request further open discussion is required with plans redrawn to facilitate good discussion with an enlarged group of traders and interested parties.</p>	<p>Through the community engagement process a number of questions were posed, including those relating to parking, various street themes and landscaping treatments. The masterplan has been drafted with consideration to the feedback obtained through the community engagement sessions, and represents the general themes most supported through this process.</p>

## 10.4.2 Request for Maintenance; Cathcart Street, Clarendon

### Introduction

Author: John Miller  
General Manager: Phil Jeffrey

Council has received several requests from residents of Clarendon requesting maintenance be undertaken on Cathcart Street. The residents have raised concerns about the current condition of the road surface, safety issues particularly in wet weather, the ability for emergency services to find and access their properties in an emergency, and increased risk during fires and ability for them to be able to safely evacuate.

A report was presented to the Place Making Advisory Committee meeting on Wednesday 15 February 2017, where the following was resolved:

*That the Place Making Advisory Committee:*

1. *Receives the report in relation to Cathcart Street 'paper road'.*
2. *Requests that the report be presented to Council endorsing the following recommendation:*
  - a) *That Cathcart Street not be added to the Register for Public Roads until upgrades are undertaken in accordance with Council standards.*
  - b) *Requests officers to write to property owners along Cathcart Street 'paper road' proposing the implementation of a Special Charge Scheme.*
  - c) *Acknowledge that the public and property owners are legally permitted to use this road reserve (ie. Cathcart Street 'paper road') to access property.*

### Background

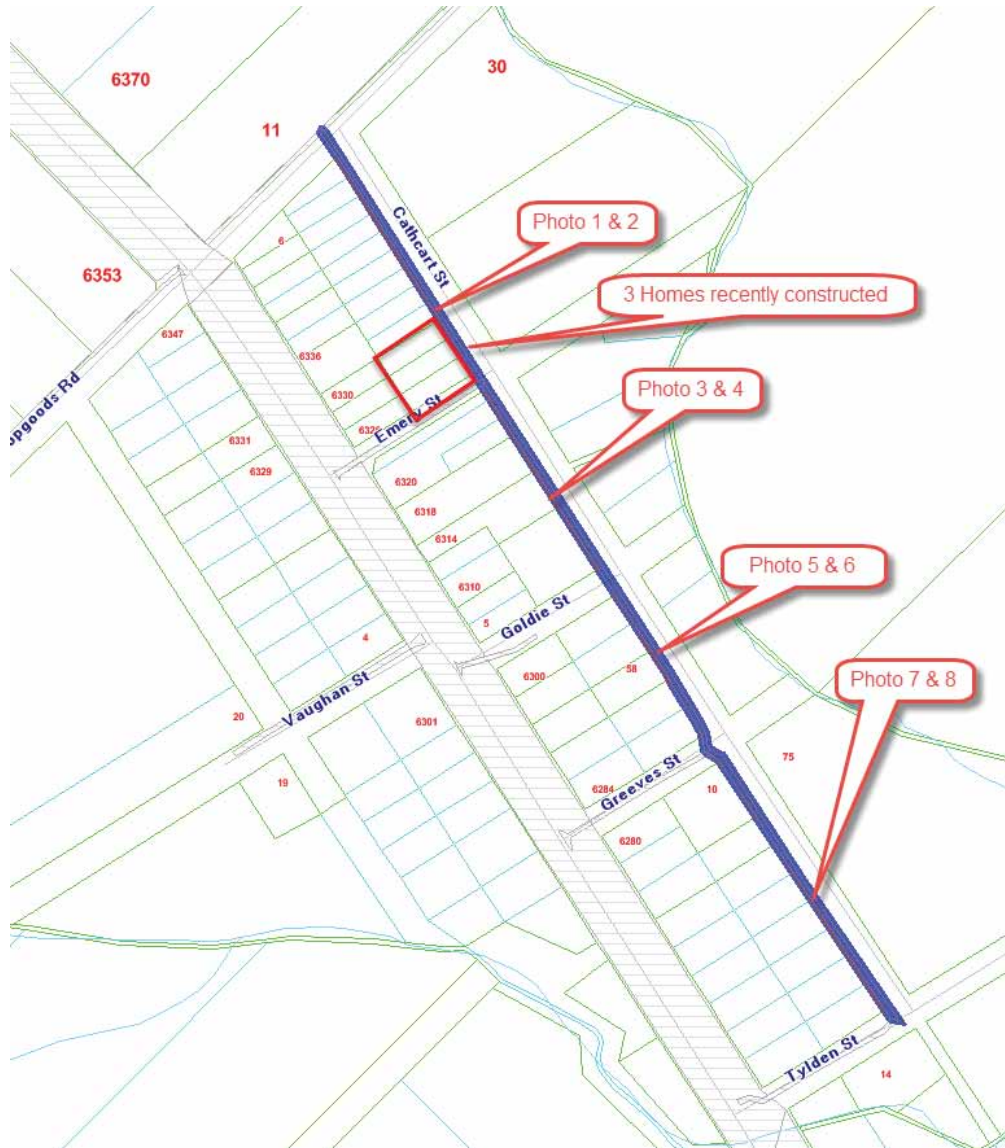
The various roads in Clarendon were created prior to its official proclamation as a 'town' in 1861, whilst still known as the 'Parish of Clarendon'. All roads were created as 'government roads' and therefore are 'public highways'.

Many government roads within the Shire are undeveloped. Any person is legally permitted to access such roads, which are often referred to as 'paper roads'. Roads that the Council determines that it will maintain are set out and categorised in its Road Management Plan (RMP). Other roads, often called 'paper roads', are not maintained by the Council and are not listed in the Council's Register of Public Roads in the RMP.

This section of road is approximately 1,000m in length and runs between Clarendon-Lal Lal Road and Tylden Street.



The request for maintenance of this 'paper road' has recently become topical as the original land owner is selling separate allotments. This does not require a Planning Permit as the lots have individual titles, however as a result, houses are being constructed without access to a formal road. Three homes have been recently constructed, however there is potential for another 30 homes to be constructed in the future. See the map and image below.



Cathcart Street (paper road) is a 1,000m long natural surface currently fenced off for a length of 205m from the intersection of Clarendon-Lal Lal Road by the owner of 30 Clarendon-Lal Lal Road, Clarendon. A notice has been sent to the adjoining property owner to remove the existing fences from the road reserve.

The remaining part of road is mostly unformed with a natural surface and is accessible by vehicles. However, the section between Emery Street and Golden Street, and Greeves Street to another 108m towards Tylden Street has been surfaced with gravel by neighbouring property owners. These sections are not properly constructed as an 'unsealed road' in accordance with Council or Australian Standards for road construction.

The images below show the current condition of Cathcart Street (paper road).



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8

### Proposal

Notwithstanding the above, Council is not obliged to assume responsibility for any 'paper road' until it has made a decision under the Road Management Act 2004, that the road is reasonably required for general public use. Council's Road Management Plan (RMP) sets the criteria for when a road will be

deemed required for general public use and subsequently added to its Register of Public Roads and managed accordingly.

In this case, even with the construction of dwellings, the criteria under the RMP is not met and typically would not be considered for addition to the Road Register.

There are 2 options available for Council to consider:

**1. Maintain the Status Quo**

Do nothing, leaving access to properties as the responsibility of the property owners and continue to receive complaints.

**2. Initiate a Special Charge Scheme**

The Local Government Act 1989 provides Council with the ability to introduce a Special Rate or Charge Scheme seeking property owner contributions toward infrastructure projects such as roads.

Council formally adopted a Special Rates and Charges Policy on 5 February 2014. The policy acknowledges that Council does not necessarily have the financial resources or receive enough external grants funding to meet all of the infrastructure demands in the municipality and that where it can be demonstrated that properties will receive a special benefit from implementing necessary infrastructure work, Council may implement a Special Rate or Charge process to provide some or all the necessary funds.

This also provides an avenue for projects that may be a low priority in Council’s Long Term Capital Improvement Program to be fast tracked.

A special charge scheme could be implemented to construct the road with contributions from adjoining land owners. This would provide a further two options for Council to consider.

1. Construct a 100m section of Cathcart Street to service the 3 recently constructed residences and wait for further development to take place and construct the sections as demand requires which could be up to 30 residences.
2. Construct 1,000m of Cathcart Street to service all of the properties fronting the Road. This will provide advantages in economies of scale and having to replicate the process every time a new dwelling is built.

It is officer’s recommendation to construct the 1,000m of Cathcart Street for the reasons mentioned above.

**Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Infrastructure and natural and built environment
<b>Objective</b>	Management of assets and infrastructure

**Strategy** Proactive maintenance of roads, bridges and footpaths at documented standards in the Road Management Plan

The proposal is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

There are no financial implications associated with the recommendation within this report.

However, if Council resolved to construct the road, the upgrade would cost approximately \$80,000 depending on the extent of drainage works.

### **Risk & Occupational Health & Safety Issues**

There are no Occupational Health & Safety issues associated with the recommendation within this report.

### **Communications and Consultation Strategy**

The property owners will be notified of the outcome following a formal resolution of 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 – Phil Jeffrey*

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

*Author – John Miller*

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

### **Conclusion**

Correspondence has been received requesting that Council construct and maintain the 'paper road' known as Cathcart Street (approximately 1000m). This request has been assessed against the criteria contained within Council's RMP and does not meet the minimum requirement for Council to consider adding this section of Road to its Road Register. There is little option but to propose a Special Charge Scheme.

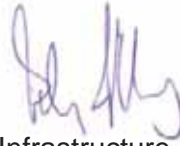
**Recommendation:****That Council:**

1. **Receives the report in relation to Cathcart Street 'paper road'.**
2. **Confirms that Cathcart Street not be added to the Register for Public Roads until upgrades are undertaken in accordance with Council standards.**
3. **Requests officers to write to property owners along Cathcart Street 'paper road' proposing the implementation of a Special Charge Scheme for the construction of 1,000m of Cathcart Street.**
4. **That a further report be provided to Council after the consultation with the property owners in Cathcart Street has concluded.**
5. **Acknowledge that the public and property owners are legally permitted to use this road reserve (ie. Cathcart Street 'paper road') to access property.**

---

**Report Authorisation****Authorised by:**

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Thursday 22 February 2017



## 11. OTHER REPORTS

### 11.1 Assembly of Councillors

File No.: 02/01/002

Section 76(AA) of the Local Government Act 1989 defines the following to be Assemblies of Councillors; an advisory committee of the Council that includes at least one Councillor; a planned or scheduled meeting of at least half the Councillors and one member of council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a Council function, power or duty by a person or committee acting under Council delegation.

It should be noted, an assembly of Councillors does not include an Ordinary Council meeting, a special committee of the Council, meetings of the Council's audit committee, a club, association, peak body or political party.

Council must ensure that the written record of an assembly of Councillors is, as soon as practicable –

- a) reported to the next ordinary meeting of the Council; and
- b) incorporated in the minutes of that council meeting. (s. 80A(2))

Council also records each Assembly of Councillors on its website at [www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au)

A record of Assemblies of Councillors since the last Ordinary Meeting of Council is provided below for consideration:

- Assembly of Councillors – Wednesday 25 January 2017 – Leisure Services In House Modelling
- Assembly of Councillors – Wednesday 25 January 2017 – Bacchus Marsh Racecourse Recreation Reserve
- Assembly of Councillors – Wednesday 25 January 2017 – Draft Council Plan 2017-2021

#### **Recommendation:**

**That Council receives the record of Assemblies of Councillors as follows:**

- **Assembly of Councillors – Wednesday 25 January 2017 – Leisure Services In House Modelling**
- **Assembly of Councillors – Wednesday 25 January 2017 – Bacchus Marsh Racecourse Recreation Reserve**
- **Assembly of Councillors – Wednesday 25 January 2017 – Draft Council Plan 2017-2021**

# Attachment - Item 11.1(a)

# Assembly of Councillors



Date:	25 January, 2017
Venue:	James Young Room, Lerderderg Library, Bacchus Marsh
Councillors:	Cr. Edwards (Mayor) Cr. Bingham Cr. Dudzik Cr. Keogh Cr. Sullivan
Officers:	Rob Croxford; Phil Jeffrey; Satwinder Sandhu; Danny Colgan
Apologies:	Cr. Tatchell; Cr. Toohey

---

## 1. Assembly opened at: 4.15pm

## 2. Disclosure of Conflict of Interests – Nil

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. The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 (amended) set out the requirements of a Councillor or member of a Special Committee to disclose any interest (pecuniary or non-pecuniary) or 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.

## 3. Item Notes:

Leisure Services In-House Modelling
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Assembly closed at: 4.55pm

Signed:

A handwritten signature in black ink, appearing to read "Rob Croxford".

.....  
**Rob Croxford**  
Chief Executive Officer

Date: 25.01.2017



# Attachment - Item 11.1(b)

# Assembly of Councillors



Date:	25 January, 2017
Venue:	James Young Room, Lerderderg Library, Bacchus Marsh
Councillors:	Cr. Edwards (Mayor) Cr. Bingham Cr. Dudzik Cr. Keogh Cr. Sullivan
Officers:	Rob Croxford; Phil Jeffrey; Satwinder Sandhu; Danny Colgan
Apologies:	Cr. Tatchell; Cr. Toohey

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## 1. Assembly opened at: 3.40pm

## 2. Disclosure of Conflict of Interests – Nil

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. The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 (amended) set out the requirements of a Councillor or member of a Special Committee to disclose any interest (pecuniary or non-pecuniary) or 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.

## 3. Item Notes:

Bacchus Marsh Racecourse Recreation Reserve
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Assembly closed at: 4.15pm

Signed:

A handwritten signature in black ink, appearing to read "Rob Croxford".

.....  
**Rob Croxford**  
Chief Executive Officer

Date: 25.01.2017

# Attachment - Item 11.1(c)

# Assembly of Councillors



Date:	25 January, 2017
Venue:	James Young Room, Lerderderg Library, Bacchus Marsh
Councillors:	Cr. Edwards (Mayor) Cr. Bingham Cr. Dudzik Cr. Keogh Cr. Sullivan
Officers:	Rob Croxford; Phil Jeffrey; Satwinder Sandhu; Danny Colgan
Apologies:	Cr. Tatchell; Cr. Toohey

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## 1. Assembly opened at: 5.00pm

## 2. Disclosure of Conflict of Interests – Nil

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. The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 (amended) set out the requirements of a Councillor or member of a Special Committee to disclose any interest (pecuniary or non-pecuniary) or 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.

## 3. Item Notes: 5.45pm

Draft Council Plan 2017-2021
------------------------------

## Assembly closed at:

Signed:

A handwritten signature in black ink, appearing to read "Rob Croxford".

.....  
**Rob Croxford**  
Chief Executive Officer

Date: 25.01.2017

## 11.2 Section 86 - Delegated Committees of Council - Reports

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

Section 86 Delegated Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 – Delegated Committees of Council present the reports of the Committee Meetings for Council consideration.

Committee	Meeting Date	Council Representative
Greendale Recreation Reserves Committee of Management	Monday 17 November 2016	Cr. Toohey
Greendale Recreation Reserves Committee of Management	Monday 16 February 2017	Cr. Toohey
Development Assessment Committee <i>To download a copy of the minutes, go to the MSC website:</i> <a href="http://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees">www.moorabool.vic.gov.au/my-council/council-meetings/council-committees</a>	Wednesday 8 February 2017	Cr. Dudzik, Cr. Keogh, Cr. Tatchell Cr. Toohey

### Recommendation:

**That Council receives the reports of the following Section 86 - Delegated Committees of Council:**

- **Greendale Recreation Reserves Committee of Management Meeting of Monday 17 November 2016**
- **Greendale Recreation Reserves Committee of Management Meeting of Monday 16 February 2017**
- **Development Assessment Committee Meeting of Wednesday 8 February 2017**

# Attachment - Item 11.2(a)

### Greendale Reserves Committee of Management

<b>Attendees:</b>	Phil O'Keefe, Nick Myrianthis, John Speed, Paul Hilder , Eddie Salwe, Cat Hynes (visitor)	
<b>Apologies:</b>		
<b>Date &amp; Time:</b>	Thursday 17 <sup>th</sup> November 2016, 7.30pm	
	38 Wallaby dr Greendale	
<b>Issue</b>	<b>Action</b>	<b>Timeframe</b>
<b>Previous minutes</b>	August 2016 minutes were confirmed	
<b>Matters arising</b>		
Egan's Reserve	Issue raised of visitors who use Egan's Reserve lighting fires for warmth adjacent to the rotunda & playground, leaving broken stubbies & ash behind. John to contact MSC for advice - Anthony recommended installing signage & will confirm with MSC Compliance.– J Speed to follow up with Anthony McGrath re SIGNS. <b>NO RESPONSE FROM MSC</b>	
	Mick" 0408 999 643 to be contacted about remarking lines on tennis courts. <b>DONE. Mick agreed to paint the courts if they are washed. John to contact CFA to wash courts.</b>	
Gates stolen from Egan's Reserve	CoM to be compensated for replacing 4 stolen gates – \$560. Pat Toohey to approach MSC staff. <b>NOT RECEIVED, John to follow up with MSC</b>	
Windshield at rotunda	CoM resolved to glaze two panels adjacent to BBQ. Quote \$1232 supplied & fitted for 2 panels. To be funded by winter grant – <b>grant unsuccessful</b>	
Fencing Egan's Reserve	Completed July 2016. Egan's Reserve sign to be relocated & bolted to splayed corner. Sawn off posts protruding in pedestrian gateway – CoM to rectify ASAP. <b>DONE 18/11/16.</b> Brass padlock & chain to be secured to gates for visitor use. <b>Eddie to follow up.</b>	
MSC induction for volunteers	Public session scheduled for November 2016. – POSTPONED to March 2017 On-line version now available. <b>John to circulate email contact.</b>	
<b>Treasurers report</b>	Balance \$2925. Origin energy bill paid \$306. BAS submitted for July to September - GST refund expected. Nick negotiated 35% discount for Origin. Nick to investigate online banking for CoM. \$10,000 in long term acct plus interest	
<b>Correspondence</b>	Nil	

<b>General Business -</b>		
Lst of Greendale Reserves	Requested by Cat and listed below.	
Renovation of sign for Egan's Reserve	Eddie has stripped old sign and will re-seal.	
<b>AGM</b>	Deferred to 16 <sup>th</sup> Feb 2017. 7.30pm at Greendale Hotel. John to contact Anthony McGrath to organise advertising etc. Table at hotel to be booked.	
Volunteer Registration Forms	Distributed to members for completion	
Next meeting	6.30pm Thursday 15 <sup>th</sup> December 2016 – BBQ at Egan's	
	Meeting closed 9pm	
	CFA = C1950Z	

**Proposed for Master Plan 2016 to 2021**  
**Table of Works**

<b>Recommendation</b>	<b>Priority</b>	<b>Cost (approx.)</b>
Replace fencing and create new main entrance	High	\$10,000
Upgrade of toilet block and new storage facility	High	\$90,000
Water reticulation system	High	\$50,000
Installation of new BBQ and seating area	High	\$15,000
Solar panels foe rotunda at Egan's Reserve	High	\$10,000
Additional glazing for rotunda	High	\$2,000
Improved disabled access	Medium	\$5,000
Line marking, new basketball rings	Medium	\$3,000
Plan and implement improved vehicle parking facilities and pedestrian access	Medium	\$10,000
Extra outdoor exercise equipment	Medium	\$2000
Completion of landscaping / drainage around tennis court	Medium	\$1,000
Re-laying and marking of cricket pitch	Medium	\$1,000
Installation of shade structure over playground	Medium	\$15,000
Completion of active fitness circuit	Low	\$2,000
Relocation of Public Notice Board	Low	\$500
Bushfire Shelter	Low	\$200,000
Reposition tennis courts, repaint lines	Low	\$5000.



**Reserves managed by Greendale Reserves Committee:**

- Egan's Reserve – 2.24ha corner Ballan Rd an Brady's Lane, Greendale
- 2.69ha corner LaCote Rd and Kangaroo Rd, Greendale
- 15.4ha end of Maddison Lane, Greendale
- 3.13ha Corner Dales Creek & Acacia Avenue, Dales Creek
- 0.38ha Acacia Ave, Dales Creek
- 2.04 ha Cowans Drive, Dales Creek

Bookings for Egan's Reserve			
23/09/12		Pony club	Confirmed
24/11/12	Saturday	Greendale Market	Confirmed
02/12/12	Sunday	Greendale Social Club Xmas function	Confirmed
09/12/12	Sunday	MSC – Blackwood evacuation exercise	Confirmed
15/12/12	Saturday	1 <sup>st</sup> birthday party 11.30am – 4pm	Confirmed
26/01/2013	Saturday	- Family BBQ	Confirmed
28/01/13	Monday	1 <sup>st</sup> birthday party	Confirmed
17/02/2013	Sunday	Fiona & Shane – 1 <sup>st</sup> Birthday Party 12.30pm onward	Confirmed 21/1/13
15/04/2013	Sunday	Compass expeditions motorcycle tours – Gathering of past clients	Confirmed
04/05/13	Saturday	B/M Little Athletics. Cross Country 10.30am – 12. 50 kids at Egans	Confirmed
29/9/13	Sunday	Pony club,	Confirmed
24/8/13	Saturday	Birthday Party	Confirmed
23/11/13	Saturday	Contact details – (???) Kids Birthday party includes jumping castle. Gate key required	Confirmed
7/12/13	Saturday	Kids Birthday party includes jumping castle, catering, reptile show. Gate key required	Confirmed
01/03/14	Saturday	Kids birthday party	Confirmed
19/04/14	Saturday	Kids birthday party	Confirmed
28/9/14	Sunday	Miniature Horse show, 7am start Gate key required, will leave donation at pub	Confirmed
17/1/15		BChilds first birthday, from 11am	Confirmed
25/1/15	Sunday	R Miniature Horse show, 7am start Gate key required, will leave donation at pub	Confirmed

26/1/16 Monday	Corey via Phil – kids birthday party	Confirmed
25/1/15 Sunday	Rachael Kids birthday lunch 12 to 2pm Not bbqing using tables only	Confirmed
26/4/15	Greendale Social Club family event from 11am	Confirmed
18/10/15	CFA training exercises	Confirmed
Tuesdays weekly	Home school group use reserve for activities –	Confirmed
9/12/16 Friday	Ballan Child Care break up	Confirmed

# Attachment - Item 11.2(b)

## Greendale Reserves Committee of Management

<b>Attendees:</b>	Phil O'Keefe, Nick Myrianthis, John Speed, Paul Hilder , Eddie Salwe,	
<b>Apologies:</b>		
<b>Date &amp; Time:</b>	Thursday 16 <sup>th</sup> February 2017, 7.30pm	
	Greendale CFA	
<b>Issue</b>	<b>Action</b>	<b>Timeframe</b>
<b>Previous minutes</b>	November 2016 minutes were confirmed	
<b>Matters arising</b>		
Egan's Reserve	Issue raised of visitors who use Egan's Reserve lighting fires for warmth adjacent to the rotunda & playground, leaving broken stubbies & ash behind. John to contact MSC for advice - Anthony recommended installing signage & will confirm with MSC Compliance.– J Speed to follow up with Anthony McGrath re SIGNS. <b>NO RESPONSE FROM MSC</b>	
	Mick" 0408 999 643 to be contacted about remarking lines on tennis courts. <b>Mick agreed to paint the courts if they are washed. DONE. Phil to contact</b>	
Gates stolen from Egan's Reserve	CoM to be compensated for replacing 4 stolen gates – \$560. Pat Toohey to approach MSC staff. <b>NOT RECEIVED, John to follow up with MSC</b>	
Windshield at rotunda	CoM resolved to glaze two panels adjacent to BBQ. Quote \$1232 supplied & fitted for 2 panels. To be funded by winter grant – <b>2017 Grants available – Phil to resubmit</b>	
MSC induction for volunteers	Public session scheduled for November 2016. – POSTPONED to March 2017 On-line version now available. <b>John to circulate email contact.</b>	
Renovation of sign for Egan's Reserve	Eddie has stripped old sign and will re-seal. Egan's Reserve sign to be relocated & bolted to splayed corner. <b>Time to be organised to refit sign</b>	
<b>Treasurers report</b>	Balance \$2759. Origin energy bill paid \$314.96 (Nov) \$288,25 (Feb 17). Working bee \$99.30- GST refund \$537 Nick negotiated 35% discount for Origin. Nick to investigate online banking for CoM. \$10,000 in long term acct plus interest	
<b>Correspondence</b>	22/12/16: MSC advising Statuary appointment of CoM	
	Dec 2016: MSC Recreation Reserve Management Framework	
	3/1/17: John Whitfield MSC re future of lease at Maddison Lane. CoM agreed for the lease to continue	

<b>General Business -</b>		
80 – 90 Long Gully Rd	The easement between these 2 properties, which provides access to Maddison Lane Reserve has been fenced off. <b>To be reported to MSC for resolution</b>	
<b>AGM</b>	<b>Deferred to 9/3/17 at Greendale Pub, 7.30pm.</b> Table at hotel to be booked <b>To be advertised in local newsletters – Myrning PS, Myrning News, Blackwood Newsletter, Ballan News – John to follow up</b>	
Master Plan 2016	Master Plan submitted 2016 <b>awaiting response from MSC</b>	
	Greendale Pub donated \$600 from Australia Day Woodchop. <b>Ed to follow up with collecting cheque</b>	
Next meeting	AGM Thursday 9/3/17, 7.30pm Greendale Pub	
	Meeting closed 9pm	
	CFA = C1950Z	

**Proposed for Master Plan 2016 to 2021**  
**Table of Works**

<b>Recommendation</b>	<b>Priority</b>	<b>Cost (approx.)</b>
Replace fencing and create new main entrance	High	\$10,000
Upgrade of toilet block and new storage facility	High	\$90,000
Water reticulation system	High	\$50,000
Installation of new BBQ and seating area	High	\$15,000
Solar panels for rotunda at Egan’s Reserve	High	\$10,000
Additional glazing for rotunda	High	\$2,000
Improved disabled access	Medium	\$5,000
Line marking, new basketball rings	Medium	\$3,000
Plan and implement improved vehicle parking facilities and pedestrian access	Medium	\$10,000
Extra outdoor exercise equipment	Medium	\$2000
Completion of landscaping / drainage around tennis court	Medium	\$1,000
Re-laying and marking of cricket pitch	Medium	\$1,000
Installation of shade structure over playground	Medium	\$15,000
Completion of active fitness circuit	Low	\$2,000
Relocation of Public Notice Board	Low	\$500
Bushfire Shelter	Low	\$200,000
Reposition tennis courts, repaint lines	Low	\$5000.

**Reserves managed by Greendale Reserves Committee:**

- Egan's Reserve – 2.24ha corner Ballan Rd an Brady's Lane, Greendale
- 2.69ha corner LaCote Rd and Kangaroo Rd, Greendale
- 15.4ha end of Maddison Lane, Greendale
- 3.13ha Corner Dales Creek & Acacia Avenue, Dales Creek
- 0.38ha Acacia Ave, Dales Creek
- 2.04 ha Cowans Drive, Dales Creek

Bookings for Egan's Reserve			
23/09/12		Pony club	Confirmed
24/11/12	Saturday	Greendale Market	Confirmed
02/12/12	Sunday	Greendale Social Club Xmas function	Confirmed
09/12/12	Sunday	MSC – Blackwood evacuation exercise	Confirmed
15/12/12	Saturday	1 <sup>st</sup> birthday party 11.30am – 4pm	Confirmed
26/01/2013	Saturday	Family BBQ	Confirmed
28/01/13	Monday	1 <sup>st</sup> birthday party	Confirmed Confirmed
17/02/2013	Sunday	– 1 <sup>st</sup> Birthday Party 12.30pm onward	21/1/13
15/04/2013	Sunday	Compass expeditions motorcycle tours –	Confirmed
04/05/13	Saturday	Gathering of past clients B/M Little Athletics. Cross Country	Confirmed
29/9/13	Sunday	10.30am – 12. 50 kids at Egans Pony club, Confirmed	Confirmed
24/8/13	Saturday		Confirmed
		Birthday Party	
23/11/13	Saturday	Contact details – (???) Kids Birthday party includes jumping castle.	Confirmed
7/12/13	Saturday	Gate key required	Confirmed
01/03/14	Saturday	Kids Birthday party includes jumping castle, catering, reptile show. Gate key required	Confirmed
19/04/14	Saturday	Kids birthday party	Confirmed
28/9/14	Sunday	Kids birthday party	Confirmed
		Miniature Horse show, 7am start Gate key required, will leave donation at pub	

17/1/15		Lacote Rd, . Childs first birthday, from 11am	Confirmed Confirmed
25/1/15	Sunday	Miniature Horse show, 7am start Gate key required, will leave donation at pub	
26/1/16	Monday	Corey via Phil – kids birthday party	Confirmed
25/1/15	Sunday	Kids birthday lunch	Confirmed
26/4/15		12 to 2pm Not bbqing using tables only Greendale Social Club family event from	Confirmed
		11am	
18/10/15		CFA training exercises	Confirmed
Tuesdays weekly		Home school group use reserve for activities –	Confirmed
9/12/16	Friday	Ballan Child Care break up	Confirmed

### 11.3 Advisory Committees of Council - Reports

Advisory Committees are established to assist Council with executing specific functions or duties.

Advisory Committees of Council currently have no delegated powers to act on behalf of Council or commit Council to any expenditure unless resolved explicitly by Council following recommendation from the Committee. Their function is purely advisory.

Advisory Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Advisory Committees of Council present the reports of the Committee Meetings for Council consideration.

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Bacchus Marsh and District Trails Advisory Committee	Tuesday 7 February 2017	Cr. Bingham

**Recommendation:**

**That Council receives the reports of the following Advisory Committees of Council:**

- **Bacchus Marsh and District Trails Advisory Committee Meeting of Tuesday 7 February 2017**



# Attachment - Item 11.3(a)

# Bacchus Marsh & District Trails Advisory Committee

**Meeting** Tuesday 7<sup>th</sup> February 2017  
**Time** 7.30pm  
**Venue** Jean Oomes Room, Library, Bacchus Marsh

**Present** Cr Jarrod Bingham, Greg Ley, Leon Newton, Heidi Mikulic, and Colin Evans

**Apologies** Cr David Edwards (has indicated his interest to speak at next meeting about his vision for a new pedestrian crossing of the Werribee). Stuart Deagan was a late apology as he had been omitted from the original distribution of the Agenda – apologies from The Secretary!

## MINUTES

### 2. Minutes of previous meeting 8<sup>th</sup> November 2016

Proposed: Greg Ley Seconded: Leon Newton

### 3. Outstanding Actions from 8<sup>th</sup> November 2016

**3.1 SRW Channel Route** CE to try and arrange a meeting with Catherine Kind just to keep her updated with the opportunities that this project represents and how any plans for local irrigation might impact this.

**3.2 Maddingley Views Circuit** No update.

**3.3 Snake Warning Signs** Cr Jarrod Bingham advised that there was the intention of placing some along the Werribee (Post Meeting Note: they have now been installed and, st leats one has already been “removed”)

**3.4 Update of Walking Maps** Agreed that this should be held in abeyance till the completion of the Halletts Way Extension. **Action: HM**

**3.5 Plans for Pedestrian Access across Halletts Way Extension.** It was agreed that this be removed from Outstanding Actions as the widening of Werribee vale Road meant that there would be sufficient space to afford pedestrian access along the south side of the river, adjacent to the road and so there should be no issue with re-instating the Peppertree Park Circuit Walk once works on the Halletts Way extension project were complete.

**3.6 Responsibility for Pedestrian Refuge Grant Street (adjacent to Public Pool)** Cr Jarrod Bingham undertook to chase the relevant people in MSC to establish responsibility and then, if Vic Roads responsibility, get them to liaise with Vic Roads accordingly. **Action: JB**

**4. Reports** – Nil reports.

**5. Land of Honour Update (The ANZAC Way)** Held over

**6. Communications** – MSC Letter dated 22 Dec 2016 – Statutory & Annual Appointments Meeting advising of BMDTAC’s continuance as an S86 Advisory Committee to Council.

### 7. Hike & Bike Strategy – Priority Review

The Committee decided to conduct the review jointly at the meeting. It was felt that Appendix Two of the Hike & Bike Strategy (BMDTAC’s 2009 Priorities & Long Term Goals) which consisted of 3 Long Term

Goals and 20 Works Priorities be replaced with 10 projects of significance. It was considered that the current BMDTAC's Priorities was confusing when read in conjunction with Table 5.2 which is the Council's Works Program. However, Appendix Three, which is the BMDTAC's recommended cross-town routes should stand.

The revised priority list is attached for information and comment but will be reviewed at the next meeting before being submitted for Council's approval as our updated priorities.

### **Any other business**

**8.1 Provision of Dog Litter Bag Dispenser at end of Robertsons Road** LN suggested that as there was a rubbish bin at the Reserve at the end of Robertsons Road it would be advantageous if a bag dispenser were made available to encourage dog walkers to do the right thing and pick up and dispose of their dog's droppings in a considerate manner.

**Proposed: Leon Newton    Seconded: Greg Ley**

### **8.2 Underbank Development and planned linkages to existing Tracks & Trails**

Options for linking this new planned development were discussed but, at this stage, Council has not sought any input from this Committee. Cr Jarrod Bingham undertook to try and source a copy of any relevant MasterPlan for the development and table this at the next meeting. **Action: JB**

The meeting closed 2100.

**Next meeting:** Tuesday 2<sup>nd</sup> May (7.30pm Jean Oomes Room, Main Street Library)

## BMDTAC Revised Priorities Feb 2017 for Hike & Bike Strategy

The following list represents the 10 most important priorities and opportunities for the development of tracks and trails in the local area:

Ranking	Project	Comment
1	SRW Route joining Lerderderg to Werribee	Critical to maintain integrity of route
2	Avenue of Honour - linking The Avenue to town	
3	Lerderderg River Track	
	a) Around BM Golf Course	
	b) Connect Robinsons Road to Golf Course	
	c) Connect Gisborne Road to Grantleigh Estate	
	Other, longer term priorities, to include:	
	i) A river crossing to connect to Lerderderg Gorge Road	
4	Werribee River - Peppertree Park to Halletts Way (North Bank)	Reinstate track to connect with bridge
5	Underbank linkages to town/existing tracks and Mortons Road	In conjunction with developers
6	Connect Holts Lane to Avenue Circuit Walk (private land)	Would need to identify attractive proposition
7	Establish a link up Werribee Vale to connect to Gorge	Of strategic value to The ANZAC Way Project
8	Connect St Andrews Way to MacKenzie's Flat	
9	Connect Fiskin Street to Avenue Circuit Walk (private land)	Would need to identify attractive proposition
10	Railway Station to Main Street (via Boyes Close)	Await development of Provenzano land.



**12. NOTICES OF MOTION**

**No notices of motion have been received for consideration as part of this Agenda.**

**13. MAYOR'S REPORT**

**To be presented at the meeting by the Mayor.**

**Recommendation:**

**That the Mayor's report be received.**

**14. COUNCILLORS' REPORTS**

**To be presented at the meeting by Councillors.**

**Recommendation:**

**That the Councillors' reports be received.**



**15. URGENT BUSINESS**

**16. CLOSED SESSION OF THE MEETING TO THE PUBLIC****16.1 Confidential Report****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

**17. MEETING CLOSURE**