

AGENDA

SECTION 86 MOORABOOL GROWTH MANAGEMENT COMMITTEE MEETING

Wednesday 5 June, 2019
Council Chambers
15 Stead Street, Ballan
4.00pm

MEMBERS

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

OFFICERS

| | |
|----------------------|--|
| Mr. Derek Madden | Chief Executive Officer |
| Mr. Satwinder Sandhu | General Manager, Community Planning |
| Mr. Phil Jeffrey | General Manager, Community Assets & Infrastructure |
| Mr. Danny Colgan | General Manager, Community Development |
| Mr. Justin Horne | Acting Manager Strategic and Sustainable Development |
| Ms. Sarah Kernohan | Strategic Planning Coordinator |
| Mr. Rod Davison | Strategic Planner |
| Mrs. Jacque Younger | Executive Assistant to General Manager Community Planning and Minute Taker |

| Item | Title | Responsibility | Page No. | Action |
|-----------|--|----------------|----------|-------------------|
| 1. | Welcome. Present and Apologies | Chair | | Noting |
| 2. | Recording of Meeting | Chair | | Noting |
| 3. | Meeting Minutes | Chair | | Noting |
| 3.1 | Confirmation of previous minutes 3 April, 2019 | | | Resolution |
| 4. | Conflict of Interest | Chair | | Noting |
| 5. | Growth & Development Reports | | | Discussion |
| 5.1 | Planning Scheme Amendment C91 – Flood Controls | R. Davison | Page 3 | Discussion |
| 5.2 | Bacchus Marsh PSPs Update | S. Kernohan | Page 18 | Discussion |
| 5.3 | Bacchus Marsh and Ballan Open Space Framework | J. Horne | Page 21 | Discussion |
| 5.4 | Moorabool Planning Scheme Review – Stage 1 Literature Review | S. Kernohan | Page 51 | Discussion |

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|-----------|---|------------------|-------------------|
| 6. | Closed Session of the Meeting to the Public | | |
| 6.1 | Confidential Item | Page 195 | Discussion |
| 7. | Process Forward and Work Programme | S. Sandhu | Discussion |
| 8. | Date of Next Meeting | Chair | Noting |
| 8.1 | Wednesday 4 September 2019 TBC Council Chambers, 15 Stead Street, Ballan | Chair | |
| 9. | Meeting Close | Chair | Noting |

Item 5.1 Planning Scheme Amendment C91 – Flood Controls

Introduction

Author: Rod Davison
General Manager: Satwinder Sandhu

Executive Summary

The purpose of this report is to inform Councillors that Melbourne Water recently submitted a new request for an amendment (the Amendment) to the Moorabool Planning Scheme to introduce flood controls. The Amendment seeks to apply the Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO) to land affected by a 1% annual exceedance probability (AEP) flood event (also referred to as a 1 in 100 year flood event), within the Werribee River, Lerderderg River and Little River catchments in the eastern portion of Moorabool Shire.

A report will be tabled at an upcoming Ordinary Meeting of Council, which will recommend that Council request authorisation from the Minister for Planning to prepare and exhibit the Amendment.

Background

The Moorabool Planning Scheme currently does not contain any overlays to identify land affected by a 1% AEP flood event.

Planning Practice Note 12 - Applying the flood provisions in planning schemes (DELWP, June 2015) notes the following:

“Flooding is a natural hazard but, unlike most other natural hazards, floods are to a great degree predictable in terms of their location, depth and extent. This means that appropriate measures can be developed to reduce flood damage. Land use planning is recognised as being the best means of avoiding future flooding problems. Through careful planning, flood risks to life, property and community infrastructure can be minimised and the environmental significance of our floodplains protected.

Section 6 (2) (e) of the Planning and Environment Act 1987 enables planning schemes to ‘regulate or prohibit any use or development in hazardous areas, or areas likely to become hazardous’. As a result, planning schemes contain State planning policy for floodplain management requiring, among other things, that flood risk be considered in the preparation of planning schemes and in land use decisions.

The statutory authorities responsible for the collection of flood information and for land use planning in flood-affected areas are councils and floodplain management authorities (i.e. Melbourne Water and Catchment Management Authorities).”

Council has previously proposed to apply flood controls within the Moorabool Planning Scheme on two occasions.

Amendment C14:

In 2005, Council commissioned consultants to prepare the *Bacchus Marsh Flood Risk Study*, to identify areas at risk of flooding and provide recommendations for mitigating that risk. The study identified and mapped areas subject to inundation during a 1% AEP flood event.

Amendment C14 was subsequently prepared, with the aim of applying the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) to affected land. Amendment C14 was publicly exhibited in 2008, and Council received public submissions which questioned the data/methodology used in preparing the flood risk study. Following a review of submissions, Council and Melbourne Water (as the relevant floodplain management authority) determined that the study methodology did not provide sufficient strategic justification to support the implementation of the LSIO and FO (as exhibited). Amendment C14 subsequently lapsed on 14 January 2010.

Amendment C73:

Melbourne Water undertook a review of the flood extent mapping that was used as the basis for Amendment C14, to enable the preparation of a new planning scheme amendment. A review of the *Bacchus Marsh Flood Risk Study* recommended that a new flood investigation be undertaken for the Bacchus Marsh area using newly available LiDAR data. LiDAR (also known as airborne laser scanning) is a technology used to produce high-resolution topographic maps.

In 2010/2011, Melbourne Water prepared several flood study reports including:

- *'Report for Bacchus Marsh Area Floodplain Mapping'* (GHD November 2010);
- *'Lower Lerderderg Catchments Flood Mapping Report'* (Engeny Water Management, December 2011);
- *'Ballan Township Flood Study, Final Report'* (Halcrow Pacific Pty Ltd, November 2011);

In addition, Melbourne Water prepared flood extent mapping for rural areas within the catchments of the Werribee River, Lerderderg River and Little River, based on flood modelling work that has been undertaken over a number of years. These projects are collectively referred to as the *Melbourne Water Planning Investigations models*.

These flood studies formed the basis for a new planning scheme amendment request from Melbourne Water in November 2013. On 3 June 2015, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C73.

Amendment C73 was authorised on 21 August 2015 and exhibition occurred over a period of six weeks, from 28 January to 11 March 2016. A total of 67 submissions were received, including 59 submissions which objected or sought changes. Council considered the submissions at its meeting on 22 June 2016. A number of submitters spoke at the Council meeting, some of whom raised concern about potential inaccuracies in the flood modelling and mapping. This resulted in discussion about the need for a peer review of Melbourne Water's flood studies. Council ultimately resolved to abandon Amendment C73.

Peer Review:

On 15 February 2017, Council's S86 Place Making Advisory Committee considered a proposal to engage a consultant to undertake a peer review of Melbourne Water's flood studies. It was resolved that the Place Making Advisory Committee:

1. *Receives this report.*
2. *Advise Melbourne Water that, for a rigorous and independent peer review of existing flood modelling undertaken by Melbourne Water, it would be optimal for Council to choose the preferred consultant with funding via Melbourne Water.*
3. *Resolve that the findings of the peer review process be tabled at the Place Making Committee, once completed, and then be tabled at an Ordinary Meeting of Council.*
4. *Resolve that, upon tabling the peer review and upon addressing any identified concerns with the modelling data and processes in accordance with an agreed methodology, Council should proceed with seeking authorisation to prepare and exhibit an appropriate new planning scheme amendment to map and address flood risk within the eastern half of the Shire.*

The *Peer Review – Moorabool Shire Flood Studies (November 2017)* was undertaken by Cardno at Council's request and was fully funded by Melbourne Water. Cardno presented the findings of the peer review to an Assembly of Council on 7 February 2018. The peer review concluded that:

- The flood models used have delivered results that are suitable for inclusion in the Moorabool Planning Scheme.
- With the exception of the lower Lerderderg study area, the flood extents used in the draft planning overlays are considered appropriate.
- The proposed flood extents and the resulting Special Building Overlay (SBO) shapes for the lower Lerderderg study area should be recreated, based on the model results using appropriate filtering techniques, such as those described in Melbourne Water's 2016 technical specifications.

The peer review recommended that, once the lower Lerderderg flood extent mapping and resultant SBO shape has been amended, the planning scheme amendment process should be recommenced.

The peer review involved a thorough examination of the modelling processes used to derive the flood extent mapping, a cross check of the methodology used to create the flood extents and assessment of the results against the community experience.

Cardno undertook a review of the datasets used in the derivation of the flood models to identify any gaps in the projects and their impact on flood mapping. Each flood study project utilised different hydraulic and hydrological modelling approaches and each was reviewed independently.

The following three flood study projects formed the main basis of Cardno's review:

- *Report for Bacchus Marsh Area Floodplain Mapping* (GHD, November 2010);
- *Lower Lerderderg Catchments Flood Mapping Report* (Engeny Water Management, December 2011);
and
- *Ballan Township Flood Study, Final Report* (Halcrow Pacific Pty Ltd, November 2011).

In addition to these flood study projects, Cardno reviewed the methodology and data used in the *Melbourne Water Planning Investigations models*, which form the basis for flood extent mapping in rural areas throughout the eastern half of Moorabool Shire.

Since completion of the peer review, the SBO flood extent maps for the lower Lerderderg study area were revised (see **Attachment 1**), based on the original model results and using appropriate filtering techniques.

Proposal

Melbourne Water recently submitted a new request for an amendment (the Amendment) to the Moorabool Planning Scheme to introduce flood risk controls. The Amendment seeks to apply the LSIO and SBO to land affected by a 1% AEP flood event (i.e. as revised due to the peer review), within the Werribee River, Lerderderg River and Little River catchments in the eastern portion of Moorabool Shire (see Figure 1). The LSIO and SBO maps were derived by using current best practice techniques, including hydrology model RORB and hydraulic models TUFLOW and HEC-RAS.

Approximately 2,600 parcels of land are affected by the proposed LSIO or SBO to varying degrees.

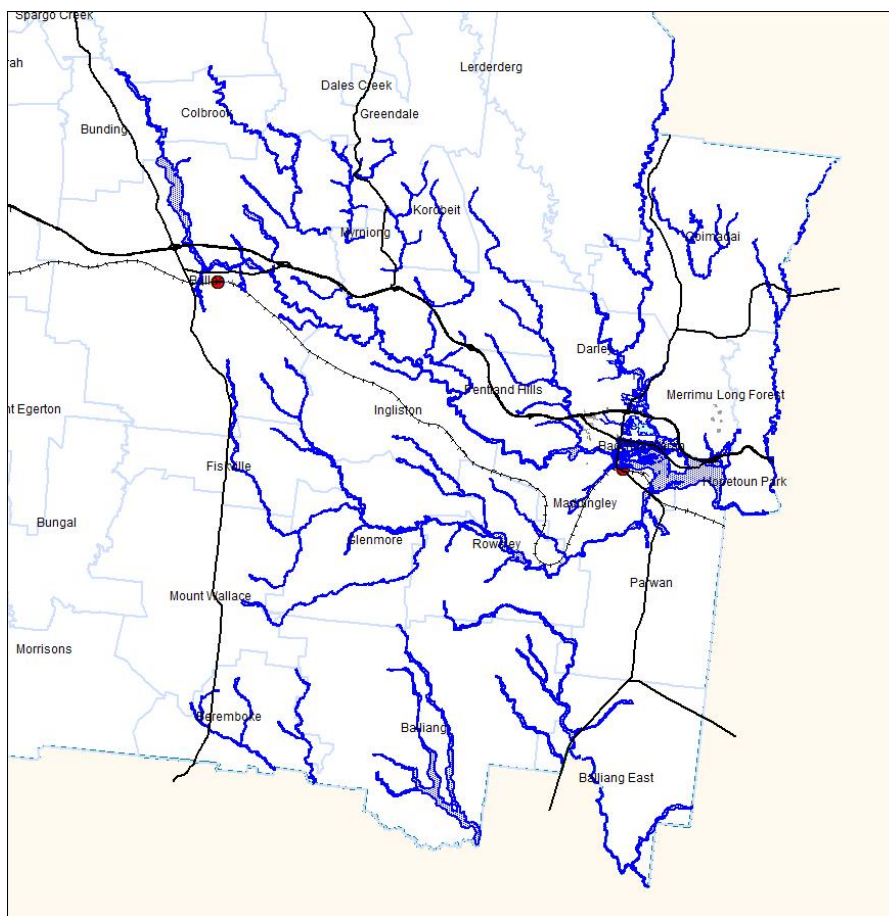


Figure 1: Areas affected by the proposed LSIO and SBO (in blue).

The Amendment will ensure that the planning scheme overlay maps are updated to reflect the extent of the identified flood risk. On land affected by the LSIO or SBO, a planning permit will be required for subdivision and most new buildings and works (including some fences). Note that a number of permit exemptions will apply for minor buildings and works.

In accordance with Clause 66.03, any application for a planning permit for development on flood prone land will need to be referred to Melbourne Water for consideration as a determining referral authority.

VicSmart provisions will apply to certain types of permit applications under the SBO, providing that a permit is not required under any non-VicSmart provision of the planning scheme. VicSmart is a streamlined permit process designed for simple applications. A VicSmart application is exempt from advertising and a permit decision can be issued by Council within 10 business days.

The proposed application of the LSIO and the SBO is consistent with *Planning Practice Note 12 - Applying the flood provisions in planning schemes* (DELWP, June 2015). These overlays are appropriate planning tools for identifying flood risk, and have been applied in many other Victorian planning schemes, including neighbouring municipalities Ballarat, Macedon Ranges, Melton, Wyndham, Greater Geelong and Golden Plains. The flood provisions do not address the cause of flooding, but the way future land use and development will impact on the flooding problem or be impacted themselves by flooding.

Strategic Importance:

There is clear strategic justification for amending the planning scheme to introduce flood controls and flood extent mapping. State planning policy Clause 13.03-1S (Floodplain management) has objectives for protecting life, property and community infrastructure, and for protecting natural flood carrying capacity, flood storage and floodplain areas of environmental significance. One of the strategies listed under Clause 13.02-1 is to *"identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes"*.

Clause 21.02-1 (Natural environment – Key issues and influences) of the Moorabool Planning Scheme notes that *"Large areas of the Moorabool Shire are prone to flooding as the Moorabool, Werribee, and Lerderderg Rivers flow through the Shire"*.

Clause 21.02-7 (Natural environment – Implementation) includes *"Apply Floodway Overlay (FO) and Land Subject to Inundation Overlays (LSIO) to reflect relevant Council flood studies"*.

Responsibilities of Council and Melbourne Water:

In Victoria, effective floodplain management is a responsibility of Melbourne Water and catchment management authorities (CMAs) in partnership with local government. Clause 13.2 of the *Victorian Floodplain Management Strategy* (2016) outlines this partnership stating that *"the CMAs and Melbourne Water will work with LGAs to ensure that planning schemes use the planning controls that align with their flood risks"*. For Moorabool Shire, the floodplain management authorities are Melbourne Water for the Port Phillip catchment area in the eastern half of the Shire, and Corangamite Catchment Management Authority for the western half of the Shire.

It is important that planning decisions are based on all available information. Given that flood extent mapping has been undertaken by Melbourne Water as the relevant floodplain management authority, Council has a statutory responsibility to ensure that available flood extent mapping is translated into planning controls and applied in a transparent manner.

In the absence of any requirement for a planning permit for development on flood-prone land, it is possible that flood risk may not be identified until such time as a developer applies for a building permit. A building permit applicant must obtain the 'report and consent' of Council if the land is liable to flooding. Council officers currently use the latest flood extent mapping prepared by Melbourne Water (i.e. the same mapping that will be used as the basis for applying the LSIO and SBO under this Amendment), to determine whether land is liable to flooding. Council must not give its consent if it is of the opinion that there is likely to be a danger to the life, health or safety of the occupants of the building due to flooding of the site. In its report, Council may specify a minimum floor level for the building. Before specifying a floor level, Council "must:

- *consult with the floodplain management authority for that site; and*
- *specify a level at least 300mm above any flood levels declared under the Water Act 1989 or otherwise determined by the floodplain management authority, unless the authority consents to a lower floor level."*

Even if a planning permit is required for a particular development, flood risk may not be taken into consideration if the planning scheme lacks appropriate flood overlays and permit triggers. Thus, there is currently potential for a scenario whereby a planning permit is issued for a development without due consideration of flood risk, and the developer may subsequently experience difficulty obtaining a building permit.

As a planning authority, Council has an obligation under Section 12(1) of the *Planning and Environment Act 1987* (the Act), to implement the objectives of planning in Victoria. A relevant objective of planning, under Section 4(1) of the Act is to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria. By introducing appropriate flood controls into the Moorabool Planning Scheme, Council would ensure that flood risk is considered in land development decisions, thereby implementing the objectives of planning.

Similar planning scheme amendments have been approved as a result of partnerships between Melbourne Water and councils; e.g. Port Phillip C111, Moonee Valley C151, Yarra Ranges C149, and Stonnington C221. Planning Panels were appointed to consider submissions relating to each of these amendments. In each case, the Panel was supportive of the amendment, noting that the flood extent mapping was based upon best practice methodology and was fit for the purpose of applying planning controls. At least three of these amendments used the TUFLOW hydraulic model for the derivation of flood extent mapping. TUFLOW is widely used in Australia for the analysis of flood flows and was used in the Bacchus Marsh and Lower Lerderderg flood mapping projects.

Victorian Auditor General's Report (2017):

The 'Victorian Auditor General's Report (2017) - Managing Victoria's Planning System for Land Use and Development' (VAGO report) assessed whether the Department of Environment, Land, Water and Planning (DELWP) and three Councils (City of Yarra, the City of Whittlesea and Moorabool Shire Council) are managing and implementing the planning system to support the objectives of the *Planning and Environment Act 1983*, and the desired outcomes of state planning policies. The VAGO report concluded that DELWP and the three Councils are not being fully effective in their management and implementation of the planning system.

Section 4.2.3 of the VAGO report considers the application of planning policies and planning tools to manage flooding and inundation risks. The report found that Moorabool Shire Council's decision to abandon Amendment C73 has resulted in flood risks not being managed through the planning scheme. The absence of relevant planning controls means that there is no requirement for a planning permit for development of flood prone land and, therefore, there is no trigger for assessment of flood risk at the planning permit stage.

The VAGO report also notes that:

- State planning policies require flood-prone areas to be identified and managed and this is usually done by applying relevant planning overlays or zones.
- The *Victorian Floodplain Management Strategy* (2016) stresses the importance of using planning controls to help avoid or minimise flood risks.
- Councils are letting their communities down if they are aware of flood risks but do not use available planning controls to manage them.

Policy Implications

The Council Plan 2017-2021 (2018 review) provides as follows:

Strategic Objective 2: Minimising Environmental Impact

Context 2A: Built Environment

The proposal to introduce the LSIO and SBO into the Planning Scheme is consistent with the Council Plan 2017 – 2021. Action 3 under Context 2A states “Work with relevant authorities to incorporate flood mapping into the planning scheme”.

Financial Implications

Melbourne Water has agreed to pay Council’s mail out costs, together with the cost of any Panel hearing. Melbourne Water will also provide planners to answer telephone enquiries on technical issues during the exhibition period, and to respond to written submissions.

The introduction of the LSIO and SBO into the Planning Scheme will limit the potential for affected property owners to seek redress against Council, in the event that their property is adversely affected by flooding.

The introduction of the LSIO and SBO will trigger the need for a planning permit for subdivisions, buildings and works on land affected by the LSIO and SBO. Currently, buildings and works do not often require a planning permit and, therefore, the introduction of these overlays will result in an increase in the number of planning permit applications.

Risk & Occupational Health & Safety Issues

Council has a duty of care as a planning authority to ensure that available flood extent mapping is translated into meaningful planning controls and are applied in a transparent manner. By undertaking the planning scheme amendment, Council will ensure that development decisions (on land affected by the LSIO or SBO) are based on known flood extents. This will ensure that flood risks associated with proposed subdivisions, buildings and works are either avoided or mitigated.

In the absence of LSIO and SBO controls, there is no planning permit trigger to enable Council to consider flood risk. If a planning permit is required for a development under other zone or overlay controls, there is a risk that Council may grant approval without due consideration of flood risk.

Community Engagement Strategy

As the proposed introduction of the LSIO and SBO will affect a number of landowners across the municipality, communications and community engagement need to be well planned. Melbourne Water has prepared a draft community engagement strategy in consultation with Council officers.

The draft community engagement strategy proposes that:

- The Amendment will be formally exhibited for public comment, for a period of six weeks, which is longer than the four weeks required by the *Planning and Environment Act 1987*. This will involve letters to owners and occupiers of land affected by the proposed overlays, notice in the Moorabool News and Victorian Government Gazette and the Amendment documentation being available for viewing at Council offices and on Council’s website.

- A project information leaflet will be sent to affected land owners and occupiers.
- A project information webpage will be set up on Council's website. The webpage will include an interactive map, to enable people to search their property and view the extent to which the land will be affected by the proposed LSIO or SBO.
- A 'Have your say' webpage will be set up, to enable people to lodge an online submission.
- Three community drop-in sessions will be scheduled during the exhibition period.
- People with concerns will be offered an opportunity to meet with representatives of Melbourne Water and Council.

This will allow the community substantial opportunity to be consulted and provide input, including the ability to make formal submissions to the Amendment. Following the exhibition period, an officer report will be prepared to enable Council's consideration of any submissions received. If Council resolves to refer any outstanding submissions to an independent Planning Panel for consideration, then all submitters will be offered an opportunity to present their case to 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

The Amendment seeks to apply the LSIO and SBO to land affected by a 1% AEP flood event. It is clear that the Amendment has strong strategic justification via State planning policy Clause 13.03-1S (Floodplain management), and that Council has a responsibility to ensure that the Amendment is progressed.

The Amendment will ensure that flood extent mapping is clearly shown in the Moorabool Planning Scheme and will result in planning decisions which are responsible, objective, transparent and consistent. Consequently, future land development will be less exposed to the risks of flooding.

The flood extent mapping depicted in the proposed LSIO and SBO is based on technically sound flood modelling which has been prepared using industry best practice methodology, under the expert supervision of Melbourne Water as the relevant floodplain management authority. Melbourne Water has successfully defended this methodology at a number of Panel hearings.

Cardo undertook a peer review of Melbourne Water's flood studies, which involved a thorough examination of the modelling processes, a cross check of the methodology used to create the flood extents and assessment of the results against the community experience. The peer review concluded that the flood models have delivered results that are suitable for inclusion in the Moorabool Planning Scheme, subject to the lower Lerderderg flood extent mapping and resultant SBO shape being amended. The flood extent mapping and SBO shape have subsequently been amended (see **Attachment 1**).

A report will be tabled at an upcoming meeting of Council, which will recommend that Council seek authorisation from the Minister of Planning under section 8A(3) of the *Planning and Environment Act 1987*, to prepare and exhibit the Amendment.

The planning scheme amendment process will allow affected parties to make a submission. Following the close of the exhibition period, Council will need to consider any unresolved submissions and decide whether to seek the appointment of an independent Planning Panel. A Planning Panel will provide all submitters an opportunity to present their case, for detailed consideration, at a public hearing.

Recommendation:

That the S86 Moorabool Growth Management Committee:

1. **Receives this report.**
2. **Supports a report being presented at a future Ordinary Meeting of Council, which will recommend that Council seek authorisation from the Minister for Planning to prepare and exhibit Moorabool Planning Scheme Amendment C91.**

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

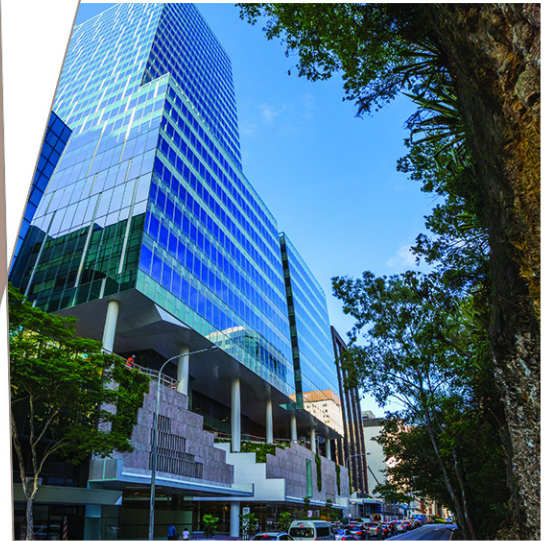
Date: 7 May 2019



Flood Related Planning Controls

Moorabool

V171604



Prepared for
Moorabool Shire Council & Melbourne Water

16 January 2018

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| 001 | 01/12/17 | Client Issue | Ailsa Veldema | Ailsa Veldema |
| 002 | 16/01/18 | Final | Ailsa Veldema | Ailsa Veldema |

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1 Introduction

This has been prepared to accompany the proposed Special Building Overlay (SBO) for Moorabool, December 2017. It provides a background, describes what information has been used in the development and provides details of the overlay.

2 Background

Melbourne Water (MW) and Moorabool Shire Council (Council) prepared flood related planning overlays for potential inclusion into the Moorabool Planning Scheme. The overlays consisted of proposed Land Subject to Inundation Overlays (LSIO) and Special Building Overlays (SBO). MW and Council engaged Cardno to undertake an independent review of the technical methodology used to determine the location and shape of the proposed planning overlays. The report 'Peer Review Moorabool Shire Flood Modelling' (V170467, November 2017) documents the review.

It was concluded that the flood model from the Lower Lerdererg Catchments Flood Mapping project was suitable for use. However, the methodology adopted to convert the outputs to a planning overlay should be modified and the overlays be amended accordingly.

3 Information used and Methodology

Hydraulic modelling results from the Lower Lerdererg Catchments Flood Mapping project were used as inputs into the flood overlay and the process below followed.

- > Step 1: Filter flood results to remove areas with shallow (less than 0.05 m) flooding;
- > Step 2: Combine the above results into a single shape and remove both wet "puddles" or dry "islands" if the area is less than 100 m².
- > Step 3: Smooth the shape to remove the 'staircase' effect associated with modelling grid cells.
- > Step 4: Split the shape into MW and Council controlled areas based on the splits adopted in the previous overlays and on the source of flooding (i.e. if inundation emanates from a MW asset then is classified as MW flooding). Remove the Council areas as the amendment is for MW controlled areas only.
- > Step 5: Based on MW's document 'Finalising Flood Extents for Inclusion in Planning Schemes' review the overlay at the property scale. In summary, properties which had less than 2% of their total area inundated were considered for removal. If more than 25% of their frontage was affected or the area is considered at risk based on the various flood depths experienced, the overlay was retained on the property.

The draft overlay produced using the above process was supplied to MW for review. During this review an area (at Cairns Drive DS) was updated by MW to be more reflective of the topography which had recently been significantly modified as part of development works.

4 Overlays

The revised Special Building Overlay is shown on Figure 4-1 overleaf.

Figure 4-2 shows this proposed overlay alongside the previously exhibited overlay. Whilst there are a number of changes, the key area of change is in the rural land south of Masons Lane. The proposed overlay is significantly reduced from that which was previously exhibited.

It is recommended that the proposed SBO is adopted and the planning scheme amendment process be recommenced.



Figure 4-1 Proposed Overlay

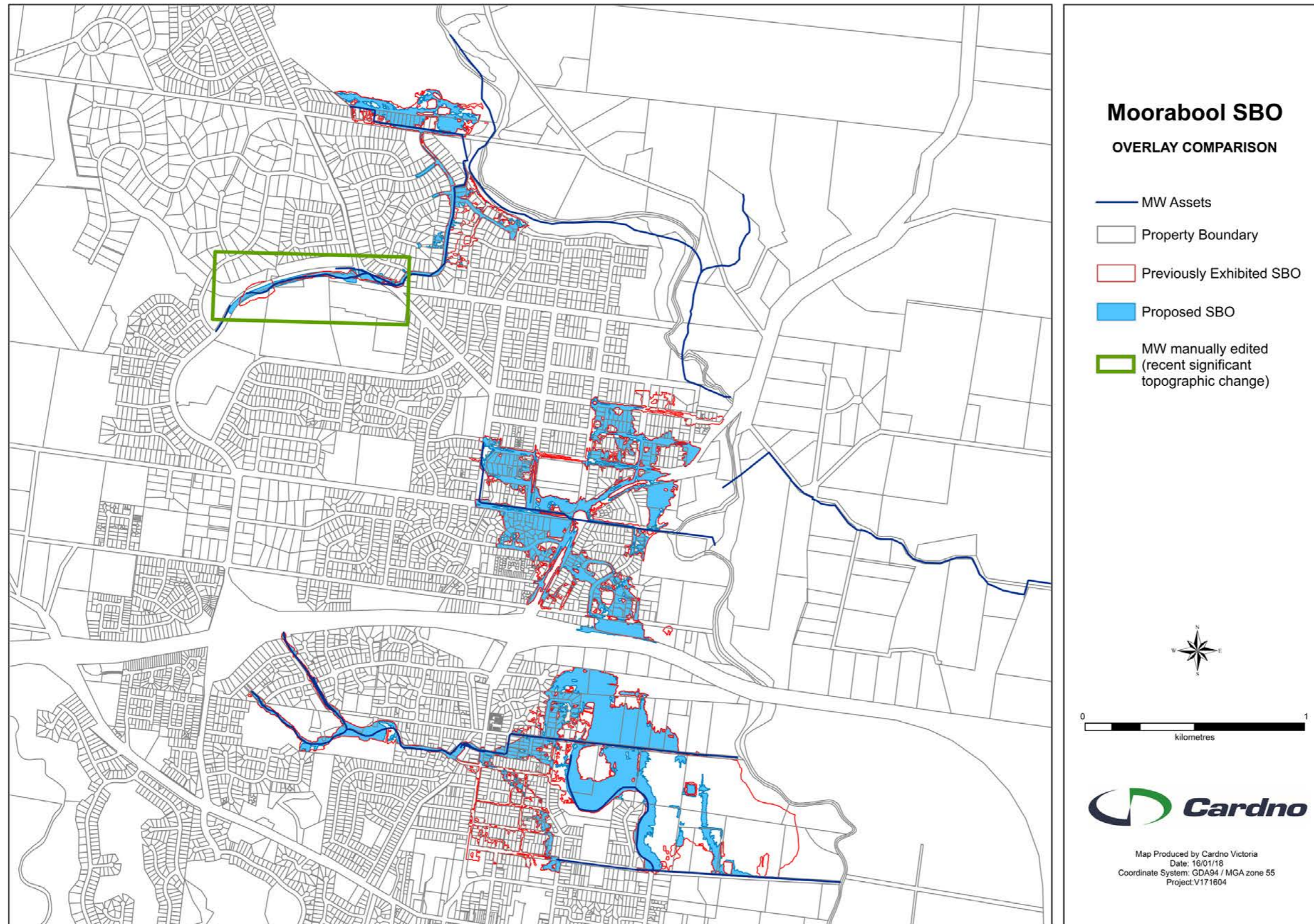


Figure 4-2 Overlay Comparison

Item 5.2 Bacchus Marsh PSPs Update

Introduction

Author: Sarah Kernohan
General Manager: Satwinder Sandhu

Background

The Bacchus Marsh Urban Growth Framework identifies four strategic growth areas, Merrimu, Parwan Station, Parwan Employment and Hopetoun Park North.

On 28 March 2018, Council resolved to make the Victorian Planning Authority (VPA) the planning authority for the Merrimu, Parwan Station and Parwan Employment PSPs (the PSPs). Hopetoun Park North will be a developer led amendment and will not be subject to a PSP.

Merrimu is a proposed residential precinct covering a land area of 957ha which will cater for an ultimate population of up to 20,000 people.

Parwan Station is a proposed future mixed-use precinct, including residential land providing for an ultimate future population of up to 13,000 people around a future Parwan train station (up to 13,000 people) and commercial land uses in buffer areas (buffers to Maddingley Brown Coal and Western Water).

Parwan Employment is a future agribusiness industrial precinct covering a land area of 2,880ha.

The VPA wrote to all landowners within the three precincts in December 2018 seeking expressions of interest from landowners interesting in providing third party funding for the PSPs.

Proposal

The VPA is currently in discussions with interested landowners regarding third party funding agreements for the PSPs. This stage involves estimating the extent and cost of background technical studies and the amendment process, and apportioning costs to interested landowners. At the time of writing discussions are still occurring, and no third party funding agreements have been finalised.

Following finalisation and signing of the agreements, the PSP process will formally commence. It is at this stage that all landowners (regardless of third party funding status), agencies and authorities will be notified of the commencement of the PSPs.

As the PSPs commence, it is important that Council has a vision and clear direction for the future development of Bacchus Marsh. It is proposed to hold a visioning workshop, in conjunction with a site visit of residential growth area estates, to assist Council in determining the future of these areas. This workshop will aim to answer key questions such as, what Bacchus Marsh is like now and how it should change, and how Bacchus Marsh's unique qualities and character should be maintained and reflected in the new growth areas.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 2: Minimising Environmental Impact

Context 2A: Bacchus Marsh Urban Growth Framework

The three Bacchus Marsh PSPs form part of the implementation of the Bacchus Marsh Urban Growth Framework, which is listed as an action within the Council Plan 2017-2021.

Financial Implications

There are no immediate financial considerations associated with the consideration of this report. The VPA are the planning authority for the three PSPs and will be responsible for costs associated with preparing the PSPs and their associated planning scheme amendments. Staff time will be required in working alongside the VPA as part of the PSP and amendment process. Council costs may be occurred later in the planning process should Council seek representation at a planning panel hearing.

Risk & Occupational Health & Safety Issues

There are no direct risk or occupational health and safety issues associated with the recommendation within this report.

Community Engagement Strategy

The VPA are the planning authority for the PSPs and will be responsible for the communication and engagement in relation to these projects. The PSPs will be subject to the usual planning scheme amendment process, which will provide for the public exhibition of the PSPs, and the opportunity for submitters (including Council) to be heard at an independent planning panel hearing.

Communications and Consultation Strategy

The VPA are the planning authority for the PSPs and will be responsible for the communication and consultation in relation to these projects.

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 – Sarah Kernohan

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

Conclusion

Subject to the finalisation of third party funding agreements, the PSP process for all three Bacchus Marsh PSPs will commence shortly. Councillors will be provided with regular updates relating to the PSP process.

Recommendation:

That the S86 Moorabool Growth Management Committee:

- 1. Receives the Bacchus Marsh Precinct Structure Plans Update.**
- 2. Notes that further updates will be provided at the next S86 Moorabool Growth Management Committee.**

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 7 May 2019



Item 5.3 Bacchus Marsh and Ballan Open Space Framework

Introduction

Author: Justin Horne
General Manager: Satwinder Sandhu

Background

Presentations to the S86 Moorabool Growth Management Committee have been provided in September 2018 and April 2019. These presentations provided an outline of the intention of the Bacchus Marsh and Ballan Open Space Framework, community feedback and an opportunity to provide feedback on the preliminary draft to assist officers with progressing the development of a draft for public consultation.

This report aims to provide Councillors with an opportunity to provide feedback to officers on the Consultation Draft prior to it being formally considered for exhibition at the Ordinary Meeting of Council on 3 July 2019.



Key items for consideration include:

- Vision Statement;
- Six guiding principles to assist deliver improved open space; and
- Five Key Actions.

It is proposed that the Bacchus Marsh & Ballan Open Space Open Space Framework (The Framework) will comprise of three sections:

Section 1: Vision, Principles and Key Actions.

Section 2: Background report that supports the identified vision, principles and key actions.

Section 3: Appendices.

Bacchus Marsh & Ballan Open Space Framework

The Bacchus Marsh & Ballan Open Space Open Space Framework (The Framework) will be a high level document that will involve engagement with Council departments and relevant stakeholders and will:

1. **Define** open space typologies – regardless of primary use.
2. Establish a **vision** for the role of open space within local communities into the future.
3. **Review** the quality, extent of existing open spaces provided and degree of connectivity within key settlements.
4. Provide **guidance** for future open space provision (e.g. connectivity, typology etc) and the role of Council including high level strategies that achieve the agreed vision.

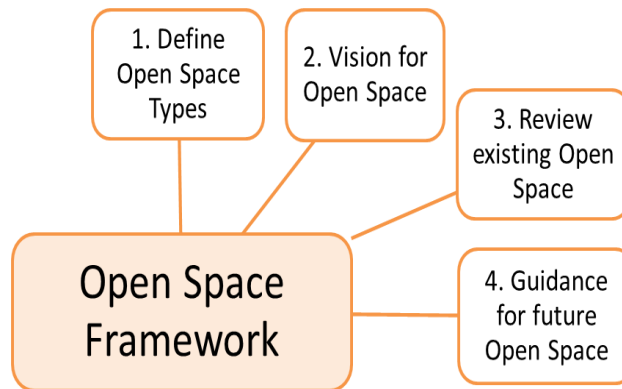


Figure 1: Objectives of The Framework

It is expected that the MOSF will provide the background and direction (figure 1) for the Moorabool Open Space Strategy (MOSS) that will follow (figure 2). The Strategy will incorporate the key findings and recommendations of the draft Community Infrastructure Framework and review the objectives of the Framework.

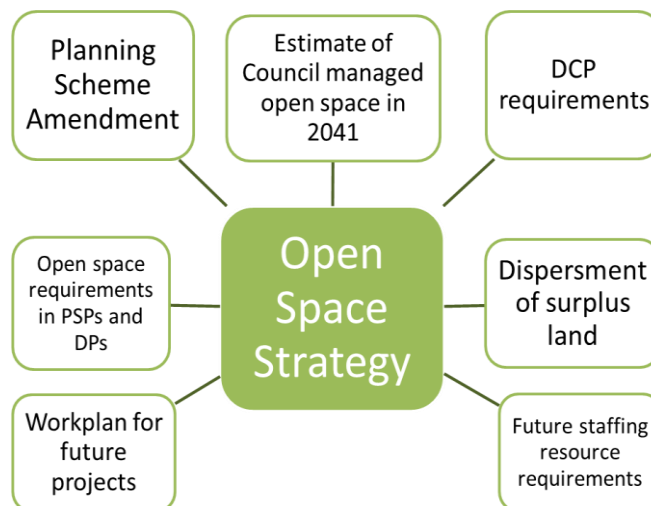


Figure 2: Indicative outputs of the Open Space Strategy.

Key Items for Consideration

Vision Statement

Based on the feedback received from the community consultation and existing local and state strategies the following vision statement has been developed:

‘Open space in Bacchus Marsh & Ballan will:

- 1. Be planned and managed to provide for a range of activities through a connected network.*
- 2. Allow residents and visitors increased opportunities to connect with nature, rest, play, exercise and socialise’.*

Guiding Principles

To ensure that this vision is achieved the following objectives must be considered in the design and management of all new and existing open space in Bacchus Marsh & Ballan:

- To be designed for maximum community benefit and consider all potential opportunities and activities to facilitate the development of the site (e.g. funding, community involvement and social engagement).
- To provide quality and accessible open space for all residents.
- To be connected, safe and allow access for all of the community.
- All residents:
 - In existing areas of Bacchus Marsh & Ballan must be within 400 metres of an area of open space.
 - in new greenfield developments must be within a 400m walkable catchment of public open space.
- To reflect the landscape and Indigenous and European cultural heritage of Moorabool.
- To identify and budget for future maintenance and staff resourcing requirements.

It is proposed that these principles will be reviewed when the shire wide Open Space Strategy is developed to ensure that they reflect the needs and requirements of all of the local communities across the municipality.

Defining Open Space Requirements

The framework proposes to define open space two ways:

- **Area.** This determines the potential options that the space could serve.
- **Use.** This is classified seven ways (organised sport, active recreation, passive destination, activated bushland, civic space, linear link and drainage).

It is important to note that an area of public open space can have more than one use occurring at the site. For example, Maddingley Park contains areas for organised sport, active recreation and as a passive destination.

Definitions of open space by area (in existing):

- <0.2ha = very small (example: Edols St, Ballan);
- 0.2ha to 1ha = small (Clarinda Street Reserve, Bacchus Marsh);
- 1ha to 5ha = medium (Darley Park, Ballan Recreation Reserve);
- 5ha to 15ha = large (Caledonian Park, Ballan, Maddingley Park, Maddingley, Masons Lane, Bacchus Marsh); and
- 15ha+ = very large (Bacchus Marsh Racecourse and Recreation Reserve).

Definitions of open space by use:

- Organised sport:
 - Game day, training, formalised team sports.
- Active recreation:
 - Walking/cycling paths, playgrounds, fitness trails.
- Passive destination:
 - Places to sit, picnic areas.

- Activated Bushland:
 - Connect with nature via walking/cycling paths.
- Civic Space:
 - Civic events, café/restaurant spill out, gathering points.
- Linear Link:
 - Contains walking/cycling infrastructure to allow connection to other open space.
- Drainage:
 - Reserve facilitates the movement of water during flood events.

Accessibility to Open Space Areas

In the existing urban areas of Bacchus Marsh and Ballan, all residents should be within 400m of any area of open space, however, for new greenfield developments the following accessibility requirements to open space will be required.

| Description | Area | 200m | 400m | 1200m | 5000m+ |
|---------------|------------|------|------|-------|--------|
| Neighbourhood | 0.75ha | ✓ | | | |
| Destination | 1ha – 5ha | | ✓ | | |
| District | 5ha – 15ha | | | ✓ | |
| Regional | 15ha+ | | | | ✓ |

Adapted from VPA Open Space Types and Categories (<https://vpa.vic.gov.au/wp-content/uploads/2017/06/Metropolitan-Open-Space-Strategy-Open-Space-Category-Definitions.pdf>).

Minimum requirement for greenfield development is one open space parcel of 1ha in size with a walkable catchment of 400m.

Where more than one open space parcel is required, the minimum area should be 0.75ha with a walkable catchment of 200m.

No minimum distance has been outlined for linear links for greenfield developments, as these should be utilised to allow for a connection to areas of public open space.

Key Actions

The framework recommends five key actions to assist in the planning and delivery of improved open space for local residents and visitors:

| Action | Description | Lead | Partner | Engage | When | Funding |
|-------------------------------|--|-------------------------------------|---|---|-------------|---|
| Open Space Strategy | Development of Shire wide strategy that identifies key goals and objectives for open space access and use | Strategic & Sustainable Development | Recreation & Community Development | <ul style="list-style-type: none"> • Community • Statutory Planning & Community Safety • Active Ageing & Community Access • Child, Youth & Family • External Agencies • Statutory Planning & Community Safety • Active Ageing & Community Access • Child, Youth & Family • External Agencies | 2019 - 2021 | Estimated cost \$60,000 Existing budgets or budget bid in 2020/21 |
| Open Space Activation Program | Identify, design and construct development opportunities that improve open space in areas that are currently deficient in useable open space | Strategic & Sustainable Development | Recreation & Community Development Engineering Operations Assets | <ul style="list-style-type: none"> • Community • Statutory Planning & Community Safety • Active Ageing & Community Access • Child, Youth & Family • External Agencies | 2019 - 2020 | Staff resources Seek external funding for detailed design and construction |

| Action | Description | Lead | Partner | Engage | When | Funding |
|----------------------------------|--|-------------------------------------|---|--|-------------|---|
| Aqualink/Two Rivers Trail | Design, consult & construct improvements of open space adjoining the SRW Channel Continue to advocate for the SRW Channel to be converted to an off-road pedestrian and cycling trail | Strategic & Sustainable Development | Recreation & Community Development Engineering Operations | <ul style="list-style-type: none"> • Community • Statutory Planning & Community Safety • Active Ageing & Community Access • Child, Youth & Family • External Agencies | 2019 – 2020 | Staff resources Seek external funding for detailed design and construction |
| Open space enhancement program | Continue to implement renewal of ageing assets and parks, and look for opportunities for design improvements to increase use and visitation | Assets | Strategic & Sustainable Development | <ul style="list-style-type: none"> • Community • Active Ageing & Community Access • Child, Youth & Family • External Agencies | On-going | Existing recurrent budget and staffing resources |
| Improve existing key open spaces | Continue to deliver improvements to key existing open space areas in Bacchus Marsh & Ballan | Strategic & Sustainable Development | Recreation & Community Development Operations Engineering | <ul style="list-style-type: none"> • Community • Assets • Active Ageing & Community Access • Child, Youth & Family • External Agencies | On-going | Existing recurrent budget and staffing resources |

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 4: Improved Social Outcomes

Context 4A: Health & Wellbeing

Recreation and Leisure Strategy: Develop a plan to improve, update and beautify our neighbourhood, passive, recreation and other open spaces.

The proposal for the development of an Open Space Framework is consistent with the Council Plan 2017 – 2021.

Financial Implications

There are no immediate financial implications associated with the consideration of this report.

Subject to the outcomes of the Bacchus Marsh and Ballan Open Space Framework, additional financial implications may arise for the development of further strategic documents including an Open Space Strategy or the delivery of on-ground actions.

These costs would need to be considered by Council as part of future budget proposals, capital improvement programs or through external funding (e.g. state or federal government grants).

Risk & Occupational Health & Safety Issues

There are no direct risk or occupational health and safety issues associated with the recommendation within this report.

Community Engagement Strategy

| Level of Engagement | Stakeholder | Activities | Location | Date | Outcome |
|---------------------|---|--|---------------|----------------|--|
| Consult | Community | Survey on 'Have your Say' and Facebook | Various | September 2018 | To gather information from the community about their current use, access, and barriers of open space in Moorabool. |
| Consult | Internal departments (Aged & Disability Services, Maternal & Child Health, Parks & Gardens, Community Development & Recreation) | Presentation to staff | Darley | December 2018 | To inform internal departments on the project and seeking guidance on areas of expertise. |
| Inform | Bacchus Marsh Tracks and Trails Committee | Presentation to committee | Bacchus Marsh | February 2019 | Provide information on the results of the survey and work completed to date. |

| Level of Engagement | Stakeholder | Activities | Location | Date | Outcome |
|---------------------|--|--------------------------------|---------------|---------------|--|
| Inform | Senior Council staff | Presentation to Council staff | Darley | 18 April 2019 | Provide information on the work completed to date |
| Consult | Internal departments (Operations, Community Development and Recreation, Engineering, Strategic Planning) | Feedback on consultation draft | Darley | 6 May 2019 | Feedback received from Council departments to inform draft document for consultation |
| Inform | Bacchus Marsh Tracks and Trails Committee | Presentation to committee | Bacchus Marsh | 7 May 2019 | Provide information on the work completed to date and next steps |

Communications and Consultation Strategy

A Communications and Consultation Strategy will be developed as a component of the Moorabool Open Space Framework.

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 – Justin Horne

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

Conclusion

Since the presentation to the S86 Growth Committee in April 2019, work has been undertaken to develop a draft framework for community consultation.

The Framework is proposed to comprise of the three sections:

Section 1: Vision, Principles and Key Actions.

Section 2: Background report that supports the identified vision, principles and key actions.

Section 3: Appendices.

With the expected residential growth of Bacchus Marsh and Ballan to 2041 the framework provides specific directions for these areas, as well as providing guidance for future residential investigation areas.

Feedback from the Councillors will assist in the development of a finalised Consultation Draft, which is proposed to be presented to the July Ordinary Meeting of Council for the purposes of formal community consultation.

Following the completion of the consultation period, a subsequent report will be presented to the S86 Growth Management Committee summarising the feedback received and how it has been incorporated into the final Framework.

It is considered of high importance that the framework is completed for Bacchus Marsh and Ballan to ensure that Councils objectives for open space planning are considered by the VPA and developers as these areas are planned for and developed. In addition, the framework will guide open space planning for infill development in these areas as well.

A whole of Shire open space strategy should be considered to be undertaken on completion of the framework, to incorporate the findings of the Community Infrastructure Framework, review the objectives of the Framework as it applies to the whole of the Shire and to ensure that the required work is completed to facilitate a planning scheme amendment to enable financial contributions in infill development areas.

The preliminary draft has been developed based on the data gathered via the community survey and mapping assessment of existing open space in the Bacchus Marsh and Ballan.

Recommendation

That the S86 Moorabool Growth Management Committee:

- 1. Receives the Bacchus Marsh and Ballan Open Space Framework Consultation Draft for the purposes of providing feedback to staff to assist in development of a Draft Framework for Community Consultation .**
- 2. Support the Draft Bacchus Marsh and Ballan Open Space Framework be presented to an Ordinary Meeting of Council for the purpose of commencing community consultation.**

Report Authorisation:

Authorised by:

Name: **Satwinder Sandhu**

Title: **General Manager Growth and Development**

Date: **7 May, 2019**



Bacchus Marsh & Ballan

Open Space Framework 2041

May 2019



VERSION CONTROL

| Version Number | Prepared by | Reviewed by | Purpose | Date |
|----------------|-----------------------------------|--|--|-------------|
| A1.0 | Justin Horne | Joe Morgan-Payler Tom Miller | Internal review | 01.02.2019 |
| A1.1 | Justin Horne | Joe Morgan-Payler Tom Miller | Internal review | 11.02.2019 |
| A1.2 | Justin Horne | Joe Morgan-Payler Tom Miller | Internal review | 26.02.2019 |
| A1.3 | Justin Horne | Joe Morgan-Payler Tom Miller | Internal review | 21.03.2019 |
| V1.0 | Justin Horne | Joe Morgan-Payler Tom Miller | Comments on Pre- liminary Draft | 05.04.2019 |
| V2.0 | Justin Horne | Rod Davison Sarah Kernohan Ian Waugh Ewen Nevitt Daniel Smith Raeph Cumming | Internal Review to inform Consultation Draft | 30.05.2019 |
| V2.1 | Justin Horne Joe Morgan-Payler | Executive Councillors | Internal review | 05 .06.2019 |
| | | | | |

We acknowledge the indigenous history of Moorabool Shire. The land was traditionally occupied by and connected to a number of indigenous communities, most notably the Wathaurong Tribe in the South and West and the Wurundjeri in the East.

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Part 02

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Appendices

Implementation Plan
Bacchus Marsh Urban Growth Framework Open Space map
Ballan Strategic Directions Open Space Map
Policy review

Part 01

The Framework



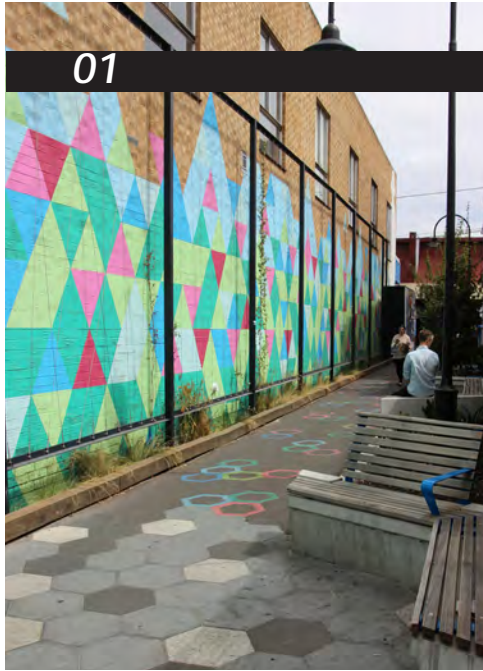
Open Space in Bacchus Marsh and Ballan will:

1. Be planned and managed to provide for a range of activities through a connected network

2. Allow residents and visitors increased opportunities to connect with nature, rest, play, exercise and socialise.

1.1 GUIDING PRINCIPLES

To ensure that this vision is achieved the following objectives must be considered in the design and management of all new and existing open space in Bacchus Marsh and Ballan:



Be designed for maximum community benefit and consider all potential opportunities and activities to facilitate the development of the site (e.g. funding, community involvement and social engagement).



Provide quality and accessible open space for all residents.



Be a connected and safe network for all the community to use.



in existing areas of Bacchus Marsh & Ballan all residents should be within:

- 400 metres of an area of open space.
- new greenfield developments must provide publicly accessible open space within a 400m walkable catchment.



Reflect the landscape and Indigenous and European cultural heritage of Moorabool.



Identify and budget for future maintenance and staff resourcing requirements.

1.2 DEFINITIONS OF OPEN SPACE

Open space in Bacchus Marsh and Ballan is defined in two ways:

- Area. This determines the potential options that the space could serve.
- Use. This is classified seven ways (organised sport, active recreation, passive destination, activated bushland, civic space, linear link and drainage).

Definitions of open space by area:

- <0.2ha = very small (example: Edols St, Ballan)
- 0.2ha to 1ha = small (Clarinda Street Reserve, Bacchus Marsh)
- 1ha to 5ha = medium (Darley Park, Ballan Recreation Reserve)
- 5ha to 15ha = large (Caledonian Park, Ballan, Maddingley Park, Maddingley, Masons Lane, Bacchus Marsh)
- 15ha+ = very large (Bacchus Marsh Racecourse and Recreation Reserve)

Definitions of open space by use:



Organised sport

Game day, training, formalised team sports



Active recreation

Walking / cycling paths, playgrounds, fitness trails



Passive destination

Places to sit, picnic areas



Activated Bushland

Connect with nature via walking/cycling paths.



Civic Space

Civic events, café / restaurant spill out, gathering points



Linear Link

contains walking / cycling infrastructure to allow connection to other open space.



Drainage

reserve facilitates the movement of water during flood events.

It is important to note that an area of public open space can have more than one use occurring at the site. For example, Maddingley Park, contains areas for organised sport, active recreation and as a passive destination.

1.3 ACCESSIBILITY TO OPEN SPACE – IN FILL & GREEN FIELD DEVELOPMENTS

No minimum distance has been outlined for linear links for greenfield developments, as these should be utilised to allow for a connection to areas of public open space.

| Definition | Area | 200m | 400m | 1200m | 5000m |
|---------------|----------|------|------|-------|-------|
| Neighbourhood | 0.75ha | ✓ | ✓ | ✓ | ✓ |
| Destination | 1 - 5ha | | ✓ | ✓ | ✓ |
| District | 5 - 15ha | | | ✓ | ✓ |
| Regional | 15ha+ | | | | ✓ |

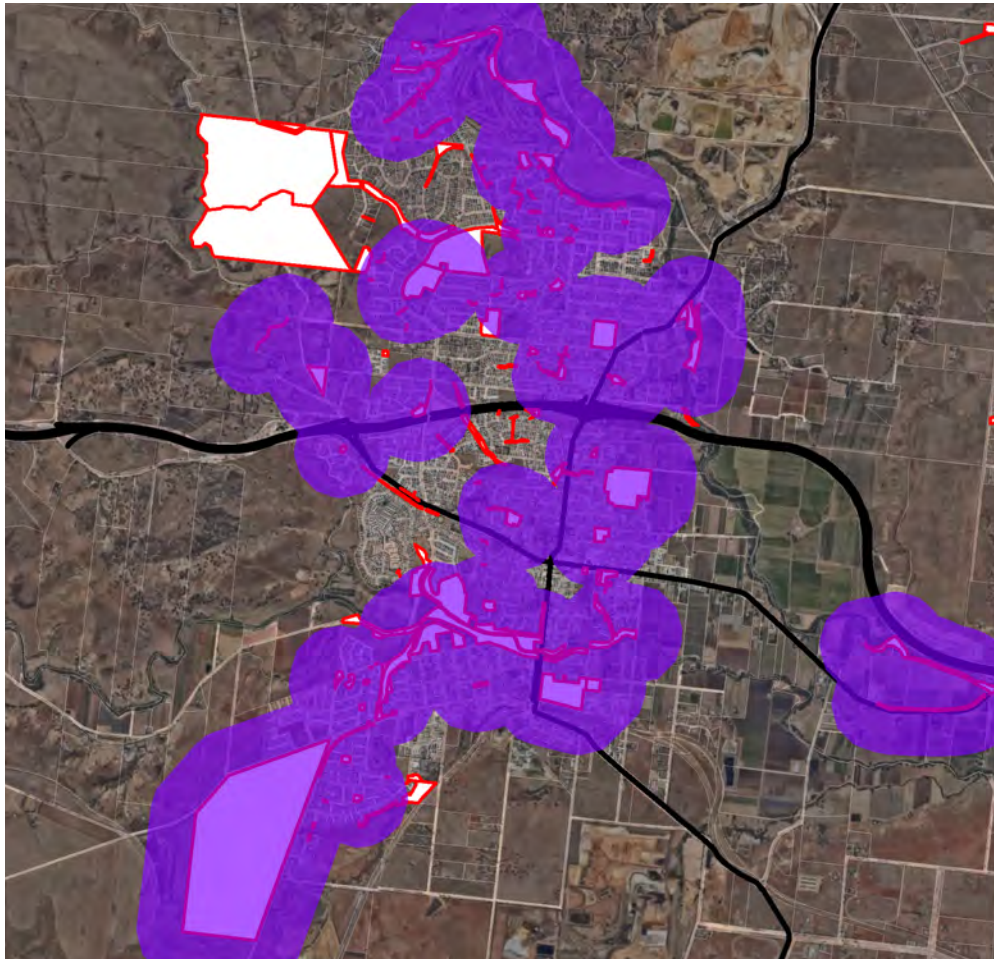
Above: **Table 01**, Adapted from VPA Open Space Types and Categories
 (<https://vpa.vic.gov.au/wp-content/uploads/2017/06/Metropolitan-Open-Space-Strategy-Open-Space-Category-Definitions.pdf>)

1.4 EXISTING AREAS OF BACCHUS MARSH & BALLAN

Accessibility to open space areas

In the existing urban areas of Bacchus Marsh and Ballan, all residents should be within 400m of any area of open space. This open space may be accessed via a variety of ways, such as existing footpath networks, off road trails or on-road bike lanes.

Where existing connectivity is poor, prioritisation should be given to these areas to improve connectivity via footpaths or the improvement of existing areas of open space that are currently underutilised.



Above: **Map 01**, 400m catchment for bacchus marsh open space



Above: **Map 01**, Bald Hill Reserve Location

1.5 KEY ACTIONS

| Action | Description | Lead | Partner | Engage | When | Funding |
|----------------------------------|--|-------------------------------------|---|---|-------------|---|
| Open Space Strategy | Development of Shire wide strategy that identifies key goals and objectives for open space access and use | Strategic & Sustainable Development | Recreation & Community Development | <ul style="list-style-type: none"> Community Statutory Planning & Community Safety Active Ageing & Community Access Child, Youth & Family External Agencies Statutory Planning & Community Safety Active Ageing & Community Access Child, Youth & Family External Agencies | 2019 - 2021 | \$45,000 Existing budgets or budget bid in 2020/21 |
| Open Space Activation Program | Identify, design and construct development opportunities that improve open space in areas that are currently deficient in useable open space | Strategic & Sustainable Development | Recreation & Community Development Engineering Operations Assets | <ul style="list-style-type: none"> Community Statutory Planning & Community Safety Active Ageing & Community Access Child, Youth & Family External Agencies | 2019 - 2020 | Staff resources Seek external funding for detailed design and construction |
| Aqualink / Two Rivers Trail | Design, consult & construct improvements of open space adjoining the SRW Channel Continue to advocate for the SRW Channel to be converted to an off-road pedestrian and cycling trail | Strategic & Sustainable Development | Recreation & Community Development Engineering Operations | <ul style="list-style-type: none"> Community Statutory Planning & Community Safety Active Ageing & Community Access Child, Youth & Family External Agencies | 2019 - 2020 | Staff resources Seek external funding for detailed design and construction |
| Open space enhancement program | Continue to implement renewal of ageing assets and parks, and look for opportunities for design improvements to increase use and visitation | Assets | Strategic & Sustainable Development | <ul style="list-style-type: none"> Community Active Ageing & Community Access Child, Youth & Family External Agencies | On-going | Existing recurrent budget and staffing resources |
| Improve existing key open spaces | Continue to deliver improvements to key existing open space areas in Bacchus Marsh & Ballan | Strategic & Sustainable Development | Recreation & Community Development Operations Engineering | <ul style="list-style-type: none"> Community Assets Active Ageing & Community Access | On-going | Existing recurrent budget and staffing resources |

1.6 OPEN SPACE IMPROVEMENT PROGRAM 2019/20 (SUMMARY)

Plan & Consult

- Splash Park Design – Bacchus Marsh & Ballan
- Bald Hill Activation Plan – Feasibility Study
- Open Space Improvement Plan
- Ballan Recreation Reserve Pavilion
- Bacchus Marsh Recreation Reserve Sports Field Precinct
- Darley Park Masterplan & Pavilion design
- Lidgett Street Reserve Improvements
- Beresford Court Reserve Improvements

Deliver

- Bacchus Marsh Recreation Reserve Sports Field Precinct
- Ballan Recreation Reserve Pavilion
- Upgrade/replacement of existing sports oval lighting at Ballan Recreation Reserve
- Masons Lane Western Pavilion Extension
- Lidgett Street Reserve Improvements
- Beresford Court Reserve Improvements





Part 02

The Background Report

2.1 WHAT IS THE PURPOSE OF THE BACCHUS MARSH & BALLAN OPEN SPACE FRAMEWORK 2041?

The *Bacchus Marsh & Ballan Open Space Framework 2041* provides an overarching vision and strategic direction for public open space planning in the current and future urban areas of Moorabool Shire – in both the existing residential areas as well as for new residential investigation areas identified in the Bacchus Marsh Urban Growth Framework and Ballan Strategic Directions documents.

Action 4 of the Bacchus Marsh Urban Growth Framework identified that a District Open Space Framework was a short term requirement to inform future growth planning.

The framework is the first component of a two-step project investigating public open space in selected areas in Moorabool that are experiencing or are projected to experience high rates of residential growth.

The Open Space Framework:

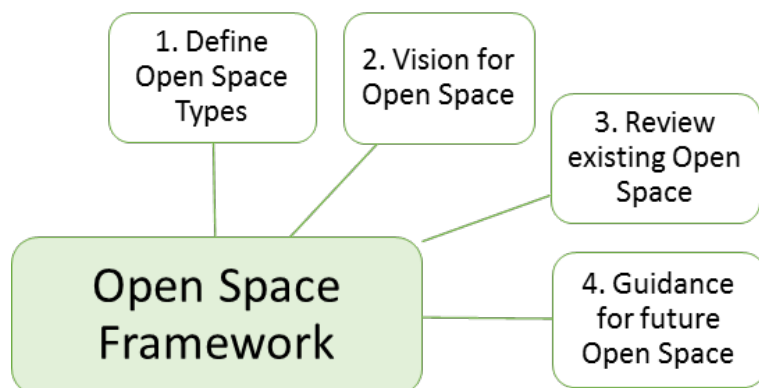
- Defines Open Space Types
- Creates a vision to guide the future planning and management of open space
- Reviews the existing provision of open space and identify gaps and opportunities
- Provides guidance for the future planning and management of open space

Council has developed a range of strategic and operation documents that highlight the need for improved accessibility and management of open space. The key objectives and principles of existing Council and State Government documents relating to open space were reviewed in the development of the Open Space Framework, and a summary of their key objectives and principles is attached as appendix 1.

The framework includes consideration of current needs and a forecast of future needs with the vision of open space provision within the urban areas of Bacchus Marsh, Darley, Maddingley and Ballan. In addition, the framework establishes a vision and objectives for future public open space in new residential infill and greenfield developments.

The framework does not provide details about existing and future public open space requirements in the smaller towns and settlements due to the decreased demand for new facilities and different way in which open space are utilised in less densely populated areas. Open Space planning for smaller towns and settlements should be undertaken during structure planning or master plan development for specific sites.

The Community Infrastructure Framework (draft) outlines accessibility benchmarks for public open space in the small towns and rural areas of Moorabool.

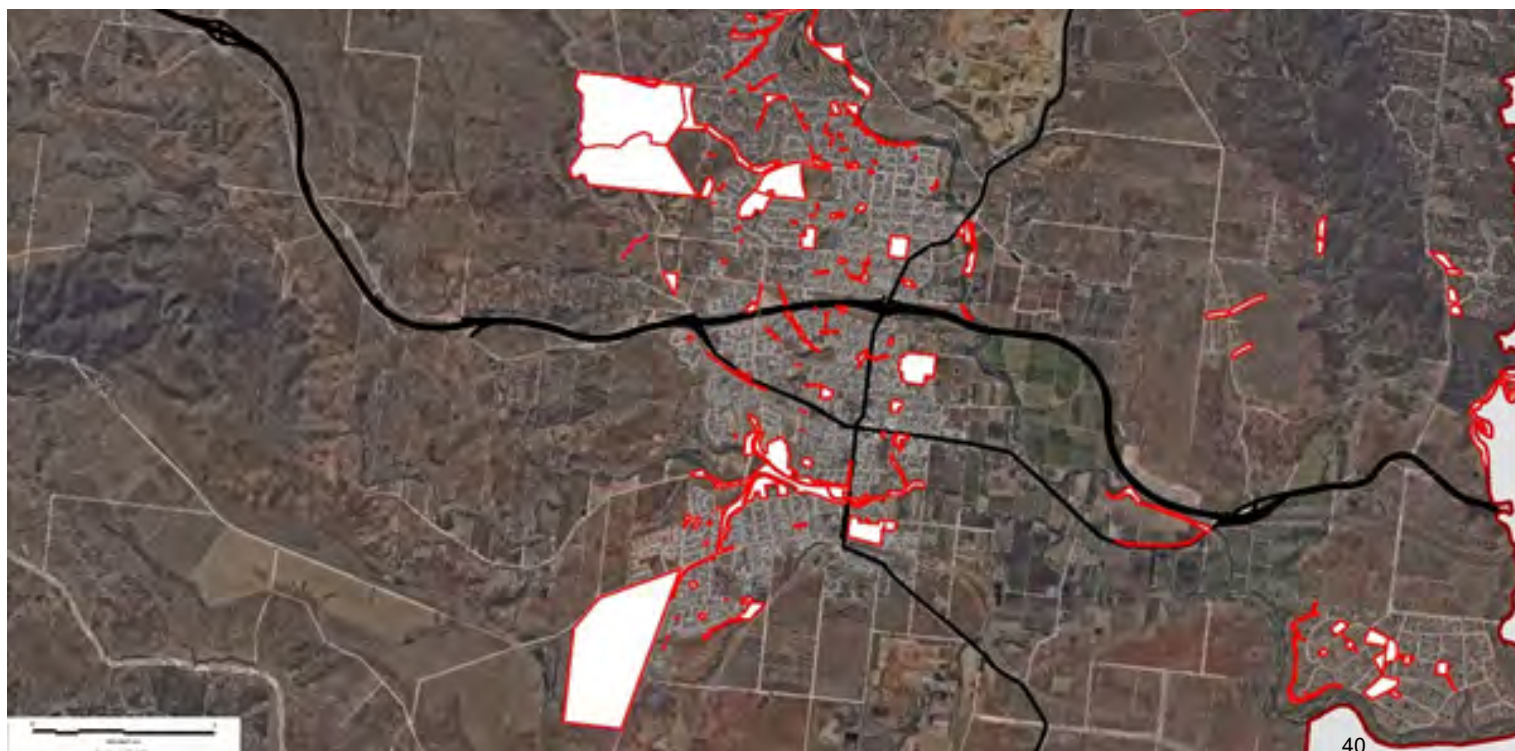


2.2 WHAT IS OPEN SPACE?

Open space is the publicly owned land that is set aside primarily for recreation, nature conservation, passive outdoor enjoyment and public gatherings. This includes public parks, gardens, reserves, waterways, publicly owned forecourts and squares.

Public open space also includes publicly owned land that are managed by or on behalf of the State of Victoria including:

- Long Forest Nature Conservation Reserve
- Brisbane Ranges National Park
- Lerderderg State Park
- Werribee Gorge State Park



Map 01, Existing areas of open space in Bacchus Marsh (shown with red outline)



Map 02. Existing areas of open space in Ballan (shown with red outline)

For the purposes of this document Public Open Space is defined as the following:

- Publicly owned;
- Publicly accessible;
- Primary purpose is outdoor recreation and leisure, conservation, waterways and/or heritage; and
- Provides one or more of outdoor recreation, leisure and environmental benefits, and/or visual amenity.

**publicly accessible – it should be recognised that for some activities that occur on public open space that there are some instances where entrance or participation fees are required (e.g. entrance to football games, events).*

While other public and private land including schools, streets and golf clubs complement the open space network and they are referenced at times in this document, these are guided by other strategies and plans and are as such the recommendations of this document do not apply to these areas.

Throughout this framework public open space is referred to as 'open space'.

2.3 WHY IS OPEN SPACE IMPORTANT?

The provision of good quality open space significantly improves quality of life and general wellbeing and encourages physically active, engaged and healthy communities.

Participation in recreation activities (both active recreation and organised sport), has been linked to the prevention and treatment of physical and mental illnesses, and has a useful role in reducing anti-social behaviour.

In addition, participation in leisure activities provides people with valuable opportunities to engage and connect with their local community which further reinforces a sense of belonging. An integrated network of pathways linking open spaces to residential areas, recreational and community facilities promotes safety and provides active healthy transport choices. It also provides opportunities for social interaction, participation in recreation activities and contributes to the overall health and well being of local communities.

The Commonwealth Department of Health's 'Physical activity and sedentary behaviour guidelines' recommend that adults do either 2.5 – 5 hours of moderate or 1.25 – 2.5 hours of vigorous physical activity per week. Active Victoria identifies that approximately 60% of Victorians do not reach this recommended level of physical activity and 21% are not involved in any form of sport or active recreation.

Active Victoria outlines the following benefits of sport and active recreation:

- Victorians' involvement in sport and active recreation makes us healthier. Increasing the rate of physical activity by 10 per cent has been estimated to reduce physical-inactivity-related deaths by 15 per cent and new cases by 13 per cent.
- Sport and active recreation creates, and added approximately \$8.5 billion to Victoria's economy in 2016.
- Sport and active recreation brings people together and builds community cohesion. It connects Victorians to their communities, healthcare, education, training and economic opportunities; and
- Sport and active recreation makes a significant contribution to Victoria's liveability. This is a key to attracting and retaining the highly mobile workforce of Victoria's future knowledge and service based economy.

Neighbourhood characteristics also have a strong influence on a person's physical and social development. Safe, liveable neighbourhoods allow people to develop positive and holistic views of their community. Local parks provide children with accessible opportunities for play and social interaction with peers and other families which supports children's development.

Natural areas help to create a sense of place, allow residents to engage with native plants and animals, provide habitat corridors for native fauna through the preservation and establishment of indigenous flora.

Belonging to community groups and sporting clubs provides opportunities for people to develop friendships, interact with others from various back-

grounds, share similar interests and develop a strong sense of belonging and purpose.

There are several existing Council documents that also reinforce the importance of the role open space including:

- Bacchus Marsh Urban Growth Framework (2018)
- Ballan Strategy Directions (2018)
- Recreation and Leisure Strategy 2015-21 (including Play Strategy) (2016)
- Hike and Bike Strategy 2014 (2015)
- Bacchus Marsh Integrated Transport Strategy (2017)
- Open Space Assessment Management Plan (2018)

A list of existing State Government and Moorabool policies and strategies that outline objectives relating to open space management and planning is attached as appendix 1.

2.4 WHY UNDERTAKE AN OPEN SPACE FRAMEWORK?

The recent completion of key strategic initiatives such as the Ballan Strategic Directions (2017) and the Bacchus Marsh Urban Growth Framework (2017), identified the need for an overarching framework and strategy to guide the planning and management of open space in existing areas, as well as within new developments.

Action 4 of the Bacchus Marsh Urban Growth Framework identified that a District Open Space Framework was a short term requirement to inform future growth planning.

In addition, the Recreation and Leisure Strategy (2016) identified a current short fall in the provision of sporting fields and playspaces in Moorabool. The draft Community Infrastructure Framework has reviewed these projections based on the development of the Bacchus Marsh Racecourse and Recreation Reserve and proposed open space to be provided as part of the Underbank development (tables 1 and 2).

POPULATION GROWTH

The projected growth of Bacchus Marsh and Ballan to 2041 will result in increased demand of use on existing open space. In addition community expectations on the quality and accessibility of open space will also continue to increase. The framework will identify areas of current need as well as outline requirements of open space accessibility in new areas.

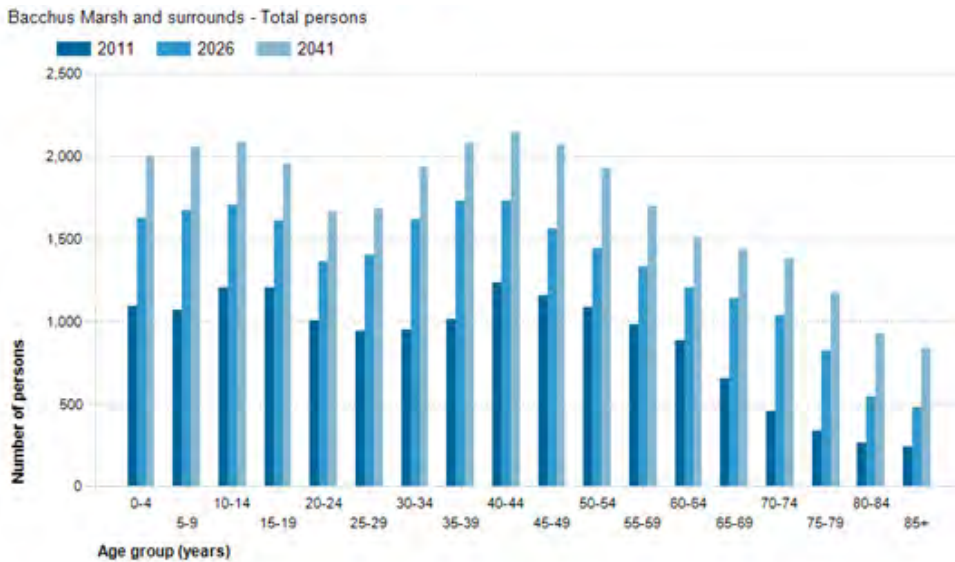


Figure 01, Forecast age structure - 5 year age groups: Projected population growth in Bacchus Marsh and Surrounds between 2011 and 2041 (source ID Profile)

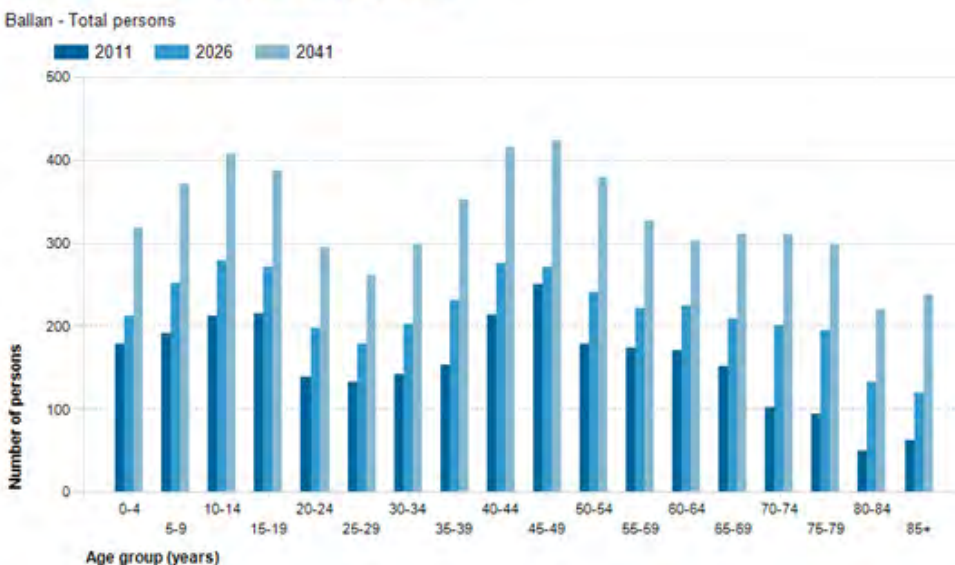


Figure 02, Forecast age structure - 5 year age groups: Project population growth in Ballan between 2011 and 2041 (source ID Profile)

NEW GREEN FIELD REQUIREMENTS

Existing Council documents, such as the Urban Growth Framework and VPA guidelines outline the need for selected open space provision in new greenfield development based on residential projections. However, these documents do not provide an outline to guide how this open space should be designed and the role it should play in providing increased opportunities for the residents, visitors and workers to for recreation whether it be active or organised.

Tables 1 and 2 show the projected supply and demand for organised sport in 2041 in Bacchus Marsh, Darley, Maddingley and Ballan. These figures have been provided from the draft Community Infrastructure Framework and are an update from the figures that are stated in the Recreation and Leisure Strategy (2016).

The draft Community Infrastructure Framework advises monitoring of demand and participation once the new ovals and soccer pitches at the Bacchus Marsh Racecourse and Recreation Reserve and Underbank have been operational for at least 2 years, and to await planning for Merrimu and Parwan, before planning for new ovals. No new ovals will be developed in rural areas.

Ballan can support maximum 1 additional oval after 2031 and soccer facilities should be considered only if a soccer club is established in Ballan.

Please note these tables provide updated information from the Recreation and Leisure Strategy 2015-21.

| Sport | Benchmark | Total Facilities required 2041 | Expected Facility Provision 2041 | Assessed over/ under supply |
|--------------|-----------------------|--------------------------------|----------------------------------|-----------------------------|
| AFL Football | 1 (oval):4,500 people | 7 ovals | 5 ovals | -2 ovals |
| Cricket | 1:3,500 | 9 ovals | 7 ovals | -2 ovals |
| Lawn Bowls | 1:10,000 | 3 greens | 4 greens | +1 green |
| Soccer | 1:5,000 | 7 pitch | 6 pitch | -1 pitch |
| Tennis | 1:2,000 | 15 courts | 23 courts | +8 courts |
| Netball | 1:3,500 | 5 courts | 7 courts | +2 courts |

Table 01, Assessment of organised sport requirements in 2041 Bacchus Marsh & Surrounds (draft Community Infrastructure Framework 2019)

| Sport | Benchmark | Total Facilities required 2041 | Expected Facility Provision 2041 | Assessed over/ under supply |
|--------------|-----------------------|--------------------------------|----------------------------------|-----------------------------|
| AFL Football | 1 (oval):4,500 people | 1.3 ovals | 1 ovals | -0.3 ovals |
| Cricket | 1:3,500 | 1.7 ovals | 1 ovals | -0.7 ovals |
| Lawn Bowls | 1:10,000 | 0.6 greens | 1 greens | +0.4 green |
| Soccer | 1:5,000 | 1.2 pitch | 0 pitch | -1.2 pitch |
| Tennis | 1:2,000 | 3 courts | 6 courts | +3 courts |
| Netball | 1:6,000 | 1 courts | 1 courts | 0 courts |

Table 01, Sport & recreation requirements in 2041 Ballan (draft Community Infrastructure Framework 2019)

Images Below, Modern examples of green-field public spaces, Woodgrove.



EXISTING OPEN SPACE – MOORABOOL

Moorabool is defined by the significant National and state environmental assets that a spread throughout the Shire, as well as large areas of farming and irrigation which together provide the backdrop for the open space areas in our towns and settlements.

The landscape that we experience today is the result of both natural processes and human activity. The natural flooding events around Bacchus Marsh have assisted in the dominance of River Red Gums in the valley, while the use of fire by the Wathaurong and Wurundjeri people promoted the dominance of grasslands and Acacia and Eucalyptus species throughout the rest of the Shire.

European settlement from 1836 onwards modified the alignment, shape and natural values to suit land use changes, industrialisation and growing needs. As a result of European settlement formal open spaces and gardens utilising a mix of exotic and native plant species have been established. These formal open spaces allow for a variety of recreational activities and uses such as walking, organised sport, playgrounds and picnics.

In more recent years, rivers and creeks have been seen as opportunities to encourage recreational activities including, jogging, cycling and walking. This increased access to waterways has allowed residents and visitors to experience the local environment and the establishment of friends groups which assist in the management and improvements of these waterways.

Today open space encourages the community outdoors to participate in organised sport, unstructured recreational activities and informal uses that promote social connectedness and community health and wellbeing. Bacchus Marsh Racecourse and Recreation Reserve, Peppertree Park, Maddingley Park, Darley Park, Masons Lane, Caledonian Park and Ballan Recreation Reserve are some of the key open spaces that support this community use.



Image Above, Maddingley Park in 2018.

Image Below, Maddingley Park; 'In the public gardens, Bacchus Marsh, 1918'.





2.5 EXISTING CONDITIONS

SUMMARY OF EXISTING VALUES FOR BACCHUS MARSH, DARLEY AND MADDINGLEY.

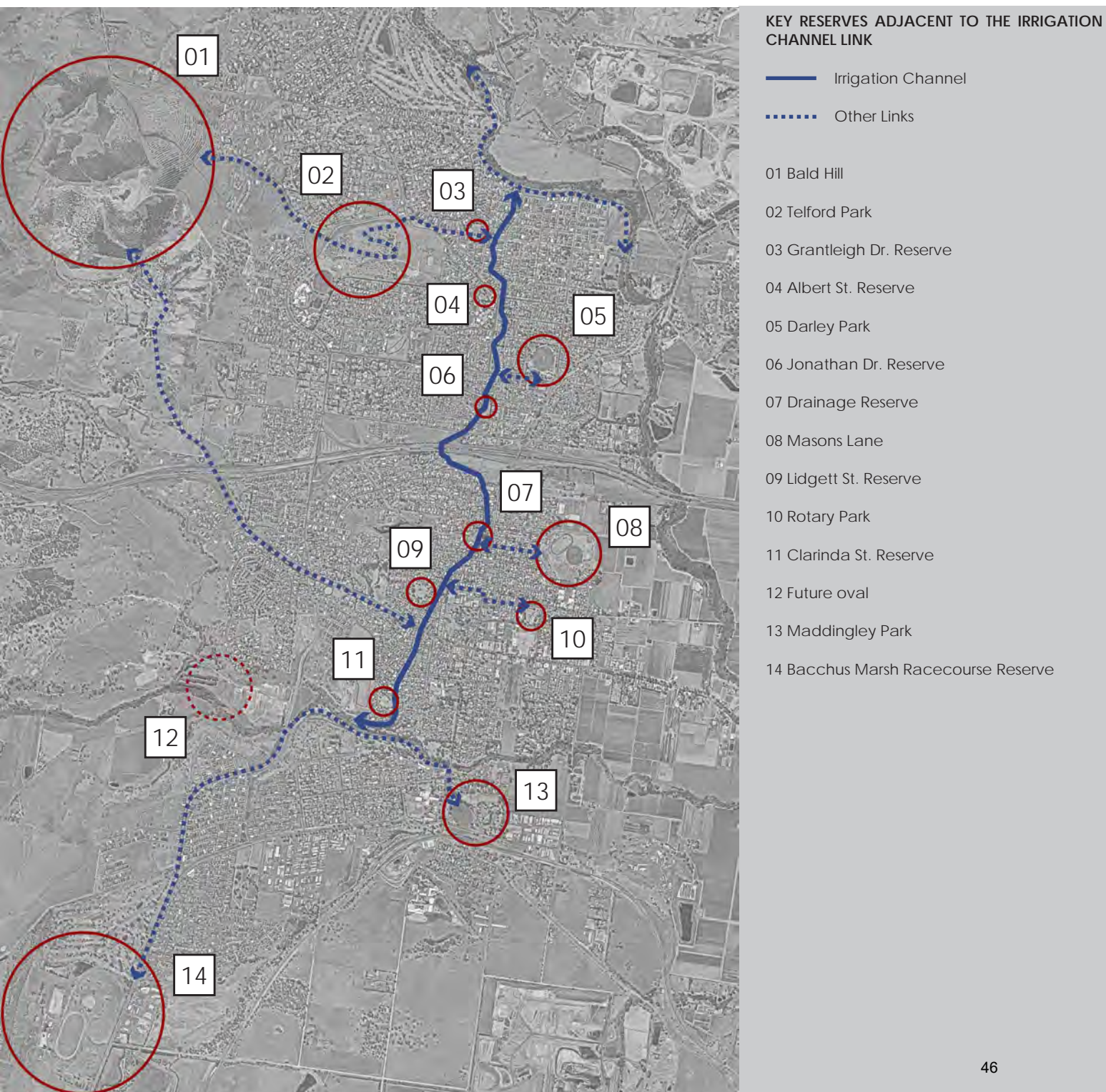
This section provides an outline of the existing open space for Bacchus Marsh, Darley and Maddingley, it is important to also identify the key values and opportunities to provide a connected open space network between each of these neighbourhoods.

Critical to the establishment of a connected open space network is the utilisation of the SRW irrigation channel. SRW and Council have identified the opportunity as part of the irrigation network modernisation project to establish the channel as an off road pedestrian and cycling link that if fully constructed would allow for a 4.5km (approx.) link from Darley to Maddingley.

This link would allow for improved pedestrian and cycling connections to

- Activity Centres at Darley, Main St and Maddingley
- Primary and Secondary Schools
- Bacchus Marsh Train Station
- District and Regional Open Space such as Darley Park, Lidgett Reserve, Maddingley Park and Peppertree Park

The Bacchus Marsh Urban Growth Framework (BMUGF) also identified the need for future town planning to facilitate the establishment of expanded open space connections along the Lerderderg River and Werribee River. The BMUGF also identified the potential of a regional reserve to be established at the Melton Reservoir below Hopetoun Park.



EXISTING OPEN SPACE – DARLEY PRECINCT SUMMARY

Darley is an established area with residential development primarily occurring between the 1980s and 1990s. Bald Hill forms the western edge of Darley with the landform sloping east to the flat areas around Darley Park and the Lerderderg River walk.

The characteristic open spaces in this precinct include Darley Park, Telford Park and Bush Reserve, Federation Reserve, Bald Hill Reserve and the Lerderderg River walk. While the Lerderderg Golf Club is a private club, it provides a green back drop.

Population forecasts for Darley indicate that the population will remain steady at approximately 9,000 residents. It is anticipated that Darley will trend towards an aging population, and design of the open space in the area should allow for access for all of the community.

Darley Plaza provides an area of mixed retail, with some minor outdoor seating. There is the potential for some urban design improvements at the site to improve its interaction with pedestrians along Gisborne Rd and Grey St and users of Darley Park.

The precinct has a significant network of drainage easements and linear reserve that provide off road linkages to larger areas of functional open space. Additional local open spaces are provided at Maddison Circuit Reserve, Jonathan Drive Reserve, Simon Court Reserve and Rogers Reserve.



KEY RESERVES WITHIN DARLEY

01 Gleneagles Crt.. Reserve

02 Ross St. Reserve

03 Silverdale Dr. Reserve

04 Telford Park and Wittick St. Reserve

05 Maddison Circuit Reserve

06 Rogers Reserve

07 Hine Crt Reserve

08 Grantleigh Dr. Reserve

09 Jonathan Dr. Reserve

10 The Lerderderg River Corridor

11 Albert St. Reserve

12 Darley Park

13 Beresford Cres Reserve

14 The Lerderderg River Corridor

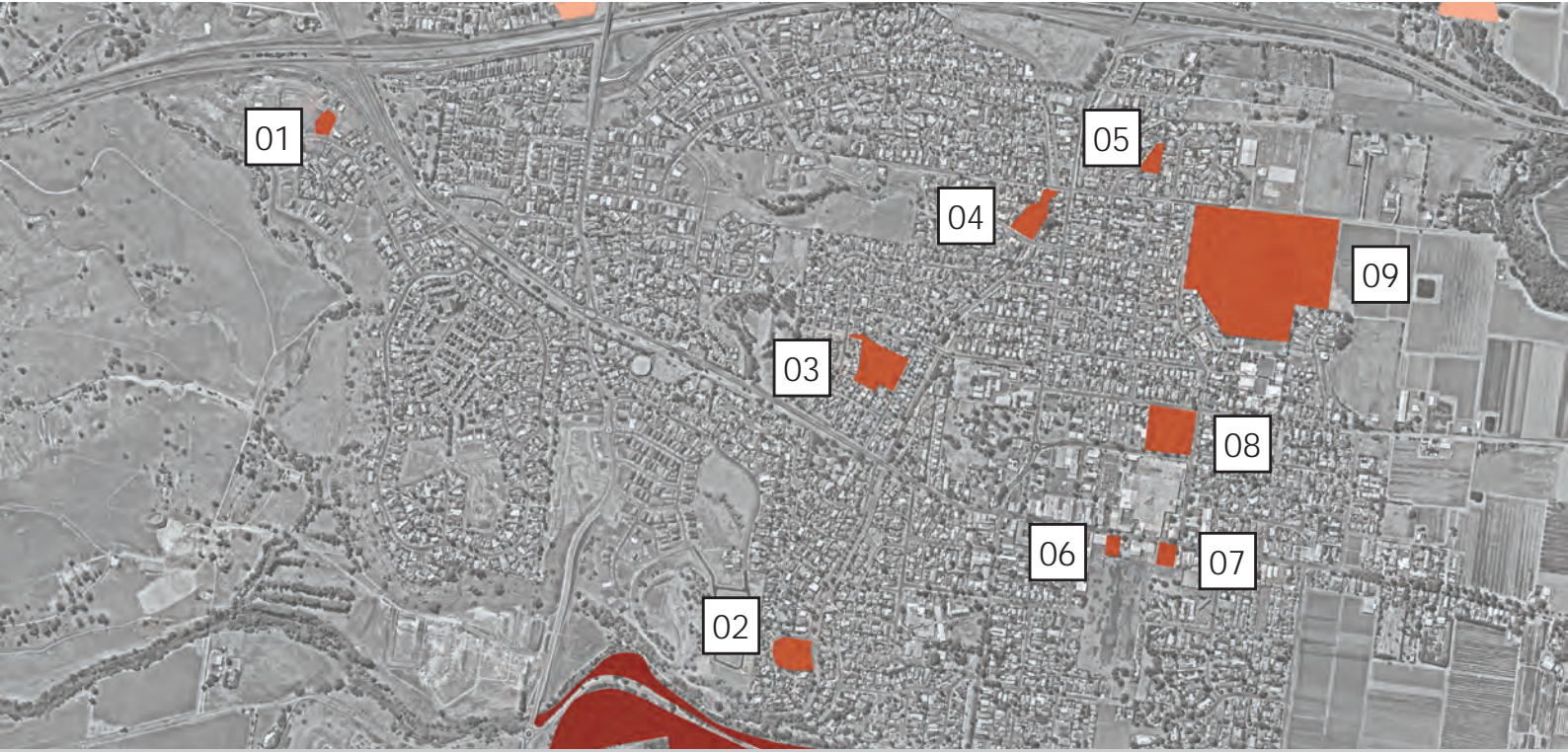
EXISTING OPEN SPACE – BACCHUS MARSH PRECINCT SUMMARY

Much of the open space within has been shaped by the floodplains of the Werribee River, the characteristic open spaces within Bacchus Marsh include Rotary Park, Peppertree Park and Bacchus Marsh Outdoor Swimming Pool, The Village Green (Main Street) and Mason Lane Reserve.

Main Street provides some plaza style open spaces at the Village Shopping Centre and at Court House Place (extension of Church Street).

Forecast population change is planned to occur in Bacchus Marsh with the development of Underbank to the west of the current settlement boundary. The demographics of the precinct are expected to double by 2041, from 6,000 residents in 2011 to over 12,000.

Additional local open spaces are to be provided in the Underbank development, as well as infill development areas at Bellevue Tops and Clifton Drive. Small local open spaces are already available at Barbara Court Reserve, Eddie Toole Reserve, Margaret Drive Reserve Lidgett Street Reserve.



KEY RESERVES WITHIN BACCHUS MARSH

01 Rosehill Dr. Reserve

02 Clarinda St. Reserve

03 Lidgett St. Reserve

04 Drainage Reserve

05 Barbara Ct. Reserve

06 Eddie Toole Place

07 Old Council Office site

08 Rotary Park

09 Masons Lane Reserve

EXISTING OPEN SPACE – MADDINGLEY PRECINCT SUMMARY

Maddingley has a mix of development occurring since European settlement. Maddingley Park was historically a significant tourism draw with its gardens drawing significant visitation from Melbourne via train.

Significant forecast population change is planned to occur in Maddingley with the development of Stonehill and Essence Estates providing new local open spaces, primarily for recreational activities such as walking and cycling around the constructed wetlands (stormwater retarding basins).

The open spaces in this precinct include Maddingley Park, Bacchus Marsh Racecourse and Recreation Reserve and Peppertree Park. While the Bacchus Marsh West Golf Club is a private club, it provides a green back drop.

Major redevelopment of the Bacchus Marsh Racecourse and Recreation Reserve is currently being undertaken which will provide a significant increase to the provision of open space available for active recreation and organised sport in Bacchus Marsh. The \$20m redevelopment, includes the construction of:

- BMX race and training facilities
- 4 sporting ovals and pavilions
- Equestrian facilities, including campdraft arena

Within Maddingley, additional local open spaces are provided at Guy Place Reserve, Harry Vallence Drive Reserve, Powlett Street Reserve and Kel Shields Flora Reserve.



KEY RESERVES WITHIN MADDINGLEY

01 Bacchus Marsh Racecourse Reserve

04 Guy Pl. Reserve

07 Powlett St. Reserve

02 Parkside Avenue Park

05 Stonehill Park

08 Maddingley Park

03 Harry Vallence Dr. Reserve

06 Kel Shields Flora Reserve

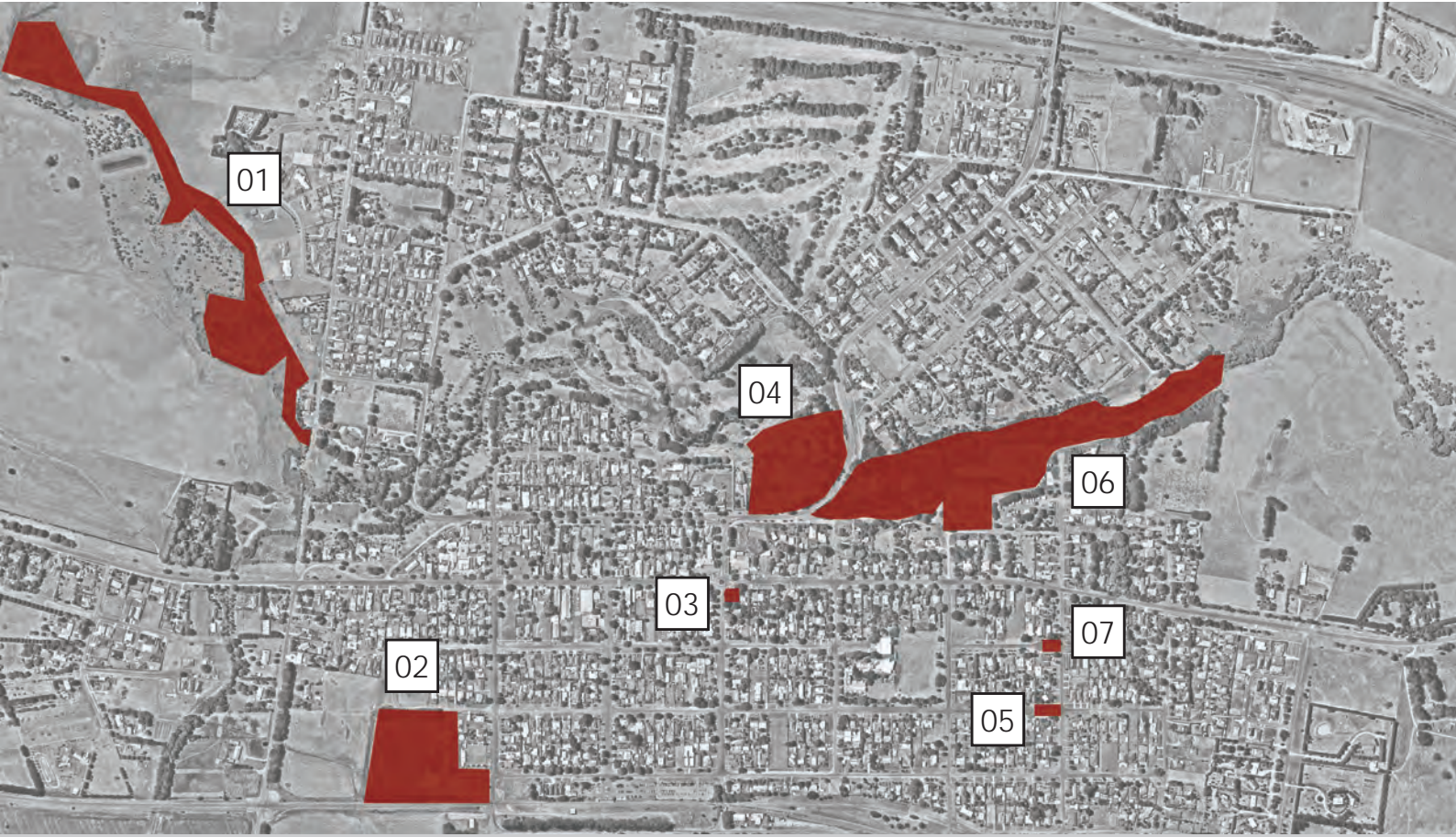
EXISTING OPEN SPACE – BALLAN PRECINCT SUMMARY

The characteristic open spaces in this precinct include Caledonian Park and Ballan Swimming Pool, Ballan Recreation Reserve, Bostock Reservoir and Ballan Racecourse. While the Ballan Golf Club is a private club, it provides a green back drop.

Recent upgrades to Main Street has assisted in the expansion of the existing open spaces along the street including McLean Reserve and the fore-court of the Ballan Mechanics Institute.

The Ballan Strategic Directions (2018) identifies future areas of open space being developed to the west of the existing township area. These open spaces will provide new local open spaces, primarily for recreational activities such as walking and cycling along the Werribee River, and will provide improved connections utilising green corridors as well as the Main St precinct.

The Ballan Strategic Directions also identified the potential for creation of an additional recreation reserve to be provided in the residential area to the west of the current town boundary.



KEY RESERVES WITHIN BALLAN

01 Frasers reserve

02 Ballan Recreation Reserve

03 Mclean Reserve

04 Mill Park

05 Edols St. Park

06 Caledonian Park and teh Werribee River Frontage Reserves

07 Steiglitz St. Park

Item 5.4 Moorabool Planning Scheme Review – Stage 1 Literature Review Report

Introduction

Author: Sarah Kernohan
General Manager: Satwinder Sandhu

Background

The Moorabool Planning Scheme Review process commenced in August 2018, with the engagement of Mesh Planning to undertake Stages 1 and 2 of the review.

The Planning Scheme review consists of three stages as outlined in Figure 1. The project is currently at Stage 1: Review and Engagement.

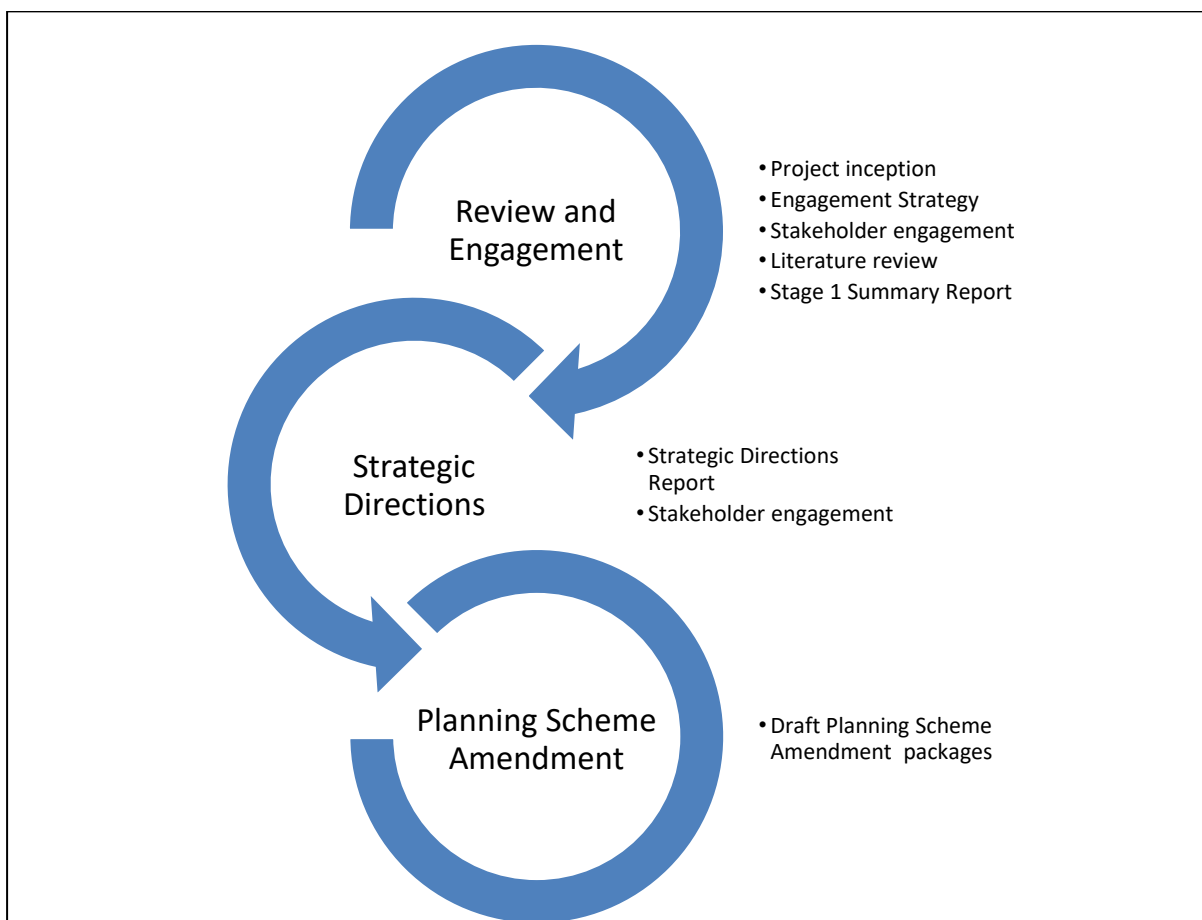


Figure 1: Planning Scheme Review Stages

A report to the S86 Growth Management Committee in October 2018 advised Councillors of the commencement of the Moorabool Planning Scheme Review, and outlined the factors driving the need for a full review of the planning scheme, the objectives of the review, and the review process.

Proposal

Stage 1 Literature Review Report

Mesh Planning have recently completed the Stage 1 Literature Review Report (**Attachment 1**). The purpose of this report is to advise Councillors of the completion of the report and provide a summary of the report.

The Stage 1 report comprises the outputs from Stage 1, being the literature review and stakeholder engagement. It provides a detailed audit/literature review of the current planning scheme, strategic documents (state and local), recent decisions (VCAT and panel) and a best practice analysis compared to other recent planning scheme reviews. The Stage 1 report identifies nine emerging themes for consideration as future strategic work and future planning scheme amendments, as outlined below. It should be noted that the emerging themes are not an exhaustive list of matters raised within the Stage 1 report, and that the Stage 2 report recommendations will not be limited to the matters identified as emerging themes.

Rural Land Use Strategy

The report states that a key strategic gap for the Shire in delivering the Plan Melbourne principles and directions is the lack of rural land use directions and highlights the need for the preparation of a Rural Land Use Strategy. A key emerging direction from the stakeholder engagement was the identification of a number of issues in rural areas, that are interconnected, and require a holistic response. These issues include:

- Approach to ensuring long term viability of farming land;
- Enabling farmers to age in place, and facilitate family succession of farm ownership (raising issues about dwellings in rural areas);
- Lack of capitalisation on agri-tourism opportunities;
- Increasing demand for rural living; and
- Lack of certainty in decision making given ambiguous policy.

The identification of these issues outlined above mirror a number of the comments made at the Councillor engagement session where rural land use issues were discussed at length.

Economic Development

The report identifies an opportunity to capitalise on the region's environmental assets and resources to improve environmental outcomes and support economic development. This reflects comments made during the Councillor engagement session, where the need to provide a planning scheme that enables economic development was raised. The report notes that exploring the link and opportunities between environmental outcomes, resources and enhancing economic growth is critical in meeting State government directions (and Council's) while also ensuring the Shire remains sustainable in the long term. It is noted that stimulating economic development is one of the four strategic objectives of the Council Plan.

Tourism

The report notes that the stakeholder engagement identified potential opportunities for tourism in some of the rural areas of the Shire, in particular in areas where potentially the quality and scale of farming land, in some instances, makes the land unviable for contemporary agricultural practices. It notes that a review of the agricultural viability of parts of the Shire is required, while also recognising that the Shire does have some high quality agricultural land that warrants its protection in the long term.

Extractive Industry

The report notes that the stakeholder consultation process also identified a lack of guidance on extractive industries and identification of extractive resources in the Shire. The report recommends that a review of extractive industry assets within the Shire is undertaken to assist in ensuring these resources are available to support the State's future needs in line with Plan Melbourne directions.

Development Contributions

The report recommends that Council form a policy position in regard to development contributions and prepare Development Contributions Plans in key locations (implemented via appropriate overlay). The need to standardise developer contributions was raised during the Councillor engagement session.

Significant Landscapes

The report notes that that significant landscapes are largely unrecognised in the Moorabool Planning Scheme, and that there is potential to use the Significant Landscape Overlay to protect these landscapes.

Policy Gaps

The report identifies a number of policy gaps in the Scheme, in particular in regard to:

- A retail policy;
- Non-residential uses in residential zones policy;
- Dependent persons units;
- Large Pipelines and State Infrastructure;
- Building on Steep Land;
- Gaming venues;
- Wind Farms;
- Rural Land Uses; and
- Environmentally Efficient Design.

Existing Local Policies

The report notes that a review of existing local policies should be undertaken, having regard to their interpretation in the Scheme, and opportunities to be strengthened. The need for some policies to be tightened was raised in the Councillor engagement session, where it was noted that policies needed to be explicit about what Council does/doesn't want.

Special Water Catchments

Planning controls and policy relating to Special Water Catchments were raised in the stakeholder consultation, with conflicting views as whether there was an over application of permit triggers. Conflicting advice from water authorities, the opportunity to reduce unnecessary referrals, and the need for standardised permit conditions, was also raised during the Councillor engagement session. The report notes that a review of the relevant sections of the planning scheme relating to Special Water Catchments be undertaken.

Next Steps

Following a review of the Stage 1 report by Council and stakeholders, a Stage 2 report will be prepared setting out a clear set of recommendations. These recommendations will be structured to provide a clear roadmap for future strategic work to be undertaken by Council, as follows:

- Project 1 – Simple changes that can be made without further strategic work (policy neutral);
- Project 2 – More substantive changes that require a minor level of strategic work; and
- Beyond – Substantial strategic work required.

The Stage 2 Strategic Directions Report will be reported to a future S86 Growth Management Committee meeting.

Stage 3 consists of the implementation of the review and will be completed in house through a series of planning scheme amendments. Any review recommendations that require substantial strategic work are likely to require the engagement of external consultants. Mesh’s involvement is limited to a peer review of the initial amendment package.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

The Stage 1 report forms part of the Moorabool Planning Scheme Review which is an action of the Council Plan 2017 – 2021.

Financial Implications

The Planning Scheme Review was identified in the 2017/18 budget with a financial allocation \$80,000. This amount has been rolled over to the current budget. Mesh Planning have been engaged to complete Stages 1 and 2 of the review for \$65,000. Unspent funds allocated for the review are proposed to be allocated towards the implementation of the review (Stage 3).

Council will progress implementation of the review recommendations in late 2019. This is likely to be a staged implementation process, with an initial planning scheme amendment to implement the first stage of the review commencing in late 2019. Subsequent planning scheme reviews and strategic work are likely to be required to implement the review.

Costs associated with implementation of the review would be largely covered by the existing reoccurring planning scheme amendment budget. Any recommendations relating to future strategic work would need to be considered by Council as part of a future budget proposal.

Risk & Occupational Health & Safety Issues

Legislative Requirement – Section 12B of the *Planning and Environment Act 1986* requires that Council must review its planning scheme no later than one year after each date by which it is required to approve a Council Plan under section 125 of the *Local Government Act 1989*. Once the review is completed, Council must report its findings to the Minister for Planning. Failure of Council to undertake this review will result in a breach of its obligations under the *Planning and Environment Act 1987*.

There are no occupational health and safety issues associated with the recommendation within this report.

Community Engagement Strategy

Mesh Planning have prepared an Engagement Strategy for the Planning Scheme Review which provides a framework for stakeholder engagement, outlining the proposed engagement. Table 1 below outlines the stakeholders that will be engaged with during Stages 1 and 2 of the planning scheme review process.

Table 1: Engagement Methodology

| Stakeholder Group | Stakeholders | Engagement Method |
|-------------------------------------|--|---|
| PCG (Project Control Group) | Council Officers <ul style="list-style-type: none"> • Sarah Kernohan • Bronwyn Southee • Rob Fillisch • Rod Davison Mesh Planning <ul style="list-style-type: none"> • Leah Wittingslow • Bronwyn Pettitt • Michael Turnbull | Involved in all stages of the planning scheme review, including targeted stakeholder engagement. |
| CPT (Council Project Team) | <ul style="list-style-type: none"> • Statutory Planning • Infrastructure • Environment • Economic Development • Community and Recreation Development • Community Health and Safety | Statutory Planning is the biggest user of the Planning Scheme, using it daily to assess applications. Stage 1 workshop with Statutory Planners to identify specific elements of the planning scheme and permit process that can be improved. Stage 2 meeting with Statutory Planning to discuss the emerging Strategic Directions. Stage 1 workshop with internal Departments to understand how they interact with the scheme and ensure that planning scheme aligns the work being undertaken by these Departments. Stage 2 meeting with internal Departments to discuss the emerging Strategic Directions. |
| Industry Group #1 Water Authorities | <ul style="list-style-type: none"> • Central Highlands Water • Southern Rural Water • Barwon Water • Melbourne Water • Western Water • Corangamite Catchment Management Authority • Port Phillip and Westernport Catchment Management Authority | Stage 1 workshop to understand water authorities views on the on the use and applicability of the planning scheme, including alignment with water catchment policy. |
| Industry Group #2 State Bodies | <ul style="list-style-type: none"> • Department of Economic Development, Jobs, Transport and Resources • Department of Environment, Land, Water and Planning • ParksVic • EPA | Stage 1 workshop to understand State bodies views on the on the use and applicability of the planning scheme, including alignment with state objectives. |
| Industry Group #3 Agencies | <ul style="list-style-type: none"> • CFA • VicRoads • Transport for Victoria | Stage 1 workshop to understand agencies views on the use and applicability of the planning scheme, including alignment with agency projects. |

| Stakeholder Group | Stakeholders | Engagement Method |
|--|--|---|
| Industry Group #4 Developers and Consultants | Key developers and consultants with Moorabool Shire | Stage 1 workshop to identify the issues with the scheme from a development perspective, particularly the key blockages they have encountered in their line of work. |
| Council | Councillors | Brief Councillors at project commencement to outline the factors driving the need for a full review of the planning scheme, the objectives of the review, and the review process. Further briefings to Councillors upon receipt of Stage 1 and 2 Reports. |

These stakeholders have been identified as they interact with the Planning Scheme, whether they are statutory planners who use the Scheme on a daily basis to assess permit applications, water authorities who rely on the policy and controls in the Scheme to protect water catchments, State bodies and agencies whose policies set the direction of the Planning Scheme, or developers and consultants who use the Planning Scheme to apply for planning permits.

Community engagement will be undertaken as part of Stage 3 through the formal exhibition of Planning Scheme amendments to implement the review.

Communications and Consultation Strategy

This report outlines the engagement methodology for Stages 1 and 2 of the project. Stage 3, implementation of the Planning Scheme review will take the form of planning scheme amendment/s, which will be subject to the usual planning scheme amendment process, which includes comprehensive community consultation.

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 – Sarah Kernohan

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

Conclusion

The Stage 1 Literature Review Report has provided a detailed audit/literature review of the current planning scheme, strategic documents (state and local), recent decisions (VCAT and panel) and a best practice analysis compared to other recent planning scheme reviews. It also incorporates the matters raised in the stakeholder engagement sessions throughout the report. The report identifies key emerging themes for consideration as future strategic work and future planning scheme amendments. The Stage 2 report will build on the issues identified in the Stage 1 report, providing a clear set of recommendations for the implementation of the review.

Recommendation:

That the S86 Moorabool Growth Management Committee:

- 1. Receives the Moorabool Planning Scheme Review Stage 1 Literature Review Report.**
- 2. Notes that a further update on the progress of the project and Stage 2 Strategic Directions Report will be provided to a future s86 Growth Management Committee meeting.**

Report Authorisation:

Authorised by:

Name: **Satwinder Sandhu**

Title: **General Manager Growth and Development**

Date: **9 May, 2019**



mesh

MOORABOOL PLANNING SCHEME REVIEW

STAGE 1 REPORT | LITERATURE REVIEW

| | |
|---------------|---|
| Client | Moorabool Shire Council |
| Project | Planning Scheme Review - Literature Review |
| Version | 1.1 |
| Authors | Bronwyn Pettitt, Michael Turnbull and Leah Wittingslow |
| Date Issued | 9 May 2019 |
| Revision date | 8 May 2019 |



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1 INTRODUCTION

1.1 PROJECT OBJECTIVE

Mesh has been engaged by Moorabool Shire Council to undertake an independent review of the Moorabool Planning Scheme.

The purpose of this review is to ensure that the Moorabool Planning Scheme is current, complete and aligned with best practice approaches to Planning Scheme structure, form and content. This review also provides an opportunity to reflect on strategic work that has been recently undertaken by Council in a piecemeal fashion, and considers how to combine this work into a comprehensive document.

There are several drivers and objectives influencing the Moorabool Planning Scheme Review:

> Timelines

Planning Scheme reviews are required to be undertaken on a four year cycle in accordance with *the Planning and Environment Act 1987* (the Act), in concert with Council's preparation of its Council plan. The Moorabool Planning Scheme has not been comprehensively reviewed since 2009 and as such, is not aligned with the most recent Council Plan. Given a large volume of new strategic work has recently been undertaken, a review of the Moorabool Planning Scheme is considered timely.

> Identifying gaps

A review of the Moorabool Planning Scheme provides an opportunity to identify planning gaps and assist in mapping out a future work program for the Moorabool Strategic Planning team. Recent strategic work has a clear focus on Moorabool's larger towns and urban areas and this is creating gaps in relation to the strategic focus on rural areas. This project seeks to identify how best to focus future work, to strategically address these gaps in the Planning Scheme in relation to rural issues.

> The need to modernise

The State Government is currently undertaking broad reform of the planning system in Victoria. As part of these reforms, the SmartPlanning program has released proposed changes to the Planning Scheme format that is more streamlined, user-friendly and offers greater certainty and assistance in decision-making. This review is designed to align with the emerging directions of Smart Planning, to ensure that the Moorabool Planning Scheme is up to date, current (including being reflective of both current State and Regional Policy) and best-positioned to leverage off the proposed planning scheme reform.

The planning scheme is an essential implementation tool for Council to deliver its broader vision from a land-use planning perspective. This review is an important way for Council to articulate a comprehensive planning agenda for the municipality that is aligned with both State government directions and Council's own local vision.

1.2 PROJECT PRINCIPLES

In undertaking this review, Mesh have had careful regard to the principles of modern planning that have been developed by the Department of Environment, Land, Water and Planning's (DELWP) SmartPlanning team (refer to Figure 1). These principles are to be adopted across the State as part of the government's planning reform program, and as an important guide for this review.

Figure 1 Smart Planning Principles of Modern Planning (Source: DELWP)



2 METHODOLOGY

2.1 PROJECT METHODOLOGY

This planning scheme review is being undertaken in partnership between Mesh and Moorabool Shire Council. The project methodology (refer to Figure 2) has been developed to ensure that the preliminary parts of the review are undertaken with an independent perspective (by Mesh), whereas the implementation phases will be undertaken in-house by Council officers.

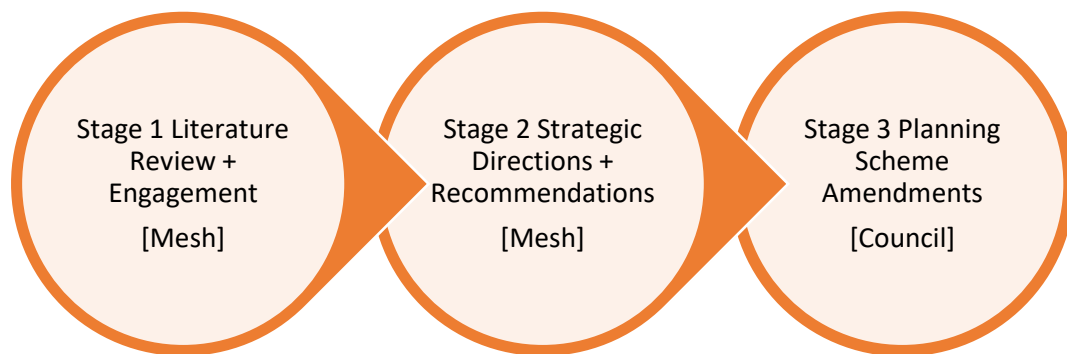
This approach ensures that any changes to the planning scheme are genuinely owned and understood by Council and the community, and not simply imposed on Council.

This report comprises the outputs from Stage 1 – Literature Review and Engagement. It provides a detailed audit/literature review of the current planning scheme, strategic documents (state and local), recent decisions (VCAT and panel) and a best practice analysis compared to other recent Planning Scheme reviews. This report identifies key emerging themes for consideration as future strategic work and future Planning Scheme Amendments. It is intended that this report will be used as the basis for further collaboration with Council officers and stakeholders to develop detailed recommendations and actions.

Following review of the Stage 1 report by Council and stakeholders, a Stage 2 report will be prepared setting out a clear set of recommendations for future work. These recommendations will be structured so as to provide a clear roadmap for future strategic work to be undertaken by Council, as follows:

- > **Project 1** – Simple changes that can be made without further strategic work (policy neutral)
- > **Project 2** – More substantive changes that require a minor level of strategic work
- > **Beyond** – Substantial strategic work required

Figure 2 Planning Scheme Review Methodology



2.2 WHO'S INVOLVED

This planning scheme review was undertaken in a collaborative manner between Council and Mesh, guided by a Project Control Group (PCG) comprising Sarah Kernohan, Rod Davison and Bronwyn Southee from Council and Leah Wittingslow, Bronwyn Pettitt and Michael Turnbull from Mesh.

Led by Mesh, the project team facilitated a number of collaborative workshops with key stakeholders who regularly use the planning scheme, between September 27th and November 7th 2018. The following stakeholders were engaged with:

- > Councillors;
- > Moorabool Statutory Planners;
- > Various Moorabool Council Departments;
- > Water Authorities;
- > Agencies;
- > State Bodies; and
- > Developers and Consultants.

Further detail on each workshop is provided as Appendix 1 to this Report, within which a summary of each discussion and the emerging themes are included.

2.3 CONSULTATION PROCESS

Disclaimer: This section should be considered in the context of Appendix 1 – Consultation Summaries. The emerging themes provided below do not necessarily reflect the official policy or position of all attendees or Moorabool Shire Council. Emerging themes should not be held in perpetuity as they are subject to change, revision and rethinking.

During the consultation workshops undertaken, Mesh provided an overview of the project and structure of the outputs. Participants then took part in a group discussion which detailed stakeholders relationship with the Moorabool Planning Scheme and identified what's working, what isn't working, best practice examples from the planning and development industry and further strategic work required to inform and guide the future of the Shire.

Within these workshops several common themes of discussion were identified which framed the review of the planning scheme as part of this project. The themes of discussion included, but are not limited to, the content of the planning scheme itself, the planning permit application process, economic development in the Shire, development contributions and the further strategic work required to shape the future of the Shire.

It became apparent through conducting the workshops that the stakeholders share both common praise and conflicting concerns with the planning scheme, its operation and other related elements. Detailed findings relating to each theme are provided throughout the report.

The emerging themes are categorised below, with further detail provided in the consultation summaries (Appendix 1).

The Moorabool Shire Planning Scheme

- > The Scheme does not support the Council Plan Objectives
- > Errors/anomalies in the Scheme including incorrect/outdated Zones and Overlays having been applied.
- > Buffers are missing in the Scheme

Out of date Incorporated documents including documents that have expired and/or projects that have been completed

- > Lack of guidance on waste and extractive industry
- > Conflicting views of the Environmental Significance Overlay Schedule 1 (ESO1)
 - Council Officers consider it to be problematic as it triggers a lot of permits for buildings and works (such as sheds) and covers expansive areas around Ballan when perhaps it should be refined in regards to where the overlay applies and permits triggered.
 - Water Authorities consider it to be working well and can identify opportunities for further applications such as declared catchments which do not have it applied.
- > Conflict between Bushfire Management Overlay (BMO) and Vegetation Protection Overlay (VPO)
 - The BMO prioritises the protection of human life while the VPO prioritises the protection of biodiversity

Referrals

- > Unnecessary referrals are triggered
- > Inconsistent advice is being received from referral authorities
- > VicRoads would prefer to receive a greater number of referrals
- > CFA consider they receive too many referrals
- > Water authorities are comfortable with the referrals they receive

Economic Development

- > The Scheme is silent on economic development (particularly tourism)
 - Economic development is being stifled by planning
- > Economic development should be considered globally, not just within the confines of the Shire
- > There is a lack of accommodation within the Shire

Strategic Work

- > The following strategic work was considered to be required by those present at the workshops:
 - Local land use policies which support the Council Plan objectives
 - A rural strategy
 - A car parking strategy
 - An advertising signs policy
 - A liquor license policy
 - A dam policy (framed at ornamental dams)
 - A Ballan Town Centre review (Ballan Strategic Directions includes an action to prepare an Urban Design Framework for the town centre)
 - A Development Contributions Framework (for infill and smaller sites)

Development Contributions

- > The Scheme does not include a requirement for development contributions to be collected
- > S173 Agreements for development contributions works well for large developers, not for fragmented land ownership

Broader engagement with the community is proposed within Stage 3, once key directions for the planning scheme changes are known, and a planning scheme amendment package has been prepared for exhibition.

3 KEY PROJECT INFLUENCES

A number of key influences have shaped this project to date, including Council Plan objectives, the Moorabool Municipal Health and Wellbeing Plan 2017-2021, SmartPlanning Reforms and current planning permit processes. While these are not the only influences upon this project, they have been identified as the key influences and are summarised below.

3.1 COUNCIL PLAN

Viewing the emerging themes and project influences through the lens of the Council Plan Strategic Objectives provides a clear indication of whether the planning scheme supports the achievement of the Strategic Objectives, or if not, what areas require further focus and strategic work.

Strategic Objective 1: Providing Good Governance and Leadership

The first Strategic Objective seeks to provide good governance and leadership in the context of Moorabool's assets and infrastructure, the people and the business and systems.

This Strategic Objective includes an Action to "Review the Municipal Strategic Statement (MSS)" in 2018-19 which is the subject of this project. Thus, this Strategic Objective's influence upon the project is clear.

While the project scope does not consider leadership within the Shire, there are a number of governance themes and project influences regarding the content and operation of the Planning Scheme.

Underpinning the governance project influences is the imminent reformat of the scheme in accordance with SmartPlanning. At a finer level of detail, the consultation revealed a number of anomalies, conflicts, misapplications of zones and overlays, out of date clauses, unnecessary referral triggers and future strategic work that is required.

Much of the identified future strategic work relates to areas where the planning scheme is silent. These include, but are not limited to a Rural Land Use Strategy, the waste and extractive industry, tourism, advertising signs, liquor licenses and general mapping errors.

Strategic Objective 2: Minimising Environmental Impact

The second Strategic Objective seeks to minimise environmental impact in context of the built and natural environments.

The main challenge with minimising impacts upon the natural environment is identified within this Strategic Objective as:

Land and water degradation, weed and pest invasion, increase incidence of natural disasters including fire, flood and heatwaves, combined with poor strategic direction, planning and investment to minimise environmental impacts in the natural environment, results in suboptimal community outcomes now and for future generations

This challenge is supported by the themes that appeared in the consultation, where conflicts in the Planning Scheme currently exist between bushfire management and biodiversity conservation.

Strategic Objective 3: Stimulating Economic Development

The third Strategic Objective seeks to stimulate economic development through land use planning, investment and employment.

Economic development is a major project influence, with each workshop touching upon the topic. Those who interact with the planning scheme identified that the scheme is silent on tourism, yet it is one of four Strategic Objectives for the Shire. Some stakeholders felt that planning is stifling economic development.

While the Council Plan identifies a means to implement the action plan of the Economic Development Strategy (Geografia 2015), there were strong calls from stakeholders within the workshops to prepare an Economic Development Strategy, highlighting an existing disconnect between the Council Plan actions and actual implementation.

Strategic Objective 4: Improving Social Outcomes

The fourth Strategic Objective seeks to improve social outcomes in the Shire in context of health, wellbeing and community connectedness.

It was raised in one workshop that there should be a greater focus upon active modes of transport within the Shire.

3.2 MOORABOOL MUNICIPAL HEALTH AND WELLBEING PLAN 2017 – 2021

Moorabool's Health and Wellbeing Plan introduces three key themes that builds on the Council Plan Strategic Objectives. Reviewing the key themes and associated strategic objectives is critical in determining whether the planning scheme supports the achievement of these themes and associated strategies, or if not, where the planning scheme could be improved.

Theme 1: Healthy and Active Living

Theme 1 builds on the Council Plan Strategic Objective 4A Health & Well Being with a focus on:

- > Local services accessible to those in need
- > More resilient and self-reliant individuals and communities
- > Healthier individuals and communities

The scope of this project does not directly consider this theme at a detailed level, however there are a number of high-level objectives in the planning scheme to encourage more sustainable communities. As part of the stakeholder consultation it was raised in one workshop that there should be a greater focus upon active modes of transport within the Shire and the planning scheme could be enhanced to reflect this.

Theme 2: Improving Resilience and Community Safety

Similar to Theme 1, Theme 2 builds on the Council Plan Strategic Objective 4A Health & Well Being with a focus on:

- > Local services accessible to those in need
- > Reduced anti-social behaviour
- > Healthier individuals and communities

The scope of this project does not directly consider this theme.

Theme 3: Improving Education and Employment Opportunities

Theme 3 builds on the Council Plan Objective 3b Investment and Employment with a focus on:

- > Increased economic investment and job growth
- > Improved lifestyles
- > Decreased travel
- > Increased community cohesion
- > Improved employment and education opportunities
- > Stimulated local economy and creating more resilient communities
- > Connect local people to local jobs

Economic development is a major project influence, with each workshop touching upon the topic. Some stakeholders felt that planning is stifling economic development.

While the Council Plan identifies a means to implement the action plan of the Economic Development Strategy (Geografia 2015), there is currently a disconnect between the Council Plan actions, the Health and Wellbeing Plan and actual implementation.

3.3 STATE PLANNING REFORMS

As noted previously, DELWP's SmartPlanning reforms are a key influence on this project. The reforms seek to:

- > address inconsistent and contradictory planning controls;
- > make planning regulation easier to understand and interpret;
- > lead to more effective and consistent decision making;
- > reduce compliance and processing costs; and
- > reduce assessment times for some planning permit applications.

Key to achieving the above, SmartPlanning has proposed a restructure to the Policy Framework to merge both State and Local Policy into a single Planning Policy Framework (PPF). The intention is to provide a clearer line of sight between state and local policy and reduce unnecessary duplication.

Complementary to the PPF structure, SmartPlanning seeks to encourage greater use of zone and overlay controls to guide decision making rather than via use of policy. This approach has emerged as a key challenge to many Councils who rely on their Local Planning Policy Framework to articulate a range of locally-specific issues, influences, and even non-land use planning actions (an approach Moorabool's Planning Scheme also adopts).

Where a clear local direction exists, which builds upon State Policy, SmartPlanning seeks to provide concise policy with a more nuanced use of zone schedules and overlays to provide place-specific guidance.

3.4 CURRENT PLANNING PERMITS

To assist with the planning scheme review, Mesh undertook a high level review of PPARS data, to ascertain the types of permits that are being triggered by the current planning scheme. It is noted that DELWP were not in a position to provide detailed PPARS data for this project, and as such, only the overview data was available.

On average the Moorabool Planning Scheme is triggering around 660 permits per year as can be seen in Figure 3. Notably very few of these permit applications are lodged in the form of VicSmart applications.

The analysis also reveals (refer to Figure 4) that most permits are for change of use, dwellings and subdivision of land, which is considered fairly standard when compared to other municipalities.

Figure 3 Overall number of permit applications by financial year

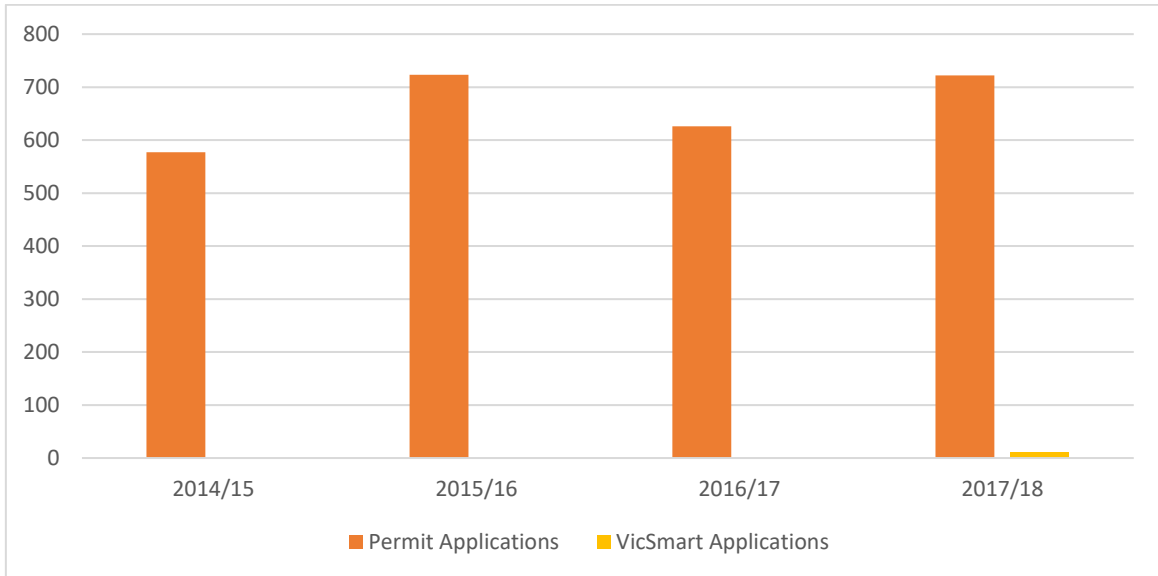
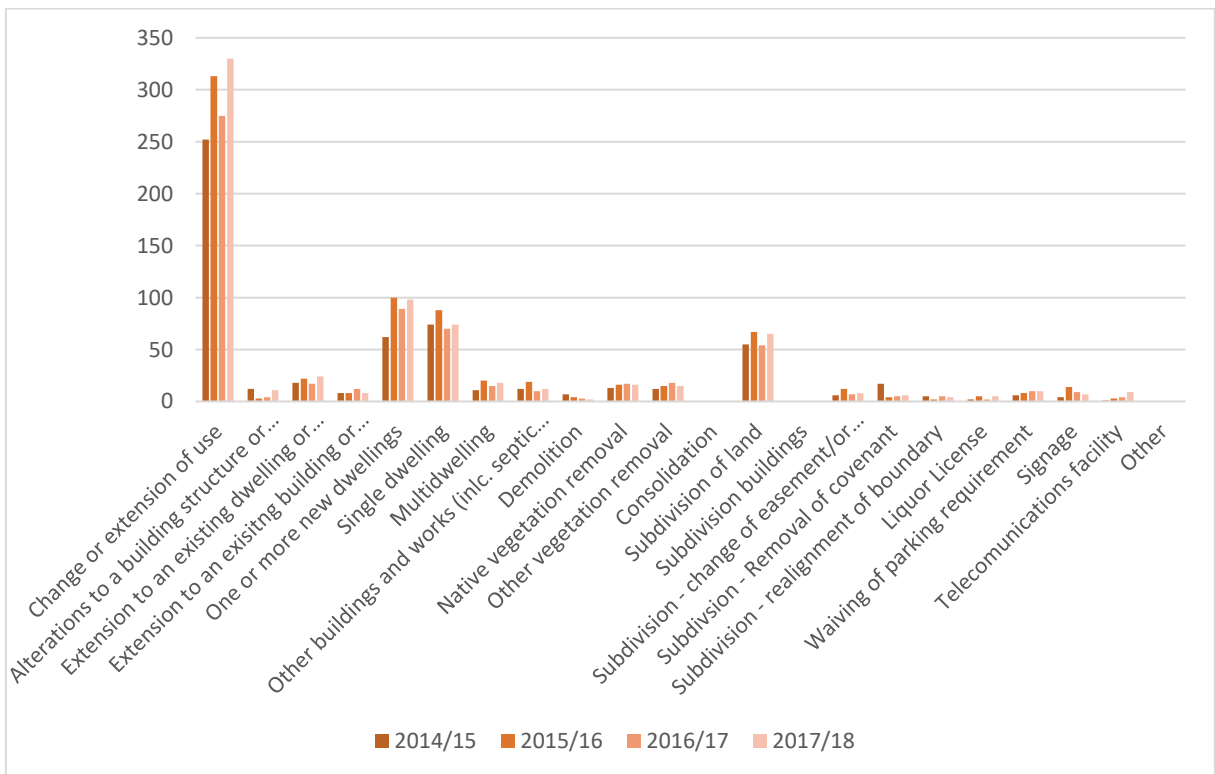


Figure 4 Application Types for Permits Issued by Financial Year



4 STATE AND REGIONAL STRATEGIES

4.1 PLAN MELBOURNE

Plan Melbourne 2017-2050 is the State's Planning Strategy for Melbourne. Plan Melbourne's vision for the city is guided by nine principles. Principle 3 is "A city of centres linked to Regional Victoria" and states:

"The central city will remain the focus for global business and knowledge-intensive industries linked to an extensive network of clusters, centres, precincts and gateways. These physical, social and economic links will be strengthened, turning Melbourne into a city of centres linked to regional Victoria—creating social and economic opportunities across the state"

To support each principle in Plan Melbourne, seven outcomes have been set, together with the policy directions that will be taken to reach those outcomes. Outcome 7 relates to Regional Victoria and states:

"Regional Victoria is productive, sustainable and supports jobs and economic growth."

Plan Melbourne identifies the following directions in support of Outcome 7:

- > 7.1 Invest in regional Victoria to support housing and economic growth; and
- > 7.2 Improve connections between cities and regions.

Key relevant directions and policy for the Shire throughout Plan Melbourne include:

- > Direction 1.4 - Support the productive use of land and resources in Melbourne's non-urban areas
 - Policy 1.4.1 Protect agricultural land and support agricultural production
 - Policy 1.4.2 Identify and protect extractive resources (such as stone and sand) important for Melbourne's future needs.
- > Direction 4.5 - Plan for Melbourne's green wedges and peri-urban areas
 - Policy 4.5.2 Protect and enhance valued attributes of distinctive areas and landscapes
- > Direction 7.1 - Invest in regional Victoria to support housing and economic growth
 - Policy 7.1.1 Stimulate employment and growth in regional cities
 - Policy 7.1.2 Support planning for growing towns in peri-urban areas
- > Direction 7.2 - Improve connections between cities and regions
 - Policy 7.2.1 Improve transport and digital connectivity for regional Victoria
 - Policy 7.2.2 Strengthen transport links on national networks for the movement of commodities

Relevance to this Review

Building on Plan Melbourne, relevant to this review are the following key directions:

- > Ensuring the Shire is productive, sustainable and supports jobs and economic growth.
- > Protection of agricultural land and encouraging agricultural production within the Shire.
- > The need to identify extractive resources in the Shire and ensure they are available for Melbourne's future needs.
- > The need to identify and protect key attributes and landscapes within the Shire.
- > Ensuring land use planning within the Shire supports population growth.

- > Ensuring land use planning within the Shire supports employment growth.
- > The importance of improving transport links.

A key strategic gap for the Shire in delivering the objectives of Plan Melbourne is the lack of rural land use directions. This highlights the need for the preparation of a Rural Land Use Strategy, which was consistently raised as a priority through the workshops. The workshops also raised potential opportunities for tourism in some of the rural areas of the Shire, in particular, areas where the quality and scale of land parcels, in some instances, makes the land unviable for contemporary agricultural practices. A review of the agricultural viability of parts of the Shire is required, while also recognising that the Shire does have some high quality agricultural land that warrants its protection in the long term.

The workshops also identified a lack of guidance on extractive industries and identification of extractive resources in the Shire. A review of extractive industry assets within the Shire would assist in ensuring these resources are available and protected to support the State’s future needs in line with Plan Melbourne directions.

Through the preparation of the Bacchus Marsh Urban Growth Framework and supporting strategies, the Shire has taken a proactive step in ensuring Bacchus Marsh supports future economic and job growth with large areas on the periphery of Bacchus Marsh identified for employment purposes. Further the Bacchus Marsh Urban Growth Framework identifies a key strategic transport link in the Eastern Link Road. This strategic work implements key directions from Plan Melbourne, however highlights the focus on growth within Bacchus Marsh and to a lesser extent the balance of the Shire.

4.2 THE CENTRAL HIGHLANDS REGIONAL GROWTH PLAN

The Central Highlands Regional Growth Plan (CHRGP) provides a regional approach to land use planning in the Central Highlands. It covers the municipalities of Ararat, Ballarat, Golden Plains, Hepburn, Moorabool and Pyrenees and identifies opportunities to encourage and accommodate growth and manage change over the next 30 years.

The CHRGP identifies that the vision for the Central Highlands region towards 2030 and beyond is to provide a productive, sustainable and liveable region for its people.

Principles and directions for Regional Growth

Part C, of the CHRGP, identifies directions for several topics. The following principles and directions, shown in Table 1, have been developed to provide overall key directions for the CHRGP and considers the regional land use planning responses needed to support the proposed growth and change for the region.

Table 1 Central Highlands Regional Growth Plan Analysis

| PRINCIPLES | DIRECTIONS |
|---|---|
| Population growth should be planned in sustainable locations throughout the region. | <p>Direct growth to existing towns with access to transport, services and employment opportunities</p> <p>Focus urban development in locations where impacts on the surrounding natural resource base and the environment are minimised</p> <p>Adopt a risk management approach in planning for population growth in areas subject to natural hazards</p> |

PRINCIPLES

DIRECTIONS

The region's economy should be strengthened so that it is more diversified and resilient.

Encourage greater economic self-sufficiency for the region

Pursue economic development opportunities based on the emerging and existing strengths of the region

Support growth through the development of employment opportunities in towns identified for population growth

The region should capitalise on its close links with other regions and cities.

Locate urban growth in identified settlements along key transport corridors

Build on and enhance links to other centres and regions

Integrate planning for freight and passenger transport with the land use directions and growth opportunities identified in this plan

The development of sustainable and vibrant communities should be supported by enhancing the level of access to key services.

Encourage services, facilities and housing that meet the diverse needs of the community

Recognise and plan for managing the variable rates of growth and population change expected across the region

Build on local opportunities to support resilience of small towns

Land use patterns, developments and infrastructure should make the region more self-reliant and sustainable.

Support the productive use of energy, water, waste materials, agricultural and earth resource assets

Capitalise on opportunities to enhance water supply and increase energy security

Develop communities that provide local jobs and services

Encourage the efficient use of residential land to support sustainable urban forms

Planning for growth should be integrated with the provision of infrastructure.

Encourage efficient use of existing infrastructure

Encourage infrastructure that has a range of positive benefits or can support directions in the plan

Coordinate infrastructure provision with planned growth

The region's land, soil, water and biodiversity should be managed, protected and enhanced.

Protect and enhance regionally significant environmental assets

PRINCIPLES

DIRECTIONS

| | |
|--|--|
| <p>Long-term agricultural productivity should be supported.</p> | <p>Capitalise on the region's environmental assets to improve environmental outcomes and support economic development</p> <p>Promote the growth of the agricultural sector as a regionally important economic activity</p> <p>Support change and transition to maintain the viability and productivity of agricultural land</p> <p>Encourage investment in agriculture by providing certainty regarding future land use within rural areas</p> |
| <p>The importance of cultural heritage and landscapes as economic and community assets should be recognised.</p> | <p>Identify and protect the region's significant cultural heritage and landscape assets</p> <p>Recognise the economic development and liveability benefits associated with the region's cultural heritage and landscapes</p> |

While the above Principles and Directions are overarching for the CHRGP, the CHRGP does make some directions and land use policies, strategies and actions specific to places within the municipality.

The CHRGP recognises that Bacchus Marsh performs a major regional centre role for the eastern half of the region and identifies the highly productive horticultural areas of the Werribee River flats as a constraint to accommodating residential development in Bacchus Marsh.

The Plan identifies and supports significant population growth in **Bacchus Marsh** and sets out a number of future directions including:

- > Support Bacchus Marsh as a regional centre and key growth location for the peri-urban part of the Central Highlands;
- > Maintain the character and form of a distinct regional settlement, separated from Melbourne's western growth corridor;
- > Encourage the provision of social, service and transport infrastructure to support significant growth;
- > Provide a balanced approach to growth by promoting a range of local employment opportunities as an alternative to Bacchus Marsh's role as a commuter centre;
- > Encourage the development of Bacchus Marsh to protect surrounding regional environmental, heritage, landscape, resource and agricultural assets and consider natural hazards.

Land use policies, strategies and actions for **Bacchus Marsh** include:

- > Focus residential development within the urban boundary of Bacchus Marsh over the short- to medium-term.
- > Undertake investigation of alternative opportunities for long-term growth outside the existing urban boundary
- > Undertake investigations for employment and agribusiness opportunities at the airport and Parwan areas

- > Support the development of new north-south transport links.
- > Identify social, service and transport infrastructure needs and investigate implementation opportunities including development contribution plans;
- > Identify key assets around Bacchus Marsh to be protected through this plan and the planning scheme

The Growth Plan also identifies a number of future directions for **Ballan** as follows:

- > Support Ballan as a town providing services consistent with its role in the peri-urban region;
- > Support residential growth that respects the surrounding rural character and environmental attributes; and
- > Encourage local employment opportunities.

The CHRGP identifies the following land use policies, strategies and actions for **Ballan**:

- > Finalise and implement a structure plan to identify preferred locations for growth for Ballan;
- > Focus residential development within the town boundary over the short- to medium-term;
- > Provide appropriate policy support and provisions in the planning scheme to protect residential character and landscapes; and
- > retain and enhance services and facilities appropriate to servicing the local community.

The Growth Plan sets out a number of directions for **Small Towns and Settlements** as follows:

- > Plan for resilient small towns by building on local opportunities;
- > Consider the role of small towns within a regional context;
- > Plan to further strengthen small settlements to be adaptable and resilient to local challenges; and
- > Encourage small settlements to be planned as part of a cluster of settlements to improve access to key services

Land use policies, strategies and actions for **Small Towns and Settlements** include:

- > Promote infill development of the existing urban area of Smythesdale and plan for the development of other identified growth areas;
- > Retain and enhance services and facilities appropriate to servicing the local community;
- > Protect the urban character and key environmental and cultural heritage assets including the creek corridor; and
- > Investigate appropriate locations for employment sites.

Relevance to this Review

The CHRGP identifies a number of directions, policies, strategies and actions relevant to this review.

The key directions focussing on Bacchus Marsh, Ballan and the small towns and settlements have been well addressed by the Shire through the preparation and implementation of the Bacchus Marsh Urban Growth Framework, the Bacchus Marsh Housing Strategy, Ballan Strategic Directions and the Small Towns and Settlement Strategy.

In regards to the regional overarching principles, direction in the CHRGP, Council Plan and feedback from the workshops, there is a significant opportunity to improve the Moorabool Planning Scheme in regards to economic development and other local opportunities (such as access to accommodation and enhanced tourism). This includes where zones and overlays have the potential to prohibit innovative economic development opportunities

(including tourism), in particular on rural land where the full suite of rural zones have not been utilised in the Shire and the Farming Zone currently applying to rural land that potentially is not agriculturally viable land.

Further the CHRGP encourages Council's to capitalise on the region's environmental assets and resources to improve environmental outcomes and support economic development. As part of this Review, exploring the link and opportunities between environmental outcomes, resources and enhancing economic growth is critical in meeting State government directions (and Council's) while also ensuring the Shire remains sustainable in the long term.

5 KEY PLANNING SCHEME AMENDMENTS

A number of Planning Scheme Amendments have recently been undertaken to the Moorabool Planning Scheme both at a State and Local level as seen in Table 2.

The reformed State Residential Zones introduced by VC143 and VC110 have made a number of changes to the residential zones including a more localised response in regards to neighbourhood character in the Zone schedules. Through Amendment C79 (Bacchus Marsh Housing Strategy), Council have successfully applied the reformed zones to Bacchus Marsh. Council has commenced Amendment C88 (implementation of Ballan Strategic Directions), where the reformed residential zones are also proposed to be implemented.

Amendment C81 introduced the Bacchus Marsh Urban Growth Framework into the Scheme, but also included a number of recent Council Strategies as Reference Documents as follows:

- > Bacchus Marsh Integrated Transport Strategy (2015);
- > Moorabool Industrial Areas Strategy (2015);
- > Moorabool Shire Council Retail Strategy 2041 (2016); and
- > Moorabool Shire Economic Development Strategy (2015)

While Council has undertaken a number of Amendments in recent times this has resulted in substantial changes to the Local Planning Policy Framework, in particular Clause 21.03 (Housing & Settlement) and Clause 21.07 (Bacchus Marsh). As a result, these Clauses have been made longer and more complex and would benefit from further refinement, noting that they also do not conform to the theme based approach introduced by SmartPlanning.

Relevance to this Review

The extensive strategic work undertaken by Council in recent years and subsequent Planning Scheme Amendments has resulted in the Moorabool Planning Scheme including a large amount of relevant and up to date material. Nevertheless, the Amendments have contributed to the Local Planning Policy Framework containing lengthy clauses which is not consistent with the objectives or theme based approach of SmartPlanning.

Further the Amendments highlight that there has been a focus on growth and the urban areas of the Shire and less so on the rural areas which highlights a gap in strategic directions and land use planning in the planning scheme for the Shire's rural areas.

Table 2 Summary of recent Amendments of relevance to Moorabool Planning Scheme Review (review based on Amendments since January 2016)

| AMENDMENT TYPE AND NUMBER | AMENDMENT SUMMARY | RELEVANCE TO MOORABOOL PLANNING SCHEME REVIEW |
|------------------------------|--|---|
| STATE REFORM RESPONSE | | |
| VC148 (31 July 2018) | <p>Introduced a new Planning Policy Framework (PPF), enabled the future introduction of a Municipal Planning Strategy (MPS), simplifies the VPP structure by:</p> <ul style="list-style-type: none"> • restructuring particular provisions • integrating VicSmart into applicable zones, overlays and particular provisions • consolidating operational and administrative provisions <p>Amended specific zones, overlays and particular provisions to improve their structure and operation, and to support the future translation of Local Planning Policy Frameworks (LPPFs) to the MPS and PPF</p> <p>introduced a new Specific Controls Overlay to replace Clause 52.03 Specific Sites and Exclusions</p> <p>Deleted outdated particular provisions.</p> <p>Deleted permit requirements for low-impact uses in industrial zones.</p> <p>Reduces car parking requirements for uses in commercial areas and for land within walking distance of high-quality public transport.</p> | <p>The Moorabool Planning Scheme will need to be updated into the new Planning Policy Framework format as part of this review or the DELWP GC Amendment.</p> |
| VC146 (15 May 2018) | <p>Introduced Infrastructure Contributions Plans.</p> | <p>While the Planning Scheme does not currently have any ICPs, ICPs may be available to Council to use in the new growth areas identified in the Bacchus Marsh Urban Growth Framework. It is unclear at this stage whether ICPs will be available for regional areas in the future.</p> |
| VC143 (15 May 2018) | <p>Updates to residential zones including garden requirements.</p> | <p>A number of minor changes made to the Residential Zones including the garden requirements. Amendment VC143 was considered as part of</p> |

| AMENDMENT TYPE AND NUMBER | AMENDMENT SUMMARY | RELEVANCE TO MOORABOOL PLANNING SCHEME REVIEW |
|--|--|--|
| | | <p>Amendment C79 which introduced the residential zones to Bacchus Marsh. No changes were made to the Amendment C79 material as a result of VC143 as it was not considered changes to the Amendment C79 documentation were necessary.</p> <p>Amendment VC143 has also been considered as part of Amendment C88 which includes the implementation of modified residential zones in Ballan. Similar to Bacchus Marsh, Council officers (and Mesh as the project consultants) did not consider VC143 required any changes to Amendment C88.</p> |
| <p>VC142 (16 January 2018)</p> | <p>The Amendment includes a wide range of reforms across the VPP that generally remove permit triggers, expand permit exemptions for land uses and buildings and works, remove superfluous and outdated provisions, update references, improve and update definitions, clarify common points of confusion and improve the usability of the VPP.</p> | <p>Amendments made to the VPPs in the Moorabool Planning Scheme. No changes were required to local content as a result of this Amendment.</p> |
| <p>VC141 (21 November 2017)</p> | <p>Amending Claus 19.01-1 – updating policy guidelines to the revised document Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria</p> <ul style="list-style-type: none"> • Amending Clause 43.01 – Heritage Overlay • Amending Clause 52.19 – Telecommunications facility • Amending Clause 52.32 – Wind Energy Facilities • Amending Clause 66 – Referral and Notice Provisions <p>•Amending the VPP to update the style and format based on the revised Ministerial Direction on the Form and Content of Planning Schemes (updated April 2017) issued under section 7(5) of the P&E Act.</p> | <p>Amendments made to a number of State provisions in the Moorabool Planning Scheme. The objectives of these State provision changes should be further reviewed to determine if any additional local planning policy direction is required.</p> |

| AMENDMENT TYPE AND NUMBER | AMENDMENT SUMMARY | RELEVANCE TO MOORABOOL PLANNING SCHEME REVIEW |
|---------------------------------|---|--|
| GC13 (3 October 2017) | The Amendment updates the mapping and ordinance for the Bushfire Management Overlay across Victoria by. | Revised BMO areas included in the Moorabool Planning Scheme. |
| VC136 (13 April 2017) | Amendment VC136 introduces state-wide planning requirements for apartment developments. | Amendments made to the State provisions in the Moorabool Planning Scheme. No changes were required to local content as a result of this Amendment. |
| VC110 (27 March 2017) | Implements the government's response to the recommendations of the Managing Residential Development Advisory Committee by amending Clause 72 to introduce a new general term, "garden area" and amending the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone and Township Zone. | Reformed residential zones introduced into the Moorabool Planning Scheme. Noting that Amendment C79 (Bacchus Marsh Housing Strategy) and C88 (Ballan Strategic Directions) have utilised the reformed zones and made a number of changes to the zone controls in Bacchus Marsh and Ballan. |
| REGIONAL RESPONSE | | |
| GC69 (21 September 2017) | <p>The Amendment facilitates the Ballarat Line Upgrade (project) by:</p> <ul style="list-style-type: none"> • Allowing the use and development of land for the project in accordance with the <i>Ballarat Line Upgrade Incorporated Document, September 2017</i>; and • Making the Minister for Planning the responsible authority for administering and enforcing the provisions of the Melton and Moorabool Planning Schemes as they relate to the project. | Minor amendments made to the Moorabool Planning Scheme. Minimal impact on the Scheme. |
| GC79 (15 February 2018) | Rezoned 200 Shaws Road, Ballan from Public Use Zone 1 – Service and Utility to Special Use Zone –Schedule 5 in the Moorabool Planning Scheme. | Introduced Schedule 5 to the Special Use Zone into the Moorabool Planning Scheme. |
| GC95 (23 August 2018) | The amendment inserts an amended incorporated document titled <i>the Ballarat Line Upgrade Incorporated Document, August 2018</i> , in the schedule to Clause 51.01, 72.01 and 72.04 in the Ballarat, Melton and Moorabool planning schemes. The amendment facilitates the continual delivery of the Ballarat Line Upgrade by including additional land and works within the project to improve the overall efficiency of the line. | Revised incorporated document included in the Moorabool Planning Scheme. |

| AMENDMENT TYPE AND NUMBER | AMENDMENT SUMMARY | RELEVANCE TO MOORABOOL PLANNING SCHEME REVIEW |
|---|---|--|
| SETTLEMENT/HOUSING STRATEGY IMPLEMENTATION | | |
| C79 (15 November 2018) | <p>Implements the recommendations of Housing Bacchus Marsh to 2041. Applies a Residential Settlement Framework to Bacchus Marsh and introduces the suit of residential zones. Incorporates <i>Housing Bacchus Marsh to 2041</i> as a Reference Document to the Moorabool Planning Scheme which includes 32 Neighbourhood Character Brochures for Bacchus Marsh.</p> | <p>Introduces a number of changes to the Local Planning Policy, with substantial changes to Clause 21.07 (Bacchus Marsh) and introduces a new suite of residential zones to Bacchus Marsh. The residential zones in Bacchus Marsh are up to date and no further work is required for the established residential areas of Bacchus Marsh.</p> |
| C78 (31 May 2018) | <p>The Amendment amends Clauses 21.01, 21.02, 21.03, 21.09, and updates Clause 21.11 to implement the recommendations of the Small Towns and Settlements Strategy (2016).</p> | <p>Makes a number of changes to the Moorabool Planning Scheme in regard to the Shires strategic directions for Small Towns and Settlements within the Shire. The Strategy does identify further strategic work to be undertaken that has not been identified in the Planning Scheme.</p> |
| C58 (4 May 2017) | <p>Rezones 550 hectares of land in the Camerons Road, Darley and Coimadai area from Farming Zone to part Rural Conservation Zone Schedule 2, part Rural Living Zone and part Public Conservation and Resource Zone; amends Clause 21.07; applies new Design and Development Overlay Schedule 14 and Bushfire Management Overlay Schedule 1 to the land and amends the Schedule to Clause 66.06 to require notice under specified circumstances.</p> | <p>Allows land in Camerons Road to partly be developed for Rural Living purposes.</p> <p>Applied a BMO Schedule 1 to the Camerons Rd area, but GC13 (detailed above) resulted in the Schedule 1 area being accidentally removed. BMO1 remains in the planning scheme however the mapping needs to be reinstated.</p> |
| PLANNING FOR GROWTH AREAS | | |
| C81 (6 December 2018) | <p>Affects land in the urban and rural areas of Bacchus Marsh, Darley, Maddingley and Pentland Hills, together with the rural fringe areas of Merrimu, Parwan, Hopetoun Park, Coimadai (part), Long Forest (part) and Rowsley (part).</p> | <p>Introduces the Bacchus Marsh Urban Growth Framework and its strategic directions into the Moorabool Planning</p> |

| AMENDMENT TYPE AND NUMBER | AMENDMENT SUMMARY | RELEVANCE TO MOORABOOL PLANNING SCHEME REVIEW |
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In addition to implementing the Bacchus Marsh UGF, Amendment C81 also deletes references to outdated strategies and implements relevant elements of the following strategies that have been adopted by Council:

- Bacchus Marsh Integrated Transport Strategy (2015);
- Moorabool Industrial Areas Strategy (2015);
- Moorabool Shire Council Retail Strategy 2041 (2016); and
- Moorabool Shire Economic Development Strategy (2015).

Scheme. Also incorporates a number of strategies as Reference Documents in the Scheme.

Plan Melbourne implementation identified as an action to prepare growth framework plans to manage housing and employment growth for regional cities and peri-urban towns. C81 is consistent with the State direction. There is substantial further work to be undertaken as identified in the UGF that has been incorporated into the Amendment documentation. Amendment C81 has satisfactorily implemented the UGF Framework into the Moorabool Planning Scheme.

C76 (21 December 2017)

The Amendment rezones land at Geelong-Bacchus Marsh Road, Parwan (PC 362391) from Industrial 1 Zone to Farming Zone (FZ), and deletes the Development Plan Overlay 1 (DPO1 Parwan South Industrial Estate); rezones Geelong-Bacchus Marsh Road, Parwan (Lots 1 and 2 TP188461, Lot 1 TP253271 and Lot 1 TP175583) from Farming Zone (FZ), to Industrial 1 Zone (IN1Z) and applies the Development Plan Overlay 1 (DPO1 Moorabool Agribusiness Industrial Area); and amends clauses 21.01, 21.04 and 21.07 to recognise the limitation for development on (PC 362391) and to facilitate agribusiness development and uses on Lots 1 and 2 TP188461, Lot 1 TP253271 and Lot 1 TP175583.

Removed DPO1 from the Moorabool Planning Scheme and applies a new DPO1. A number of minor changes to the MSS. On review of the Schedule, a clear framework is proposed for the preparation of a Development Plan. It is unlikely this Schedule requires further review.

ACTIVITY CENTRE PLANNING

C51 (23 June 2016)

Implements the recommendations of the Bacchus Marsh Activity Centre Structure Plan 2011 by updating the Municipal Strategic Statement at Clause 21.07 – Bacchus Marsh, applying Design and Development Overlays and Development Plan Overlays to land within and surrounding the Bacchus Marsh Activity Centre, and rezoning land in Taverner Street, from Farming Zone to General Residential Zone and applying an Environmental Audit Overlay.

Updated Clause 21.07 (Bacchus Marsh) and introduced a new DPO Schedules 4 & 15 and DDO Schedules 6-13 into the Scheme. Both the DPOs and DDOs contain a high level of detail and provide clear direction in regard to their intention and future directions.

| AMENDMENT TYPE AND NUMBER | AMENDMENT SUMMARY | RELEVANCE TO MOORABOOL PLANNING SCHEME REVIEW |
|---------------------------|-------------------|---|
|---------------------------|-------------------|---|

| SCHEME REVIEWS | | |
|----------------|--|--|
|----------------|--|--|

| | | |
|--|--|--|
| <p>C34 (26 February 2009)</p> <p>Note: Outside of the timeframes the audit was carried out for PSA however, this was the last Planning Scheme Review that was implemented</p> | <p>Replaces the Municipal Strategic Statement with a new Municipal Strategic Statement and amends and renumbers local policies as a result of a periodic review.</p> | <p>Revised the MSS in the Moorabool Planning Scheme.</p> |
|--|--|--|

6 PREVIOUS SCHEME REVIEWS

Council undertook a Planning Scheme Review in 2006 that resulted in Amendment C34 to the Moorabool Planning Scheme. A further review of the Planning Scheme was undertaken in 2014, however this review was limited to a statutory review that was an audit and administrative review of the Scheme. No Planning Scheme Amendment implemented this review.

2006 Planning Scheme review and Amendment C34

Amendment C34 was the last detailed review of the Moorabool Planning Scheme and was an extensive review of the MSS and local policies. The review was undertaken over a lengthy period of time commencing in 2004. Amendment C34 commenced in 2007 and was approved in 2009.

The Amendment made a number of changes to local policies and the structure of the MSS. Amendment C34 altered the structure of the MSS by deleting a number of policies and consolidated provisions. The Amendment was reviewed by an independent planning panel.

The Panel supported most of the Amendment but highlighted a number of deficiencies in the Amendment. Of particular interest was the Panels criticism of the drafting of the MSS clauses stating the proposed MSS was longer and less clear than the existing MSS. The Panel took the unusual approach of providing a structure and form of the MSS to illustrate a recommended approach to the drafting of the MSS. The revised structure is generally what exists in the Scheme today, albeit for the recent Amendments that have made a number of changes to the MSS in particular Amendment C79 (gazetted November 2018) and C81 (gazetted 6 December 2018).

2014 audit and administrative review – no corresponding amendment

This audit and review was limited to a statutory review only and was therefore not as extensive as the MSS review undertaken in 2006 and implemented by Amendment C34.

The review recognised the largest changes to occur in recent years is the change to bushfire controls and legalisation and the adoption of Plan Melbourne and the Central Highlands Regional Growth Plan which includes new strategies from State Government to guide growth in Melbourne, including Melbourne's Peri Urban areas.

The audit and review also highlighted a number of changes required to the current Local Planning Policy Framework to strengthen existing policies or include new ones to coincide with emerging issues. This included potential local policies and the possible need for new policies in the following areas:

- > A retail policy
- > Non-residential uses in residential zones policy
- > Dependent persons units
- > Large Pipelines and State Infrastructure
- > Building on Steep Land
- > Gaming venues

The 2014 audit and review also identified the State Government Reform for Development Contributions had commenced and made some recommendations in regard to Council's requirement to form a position in regards to development contributions in the Shire and identified some potential options. While the reform is now well advanced, and in part implemented, the recommendations are not completely accurate due to the development contributions reform not having been well advanced when the audit and review report was prepared.

The audit and review referred to Councils Rural Policy and recognised the importance of improving rural policy within the Scheme. The audit also recognised the lack of policy direction in the Scheme in regard to Environmentally Efficient Design and recommended the incorporation of a local response in the Scheme.

The 2014 audit recommended the implementation of the South West Landscape Assessment Study (2013) through local policies and the Significant Landscape Overlay. The Study identified the following areas in the Shire to be of national landscape significance and be protected by Significant Landscape Overlay:

- > Werribee Gorge
- > Brisbane Ranges & Rowsley Scarp Environs
- > Parwan Valley
- > Bacchus Marsh Agricultural Valley
- > Mount Buninyong & Mount Warrenheip Environs

The audit and review recommended that the South West Landscape Assessment DPCD June 2013 be included as a reference document in Clause 21.11.

The 2014 audit and review did include consultation and some valuable feedback was received, in particular regarding the operation of the Local Planning Policy Framework by Councils internal Planning Staff. Most of the feedback has been captured in the recommendations included in the 2014 audit or have since been addressed through Planning Scheme Amendments (or will be addressed through future Planning Scheme Amendments currently under preparation) and strategic work that has been identified by Council to occur post the 2014 audit. Nevertheless, the feedback did highlight gaps in a number of existing local policies in regard to their interpretation in the Scheme and opportunities to strengthen policy, in particular, in regard to 22.01 (Dams), 22.02 (Special Water Catchments), 22.03 (Houses and House lot excisions in rural areas), 22.04 (Animal Keeping), 22.05 (Presentation of Industrial Areas) and 22.06 (Interim Telecommunications Conduit Policy).

The 2014 audit and review recommended a review of relevant sections of the Planning Scheme relating to Special Water Catchments to include the Memorandum of Understanding between Barwon Water, Central Highlands Water, and Southern Rural Water, Western Water and Moorabool Shire Council made on 23 December 2013 which determines when permit applications are referred to water authorities.

The audit and review recognised that the Shire was in the process of conducting a large body of strategic work known as Moorabool 2041 which is a series of strategies that will provide the strategic guidance for the municipality to 2041 and beyond.

The audit and review recommended Local Policies are best updated with the implementation of Moorabool 2041. In the absence of including changes within the implementation of Moorabool 2041 the audit and review recommended that a separate smaller amendment could be undertaken. Council has not undertaken a Planning Scheme Amendment to implement the recommendations from this Audit.

Relevance to this Review

The 2006 review and subsequent Amendment C34 is 10-12 years old and many of the comments and findings are now outdated, noting that several of the findings do form part of the current Planning Scheme, however do not conform with Smart Planning Directions.

The 2014 audit and review made several recommendations including identifying the need for the Scheme to be updated to correlate with Plan Melbourne and the Central Highlands Regional Growth Plan. This remains a relevant action for this Review while recognising that Amendment C81 does significantly improve the relationship and consistency to these higher order documents.

The 2014 audit and review identified that the State Government was undertaking a reform in regard to Development Contributions and made some recommendations in regard to Council being required to form a position in regards to development contributions in the Shire and identified some potential options. While the reform is now well advanced, and in part implemented, the recommendations are not completely accurate due to the development contributions reform not having been well advanced with the audit report was prepared. Nevertheless, the audit highlights the need for Council to form a policy position in regard to development contributions and this still remains relevant to Council today and this Review.

The 2014 audit and review recommended the implementation of the South West Landscape Assessment Study (2013) through local policies and the Significant Landscape Overlay. The protection of significant landscapes still remains relevant today with the Scheme providing minimal direction in this regard and remaining largely unrecognised in the Moorabool Planning Scheme today, noting that Smart Planning includes a theme based approach as opposed to incorporating a specific local policy.

The 2014 audit and review identified a number of gaps in of potential local policies and the possible need for new policies in the following areas:

- > A retail policy
- > Non-residential uses in residential zones policy
- > Dependent persons units
- > Large Pipelines and State Infrastructure
- > Building on Steep Land
- > Gaming venues
- > Wind Farms
- > Rural Land Uses
- > Environmentally Efficient Design

Creating new policies for the above topics would require further investigation and consultation before new policies could be created, however the above policy gaps still exist in the Scheme today and are therefore a relevant consideration for this Review. As part of this Review future policies will be required to be in line with the Smart Planning theme based approach.

The 2014 audit and review also identified a number of gaps in existing local policies in regards to their interpretation in the Scheme and opportunities to be strengthened particularly in regards to 22.01 (Dams), 22.02 (Special Water Catchments), 22.03 (Houses and House lot excisions in rural areas), 22.04 (Animal Keeping), 22.05 (Presentation of Industrial Areas), 22.06 (Interim Telecommunications Conduit Policy). Similar to previous comments, Smart Planning includes a theme based localised approach and therefore the review of these policies would also need to

conform to Smart Planning directions. A detailed review of existing Local Policy has been undertaken at Chapter 11.

The 2014 audit and review recommended a review of relevant sections of the Planning Scheme relating to Special Water Catchments to include the Memorandum of Understanding between Barwon Water, Central Highlands Water, and Southern Rural Water, Western Water and Moorabool Shire Council made on 23 December 2013. This determines when permit applications are referred to water authorities. This remains a relevant consideration for this review.

Further, Council has now mostly completed Moorabool 2041 with Ballan Strategic Directions being the last strategy to be completed but not currently implemented through the Planning Scheme. The timing of the 2018/19 Planning Scheme review is appropriate, given the extensive strategic work Council has undertaken since 2014.

7 PANEL REPORTS

Council has had a number of recent Amendments that have included the appointment of an independent Panel by the Minister for Planning. The key findings from some of these panel reports can be seen in Table 3. The recent Panel Reports for C51, C78, C79 and C81 have been overwhelmingly supportive of the Amendments (subject to minor modifications being recommended). The support for these Amendments by the Panel and the positive commentary within the Reports demonstrates the thoroughness of the strategic work Council has undertaken in recent times.

On the contrary, the Panel Report for C72 (New Residential Zones – Moorabool Report) raised concerns with the lack of strategic justification provided to support the Amendment and as a result this Amendment was only partially supported by the Panel. Nevertheless, Council was aware of the lack of strategic justification and have rectified this through the recent strategic work undertaken and subsequent Amendments (in particular C79 which undertook the strategic work to introduce a suite of residential zones for Bacchus Marsh).

Table 3 Key Findings from recent Panel Reports

| AMENDMENT | KEY FINDINGS | RELEVANCE TO THIS REVIEW |
|---|--|--|
| <p>C78 Small Towns and Settlement Strategy</p> <p>2018</p> <p>Updates the Municipal Strategic Statement to reflect the findings of the Small Towns and Settlements Strategy 2016 and include it as a reference document in the planning scheme.</p> | <p>No submissions objected to the proposed content of the Amendment. On 14 November 2017, the Panel directed that the matter be heard 'on the papers'.</p> <p>The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed.</p> | <p>The Amendment did not incorporate all of the further actions identified in the Strategy. The Strategy provided broad guidance on future work required to be undertaken, and will require further review to determine the scope of future work required.</p> |
| <p>C79 Bacchus Marsh Housing Strategy</p> <p>2018</p> <p>Affects residential zoned land within the existing urban settlement boundary of Bacchus Marsh, including the urban areas of Darley, Maddingley and Pentland Hills. 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.</p> | <p>The Panel concluded that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework and is consistent with the relevant Ministerial Directions. The Amendment is well founded and strategically justified.</p> <p>A potential area of contention was the Amendment not proposing to use the Residential Growth Zone in the central areas of Bacchus Marsh. This approach was supported by the Panel which noted that the application of the zones also had consideration to the previous attempt to rezone residential land in Bacchus Marsh (C72) which the Panel also recognised and stated that C79 was a much more balanced approach to the residential zoning in Bacchus Marsh.</p> | <p>Very well supported Amendment by the Panel, with only very minor changes to Amendment documentation. No further work to be undertaken as part of this Review. Highlights the extensive strategic work that has been undertaken in Bacchus Marsh.</p> |
| <p>C81 Bacchus Marsh Urban Growth Framework</p> <p>2018</p> | <p>The Panel considered the UGF was a well-researched and appropriate document to provide a high level framework for growth in the Bacchus Marsh district.</p> | <p>Very well supported Amendment by the Panel, with only very minor changes to Amendment documentation.</p> |

| AMENDMENT | KEY FINDINGS | RELEVANCE TO THIS REVIEW |
|---|---|---|
| <p>The Amendment did not rezone any land. It seeks to provide a strategic framework for determining the location of future urban growth precincts and employment growth precincts. Separate planning scheme amendments will be required to identify exact boundaries for these precincts and to rezone land to facilitate master-planned urban development.</p> | <p>The Panel accepted that the UGF is the starting point of the planning of Bacchus Marsh; however recognised that there is significant more strategic planning to be completed and Council should not underestimate the scope of further work required and the significant resources needed to complete these tasks.</p> <p>The Bacchus Marsh district has multiple planning issues that require careful assessment and consideration to balance the needs of various stakeholders. The planning of Bacchus Marsh needs to fulfil multiple objectives and the UGF clearly articulates the issues and challenges to be addressed and balanced.</p> <p>The Panel supported the inclusion of the UGF as a reference document in the planning scheme and updating Clause 21.11 to include the other background reports associated with the preparation of the UGF.</p> | <p>Highlights the extensive strategic work that has been undertaken in Bacchus Marsh.</p> |
| <p>C51 – Bacchus Marsh Activity Centre Structure Plan</p> <p>2014</p> <p>Implements the recommendations of the Bacchus Marsh Activity Centre Structure Plan 2011 by updating the Municipal Strategic Statement at Clause 21.07 – Bacchus Marsh, applying Design and Development Overlays and Development Plan Overlays to land within and surrounding the Bacchus Marsh Activity Centre, and rezoning land in Taverner Street, from Farming Zone to General Residential Zone and applying an Environmental Audit Overlay.</p> | <p>The Panel stated the Amendment was supported strategically by the State and Local Planning Policy Frameworks. However, the Panel did not support the referencing of the Structure Plan in the Scheme. The Panel was of the view that the principle matters contained in the Structure Plan have either been incorporated into Clause 21.07 or the Schedules to the Development Plan Overlay and the Design and Development Overlay. The fact that aspects of the Structure Plan are ‘at odds’ with the statutory provisions of the Moorabool Planning Scheme only added to the Panel’s view that the Structure Plan should not be referenced in the Planning Scheme.</p> | <p>Highlights the challenges of having a strategic document that is partially at odds with the Planning Scheme and the difficulty including the document as a Reference Document. Smart Planning directions include a shift away from Reference Documents, and the documents to be referred to as Background Documents. This Amendment again demonstrates the extensive strategic work that has been undertaken in Bacchus Marsh.</p> |
| <p>C53 – Gordon Structure Plan</p> | <p>The Panel stated the Amendment was supported strategically by the State and Local Planning Policy Frameworks. The key issue recognised by the Panel related to the</p> | <p>Much of the content that C53 introduced to the Planning Scheme was replaced by C78 (Small Towns and</p> |

| AMENDMENT | KEY FINDINGS | RELEVANCE TO THIS REVIEW |
|--|---|--|
| <p>2014</p> <p>The Amendment proposed to implement the Gordon Structure Plan 2013 by amending Clause 21.09 Small Towns and introducing new schedules to the Significant Landscape Overlay and Design and Development Overlay.</p> | <p>Structure Plan content and whether it provides the required strategic basis to ensure Gordon develops in an orderly fashion. A major concern for the Panel was the lack of focus on commercial and employment land uses, with no analysis undertaken in relation to existing or future demand for commercial uses. The Panel stated that the value of the Structure Plan for Gordon is limited to ensuring that residential development preserves its village character.</p> | <p>Settlement Strategy) which is considered a well founded and strategically justified document.</p> <p>Council Officers are currently reviewing the Gordon Structure Plan.</p> |
| <p>C72 New Residential Zones – Moorabool Report 2014</p> <p>Draft Amendment C72 proposed to implement the new residential zones by replacing the Residential 1 Zone (R1Z) and Residential 2 Zone (R2Z).</p> | <p>The Committee noted that although the Bacchus Marsh Housing Strategy and Ballan Structure Plan were reasonably well advanced, they are yet to be completed or comprehensively tested. For these reasons, the Committee was cautious in the extent to which it relied on them to provide strategic justification for the proposed zones in the draft Amendment.</p> | <p>Panel did not support the use of the NRZ (in Bacchus Marsh or Ballan) as it was not a balanced approach to the use of the residential zones and was not supported by appropriate strategic justification – Need to ensure appropriate strategic justification is available prior to pursuing amendments.</p> <p>This has been rectified through the preparation of the Bacchus Marsh Housing Strategy and Ballan Strategic Directions, noting that Ballan through Amendment C88 is still the subject of a Planning Scheme Amendment. These strategies and subsequent amendments demonstrate the significant amount of strategic work that has been undertaken by Council in regards to the implementation of the residential zones.</p> |

8 MUNICIPAL STRATEGIC STATEMENT AMENDMENTS

A number of Planning Scheme reviews have taken place by other Councils where Councils have holistically reviewed their planning scheme, including their Municipal Strategic Statement (MSS). Two such reviews have been identified for their relevancy to this project and are discussed further below.

Each review identified in Table 4 was subject to a panel hearing. The panel reports and submissions for each review identify issues and themes similar to those appearing within this review.

The stakeholders and organisations engaged for other MSS reviews have also been engaged as part of this review to assist in understanding the wide-ranging views and interactions they have with the Moorabool Planning Scheme.

Relevance to this Review

Key themes that have emerged as part of the review of other municipalities' planning scheme reviews are:

- > Preference for MSS's to be structured to follow the layout of the Statement Planning Policy Framework
- > Council Plan directions should be clearly articulated in the MSS, including how they link to Council's planning directions
- > Care should be taken to ensure that local policy within the MSS complements planning scheme controls (zones and overlays) but does not duplicate them.

Each of these points are relevant to this review, noting that it has been identified that the Moorabool MSS does not follow the SPPF structure (although noting that this will now be required to align with SmartPlanning), the MSS does not provide a direct link to the Council Plan, and there are a number of instances where policy duplicates planning scheme controls.

Table 4 Key Findings from recent Municipal Strategic Statement Amendment Panel Reports

| AMENDMENT | KEY FINDINGS | RELEVANCE TO THIS REVIEW |
|---|---|--|
| <p>C75 Horsham Planning Scheme</p> <p>Gazetted 29 November 2018</p> <p>Replaces the existing Municipal Strategic Statement Clause 21 to 21.05 with a new MSS (Clauses 21 to 21.14)</p> | <p>Council conducted a review of the Planning Scheme in 2010 as required by Section 12B of the <i>Planning and Environment Act 1987</i> which formed the basis of a draft MSS placed on exhibition in early 2015.</p> <p>Upon review of the MSS, the Panel identified a number of inconsistencies with the structure of the SPPF. E.g. Certain Clauses had content/themes that are better suited to another Clause.</p> <p>The Panel also identified numerous strategies within the MSS which are not strategies but implementation actions, which would more appropriately fall under implementation (further strategic work).</p> <p>The Panel identified that the <i>Council Plan</i> Clause contains strategies and actions that belong within other more relevant Clauses.</p> | <p>Issues identified by the Panel are relevant to this review, including:</p> <ul style="list-style-type: none"> • The MSS must be structured to align with the SPPF • Care must be taken to ensure content is in the appropriate Clause or theme • Council Plan strategies and actions need to be incorporated into relevant Clauses and themes. |
| <p>C93 Warrnambool Planning Scheme</p> <p>Gazetted 22 September 2018</p> <p>Introduces a new MSS by replacing existing Clause 21.01 to 21.10 with new Clauses 21.01 to 21.11</p> | <p>Council conducted the <i>Warrnambool Planning Scheme Rewrite Project Final Report, 2015 (the Rewrite Project)</i>.</p> <p>Council carried out a substantial body of strategic work in conducting the planning scheme review which was commended as one of the best examples of a thorough planning scheme review by the Panel members.</p> <p>The Panel concluded that, subject to a few changes, the Amendment should be supported.</p> | <p>The relevance of this Amendment to the review is as a best case example of a MSS review. This Amendment addressed issues with the Planning Scheme that are relevant to this review such as:</p> <ul style="list-style-type: none"> • Appropriately translating bodies of strategic work into the correct Clause and theme; • Structuring the MSS to align with the SPPF; • Updating zone schedules where appropriate to support local content. |

9 COUNCIL PLANS, STRATEGIES AND POLICIES

Council in recent years has undertaken an extensive amount of strategic work, which has now been largely implemented into the Moorabool Planning Scheme (or currently part of an existing Amendment to do so). These current and recent plans and strategies can be seen in Table 5 below.

What is evident from the recent strategic work is that there has been a focus on growth and strategic directions for the existing towns within the municipality, in particular Bacchus Marsh and Ballan, and to a lesser extent the smaller towns and settlements through the Smalls Towns Strategy.

There has also been a clear focus on neighbourhood character within Bacchus Marsh, which has resulted in appropriate and up to date use of the reformed set of residential zones.

An identified gap in Council's strategies is the lack of current strategic directions for rural land uses and open space. While strategic work has previously been undertaken regarding rural land and open space, it is largely outdated, only partially adopted by Council and mostly not incorporated into the Moorabool Planning Scheme. A key emerging direction from the workshops has been that there are a number of interconnected issues in the rural areas requiring a holistic response. These issues include:

- > Approach to ensuring long term viability of farming land
- > Enabling farmers to age in place, and facilitate family succession of farm ownership (raising issues about dwellings in rural areas)
- > Lack of capitalisation on agri-tourism opportunities
- > Increasing demand for rural living and lack of policy direction on location

Table 5 Analysis of Current and Recent Council Plans, Strategies and Policies

| DOCUMENT | OVERVIEW | PLANNING SCHEME STATUS | RELEVANCE TO THIS REVIEW |
|--|---|--|---|
| Council Plan 2017 - 2021 | Sets out the Council vision and action plan to 2021. | No status | A number of actions from a planning perspective have been implemented. Although the Planning Scheme could be strengthened to reflect the Council Plan objectives in particular in regards to minimising environmental impacts and stimulating economic growth. |
| Ballan Strategic Directions 2018 | Provides a framework and supporting directions in regard to residential, low density residential, rural living, commercial, and industrial land within Ballan. | PSA C88 exhibited. Proposes to introduce a revised suite of residential zones, updates MSS including Clause 21.08. Strategy included as a Reference Document. Also rezones existing industrial land. | The Strategy includes some rezonings that are to be Council led (with others to be proponent led). These rezonings should be identified in regard to future strategic work. The Strategy also identifies the requirement for an Urban Design Framework to be prepared for the town centre. Further, reconsideration of the Strategy as a Reference Document and neighbourhood character may be required in line with Smart Planning directions. |
| Bacchus Marsh Urban Growth Framework 2018 | The UGF provides a long term land use vision of how growth can be planned for, matched with coordinated infrastructure delivery by agencies and other stakeholders. | Gazetted 6 December 2018. Does not rezone any land. Updates MSS and introduces a number of strategies as reference documents as follows: Bacchus Marsh Integrated Transport Strategy (2015); Moorabool Industrial Areas Strategy (2015); Moorabool Shire Council Retail Strategy 2041 (2016); and | C81 has undertaken an extensive amendment to the Scheme which included ensuring key directions from the relevant Reference Documents have been captured in the Amendment documentation as has the initial strategic work required to be undertaken as part of implementing the Urban Growth Framework. The Amendment will require further alignment with Smart Planning principles including feeding into the strategic direction of the Planning Policy Framework. This Framework Plan (and supporting Strategies) highlight the substantial amount of work undertaken by Council in regards to future strategic directions for Bacchus Marsh in particular in regards to managing growth. |

| DOCUMENT | OVERVIEW | PLANNING SCHEME STATUS | RELEVANCE TO THIS REVIEW |
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| | | Moorabool Shire Economic Development Strategy (2015). | |
| Bacchus Marsh Housing Strategy 2018 | Directs housing densities in Bacchus Marsh by applying a Settlement Framework and introduces suite of Residential Zones. Also provides a character assessment and is accompanied by 32 character brochure. | PSA gazetted 15 November 2018. Strategy included as a Reference Document including Neighbourhood Character Brochures. Applies the Residential Zones and updates MSS including substantial changes to Clause 21.07, Bacchus Marsh. | From a Planning Scheme perspective, the Strategy has been effectively implemented into the Moorabool Planning Scheme. Further, Smart Planning direction in regard to neighbourhood character is subject to review and may have flow on effects at a local level as to the inclusion of Strategies as Reference Documents. This Strategy highlights the substantial amount of work undertaken by Council in regards to residential zoned land and strategic directions for Bacchus Marsh. |
| Bacchus Marsh Activity Centre Structure Plan 2011 | The Structure Plan equips the town to meet future challenges and facilitate economic growth in the town's commercial centre and promote transit oriented development around the town's railway station. The Structure Plan developed built form, street layouts and a range of new and improved open spaces. | PSA C51 (June 2016) implemented the recommendations of the Structure Plan by updating the MSS at Clause 21.07 – Bacchus Marsh, applying Design and Development Overlays and Development Plan Overlays to land within and surrounding the Bacchus Marsh Activity Centre, rezoning land in Taverner Street from Farming Zone to General Residential Zone and applying an Environmental Audit Overlay. | The Panel did note that the document was not required to be included as a Reference Document due to the strategic directions of the Strategy largely being captured in the Local Planning Policy Framework in line with the Structure Plan. The Amendment again highlights the extensive strategic work undertaken in Bacchus Marsh. Given Council have undertaken substantial strategic work for Bacchus Marsh post the preparation of this Strategy, a review of this Strategy may be appropriate to determine its consistency and accuracy with more recent strategic work. |
| Small Towns and Settlement Strategy 2016 | The Small Towns and Settlements Strategy provides an overarching vision as to how the Shire will manage the future of its small towns and settlements through to 2041. | PSA C78 (May 2018) amends Clauses 21.01, 21.02, 21.03, 21.09, and updates Clause 21.11 to implement the recommendations of the Small Towns and Settlements Strategy (2016). | The strategy and policy within the Planning Scheme identifies that further work is to be undertaken, including Structure Plans for the small towns, to inform appropriate application of zones and overlays. |

| DOCUMENT | OVERVIEW | PLANNING SCHEME STATUS | RELEVANCE TO THIS REVIEW |
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| <p>Moorabool Retail Strategy 2016</p> | <p>The Strategy examines the retail sector's role in the broader Moorabool economy and in optimising the provision of local services and facilities to meet the needs of the residents of Moorabool.</p> | <p>Implemented through C81 as a Reference Document</p> | <p>The Strategy provided broad guidance on future work required to be undertaken, however does not in all instances clearly articulate the detail of the additional work required. A review to determine the scope of future work is recommended.</p> <p>The municipality has a number of small towns which are located in a range of zones (e.g. Township Zone, Rural Living Zone and Rural Conservation Zone). A holistic review of small towns may be required to determine whether these towns are appropriately zoned and potentially achieve a more consistent approach to township zoning controls, if appropriate.</p> <p>C81 includes the recommendations in the Retail Strategy that relate to Bacchus Marsh, Darley and Maddingley. C78 generally provides retail direction in relation to Small Towns & Settlements. However, retail direction in Gordon in Clause 21.09 is minimal (Action 9 in Retail Strategy).</p> <p>C88 adequately addresses Ballan.</p> <p>As part of the workshops concerns in regards to car parking for retail uses was raised and the negative implications this has on growing retail uses within the Shire. This Review highlights the need for policy direction in regards to car parking in commercial areas.</p> |
| <p>Bacchus Marsh Bulky Goods Assessment</p> | <p>Provides a framework to direct future bulky goods retail and economic development. The Strategy identified that the retail hierarchy will require the</p> | <p>Has not been adopted by Council or included in the Planning Scheme.</p> | <p>A report went to Council in April 2017 recommending liaison with landowners of the preferred sites identified in the strategy prior to publicly advertising the strategy for</p> |

| DOCUMENT | OVERVIEW | PLANNING SCHEME STATUS | RELEVANCE TO THIS REVIEW |
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| 2018 | development of an out-of-centre bulky goods retail component in order to combat the high levels of escape expenditure. | | <p>comment. Letters were written to landowners, however the strategy never proceeded to public exhibition (due to other competing projects and staff capacity constraints). Given the delay to implement the strategy, a consultant was engaged to update the strategy to reflect changes in population projections and to make other changes to reflect the outcomes of the UGF. This work has been completed and identifies two potential sites for long term planning for bulky goods retailing in Bacchus Marsh. The preferred location is at the intersection of Fiske Street and Geelong Bacchus Marsh Road, as this site satisfies more of the locational criteria set out in the strategy.</p> <p>Should the document be adopted by Council, the Planning Scheme will need updating to include direction around bulky good development within the Shire and potentially rezoning of land to accommodate future bulky goods retailing.</p> |
| Bacchus Marsh Integrated Transport Strategy 2015 | <p>Identifies a holistic future planning of the transport network for Bacchus Marsh. The document also provides VicRoads with evidence based information to inform the development of the arterial road network within and around Bacchus Marsh.</p> <p>The Strategy considers all modes, their roles, and the upgrades required to ensure that the transport network, as a whole, will be capable of accommodating the existing and future demand associated with expected population growth of</p> | Implemented through C81 including the Strategy as a Reference Document. | <p>C81 made substantial changes to Clause 21.05 which related to transport in Bacchus Marsh.</p> <p>C81 has provided clear strategic direction with regard to transport requirements in Bacchus Marsh in the future in line with the Strategy.</p> <p>Council Officers have noted that the modelling in the BMITS was undertaken in 2015. This modelling does not take into account the proposed Merrimu, Parwan Station and Hopetoun Park growth areas as shown in the UGF which is a major shortcoming. The modelling (along with the Strategy) needs to be updated to consider these growth precincts,</p> |

| DOCUMENT | OVERVIEW | PLANNING SCHEME STATUS | RELEVANCE TO THIS REVIEW |
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| | <p>Bacchus Marsh and facilitate sustainable transport modes.</p> <p>Adopted by Council on 21 December 2015.</p> | | <p>along with updated traffic growth rate forecasts, and recent upgrades to the road network including improvements to Hallett's Way and Gisborne Road freeway access.</p> |
| <p>Moorabool Rural Strategy Plan</p> <p>2009</p> | <p>This Strategy was prepared in 2009 and largely informed by a number of documents that Council had prepared including the following:</p> <ul style="list-style-type: none"> • Moorabool Rural Housing Strategy March 2004, Hansen Partnership Pty. Ltd • Moorabool Growth Management Strategy October 2002, Agriculture Services Victoria Pty. Ltd. • Growing Moorabool, Economic Development Strategy and Action Plan 2006, SGS Economics and Planning • Ballan Urban Growth Management Strategy 2003, Hansen Partnership and Parsons Brinkerhoff • Bacchus Marsh Residential Growth Strategy 2004, Ratio Consultants • Bences Road Local Structure Plan 2007, Ratio Consultants • Planning scheme review | <p>Partially implemented through PSA C58 Camerons Lane rezoning</p> | <p>This Strategy is only partially adopted by Council. There has been no holistic Planning Scheme Amendment to implement the Strategy, but it has been partially implemented though Amendment C58 There are a number of recommendations in the Strategy that have not been implemented, but some may not be supported by Council. The Strategy is almost 10 years old and has had minimal implementation by Council. Strategic work in Council's rural areas has been identified as a key gap as part of this literature review. This strategy should be reviewed as part of the preparation of a Rural Land Use Strategy.</p> |
| <p>Moorabool Industrial Strategy</p> <p>2015</p> | <p>Provides a high level as well as a detailed strategic review of industrial land within the Shire with a specific focus on industrial uses in employment precincts.</p> | <p>Implemented through C81 & also included as a Reference Document.</p> <p>C88 rezones the Ballan Industrial Estate as per the recommendations of this Strategy.</p> | <p>Planning for industrial land within the Planning Scheme is generally up to date. Minor changes to planning tools may be considered to improve design outcomes (refer to Chapter 11.3).</p> <p>A review of this strategy may be required a in light of recently completed strategic work including Amendment C81</p> |

| DOCUMENT | OVERVIEW | PLANNING SCHEME STATUS | RELEVANCE TO THIS REVIEW |
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| Recreation and Open Space Strategy 2007 | The purpose of the Recreation and Open Space Strategy is to provide a framework to guide Council's decision making for the future provision of recreation and open space. | No Planning Scheme status | Council is preparing an Open Space Framework with the intent of preparing an Open Space Strategy following the Framework. A lack of clear direction regarding open space was identified during the workshops and is identified as a weakness in the Planning Scheme. |
| Moorabool Economic Development Strategy 2015 | Identifies the vision, objectives and targets for the future of the economy. It details the strategies and actions that Council can take to help support local growth while also enhancing our lifestyle. Council is committed to working with local businesses, investors and other levels of government to achieve the targets identified in this Strategy. | Implemented through C81 including as a Reference Document. | While economic development is salt and peppered throughout the MSS (as well as within its own policy), there is potential to strengthen this in the PPF and through use of appropriate zones and overlays (particularly within the rural areas). This was an important theme that was raised during the workshops, particularly given the Council Plan places substantial emphasis on economic development. |
| Moorabool Open Space Framework (Under preparation) | The Bacchus Marsh UGF states that a District Open Space Framework is a precondition to the development of the Merrimu, Parwan Station and Hopetoun Park precincts. The UGF states that the Framework will provide <i>"key principles to ensure an integrated network of parks, open space and trails, protect escarpments, achieve biolinks, and integrate open space outcomes with waterway management"</i> . Identified as an immediate action in the UGF, is the preparation of this Framework which has commenced. It is due for completion in June 2019. | No current Planning Scheme status. | On completion of the Framework, the Framework will require implementation into the Planning Scheme through a Planning Scheme Amendment to incorporate key policy directions. |

| DOCUMENT | OVERVIEW | PLANNING SCHEME STATUS | RELEVANCE TO THIS REVIEW |
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| West Moorabool Heritage Study2016 | Undertook a detailed assessment of heritage places within West Moorabool. | Amendment currently being prepared by Council officers to implement this Study. The Amendment will seek to introduce 90 individual heritage overlays and 8 heritage precincts (containing 84 properties) | From an initial review there are a number of changes that should be made in relation to heritage. Given the proposed changes to the HO as part of the Smart Planning program, it appears that the emerging direction from State government is that the new HO is the more appropriate location for providing specific guidance (via an Incorporated Document) rather than within a heritage policy. |
| Maddingley Waste and Resource Recovery Hub +Maddingley Investigation Areas A and B – Planning Study (Under Preparation) | <p>The Bacchus Marsh Urban Growth Framework (UGF) recommends a study that investigates options for future land uses in Areas A and B and reviews the existing planning controls that apply to the Maddingley WRR Hub. With respect to Areas A and B, the UGF provides that:</p> <p><i>These areas should be investigated for non-sensitive land uses compatible with existing sensitive use interfaces;</i></p> <p><i>There may be opportunities to investigate uses that can leverage off the strategic relationship with activities at the Maddingley WRR Hub; and</i></p> <p><i>Investigation of future use and development in this area should have regard for the outcomes of any relevant priority actions outlined in the Grampians Central West Waste and Resource Recovery Implementation Plan 2017.</i></p> <p>The Maddingley Waste and Resource Recovery (WRR) Hub is a State significant resource for the</p> | Recognised in the Planning Scheme through the Special Use Zone and listed in Clause 21.07-8 as 'Further strategic work'. | <p>The Maddingley WRR Hub is currently within the Special Use Zone Schedule 1 (SUZ1 - Coal Mining), with the current planning controls failing to acknowledge the role of the site as a State significant WRR hub. The SUZ1 also applies to land beyond the mining licence boundary, which is a cause of concern for affected landowners with no association with the WRR hub.</p> <p>Council has prepared a Strategic Bulky Goods Assessment which identifies two potential sites for long term planning for bulky goods retailing in Bacchus Marsh. The preferred location is at the intersection of Fiskens Street and Geelong Bacchus Marsh Road, as this site satisfies more of the locational criteria set out in the strategy.</p> <p>It is understood that Council has commenced a planning study, with completion by late 2019.</p> |

| DOCUMENT | OVERVIEW | PLANNING SCHEME STATUS | RELEVANCE TO THIS REVIEW |
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| | <p>management of inert waste (e.g. construction waste material) along with shredder floc processing and recycling (end of life vehicles, white goods etc.). The brown coal which is present at the site is also identified as a State significant resource.</p> | | |
| Rural Growth Policy 2012 | <p>Adopted by Council September 2012, this policy recognises that existing State Planning Policy Framework does not adequately recognise or support agriculture trends and rural settlements in Moorabool Shire.</p> <p>The policy provides direction on Council's preferred approach to rural planning within Moorabool Shire. In particular, this policy provides direction for how non-farm rural dwellings should be considered and, more broadly, rural settlement patterns.</p> <p>The policy seeks to articulate Council's support for resilient and integrated rural communities and agricultural enterprises.</p> | No status | <p>Rural issues have been raised throughout this project. The specific issues raised in this policy were identified in the consultation process as requiring a holistic response in the form of a Rural Land Use Strategy to help address a lack of certainty in decision making arising through ambiguous policy.</p> <p>This policy was due for review in 2014 which has not occurred.</p> |
| Rural Housing Policy 2014 | <p>Adopted by Council in May 2014. This policy along with its accompanying Assessment Principles were designed to provide assistance to Council officers (statutory) when assessing applications for single dwellings in the Farming Zone. It applies to all Farming Zone land in the Shire.</p> | No status | <p>This Policy is inconsistent with current State policy due to providing policy direction in regards to facilitating accommodation options in rural areas. Further the policy is due for review following adoption of Moorabool 2041 which is now adopted, however the policy has not been reviewed. The preparation of a Rural Land Use Strategy would help address a lack of certainty in decision making arising through</p> |

| DOCUMENT | OVERVIEW | PLANNING SCHEME STATUS | RELEVANCE TO THIS REVIEW |
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| | | | <p>ambiguous policy and provide a holistic strategic approach to rural land uses.</p> |
| <p>Urban Growth Policy 2012</p> | <p>Adopted by Council in September 2012, and was to be reviewed in 2014, however this review has not occurred. This policy aimed to provide a vision for the type of community</p> <p>Moorabool Shire will be in 2041 and to outline how Council can facilitate an outcome that both allows for growth and keeps the community connectedness, character and sense of place so valued by current residents.</p> | <p>No status</p> | <p>Since the adoption of this policy, a body of strategic work has been prepared which guides future urban growth in the Shire, particularly Bacchus Marsh. The recent strategic work is considered the more appropriate tool for shaping future growth.</p> |
| <p>Community Infrastructure Framework 2017</p> | <p>The Community Infrastructure Framework (CIF) was adopted in September 2017. The purpose of the CIF is to identify and prioritise the Shire's current and future community infrastructure requirements.</p> <p>As such, planning decisions relating to the provision of community infrastructure should be made in line with the priorities determined through the Framework.</p> | <p>No status</p> | <p>Local policy relating to community infrastructure is high level, and provides limited guidance for decision making. This is a clear gap, and translation of this strategy into clear policy guidance and opportunities exist to improve policy direction as part of the planning scheme review, noting the theme based approach required by SmartPlanning</p> |

| DOCUMENT | OVERVIEW | PLANNING SCHEME STATUS | RELEVANCE TO THIS REVIEW |
|---|---|--|--|
| Bacchus Marsh Tracks and Trails Masterplan 2004-2005 | The masterplan seeks to ensure track and trail development occurs in a way that links existing routes with new trails, reducing fragmentation. | Implemented through PSA C34 as a Reference Document. | This masterplan is a high level document with limited guidance for decision making. Opportunity exists to review this document and translate policy. |
| Gordon Structure Plan 2011 | <p>The Gordon Structure Plan seeks to guide and manage the development of the township and its surrounds.</p> <p>The Panel report for the Structure Plan questioned whether it provides the required strategic basis to guide the growth of the third largest settlement in the municipality. The major concern was the lack of focus upon commercial and employment land uses.</p> | <p>Gazetted via Amendment C53 (February 2015).</p> <p>The Gordon Structure Plan is not a Reference Document.</p> | <p>Council have undertaken an internal review of the Structure Plan, objectively reviewing its strengths and weaknesses. The review followed a VCAT decision which refused the creation of lots around the 800sqm mark (minimum lot size as per the controls), suggesting that the controls are not clear.</p> <p>A number of issues with the Structure Plan were identified in Council's review. The status of this document require further review and how the document aligns with the Small Towns and Settlement Strategy.</p> |

10 VCAT DECISIONS

Table 6 below provides analysis of a variety of case brought to VCAT from Moorabool Shire Council. The major emerging themes within these cases are the conflicting definitions of neighbourhood character and the weight given to neighbourhood character in assessing planning permit applications.

It is evident that many State and Local policies encourage population and housing growth within Moorabool, namely Bacchus Marsh and Ballan, however on many occasions Council has refused to grant a permit on grounds that proposals do not provide an acceptable design response to the neighbourhood character and amenity of an area.

When brought to VCAT, greater weight has been given to the preferred neighbourhood character prescribed in a raft of strategic documents, as opposed to the existing character of an area. Any issues regarding subdivision and housing design identified by Council and/or objectors appear to be assessed more submissively once it is determined that the proposal is in an area identified for increased growth.

In light of the above, there exists an opportunity to refine the definition of, and statutory weight given to, neighbourhood character within Moorabool.

However, it is noted that neighbourhood character is now more robustly addressed within the Planning Scheme following Amendment C79, which introduced the Bacchus Marsh Housing Strategy (including neighbourhood character brochures) and the new suite of residential zones. Through Amendment C88, Ballan will also have much improved policy direction in regards to neighbourhood character, however, areas outside of Bacchus Marsh and Ballan lack policy direction in regards to neighbourhood character.

Table 6 VCAT decisions from Moorabool Shire

| VCAT CASE | KEY FINDINGS | RELEVANCE TO THIS REVIEW |
|--|---|---|
| <p>Holman vs Moorabool SC [2017]</p> <p>VCAT 2049</p> | <p>The proposal was for the construction of two single storey dwellings to the rear of an existing dwelling in Bacchus Marsh.</p> <p>Council refused to grant a permit on grounds that the proposal was an overdevelopment that did not provide an acceptable design response to neighbourhood character and amenity of the area.</p> <p>VCAT overturned the decision and granted a permit, finding the development to be an appropriate response in the neighbourhood that will not result in unacceptable amenity impacts. The reasons were:</p> <ul style="list-style-type: none"> • The GRZ1 encourages diversity of housing types in locations with good access to services and transport • The subject site is 1.4km to Bacchus Marsh Village Shopping Centre and serviced by bus • The proposal is an acceptable neighbourhood character response | <p>While Council refused to grant a permit on grounds that the proposal was not an appropriate design and neighbourhood character response, VCAT had a different interpretation of character.</p> <p>With the neighbourhood character interpreted differently, a number of State, local and strategic policies that support growth in this area were identified that support growth and development.</p> <ul style="list-style-type: none"> • State Policy, including the CHRGP, encouraged population growth in this region • Local Policy supported directing population growth and employment to Bacchus Marsh • <i>Housing Bacchus Marsh to 2041</i> adopted by Council in August 2016 encourages well-designed infill development |
| <p>Provost vs Moorabool SC [2018]</p> <p>VCAT 1423</p> | <p>The proposal was for a three lot subdivision at 15 Lyndhurst Street, Gordon which created three lots of approximately 800sqm (minimum subdivision requirement as per the Planning Scheme). Council refused to grant a permit on grounds that the proposal is not in keeping with the character aspirations articulated in planning policies and controls.</p> <p>VCAT overturned the decision and granted a permit, citing that it is consistent with the zone (NRZ1) and DDO5 and that there are no other planning considerations that lead to a conclusion that the proposed subdivision is unacceptable.</p> <p>DDO5 was the focus of the submissions, requiring that “<i>Subdivision design is to respond to the pattern of development and the character of the township</i>”. The VCAT</p> | <p>While Council refused to grant a permit on grounds that the proposal was not an appropriate design and neighbourhood character response, VCAT had a different interpretation of character.</p> <p>If, as per the submissions, Council and residents do not consider lot sizes of 800sqm to achieve the preferred character then zone and overlay controls could be amended to specify a greater minimum lot size.</p> |

| VCAT CASE | KEY FINDINGS | RELEVANCE TO THIS REVIEW |
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| <p>TPY Developments vs Moorabool SC [2017] VCAT 1329</p> | <p>decision determined that the pattern of lots in the area contains a variety of lot configurations and that the proposal to create three generally rectangular lots is an acceptable response.</p> <p>The proposal involves four applications for the construction of two dwellings on a lot. The proceeding reviewed the failure to grant a permit within the prescribed time.</p> <p>While Council failed to determine the application within the prescribed time, they indicated that the application would not be supported on grounds that it is not consistent with elements of Clause 21 and Clause 55.</p> <p>VCAT determined that the proposal can be supported within the planning policy context and general neighbourhood character. On a lot by lot basis however, VCAT upheld Council's decision to refuse the grant of a permit for one lot, on the other lots Council's decision was set aside and a permit was granted.</p> | <ul style="list-style-type: none"> • The CHRGP identifies Ballan as a medium growth town • A number of strategic policies and clauses make it clear that increased housing is encouraged in Ballan • While Council had been trying to define the neighbourhood character for some time, it had not yet occurred |
| <p>Wood vs Moorabool SC [2017] VCAT 1144</p> | <p>The proposal is a two lot subdivision.</p> <p>Council refused the two lot subdivision on grounds that the subdivision did not respect the neighbourhood character and is inconsistent with the surrounding subdivision pattern.</p> <p>The applicant submitted that Lot 2 was sufficient in size to allow the construction of a double storey dwelling which respects the neighbourhood character and amenity of the area.</p> <p>VCAT overturned Council's decision and granted a permit. The key issues considered relate to whether the proposal responds to State and Local policy, the GRZ and the neighbourhood character of the area.</p> | <p>While Council refused to grant a permit on grounds that the proposal did not respect neighbourhood character, VCAT had a different interpretation of character. VCAT considered the relevant neighbourhood to be only the surrounding properties within line of sight on the street.</p> <p>To this end, VCAT considered the two-lot subdivision to be in line with the preferred character statement in <i>Housing Bacchus Marsh to 2014</i>, and an improvement on the existing character whereby a section of fence will be removed, allowing another dwelling to front the street</p> |
| <p>Parry vs Moorabool SC [2017]</p> | <p>The application is for the use and development of land in Leigh Creek for a dwelling and ancillary outbuilding.</p> | <p>The planning scheme is clear on intended outcomes for agricultural land uses and non-agricultural land uses.</p> |

| VCAT CASE | KEY FINDINGS | RELEVANCE TO THIS REVIEW |
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| <p>VCAT 790</p> | <p>Council determined to grant a permit.</p> <p>The review applicant, Parry, owns land immediately adjacent the subject site and operates a horse breeding establishment.</p> <p>The application was supported by a Farm Management Plan which describes how the permit applicant proposes to farm the land, requiring a farm manager to be on site at all times therefore needing the proposed dwelling.</p> <p>VCAT determined that the loss of even a small amount of land containing high quality soils from continued agricultural use is unacceptable irrespective of how small an area may be lost. VCAT also shared concerns that the proposed dwelling would become the dominant land use.</p> | <p>A number of State policies support the protection of agricultural land.</p> <p>However, within local policy there is discretion for permits to be granted to use and develop land for a dwelling on lots under 40ha. In this case, more weight was given to the State policy than the local discretion.</p> |
| <p>BDK Homes vs Moorabool SC [2016]</p> <p>VCAT 735</p> | <p>This application is for the construction of two dwellings to the rear of an existing dwelling.</p> <p>Although officers recommended support for the proposal, Council decided to refuse the grant of a permit. Council's decision was grounded in concern for the neighbourhood character and amenity impacts. Several objectors to the proposal shared similar concerns.</p> <p>The subject site is identified as an area of minimal change in the <i>Bacchus Marsh Housing Strategy</i> prepared by Mesh. At the time of the decision, the Strategy had not been implemented via a planning scheme amendment, thus it was given no weight in the decision.</p> <p>VCAT affirmed the decision not to grant a permit on grounds that the proposal is not aligned with the neighbourhood character and does not provide an appropriate design response.</p> | <p>In this scenario, the subject site was located outside of appropriate catchments to Main Street, the railway station and other notable streets.</p> <p>VCAT gave greater weight to neighbourhood character considerations than strategic housing and growth policies because of the subject site location.</p> |
| <p>Fausto Incorporation Pty Ltd [2018]</p> | <p>This application proposed a 10 lot subdivision at 51 Main Street, Bacchus Marsh.</p> | <p>State policy for neighbourhood character aims to ensure the heritage values and built form reflect community</p> |

| VCAT CASE | KEY FINDINGS | RELEVANCE TO THIS REVIEW |
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| <p>VCAT 146</p> | <p>The application was supported at an officer level however Council refused the application on grounds that it did not comply with State Policy on neighbourhood character, it does not comply with the objectives of the Heritage Overlay and the subdivision pattern is not consistent with the surrounding area and will result in the loss of too many trees.</p> <p>VCAT decided not to grant a permit, largely on grounds that the proposal does not adequately address or respect the heritage significance of the site.</p> | <p>identity. Council's interpretation of neighbourhood character was supported by State policy.</p> <p>In this case, greater emphasis was given to heritage protection than the strategic intent to develop the subject site.</p> |

11 LOCAL PLANNING POLICY FRAMEWORK

11.1 OVERVIEW

The Moorabool LPPF comprises the Municipal Strategic Statement (MSS) and a number of Local Policies. While the LPPF has been subject to a number of reviews in recent years (refer to Chapter 5), much of the LPPF comprises content from 2009.

The LPPF is proposed to be subject to substantial change in response to recent planning directions, and in response to the proposed direction of the Smart Planning Program.

During recent reviews of MSS's in other municipalities (as outlined in Chapter 6), the trend (and the direction of the Department) has been to structure the LPPF in a format consistent with the structure of the State Planning Policy Framework (PPF). This direction will be further expanded as part of the Smart Planning project to create a Planning Policy Framework, where State and Local policy frameworks are linked. The key defining feature of the PPF is that all policy is structured via **'theme'** rather than via **'place'**.

The direction from the Smart Planning team at DELWP has been that the following will be undertaken during the translation to the PPF:

- > **Context** based content (e.g. 'Key Issues and Influences') within clauses will be edited, condensed, and relocated in a very succinct, theme-based format, to the Municipal Context section of the Municipal Planning Statement (MPS).
- > **Strategic direction** content (e.g. further strategic work, place-based strategic directions contained within structure plans etc) will be edited, condensed and relocated to the Strategic Directions section of the MPS. Use of plans, instead of text, to depict strategic directions will be encouraged.
- > **Objectives and Strategies** will be edited and relocated to the relevant PPF **theme**. However, objectives and strategies will only be included where they do not duplicate existing State policy, and where they genuinely add a distinct local direction. In general, only strategies will be relocated – the State objective should be sufficient to provide a context for the local strategies.
- > **Place-based** content will be encouraged to be reflected in appropriate zones and overlays, rather than policy. Where specific place-based policy is required, it will be relocated to the appropriate 'theme'.
- > **Implementation**-based guidance (e.g. use of zones and overlays) to be deleted (should be implemented already via zones and overlays, or otherwise identified as a strategic direction).
- > **Non-land use planning** content to be deleted (planning scheme is not the appropriate location for this content).
- > **Convert Local Policies** into the PPF structure, or other approaches planning tools.

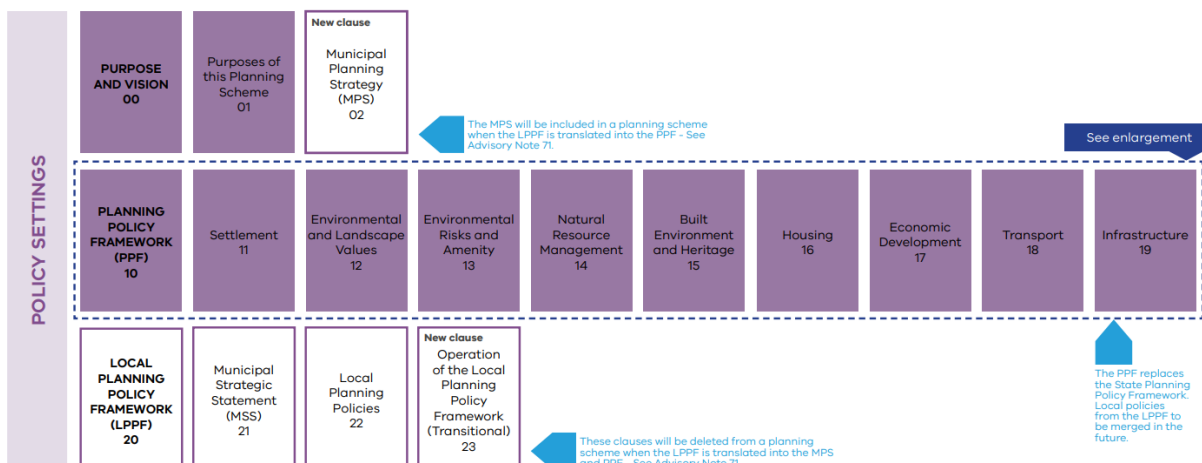
While this review does not seek to contemplate the full translation to the PPF, it does review the current MSS in the context of likely directions for the PPF, and provide a set of key findings and opportunities for review. Specifically, this review seeks to identify where there are duplications of policy, policy gaps, and where there are opportunities to better refine policy to address Moorabool-specific issues prior to a future translation to the PPF.

11.2 MUNICIPAL STRATEGIC STATEMENT

The Municipal Strategic Statement (MSS) is the key planning document for outlining Council’s policy positions in relation to a range of issues. At present, Moorabool’s MSS is structured following a range of headings that reflects a combination of themes and place-based content (refer to Table 7)

Moorabool’s MSS has been subject to a range of thorough updates of policy context (refer to Chapter 5) but has not been subject to a substantial restructure. Table 7 provides an analysis of the current MSS (as at December 2018 following introduction of Amendment C79 & C81 content), and identifies some key opportunities to update MSS content and structure ensuring it is in line with the PPF structure identified by SmartPlanning (Figure 5). As per the notation within Figure 5, the LPPF will be deleted from the Planning Scheme when it is translated into the PPF and MPS.

Figure 5: SmartPlanning PPF Structure



Current MSS Review

Table 7 Review of current MSS (as at December 2018) - findings and opportunities.

| KEY FINDINGS | OPPORTUNITIES |
|--|---|
| 21.01 Municipal Context | |
| <p>Municipal Context is a high level summary of context and key issues facing the municipality (arranged thematically).</p> <p>Framework Plan provides limited strategic information (does not currently pick up any recent Strategic Planning work).</p> <p>Includes a number of outdated references (e.g. Melbourne 2030), incorrect context material and typographical errors.</p> <p>Identifies an MSS structure based on themes and places. This structure is not aligned with the new PPF structure.</p> | <ul style="list-style-type: none"> Restructure to align with PPF Municipal Planning Strategy; including a Context section (organised thematically) and a Vision and Strategic Directions section (also organised thematically). The Strategic Directions section will be the location for key strategic plans (for example township structure plans) and identification of future strategic work to be undertaken. Updated references to influences of Plan Melbourne and Regional Growth Plan |

| KEY FINDINGS | OPPORTUNITIES |
|--|--|
| | <ul style="list-style-type: none"> • Include a Context Plan and update the Strategic Framework Plan to include recent strategic planning work. <p>Address typographical errors.</p> <ul style="list-style-type: none"> • Address unclear wording in Clause 21.01-2 reading: “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”. |
| <h3>21.02 Natural Environment</h3> | |
| <p>Key Issues and Influences context provides Moorabool-specific context for objectives and strategies (arranged thematically).</p> <p>In general, objectives are high-level and duplicate general directions of State policy.</p> <p>Strategies tend to replicate State policy or standard expectations of development contained elsewhere within the Planning Scheme (e.g. Best Practice Water Sensitive Urban Design), or reference implementation of other plans (e.g. Regional Catchment Management Strategies). There is very limited locally-specific content that provides additional guidance to decision making that is not already found within the zones and overlays.</p> <p>Minor typographical and naming errors.</p> | <ul style="list-style-type: none"> • Restructure to align with PPF Municipal Planning Strategy • Review content to provide locally specific guidance in relation to key issues. Locally specific content should have regard to the key themes that have emerged through this review, and subsequent strategic work. • Review zones and overlays to ensure policy direction regarding non-urban landscapes, vegetation protection, water and catchment management and bushfire are appropriately captured (these issues are likely to be covered as part of the proposed Rural Land Use Strategy that has been identified as a key policy gap during consultation). • Remove implementation and non-land use based content. • Address typographical and naming errors. |
| <h3>21.03 Settlement and Housing</h3> | |
| <p>Key Issues and Influences context provides Moorabool-specific context for objectives and strategies (arranged thematically). The themes are generally easily transferable to the themes found in the Settlement and Housing clauses of the proposed PPF.</p> <p>The clause was recently changed as part of C79 and C81. The changes update and add more content, but do not restructure the clause. As such, this Clause is generally up to date, with few policy gaps.</p> <p>Key gap identified through consultation relates to further implementation of policy relating to small town development (Structure Plans to be prepared).</p> | <ul style="list-style-type: none"> • Restructure to align with PPF Municipal Planning Strategy • Review content to delete content that is not locally-specific and that replicates other Planning Scheme content. • Reviews zones and overlays to ensure policy direction regarding Small Town Development is implemented (subject to Structure Plans). <p>Remove implementation and non-land use based content.</p> |

| KEY FINDINGS | OPPORTUNITIES |
|--|--|
| <p>Objectives and Strategies are a combination of generic and Moorabool-specific content, with substantial opportunity to refine policy to remove duplication of State policy and content already captured in zones, overlays and other parts of the Planning Scheme.</p> | |
| <p>21.04 Economic Development and Employment</p> | |
| <p>Key Issues and Influences context provides Moorabool-specific context for objectives and strategies (arranged thematically). These themes are generally easily transferable to the themes found in the Economic Development and Natural Resource Management clauses of the proposed PPF.</p> <p>This clause was amended as part of C81. This amendment updated much of the content relating to commercial areas, industry and local employment. As such, there are limited policy gaps. The key issues that has arisen through the consultation relates to detailed implementation issues (for example, carparking within commercial areas).</p> <p>Agriculture and horticulture content, while an important driver of the economy in Moorabool, will be relocated to Clause 14 Natural Resource Management in the SmartPlanning PPF structure (Figure 5). However, content can be recast to emphasise agriculture's role in Moorabool's diversified economy within the Economic Development clause. Recasting of this content should also have regard to key Moorabool specific issues identified during consultation (i.e. relating to pressures on family-owned farm succession).</p> <p>When relocating the agricultural content to the Natural Resources Management clause, the PPF provides for a key emphasis on protection of agricultural land from urban and other conflicting land uses. This remains a key issue within Moorabool that, while covered by generic policy, is not necessarily being implemented in practice (a key issue raised during consultation). These policies will require review as part of a broader Rural Land Use Strategy.</p> <p>A key gap in economic development policy relates to tourism. Tourism was identified as a key opportunity for Moorabool, given its attractions and locations, but is not well supported by infrastructure (such as accommodation) or policy.</p> | <ul style="list-style-type: none"> • Restructure to align with PPF Municipal Planning Strategy in particular, recast and relocate Agriculture policy (subject to Rural Land Use Strategy) • Develop and introduce policy regarding tourism (potentially as part of a broader policy regarding diversification of Moorabool's economy). Remove implementation and non-land use based content. |
| <p>21.05 Development and Community Infrastructure</p> | |
| <p>Key issues and Influences content is generically focussed, and adds little Moorabool-specific content. The C81 amendment included Moorabool-specific content, however much of the remaining content is out of date,</p> | <ul style="list-style-type: none"> • Restructure to align with PPF Municipal Planning Strategy. |

| KEY FINDINGS | OPPORTUNITIES |
|---|---|
| <p>adopts outdated terminology and/or is of limited value in informing land use planning and decision making. There are also a large number of strategies that are not directly related to land-use planning, or require non-planning related implementation (e.g advocacy actions).</p> <p>The themes covered in this clause will be distributed to a number of clauses within the PPF structure, including Transport and Infrastructure, however, there appears to be limited content that would be considered as adding additional local direction, beyond what is already specified at a State policy level.</p> <p>Key directions regarding payment of development contributions should be implemented via an Overlay, and are not appropriately implemented via policy.</p> | <ul style="list-style-type: none"> • Delete content that replicates state policy (most of the clause) • Develop and implement (via appropriate overlay tools) Development Contributions Plans, where considered appropriate. • Review the Implementation, Further strategic work and Other actions clauses |
| <p>21.06 Heritage</p> | |
| <p>The Heritage clause provides high level strategies regarding heritage in Moorabool, more specific direction regarding heritage places is distributed throughout the MSS, including within the Bacchus Marsh, Ballan and Small Towns and Settlements Clauses.</p> <p>This distribution of content has led to substantial duplication of more generic policies, inconsistent use of language and a lack of specificity about actual land-use planning outcomes sought in relation to heritage.</p> <p>The strategies refer to heritage places, however, it is unclear what is meant by heritage places, and where these policies apply – to registered heritage places, places within Heritage Overlays, any place considered to have potential heritage value?</p> <p>Clause requires update to include additional heritage work undertaken, including the West Moorabool Heritage Study.</p> <p>The Smart Planning program proposes to update the Heritage Overlay, to enable heritage policies to be implemented via the overlay. The direction is that the HO should be the primary tool for protecting and providing decision guidance heritage places.</p> | <ul style="list-style-type: none"> • Restructure to align with PPF Municipal Planning Strategy. • Combine all place-based heritage content into the Heritage clause (separate clauses available for Heritage Conservation and Aboriginal Cultural heritage) • Update clause and HO to include recent and additional heritage studies. • Review the Implementation, Further strategic work and Other actions clauses |
| <p>21.07 Bacchus Marsh</p> | |
| <p>This clause has been substantially updated as part of C79 and C81, and therefore is up to date in terms of policy content. However, the place-based structure is inconsistent with the PPF directions.</p> <p>As part of the PPF translation, place-based content will be distributed thematically, and emphasis will be on other spatial tools (such as zones</p> | <ul style="list-style-type: none"> • Restructure place-based content into themes to align with PPF Municipal Planning Strategy. • Refine character-based content to avoid repetition of generic content, and content |

| KEY FINDINGS | OPPORTUNITIES |
|--|---|
| <p>and overlays) to provide specific guidance. The plan-based content, (such as the Settlement Framework and Framework Plan) are likely to be relocated to the MPS.</p> <p>The clause provides extensive strategy direction regarding neighbourhood character, and was implemented in concert with a revised suite of zones and schedules. The approach to neighbourhood character is still being developed within the Smart Planning team, however, the emerging direction is that policy content should be brief, and that the key decision guidance should be placed within the zone and overlay schedules. The Bacchus Marsh content is well placed in this regard, however, there is opportunity to refine down the character content, and avoid repetition of generic 'good design' objectives and strategies.</p> | <p>already covered in State policy or the zone schedules.</p> |
| 21.08 Ballan | |
| <p>This clause is subject to substantial review as part of C88 to implement the Ballan Strategic Directions.</p> <p>As with Bacchus Marsh, this clause is place-focussed, and content will likely be relocated to the relevant themes as part of the PPF translation.</p> | <ul style="list-style-type: none"> • Restructure place-based content into themes to align with PPF Municipal Planning Strategy. • Refine character-based content to avoid repetition of generic content, and content already covered in State policy or the zone schedules. • Review the Implementation clause |
| 21.09 Small Towns and Settlements | |
| <p>This clause is written in a structure that is inconsistent with other Moorabool MSS clauses. The clause is not written with clear objectives and strategies, and instead relies on a section titled 'Local Area Implementation'.</p> <p>The Local Area Implementation provides a combination of generic and place specific direction. Much of this direction will likely be recast and included in the Strategic Directions section of the MPS as part of the PPF translation. In addition, once Structure Plans have been prepared for each small town, the implementation of these structure plans in the form of appropriate zones and overlays will remove the need for this clause.</p> | <ul style="list-style-type: none"> • Restructure place-based content into Strategic Directions (preferably in a plan-based format i.e. Structure Plans) to align with PPF Municipal Planning Strategy. Implement small town Structure Plans via appropriate zones and overlays. |

Future MSS Structure Gap Analysis

In addition to a review of the current MSS, Mesh has sought to identify potential policy gaps, having regard to the interim SmartPlanning structure (which follows the PPF structure).

The analysis, identifying key gaps and opportunities, is summarised in Table 8.

Table 8 Future MSS Structure - Policy Gap Analysis

| CLAUSE (USING PPF THEMATIC STRUCTURE) | GAPS AND OPPORTUNITIES |
|--|--|
| Settlement | |
| <ul style="list-style-type: none"> • Settlement • Managing Growth <ul style="list-style-type: none"> • Supply of urban land • Structure planning • Sequencing of development • Planning for places <ul style="list-style-type: none"> • Activity centres • Growth Areas • Peri-urban areas • Coastal settlement • Distinctive areas and landscape • Regional and local places | <p>In general, settlement content is relatively up to date (existing Clause 21.03), and locally specific, and can be restructured into the PPF structure.</p> <p>The key gaps relates to lack of specific policies addressing Moorabool's particular peri-urban challenges (a key issue that arose during the workshops).</p> |
| Environmental and Landscape Values | |
| <ul style="list-style-type: none"> • Biodiversity <ul style="list-style-type: none"> • Protection of biodiversity • Native vegetation management • Coastal Areas <ul style="list-style-type: none"> • Protection of Coastal areas • Coastal crown land • Bays • Water bodies and wetlands <ul style="list-style-type: none"> • River corridors, waterways, lakes and wetlands • Alpine areas <ul style="list-style-type: none"> • Sustainable development of alpine areas • Significant environments and landscapes <ul style="list-style-type: none"> • Environmentally sensitive areas • Landscapes | <p>The existing MSS contained no content that was suitable for restructuring into this clause. While this does not necessarily mean there is a policy gap (it may be considered that State policy surfaces in these areas), during consultation, key issues have arisen regarding native vegetation management and conflict with bushfire controls. It may be appropriate for Council, through the recommended Rural Land Use Strategy to holistically consider this issue in the context of Moorabool's locally specific challenges (particularly as it relates to demand for rural living in the peri-urban context).</p> <p>The Coastal Areas and Alpine Clauses are not applicable to Moorabool.</p> |
| Environmental Risks and Amenity | |
| <ul style="list-style-type: none"> • Climate change impacts <ul style="list-style-type: none"> • Natural hazards and climate change • Coastal inundation and erosion | <p>Other than bushfire, Moorabool has very little existing content for this clause, and the bushfire content is relatively</p> |

| CLAUSE (USING PPF THEMATIC STRUCTURE) | GAPS AND OPPORTUNITIES |
|---|--|
| <ul style="list-style-type: none"> • Bushfire <ul style="list-style-type: none"> • Bushfire planning • Floodplains <ul style="list-style-type: none"> • Floodplain management • Soil degradation <ul style="list-style-type: none"> • Contaminated and potentially contaminated land • Erosion and landslip • Salinity • Noise <ul style="list-style-type: none"> • Noise abatement • Air quality <ul style="list-style-type: none"> • Air quality management • Amenity <ul style="list-style-type: none"> • Land use compatibility | <p>high level and lacks local specificity, with the exception of Bushfire Management Overlay 1.</p> <p>A number of the SmartPlanning policy themes were raised during consultation as key policy gaps, including floodplains, bushfire and conflicts between land uses (particularly conflicts between urban and rural land uses). Many of these matters would be addressed via a Rural Land Use Strategy, which would provide the strategic basis to provide some further locally-specific policy guidance. Notwithstanding, it is noted that a number of the SmartPlanning policy themes may be better addressed via other planning controls, such as refined zones and overlays (including extent of mapping).</p> |
| Natural Resource Management | |
| <ul style="list-style-type: none"> • Agricultural <ul style="list-style-type: none"> • Protection of agricultural land • Sustainable agricultural use • Forestry and timber production • Water <ul style="list-style-type: none"> • Catchment planning and management • Water quality • Water conservation • Earth and energy resources <ul style="list-style-type: none"> • Resource exploration and extraction | <p>Protection of agricultural land and sustainable agricultural land use are primary themes that emerged through consultation. While there is currently content within the MSS regarding these themes, the content has not been updated recently, and does not address some of the more nuanced issues and conflicts that are apparent in rural areas (and as a result of peri-urban pressures). There is substantial scope to update this clause in response to the recommended Rural Land Use Strategy and the Bacchus Marsh Irrigation District Study to strengthen Council's position. The Bacchus Marsh UGF identifies the Bacchus Marsh Irrigation District Study as a short term action to inform a set of principles to protect and facilitate investment in the agricultural sector.</p> <p>Catchment planning is also a key issue, given Moorabool is affected by Special Water Supply Catchments, however, the existing policy (in the form of a Local Policy) is high level. Notwithstanding, it is acknowledged that the ESO1 may be a more appropriate tool for providing guidance for land-use decision making.</p> <p>Resource exploration and extraction was also identified in consultation as a key policy gap. While this is often led by the State government, an understanding of Council's position in relation to earth and energy resources may be helpful.</p> |

| CLAUSE (USING PPF THEMATIC STRUCTURE) | GAPS AND OPPORTUNITIES |
|---|---|
| | <p>Notwithstanding, this was not identified as a key priority area for Council (given the State government's leadership).</p> |
| Built environment and heritage | |
| <ul style="list-style-type: none"> • Built environment <ul style="list-style-type: none"> • Urban design • Building design • Subdivision design • Healthy neighbourhoods • Neighbourhood character • Design for rural areas • Sustainable Development • Energy and resource efficiency • Heritage <ul style="list-style-type: none"> • Heritage conservation • Aboriginal cultural heritage | <p>As noted in this report, Council has recently devoted substantial effort to strategic work in relation to its urban areas, with specific attention to urban design and neighbourhood character. However, there remains scope for these clauses to be refined, and tailored to be more locally specific (i.e. avoidance of general statement requiring 'high quality' design).</p> |
| Housing | |
| <ul style="list-style-type: none"> • Residential development <ul style="list-style-type: none"> • Integrated housing • Location of residential development • Housing diversity • Housing affordability • Rural residential development • Crisis accommodation and community care units • Residential aged care | <p>As per above, Council's policies relating to housing in urban areas is generally up to date. However, the new SPPF structure provides space for policy relating to alternative housing approaches, particularly affordable housing, crisis housing and housing for the aged. At present, Moorabool does not have explicit policies in relation to these themes. Council's local response to these issues may be an area for further exploration.</p> <p>It is notable that there is no explicit policy regarding rural residential development (although it is touched on in other policies). Again, this is a complex area for Moorabool, given the peri-urban pressures, and something that should be given careful regard as part of an holistic Rural Land Use Strategy.</p> |
| Economic Development | |
| <ul style="list-style-type: none"> • Employment <ul style="list-style-type: none"> • Diversified economy • Innovation and research • Commercial <ul style="list-style-type: none"> • Business • Out-of-centre development • Industry <ul style="list-style-type: none"> • Industry land supply | <p>As per Table 7, there are known gaps in the economic development policy, particularly in relation to tourism, agri-tourism and other innovative and emerging economic development opportunities.</p> |

| CLAUSE (USING PPF THEMATIC STRUCTURE) | GAPS AND OPPORTUNITIES |
|--|--|
| <ul style="list-style-type: none"> • Industry development siting • State significant industrial land • Tourism <ul style="list-style-type: none"> • Facilitating tourism • Coastal and maritime tourism and recreation | |
| Transport | |
| <ul style="list-style-type: none"> • Integrated transport <ul style="list-style-type: none"> • Land use and transport planning • Transport system • Movement networks <ul style="list-style-type: none"> • Sustainable personal transport • Public transport • Road system • Car parking • Ports <ul style="list-style-type: none"> • Planning for ports • Planning for ports environs • Airports <ul style="list-style-type: none"> • Planning for airports and airfields • Freight <ul style="list-style-type: none"> • Freight links | <p>While there is substantial content relating to transport, as noted in Table 7, many of the transport related strategies are not directly related to land-use planning (they are often advocacy actions).</p> <p>As such, there is substantial scope to review this content in the context of strategic transport work that is being undertaken.</p> <p>A key issues that arose during consultation related to car parking; something that there is currently no direct policy addressing.</p> |
| Infrastructure | |
| <ul style="list-style-type: none"> • Energy <ul style="list-style-type: none"> • Energy supply • Renewable energy • Pipeline infrastructure • Community infrastructure <ul style="list-style-type: none"> • Education facilities • Cultural facilities • Social and cultural infrastructure • Emergency services • Open space • Development infrastructure <ul style="list-style-type: none"> • Development and infrastructure contributions plans • Infrastructure design and provision • Water supply, sewage and drainage • Stormwater • Telecommunications • Waste and resource recovery | <p>As noted in Table 7, while there is substantial policy content, most of it duplicates State policy, and other Planning Scheme content. Through consultation key policy gaps were identified in relation to:</p> <ul style="list-style-type: none"> • Open space • Development contributions • Renewable energy (although this was not identified as a priority given wind farm development is often considered at a State level). • Waste and resource recovery |

11.3 LOCAL POLICIES

Local policies have generally been developed to provide further guidance to decision making, for particular types of use and development. As noted above, the proposed PPF does not include a place for Local Policies. Instead, the policy content is to be recast as strategies (and therefore included in the PPF) or converted into zone schedules or overlays.

In Moorabool, local policy content is relatively old (dating back to 2009), and as such, often quite out of date. It is acknowledged that the 2014 Planning Scheme review made a number of recommendations for additional local policies. While this review does not disagree that the themes identified should be addressed within the planning scheme, the SmartPlanning reforms seek for these matters to be addressed via alternative planning tools.

Table 9 Review of current Local Policies (as at October 2018) - Key findings and opportunities

| KEY FINDINGS | OPPORTUNITIES |
|--|---|
| 22.01 Dams | |
| <p>This policy provides specific guidance on the location and design of dams, where a planning permit for a dam is triggered (the current Farming Zone schedule triggers are permit for all earthworks that change the rate of flow of water).</p> <p>As a largely rural municipality, dams has emerged as an issue during the consultation process with Water Authorities, who seek to minimise installation of ornamental dams. This policy provides no guidance on the types of dams that are to be supported or discouraged.</p> <p>As local policies will be translated into the PPF, this policy is likely to be considered redundant, as much of the policy content is captured in broad terms under the State policy, and is considered by referral authorities when triggered by relevant overlays.</p> | <ul style="list-style-type: none"> • Consider deletion of this policy • Consider inclusion of a specific strategy in the PPF relating to Council’s position on ornamental dams. |
| 22.02 Special Water Supply Catchment | |
| <p>This policy appears to duplicate the ESO1. Key aspects of this policy should be absorbed into the Decision Guidelines of the ESO1</p> | <ul style="list-style-type: none"> • Review ESO to absorb any unduplicated content from local policy (delete local policy). • Refers to ‘Proclaimed Water Supply Catchments’ which are understood to now be referred to as ‘Declared Water Supply Catchments’ |
| 22.03 Houses and House Lot Excisions | |
| <p>State policy explicitly seeks to discourage dwellings and house lot excisions in rural areas as a means of protecting agricultural land. While this policy also seeks that objective, the policies contained within are somewhat ambiguous, appearing to provide conditions where dwellings and excisions would be supported.</p> | <ul style="list-style-type: none"> • Review policy (in the format of the PPF and more refined use of FZ schedules) subject to a Rural Land Use Strategy |

| KEY FINDINGS | OPPORTUNITIES |
|---|--|
| <p>During consultation, it became clear that Council is grappling with issues of how to maintain the productive capacity of agricultural land in a peri-urban context and where the farming population is aging. These are complex issues that are recommended to be addressed via a comprehensive Rural Land Use Strategy.</p> | |
| 22.04 Animal Keeping | |
| <p>This policy provides guidance regarding the design and siting of animal keeping facilities. While it is appreciated that animal keeping is a particular use that arises in Moorabool, the policy guidance provided appears to cover standard elements that should be included in any assessment of a use that may have adverse amenity impacts (e.g. noise, effluent etc).</p> <p>Key strategies should be relocated into the PPF structure. Other specific assessment guidance may be more appropriately treated as guidelines.</p> | <ul style="list-style-type: none"> • Consider deletion of this policy • Consider inclusion of a specific strategy in the PPF relating to Council's position on the appropriate location for these uses. • Consider preparation of a 'guideline' for assessment of these uses. |
| 22.05 Presentation of Industrial Areas | |
| <p>This clause provides specific guidance regarding the design of industrial areas, in terms of building design and finishes, siting and landscaping. It is considered that these requirements would be better reflected (and more consistent with Smart Planning directions) as a DDO.</p> | <ul style="list-style-type: none"> • Convert requirements into a DDO for appropriate industrial areas. |
| 22.06 Interim Telecommunications Conduit Policy | |
| <p>This policy was introduced as an interim measure prior to Clause 66.01 requiring it as a mandatory provision.</p> <p>The policy should be deleted.</p> | <ul style="list-style-type: none"> • Delete policy |

12 ZONES

As part of this review, a preliminary review of zones has been undertaken, and is summarised in the following tables. As per previous comments, in general it is apparent that the residential zones are most up to date, whereas the rural zones require substantial review as part of a holistic Rural Land Use Strategy.

12.1 RESIDENTIAL ZONES

The Residential Zones provides a suite of zones that can be applied to assist in directing and controlling residential development. Under the Residential Zones there is the ability to make changes to permit triggers, permit requirements and include decision guidelines.

The Residential Zones generally apply in Bacchus Marsh, Ballan and Gordon with the Township Zone used in some smaller towns and settlements in the municipality. In regard to Bacchus Marsh the suite of residential zones has recently been applied through Amendment C79 and therefore reflects an appropriate application of the residential zones across Bacchus Marsh.

Similar to Bacchus Marsh, through the preparation of Ballan Strategic Directions and currently subject to Amendment C88 the suite of residential zones in Ballan are proposed to be amended to ensure a diverse range of residential housing can be provided within the town to meet its projected growth and demographic requirements.

While a number of refinements to the use of the residential zones has been identified in Table 10 below, given that most of the residential land is in Bacchus Marsh and Ballan, and both have undergone a recent residential land review, the use of the residential zones in the municipality is generally considered appropriate.

Table 10 Residential Zones Review

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|---|--|
| 32.03 Low Density Residential Zone | | |
| Applies in Hopetoun Park, Bacchus Marsh and Ballan. | The zone has been applied to areas that are being used as lifestyle properties and the use of the zone is considered appropriate. C88 (Ballan) & C79 (BM) introduce new schedules re 4000sqm min lot size in Bacchus Marsh and some areas of Ballan. | As part of the Small Towns Strategy a number of Structure Plans for existing towns and settlements have been identified as being required. As part of preparing the Structure Plan consideration could be had to the application of the LDRZ in other areas of the municipality. |
| 32.04 Mixed Use Zone | | |
| Small amount of mixed use in Bacchus Marsh, along Grant Street. Also applies to a small area on the periphery of Bacchus Marsh (Bacchus Marsh-Geelong Road). This area is being used as a lifestyle property with a trucking business also operating from this location | Odd use of the zone, and not operating as a mixed use area, considered an anomaly | Zoning of this area should be reconsidered as this area is not currently operating consistently with the purpose of the Mixed Use Zone. . |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|---|---|
| 32.05 Township Zone | | |
| <p>Applies to residential areas of some small towns outside of Bacchus Marsh and Ballan.</p> | <p>Standard Schedule applies, no variations Minor zoning anomalies</p> | <p>As part of the Small Towns Strategy, Structure Plans are recommended to be prepared for the towns that are identified as having some consolidated residential growth. This would be an opportunity for the use of the TZ to be reviewed and potentially the existing schedule that already exists to ensure it is achieving the desired outcomes for the relevant towns. This process will help to rectify the minor zoning anomalies e.g. land at 220 & 309 Bungaree-Wallace Road, Bungaree</p> |
| 32.08 General Residential Zone | | |
| <p>Applies in Bacchus Marsh and Ballan</p> | <p>Reviewed and updated as part of C79 and C88.</p> | <p>The use of this zone in Bacchus Marsh and Ballan is appropriate and having recently been reviewed there is no further work in regards to the use of this zone in the Shire required.</p> |
| 32.09 Neighbourhood Residential Zone | | |
| <p>Applies to Gordon (NRZ1) with a minimum 800sqm lot size. Applies to Bacchus Marsh (though C79)</p> | <p>Is proposed in Ballan (through Amendment C88). Council Officers are currently reviewing the Gordon Structure Plan.</p> | <p>The use of this zone in its identified locations is generally appropriate, however it is noted that Council Officers are currently reviewing the application of the NRZ1 in Gordon.</p> |

12.2 INDUSTRIAL AND COMMERCIAL ZONES

The Industrial Zones provide three options for controlling industrial land uses, including the manufacturing industry, storage and distribution of goods and associated facilities, in a manner which does not affect the safety and amenity of local communities. A full review of the Industrial Zones is below in Table 11.

The Industrial 2 Zone goes one step beyond the Industrial 1 Zone to control the land uses that require buffer areas/threshold distances. It also seeks to keep the core of the zone free from uses which are suitable to be located elsewhere, ensuring the core is available for the uses that require buffer areas/threshold distances.

A large amount of future strategic work, including changes to the Industrial Zones is identified in Clause 21.04-7. This includes investigating the application of the Industrial 3 Zone in three locations; the Industrial 3 Zone is not currently used within the municipality.

The Commercial Zones move away from controlling industrial land uses, rather they have a focus on creating vibrant commercial centres and provide for residential uses at appropriate densities. The application of the Commercial Zones in the Shire is inconsistent and the on-ground land uses do not always reflect the intent of the zone.

Table 11 Industrial and Commercial Zones Review

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|--|---|
| Industrial Zones | | |
| 33.01 Industrial Zone 1 | | |
| <p>Used in Maddingley and Parwan</p> <p>Industrial Zone 1 on corner of Geelong-Bacchus Marsh Road and Nerowie Road, Parwan however farming uses operating on the land</p> <p>Industrial Zone 1 area between railway line and Bacchus-Marsh-Balliang Road, Maddingley, south of Albys Road used by “VSF Bulk Grain & Minerals Storage Facility” .</p> <p>Industrial Zone 1 area between railway line and Bacchus-Marsh-Balliang Road, Maddingley, north of Albys Road looks to be farming uses</p> | <ul style="list-style-type: none"> • IZ1 used for both industrial uses and farming uses. Areas of farming uses may be incorrectly zoned or have not been developed yet. • Noting that Crop Raising is a Section 1 use – may be better suited to Farming Zone • Empty schedule | <ul style="list-style-type: none"> • Opportunities to refine exactly what uses/areas the zone applies to |

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|--|--|
| 33.02 Industrial Zone 2 | | |
| <p>Used in Maddingley and Ballan</p> <ul style="list-style-type: none"> • IZ2 in Maddingley between Bacchus Marsh-Balliang Road and railway line uses include: <ul style="list-style-type: none"> - Quality Performance Lubes - Interstate Energy Group Pty - Calix Limited - Maddingley Park Drain/Outfall - Alice Roof Tiles - Self Storage Facility • IZ2 between Griffith Street and railway line, Maddingley surrounded by GRZ1, <ul style="list-style-type: none"> - Uses typical of industrial zone • IZ2 along Station Street, Maddingley surrounded by variety of PPRZ, GRZ and FZ <ul style="list-style-type: none"> - Uses typical of industrial zone - Includes a number of gyms • IZ2 south of Ballan <ul style="list-style-type: none"> - Uses typical of industrial zone - C88 proposes to rezone this land to IZ1 | <ul style="list-style-type: none"> • Empty schedule • Areas with IZ2 applied generally have uses typical of the industrial zone, however there exists opportunities for rezoning. | <p>Clause 21.04-7 of the Planning Scheme identifies three opportunities to rezone IZ2 land to IZ3, located at:</p> <ul style="list-style-type: none"> • The Park Street, Maddingley industrial precinct from, to limit manufacturing and facilitate service industry and other compatible uses. • The Griffith Street, Maddingley industrial precinct • Land to the north of Kerrs Road, Maddingley. <p>The Moorabool Industrial Areas Strategy was developed in 2001, and includes recommendations to:</p> <ul style="list-style-type: none"> • Rezone the Ballan Industrial Estate from IZ2 to IZ1 and prepare a Development Plan • Rezoning of land from IZ2 to IZ1 at the Station Street, Hillside and Rutherford Court Industrial Areas. |
| 34.01 Commercial 1 Zone | | |
| <p>Straddles a stretch of commercial land in Ballan and in Bacchus Marsh.</p> <ul style="list-style-type: none"> • Ballan land uses: IGA, corner stores, hardware, real estate agents, accountants • Bacchus Marsh land uses: car dealers, petrol station, café, take away, pub/hotel, supermarket etc <p>Isolated C1Z areas spread throughout Bacchus Marsh and surrounds for Activity Centres.</p> | <ul style="list-style-type: none"> • Some uses covered by C1Z do not reflect the intent of the zone • The schedule to the C1Z has the maximum leasable floor areas for offices and shops • Some activity centres are not yet developed e.g. Stonehill | <ul style="list-style-type: none"> • Review the application of the zone to ensure the on-ground land uses reflect the intent of the zone • Review C1Z mapping north of Inglis Street in Ballan. There is a split between C1Z and GRZ which has proved difficult for C1Z proposals • Implement Retail Strategy actions |

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|--------------|---|
| 34.02 Commercial 2 Zone | | |
| <p>The Commercial 2 Zone is not used in the Shire. This zone has a greater emphasis upon employment uses, as opposed to mixed-use centres.</p> | | <ul style="list-style-type: none"> • Opportunity to utilise the C2Z for employment-only commercial areas i.e. no residential uses. |

12.3 RURAL ZONES

The Shire utilises three Rural Zones to provide for the use of land for agriculture, to protect and enhance the natural environment and to control residential uses in rural environments, which can be seen in Table 12 below. Through the consultation process Rural Zones have emerged as a key issue, whereby a rural strategy has been identified as a key piece of future strategic work.

The Rural Living Zone is used across the whole Shire to control residential uses in rural environments, provide for agricultural activities that do not affect the amenity of the surrounding area, protect and enhance natural resources and to encourage sustainable land management practices.

The Rural Conservation Zone has a greater emphasis upon conserving and enhancing natural resources and biodiversity. Thus, it is typically used in and around the Shire’s forested areas.

The Farming Zone has an emphasis upon the use of land for agriculture, non-agricultural uses that do not adversely affect the use of land for agriculture and the retention of employment and population to support rural communities. The Farming Zone covers the large majority of land in the Shire.

Noting that the Rural Zones have presented as an issue in the Shire, the Rural Activity Zone was identified by Mesh in the consultation process as an opportunity to provide for other uses and developments in appropriate locations that are based on comprehensive and sustainable land management practices and infrastructure provision in accordance with the objectives of the zone.

Table 12 Rural Zones Review

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|---|--|
| Rural Zones | | |
| 35.03 Rural Living Zone | | |
| Used in and around the following areas: <ul style="list-style-type: none"> • Lal Lal • Yendon • Wallace • Mount Egerton • Gordon • Ballan • Greendale • Pykes Creek Reservoir • Myrning • Coimadai • Bacchus Marsh • Long Forest • Pentland Hills There is a single schedule to the zone. | <ul style="list-style-type: none"> • The schedule identifies a minimum subdivision area of 6ha • The schedule identifies 6ha as the minimum area for which no permit is required to use land for a dwelling • The schedule requires permits for some types of earthworks | <ul style="list-style-type: none"> • Schedule last amended in 2008 • Review whether minimum subdivision area is still relevant, having regard to other factors e.g. water catchments, surrounding lot sizes etc. |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|---|---|
| 35.06 Rural Conservation Zone | | |
| <p>Typically used in and around forested areas</p> | <p>The schedules to the zone identify each area of RCZ within Moorabool as well as their minimum subdivision area.</p> <p>Has been in in the Planning Scheme since 2007 when the Environmental Rural Zone was translated to the RCZ. C58 introduced RCZ2 in 2017. Since 2013 when the bulk of the schedule was introduced, there has been little further subdivision.</p> <p>In the consultation workshop with Moorabool Statutory Planners the RCZ was identified as being inherently difficult because the appropriate application of the zone is not clear to them.</p> | <ul style="list-style-type: none"> • Schedule maps need update to reflect current subdivision patterns and take out land that is no longer zoned RCZ • Clarify the application of the zone and what is appropriate development outcomes. |
| 35.07 Farming Zone | | |
| <p>Applies to the large majority of land in Moorabool</p> | <p>The schedule to the zone identifies:</p> <ul style="list-style-type: none"> • Minimum subdivision areas • Minimum area for which no permit is required to use land for a dwelling • Max area for which no permit is required to: <ul style="list-style-type: none"> - use land for timber production - alter or extend dwelling - to construct an out-building associated with a dwelling - alter or extend an existing building use for agriculture • Minimum setback from: <ul style="list-style-type: none"> - a road (by Road Zone Category) - a boundary - a dwelling not in the same ownership • Permit required for earthworks which: <ul style="list-style-type: none"> - change the rate or flow or the discharge point of water across a property boundary - increase the discharge of saline groundwater | <p>The three maps in the schedule do not have a title, clear location or reflect current subdivision layout.</p> <p>The mapping in the schedule is no longer accurate where some areas of the FZ have since been rezoned.</p> <p>Opportunity to refine earthworks controls and triggers in Farming Zone to capture illegal fill activity. This will provide Council with a mechanism to regulate fill and minimise environmental impacts.</p> |

12.4 PUBLIC LAND ZONES

Four Public Land Zones are utilised in the Shire to recognise, control and protect public land. Each Public Land Use Zone appears have a standard application, with on-ground land uses reflecting the intent of each zone. These can be seen in Table 13 below.

Table 13 Public Land Zones Review

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|---|--|
| Public Land Zones | | |
| 36.01 Public Use Zone | | |
| <ul style="list-style-type: none"> • PUZ1 used for service and utility including: <ul style="list-style-type: none"> - Lal Lal Reservoir - Moorabool Reservoir - Korweinguboorra Reservoir - Merrimu Reservoir - Other reservoirs; and - Sewage treatment plants • PUZ2 used for schools • PUZ3 used for Ballan Community Centre, Ballan Hospital and Djerriwarrh Health Services • PUZ4 used for railways • PUZ5 used for cemeteries • PUZ6 used for local government • PUZ7 used for 'other public use' | <p>Standard use of the zone, no schedules.</p> | <p>Review PUZ4 mapping in Maddingley in consultation with VicTrack in areas where the rail line has been re-laid and areas of the PUZ4 are now redundant.</p> <p>Review PUZ4 east of Bacchus Marsh Train station where there are two PUZ4 rail corridors as a result of the realignment of the tracks. Potential for old alignment to be rezoned out of PUZ4 if land no longer required.</p> |
| 36.02 Public Park and Recreation Zone | | |
| <p>Used for:</p> <ul style="list-style-type: none"> • Recreation reserves • Golf clubs • Parks | <ul style="list-style-type: none"> • Standard use of the zone, no schedule. • There are minor mapping anomalies | <p>Review zone mapping – residential properties at 11 and 13 Lidgett Street, Bacchus Marsh sit within the PPRZ</p> <p>Review zone mapping – land recently purchased by Council at Taverner Street, adjoining Maddingley Park is still zoned Farming Zone. May be more appropriately zoned PPRZ</p> <p>Review zone mapping – land at 10 Bennett Street, Bacchus Marsh should be entirely zoned PPRZ – parts are zoned GRZ3 and NRZ3</p> |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|--|---------------|
| 36.03 Public Conservation and Resource Zone | | |
| Used for: <ul style="list-style-type: none"> • State Forests; • State Parks; • National Parks; • Nature Conservation Reserves | Standard use of the zone, no schedule. | Nil |
| 36.04 Road Zones | | |
| Used for roads | Standard use of the zone, no schedule. | Nil |

12.5 SPECIAL PURPOSE ZONES

Five Special Purpose Zones (SUZ1, SUZ2, SUZ3, SUZ4 & SUZ5) are utilised across the Shire. By definition, the zone recognises and provides for the use and development of specific purposes/land uses as identified in the schedules to the zone. These can be seen in Table 14 below.

SUZ1 covers coal mines in the shire, SUZ2 covers Earth and Energy Resources Industry area, SUZ3 covers golf courses, SUZ4 covers Bacchus Marsh Grammar School and SUZ5 covers the Shaws Road, Ballan Tourism Precinct.

The Comprehensive Development Zone provides for a range of uses and development of land with a comprehensive development plan incorporated in the scheme. In the case of Moorabool Shire, the relevant development plan is “Sir Jack Brabham Park Stage 1 Concept Plan”.

Table 14 Special Purpose Zones Review

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|---|--|
| Special Purpose Zones | | |
| 37.01 Special Use Zone | | |
| The Special Use Zones are used to recognise or provide for the use and development of land for specific purposes as identified in the schedules. | | |
| SUZ1 – Coal Mining | | |
| Covers an area in Rowsley Covers large area of Maddingley/Parwan | Area of SUZ1 in Rowley contains 'Pegasus Farm and Stockfeed, residential housing and other businesses. Clause 2.0 of the schedule requires the preparation of The Maddingley Brown Coal Management Plan and Development Plan Decision guidelines ask the Applicant to respond to the provisions of any approved The Maddingley Brown Coal Management Plan and Development Plan Min Subdivision of 40ha | Application requirements have not been amended since they were introduced in 2006. Review whether the Maddingley Brown Coal Management Plan and Development Plan has been prepared Consult with DEDJTR to review the application of the zone at 682 Glenmore Road, Rowsley where the site is a disused stone quarry. A rezoning to Rural Living Zone or Farming Zone would permit boundary realignment which is currently prohibited. Review other private owned residential properties near Maddingley Brown Coal that are in SUZ1. It is understood that the SUZ1 is under review in the Maddingley Hub and Investigation Area A & B Planning Study |

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|--|---|
| SUZ2 – Earth and Energy Resources Industry | | |
| Covers the following areas: <ul style="list-style-type: none"> • Two areas in Rowsley • Quarries to north of Bacchus Marsh • Area west of Myrniong • Area north-east of Lal Lal • Area between Yendon and Dunnstown | Schedule contains only a purpose, a table of uses and a single permit exemption | Review the application of SUZ2 at 74 Reids Road, Rowsley where it doesn't appear to match extent of quarries. Review all SUZ2 to be up to date and consult with DEDJTR |
| SUZ3 – Golf Courses | | |
| <ul style="list-style-type: none"> • Covers Bacchus Marsh Golf Course • Covers Ballan Golf Course | Table of uses in schedule Schedule contains conditions of use, application requirements and decision guidelines for the use of land Subdivision is permitted subject to application requirements and decision guidelines Buildings and works is permitted subject to application requirements and decision guidelines | Nil. |
| SUZ4 – Bacchus Marsh Grammar School | | |
| Covers Bacchus Marsh Grammar School, while the area immediately to the south is covered by SUZ1 for an open cut coal mine. | Schedule exists to recognise the school and provide for its continuing development Use of land, subdivision and buildings and works are permitted subject to application requirements and decision guidelines | The Bacchus Marsh UGF identifies an action to prepare a Maddingley Integrated College Precinct Study. |

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|--|--|
| SUZ5 – Shaws Road, Ballan Tourism Precinct | | |
| <p>Covers area as zone suggests, which includes:</p> <ul style="list-style-type: none"> • Bostock Reservoir Picnic Ground • Ballan Mineral Spring • The northern and eastern boundary is bound by a section of Moorabool River East Branch | <p>Purpose of the schedule is to provide for the use and development of land for tourism, and encourage uses that are in harmony with the environmental attributes of the area</p> <p>Table of uses lists only Section 1 and 3 uses</p> <p>Use of land is permitted subject to application requirements and decision guidelines</p> <p>Subdivision has decision guidelines only</p> <p>Buildings and works has decision guidelines only.</p> | <p>Nil</p> |
| 37.02 Comprehensive Development Zone | | |
| <p>The Comprehensive Development Zone provides for a range of uses and the development of land with a comprehensive development plan incorporated in the scheme.</p> <p>The relevant development plan is “Sir Jack Brabham Park Stage 1 Concept Plan February 1998, Kinhill Pty Ltd”</p> | <p>Zone is specific to the Sir Jack Brabham Park. This is a complex for motor sport, driver education and training and related uses. A concept plan was completed for the Park in February 1998.</p> <p>Use of land has conditions for all uses, application requirements and decision guidelines</p> <p>Subdivision and Buildings and works has application requirements, exemption from notice and appeal and decision guidelines</p> | <p>Review status of Development Plan for Sir Jack Brabham Park.</p> <p>It is further noted that this site is within the Parwan Employment PSP area thus likely to be further considered as part of that process.</p> |

12.6 ZONES NOT USED IN MOORABOOL SHIRE

A number of zones are not used in Moorabool Shire. In some instances zones are not relevant as they reference geographic locations not within Moorabool e.g. Docklands Zones. However, there are a number of opportunities to consider the rezoning of land to more appropriately control land use and development within the municipality e.g. the use of Industrial Zone 3.

Table 15 Zones Not Used in Moorabool Shire

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|--|---|
| Residential Zones | | |
| 32.07 Residential Growth Zone | | |
| Not used within the Municipality | Use of RGZ not considered necessary within the municipality due to the type of growth projected. This position was tested at Panel (Amendment C79) where Council pursued the GRZ (with Schedule variations) to Bacchus Marsh. The Panel agreed that the use of the RGZ was not required. | <ul style="list-style-type: none"> It is appropriate to retain this position of the Residential Growth Zone not being required within the Shire. |
| Industrial Zones | | |
| 34.03 Commercial 3 Zone | | |
| <p>The Commercial 3 Zone is not used in the Shire. This zone is an enabling economic zone, created to complement the existing Commercial and Industrial Zones and is applied as a means of enabling broader mixed use employment outcomes.</p> <p>The zone prioritises uses that form part of the emerging economy, particularly industrial, commercial/office and supporting services.</p> | | <ul style="list-style-type: none"> Opportunity to utilise the C3Z to enable uses that assist in growing the economy. |
| Rural Zones | | |
| 35.04 Green Wedge Zone | | |
| Used to recognise and protect non-urban land outside the UGB in metropolitan fringe areas. | <ul style="list-style-type: none"> Relevant only to metropolitan fringe planning schemes. This does not include Moorabool. | <ul style="list-style-type: none"> Nil |
| 35.05 Green Wedge A Zone | | |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|--|---|
| Used to recognise and protect non-urban land outside the UGB in metropolitan fringe areas. | <ul style="list-style-type: none"> Relevant only to metropolitan fringe planning schemes. This does not include Moorabool. | Nil |
| 35.08 Rural Activity Zone | | |
| <p>Not used in the Shire.</p> <p>The Rural Activity Zone seeks to provide for the use of land for agriculture as well as other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.</p> | Nil | Opportunity to use the Rural Activity Zones in appropriate locations, particularly to support tourism. This was a common theme within the consultation workshops. |
| Special Purpose Zones | | |
| 37.03 Urban Floodway Zone | | |
| <p>Applied to mainstream flooding in urban areas where the primary function of the land is to convey active flood flows.</p> <p>Applied in areas where the potential flood risk is high due to existing development or pressure for new or more intensive development.</p> | <ul style="list-style-type: none"> Not used in Moorabool The UFZ is not widely used as it is restrictive in nature | <ul style="list-style-type: none"> Limited opportunity for UFZ in Moorabool Opportunities for flooding controls are more likely to be the use of a Flood Overlay in conjunction with an appropriate zone to enable the primary use of the land to be recognised at the same time as acknowledging the flooding characteristics. |
| 37.04 Capital City Zone | | |
| Used to enhance the role of Melbourne's central city. | Does not apply to Moorabool Shire | Nil |
| 37.05 Docklands Zone | | |
| Used to plan for the use and development of Docklands | Does not apply to Moorabool Shire | Nil |
| 37.06 Priority Development Zone | | |
| Used to recognise areas of regional or State significance and provide for use and development in accordance with an incorporated plan | Not used within the Shire | Nil |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|-----------------------------------|--|
| 37.07 Urban Growth Zone | | |
| Used to manage the transition of non-urban land to urban land in accordance with Precinct Structure Plans in growth areas. | Does not apply to Moorabool Shire | Nil |
| 37.08 Activity Centre Zone | | |
| Used to guide and facilitate the use and development of land in activity centres. The ACZ was developed to specifically for activity centres in metropolitan Melbourne and larger regional cities which demonstrate CBD type functions and have undertaken a structure planning process. | Not used within the Shire | May be considered for application in instances where an activity centre structure plan has been undertaken |
| 37.09 Port Zone | | |
| Used to provide for the ongoing use and development of ports in Victoria. | Does not apply to Moorabool Shire | Nil |

13 OVERLAYS

13.1 ENVIRONMENTAL AND LANDSCAPE OVERLAYS

Three Environmental and Landscape Overlays are utilised in the Shire; Environmental Significance Overlay, Vegetation Protection Overlay and Significant Landscape Overlay.

The Environmental Significance Overlay identifies areas where the development of land may be affected by environmental constraints and seeks to ensure development is compatible with identified environmental values.

The Vegetation Protection Overlay seeks to protect areas of significant vegetation, ensuring that development minimises the loss of vegetation. The one schedule to the overlay identifies the protection of vegetation in the Blackwood Township.

The Significant Landscape Overlay identifies significant landscapes to conserve and enhance their character. The schedules to this overlay identify the specific significant landscapes. An emerging theme from the consultation workshops was the lack of protection for significant landscapes which are largely unrecognised in the Moorabool Planning Scheme.

Table 16 Environmental and Landscape Overlay Review

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|---|--|
| 42.01 Environmental Significance Overlay | | |
| <p>A schedule to this overlay must contain a statement of environmental significance and the environmental objectives to be achieved.</p> <p>A permit is required to construct a building, fence and/or bike path/trail subject to schedules.</p> <p>A permit is required to subdivide land.</p> <p>A permit is required to remove, destroy or lop vegetation subject to conditions.</p> | | |
| ESO1 – Proclaimed Water Catchment Area | | |
| <p>Schedule currently being used to protect the quality and quantity of water produced within proclaimed water catchments and provide for appropriate development.</p> | <ul style="list-style-type: none"> • The schedule contains an extensive list of buildings and works permit exemptions (last amended in 2014 via C72) • All applications referred to the relevant water authority who are a determining referral authority • Decision Guidelines centred around impacts on existing quality and quantity of water | <p>Review application of ESO1 – in light of conflicting views appearing in consultation where some feedback at consultation indicated it may be applied to broadly with too many permit triggers, however other including relevant referral authorities consider the Overlay to be working well.</p> <p>Review what application referrals are triggered and extent of where the overlay applies.</p> |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|---|--|
| ESO2 – Waterway Protection | | |
| <p>Schedule currently being used to protect waterways which carry water through proclaimed water catchments.</p> <p>This schedule appears to be a less detailed than ESO1</p> | <ul style="list-style-type: none"> No permit triggers or exemptions contained in the schedule The objectives, application requirements and decision guidelines are a duplication of ESO1 | <ul style="list-style-type: none"> Opportunity to absorb some elements of this schedule into ESO1 Review application – ESO2 mapping deviates from the creek in the vicinity of Attwoods Road, Yendon |
| ESO3 – Long Forest and Werribee Gorge | | |
| <p>Schedule currently being used to protect the valuable Long Forest flora that is on private property between and surrounding the Long Forest Flora Reserve and on other public land.</p> <p>Schedule also protects Werribee Gorge which is home to valuable and threatened flora and fauna.</p> <ul style="list-style-type: none"> Numerous environmental objectives Application requirements and decision guidelines only relate to removal, destruction or lopping of native vegetation | <p>No permit triggers or exemptions contained in the schedule.</p> <p>ESO3 states that the significance of Long Forest and Werribee Gorge are recognised by the fact that it is included in the National Estate Register, however this Register no longer exists.</p> | <p>Clause needs to be reviewed as National Estate Register no longer exists.</p> |
| ESO4 – Wetland Areas | | |
| <p>Schedule currently being used to protect wetlands within the shire, often these areas are a refuge for fauna and the flora is the only remaining vegetation in the area.</p> <ul style="list-style-type: none"> Environmental objectives relate to protection, conservation, enhancement and minimising agricultural impacts. Application requirements and decision guidelines only relate to removal, destruction or lopping of native vegetation | <p>No permit triggers or exemptions contained in the schedule</p> | <p>Review to ensure overlay still correctly reflects on-ground conditions.</p> |

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|--|---|
| ESO5 – Ballan Sewage Treatment Plant Buffer Area | | |
| <p>Schedule currently being used to provide for the ongoing operation of this plant, as the town of Ballan produces a considerable amount of sewage which requires treatment.</p> <ul style="list-style-type: none"> Environmental objective is to prevent the development of habitable buildings within 700m of the plant. | <ul style="list-style-type: none"> Two permit exemptions: <ul style="list-style-type: none"> Permit not required to construct a building to be used for purposes other than accommodation Permit is not required to construct or carry out works which do not relate to an accommodation purpose | <p>Review land uses within the 700m buffer of the plant, particularly accommodation as the environmental objective of this overlay is to prevent the development of habitable buildings within 700m of the plant.</p> |
| ESO6 – Western Grasslands Reserves | | |
| <p>Schedule has an extensive statement of environment significance regarding the protection of these grasslands.</p> <ul style="list-style-type: none"> Extensive list of environmental objectives | <ul style="list-style-type: none"> The statement of environmental significance includes a reference to “addition of this proposed 15,000 hectares” – Permit exemptions for works associated with <i>Conservation, Forests and Lands Act 1987</i> and on behalf of public authorities Applications required to provide flora and fauna reports, environmental management plans | <ul style="list-style-type: none"> VC68 introduced this schedule in 2010. Review permit triggers. Review reference documents. Review whether the addition of the proposed 15,000 hectares has been included |
| ESO7 – Grasslands within the Werribee Plains Hinterland | | |
| <p>Schedule currently being used to protect these grasslands. The statement of significance references ‘significant opportunities’ that exist to establish large areas/networks of conservation.</p> <ul style="list-style-type: none"> Consolidated list of environmental objectives | <ul style="list-style-type: none"> Four permit exemptions contained in the schedule – largely for conservation/public authority works Application requirements set into ‘musts’ and ‘musts as appropriate’ Extensive decision guidelines | <p>Nil.</p> |
| ESO8 – River Red Gums in the Bacchus Marsh Valley | | |
| <p>Schedule currently protecting RRGs in Bacchus Marsh Valley. Statement of environmental significance includes specific numbers of trees.</p> <ul style="list-style-type: none"> Three environmental objectives: retention, minimisation disturbance to TPZs and regeneration | <ul style="list-style-type: none"> Permit exemptions for native veg and that is not RRG non-native veg Permit triggers for RRG removal and works within TPZs Routine maintenance by Council’s Parks team triggers a permit | <ul style="list-style-type: none"> Review or remove the RRG figures from the schedule. Exempt routine works from requiring a permit |

| USE | KEY FINDINGS | OPPORTUNITIES |
|-----|--------------|---------------|
|-----|--------------|---------------|

42.02 Vegetation Protection Overlay

A schedule to this overlay must contain a statement of environmental significance and the vegetation protection objectives to be achieved.

A permit is required to remove, destroy or lop vegetation specified in a schedule to this overlay.

Includes a 2-3 page table of permit exemptions

Application requirements are as per a schedule to the zone

VPO1 – Blackwood Township Environs

| | | |
|---|---|---|
| <p>Schedule currently being used to protect the scenic qualities and ambience of the town</p> <ul style="list-style-type: none"> Objective of the schedule is to protect and maintain the landscape and visual dominance of the bush landscape | <ul style="list-style-type: none"> No permit exemptions Sole permit trigger for removal, destruction and lopping of native veg Applications must be accompanied by purpose, method, photos, plans and replanting details | <p>Review whether the intent of the overlay is being achieved in Blackwood.</p> |
|---|---|---|

42.03 Significant Landscape Overlay

A schedule to this overlay must contain a statement of the nature and key elements of the landscape and landscape character objectives to be achieved.

- A permit is required to construct and carry out buildings and works, except:
 - A schedule exempts it; or
 - It is the conduct of agricultural activities including ploughing and fencing
- A permit is required to construct a fence if specified in schedule
- A permit is required to remove, destroy or lop vegetation specified in a schedule to this overlay.
- 2-3 page table of permit exemptions

Application requirements are as per a schedule to the zone

SLO1 – Scenic Hilltops and Ridge Line Areas

| | | |
|---|--|---|
| <p>One sentence statement of significance.</p> <ul style="list-style-type: none"> Objectives are to protect scenic qualities and minimise visual impact of development | <ul style="list-style-type: none"> Only application requirements for buildings and works is a set of plans An application to remove, destroy, lop veg requires: <ul style="list-style-type: none"> A statement of the purpose of vegetation removal. A statement of the method of vegetation removal. A plan showing the amount of vegetation to be removed. A statement of how the vegetation removal responds to the landscape character objectives of this schedule. | <ul style="list-style-type: none"> Review whether the intent of the overlay, to protect scenic qualities, is being achieved Review the application of the overlay as it does not cover many hilltops and ridgelines and an emerging theme from the consultation workshops was the lack of protection for significant landscapes in the Scheme |
|---|--|---|

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|---|---|
| SLO2 – Gordon Town Centre, Township and Surrounds | | |
| <p>Greater emphasis placed upon the statement of significance – clear and to the point.</p> <ul style="list-style-type: none"> • Four objectives relating to retention and protection of significant trees, vegetation and windbreaks | <ul style="list-style-type: none"> • Permit exemption for building and works which are at least 4m from a tree • Permit is required to remove, destroy, lop • Seven exemptions for remove, destroy lop • Clear application requirements | <ul style="list-style-type: none"> • Review the application of this overlay noting an emerging theme from the consultation workshops was the lack of protection for significant landscapes in the Scheme |

13.2 HERITAGE AND BUILT FORM OVERLAYS

Three Heritage and Built Form overlays are utilised in the Shire; Heritage Overlay, Design and Development Overlay and Development Plan Overlay and can be seen in Table 17 below.

The Heritage Overlay conserves and enhances heritage places and areas within the Shire.

The Design and Development Overlay identifies areas affected by specific design and built form requirements. Each affected area is subject to a schedule to the overlay which details the specific design and built form requirements. They have been widely implemented in the Shire since 2015.

The Development Plan Overlay identifies areas which require a development plan to be prepared before a permit can be granted to use or develop the land. There are six schedules to this overlay, requiring six separate development plans. A number of these development plans have already been prepared.

Table 17 Heritage and Built Form Overlays Review

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|---|--|
| 43.01 Heritage Overlay | | |
| <p>The requirements of this overlay apply to heritage places specified in the schedule.</p> <p>The schedule itself lists all the heritage places.</p> | <p>There are identified anomalies in the application of the overlay and some areas identified for inclusion</p> <p>Some heritage recognised areas do not have statements of significance</p> <p>Schedule is not consistent with PPN1</p> | <ul style="list-style-type: none"> • Correct a number of mapping and schedule errors • Prepare citations for those without. Potential heritage buildings in Manor Street, Bacchus Marsh which were raised as part of C79 submissions could have overlay applied. |
| 43.02 Design and Development Overlay | | |
| <p>A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.</p> <p>Permit required for a variety of things, with the exemptions and application requirements detailed in the schedules.</p> | | |
| DDO1 – Bences Road Area | | |
| <p>Design objectives relate to views, visual impacts, environmental impacts and development in line with the relevant Development Plan.</p> | <ul style="list-style-type: none"> • A permit is not required to construct a dwelling or ancillary works provided eight requirements are met • Permit exemptions for certain fences • Subdivision applications have certain requirements | <p>Bences Road is within the Merrimu PSP area thus likely to be considered as part of the PSP preparation/Planning Scheme Amendment</p> <p>Opportunity to review the Bence Road Outline Development Plan (1990) to whether it is still being implemented</p> |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|--|--|
| DDO2 – Visual Amenity and Building Design | | |
| Design objectives relate to visual amenity | <ul style="list-style-type: none"> • A permit is not required for building and works where all external materials are non-reflective • Applications for building and works require a site statement, plans and elevations showing certain required details. • Permit not required to subdivide land • Permit not required for advertising that is non-reflective • Decision guidelines relate to reflectiveness of materials | <p>Review the permit exemptions and application requirements.</p> <p>Review extent of overlay application, as this overlay covers a significant part of the municipality</p> |
| DDO3 – National Route 8 (Western Freeway/Highway) Environs | | |
| Design objectives relate to advertising signs and reducing any adverse noise effects of the highway | <ul style="list-style-type: none"> • A permit is not required to construct a dwelling or ancillary works provided five requirements are met • Permit exemptions for certain fences • Application requirements largely relate to acoustic requirements and must also respond to decision guidelines • Permit is required to subdivide land – must not prejudice long-term objectives for the highway • Permit required for any sign within 100m of highway | Nil. |
| DDO4 – Western Highway – Leigh Creek to Woodmans Hill | | |
| Design objective to ensure development of land has appropriate noise attenuation measures to minimise impact of traffic noise | <ul style="list-style-type: none"> • Sixteen land uses listed in the schedule • Any development associated with one of the uses must include noise attenuation to satisfaction of Roads Corporation | <ul style="list-style-type: none"> • Does not have any decision guidelines or specific noise attenuation measures that the Roads Corporation are looking for. • No referral clause – e.g. “must be referred in accordance with Section 55”. • Work with VicRoads to determine if this overlay is still required |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|---|--|
| DDO5 – Gordon Town Centre, Township and Rural Surrounds | | |
| <p>Town centre design objective relate to character, scale, retail activity, density and advertising</p> <p>Township (residential zones) design objectives relate to village character, roof forms and large lot sizes</p> <p>Rural surrounds design objectives relate to landscape features, views to and from the town centre, scale and materials</p> <p>Overlay is applied in accordance with the Gordon Structure Plan</p> | <ul style="list-style-type: none"> • Contains broad exemptions for planning permits • Permit required for a fence abutting primary street frontage within a residential zone • Building and works exemptions listed in the schedule • All buildings and works should comply with the standards listed in schedule • Application requirements listed • Permit is required to subdivide land • Minimum lot sizes, site response and development pattern considered • Advertising sign requirements in addition to zone • Comprehensive decision guidelines | <p>Opportunities to review permit triggers and exemptions.</p> |
| DDO6 – Residential Investigation Area A | | |
| <p>Design objectives relate to density, streetscapes, built form, access, pedestrians, public and private realm, frontages, canopies, building height and road network/pattern</p> | <ul style="list-style-type: none"> • Introduced in 2016 • Permit required for fences abutting Werribee River or Boyes Close – certain exemptions • Permit not required for single dwellings, extensions and works normal to a dwellings subject to certain requirements • Lots under 300sqm must show an envelope demonstrating it is capable of meeting design objectives • Subdivision plans fronting Werribee River must include an access road along frontage | <p>Opportunity to refine this overlay as there are substantial design objectives, with limited application requirements and decision guidelines.</p> |
| DDO7 – Industrial Interface Area | | |
| <p>Design objectives relate to design quality, frontages, access, street planting, high amenity, passive surveillance and public realm</p> | <ul style="list-style-type: none"> • Introduced in 2016 • Building and works applications have a lot of requirements • Landscape plan is required, addressing frontages, vegetation type and setbacks • Exempt from notice and review | <p>Nil</p> |

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|--|--|
| DDO8 – Residential Investigation Area B | | |
| <p>Design objectives relate to country town character, built form, orienting residential development towards Bacchus Marsh-Geelong Road and Fiske Street, setbacks to allow vegetation, encouraging higher density and realising design potential.</p> | <ul style="list-style-type: none"> • Introduced in 2016 • One requirement where wall heights of buildings must not exceed 7m above ground level. • If this requirement is met, the construction of one dwelling on a lot or an extension to an existing dwelling does not require a permit. • Subdivisions applications creating lots under 300sqm must show a building envelope. | <p>Review whether the intended country town character is being achieved and/or whether this remains the desired outcome for the area</p> |
| DDO9 – Residential Investigation Area – Waddell Street to Werribee River | | |
| <p>Design objectives relate to design quality passive surveillance, country town character, active transport links, contemporary design, a ‘residential spine’ and maximising public transport use.</p> | <ul style="list-style-type: none"> • Introduced in 2016 • Permit not required for construction of an extension to existing dwelling if the following requirements are met: <ul style="list-style-type: none"> • wall heights of buildings must not exceed 9m adjacent the active transport route. • vehicle access does not conflict with active transport route. • full material details are provided • Permit required to construct a front fence, unless it is less than 1.2m or if it is min. 50% transparent. • Subdivisions applications creating lots under 300sqm must show a building envelope. | <p>Review whether the intended country town character is being achieved and/or whether this remains the desired outcome for the area</p> |
| DDO10 – Bacchus Marsh Hospital and Medical Services Precinct | | |
| <p>Design objectives relate to built form scale, character, design protecting amenity of open space, active frontages, car park design and fencing appearance.</p> | <ul style="list-style-type: none"> • Introduced in 2016 • Permit required to construct a front fence, unless it is less than 1.2m or if it is min. 50% transparent. • Permit not required for one dwelling on a lot, extensions or alterations, façade alteration or awnings that project over a road reserve pursuant to eight requirements. | <p>Nil</p> |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|--|---|
| DDO11 – Main Street Precinct | | |
| <p>Design objectives relate to built form, vibrancy, active frontages, public realm, contemporary character, country town centre character, landscape character, heritage integration, design quality and minimising car park visual dominance.</p> | <p>Introduced in 2016</p> <p>Permit required to construct a front fence, unless it is less than 1.2m or if it is min. 50% transparent.</p> <p>Permit not required for installation of automatic teller machine.</p> <p>Permit not required for alteration to existing façade provided two requirements are met.</p> <p>Five requirements are listed, they are not tied to permit requirements or exemptions.</p> | <p>Formatting: half the objectives are dot points, half are standalone sentences.</p> <p>No decision guidelines in schedule.</p> <p>Contemporary character vs country town character may conflict</p> |
| DDO12 – Residential Land Between Waddell Street and Werribee River East of Grant Street | | |
| <p>Design objectives relate to generous setbacks to maintain country town character, appropriate interfaces, passive surveillance, canopy tree planting and minimising traffic conflicts.</p> | <p>Permit required to construct a front fence, unless it is less than 1.2m or if it is min. 50% transparent.</p> <p>Permit not required for one dwelling on a lot or extension/alteration.</p> <p>Three requirements relating to frontages, building height and setbacks.</p> | <p>Nil</p> |
| DDO13 – Taverner Residential Development Area | | |
| <p>Design objectives relate to a new mixed density residential area, respecting historic context, sustainability, public and private realm, setbacks and the internal street network.</p> | <p>Permit required to construct a front fence, unless it is less than 1.2m or if it is min. 50% transparent.</p> <p>Permit not required for one dwelling on a lot or extension/alteration.</p> <p>Five buildings and works requirements relating to orientation, frontages and wall heights.</p> <p>Three subdivision requirements relating to passive surveillance, active frontages and location of property boundaries.</p> | <p>Development Plan currently being prepared which may address this overlay.</p> |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|--|---------------|
| DDO14 – Camerons Road Area | | |
| <p>Design objectives relate to rural living, landscape values, distance of accommodation from quarries and bushfire risk.</p> | <p>Permit not required for buildings and works associated with existing dwellings or associated with the existing use of the land for agriculture.</p> <p>Eight requirements for building location – these are generally buffer distances from natural systems, existing buildings and avoiding slopes.</p> <p>A range of form plan of subdivision requirements are listed.</p> <p>Map included in the schedule which identifies dwelling envelope areas.</p> <p>Six decision guidelines listed.</p> | <p>Nil.</p> |

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|--|---|
| DDO15 – Bacchus Marsh Hospital Emergency Medical Services Helicopter Flight Path Protection (Inner Area) | | |
| <p>Two design objectives relating to buildings and works not encroaching on helicopter landing site and avoiding hazards.</p> | <p>Permit not required for buildings and works that result in a height less than the referral height.</p> <p>Permit not required for works on an existing building that exceeds the referral height.</p> <p>Three application requirements regarding site topography, features and proposed works must be completed by a suitably qualified person.</p> <p>Permit not required to subdivide land.</p> <p>Two decision guidelines.</p> | <p>Update to mapping scheme maps 34, 35, 36 and 37 to correctly identify DDOs. DDO14 should be DDO15 and DDO15 should be DDO16. This change should be reflected in Clause 51.01 and Incorporated Documents.</p> |
| DDO16 – Bacchus Marsh Hospital Emergency Medical Services Helicopter Flight Path Protection (Outer Area) | | |
| <p>Two design objectives relating to buildings and works not encroaching on helicopter landing site and avoiding hazards.</p> <p>Main difference from DDO15 is the Public Use Zone 3 permit exemption.</p> | <p>Permit not required for buildings and works that result in a height less than the referral height.</p> <p>Permit not required for works on an existing building that exceeds the referral height.</p> <p>Permit not required to construct or carry out works within Public Use Zone 3.</p> <p>Three application requirements regarding site topography, features and proposed works must be completed by a suitably qualified person.</p> <p>Permit not required to subdivide land.</p> <p>Two decision guidelines.</p> | <p>Update to mapping scheme maps 34, 35, 36 and 37 to correctly identify DDOs. DDO14 should be DDO15 and DDO15 should be DDO16. This change should be reflected in Clause 51.01 and Incorporated Documents.</p> |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|---|---|
| 43.03 Incorporated Plan Overlay | | |
| Used to identify areas which require the form and conditions of future development to be shown in an incorporated plan before a permit can be granted for use or development | Not used in the Shire | Nil |
| 43.04 Development Plan Overlay | | |
| <p>A schedule to this overlay may specify objectives to be achieved for the area affected by the overlay.</p> <p>Subdivision permits must not be granted until a Development Plan is prepared, unless a schedule says otherwise.</p> | | |
| DPO1 – Moorabool Agribusiness Industrial Area | | |
| <p>Details the development plan requirements for two lots.</p> <p>Permit may be granted to alter, extend or modify an existing development if the Responsible Authority is satisfied it won't prejudice future development of the DP.</p> | <p>Development Plan must be generally in accordance with the concept plan and detail:</p> <ul style="list-style-type: none"> • urban design masterplan • ecological assessment • site analysis • integrated water management plan • integrated transport management plan • aerodrome impact assessment • landscape masterplan • infrastructure servicing plan | Development Plan currently being prepared. |
| DPO2 – Hopetoun Park Estate | | |
| Extensive list of required permit conditions and requirements for the Development Plan. | Estate appears to be developed, and as such it is likely to be appropriate to remove the DPO. | <p>Review overlay in context of completed Millar & Merrigan Pty Ltd Development Plan - this overlay may be eligible for removal now that development has completed. Review whether replacement overlays are required to manage ongoing change at the estate.</p> <p>However, prior to removal, a careful review of the DPO requirements should be undertaken to verify whether alternative overlays or controls are required to manage change in the estate not the future.</p> |

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|---|--|
| DPO3 – West Maddingley | | |
| <p>Objective of DPO to stage a master-planned development</p> <p>Permit may be granted for subdivision, use or development if the Responsible Authority is satisfied it won't prejudice future development of the DP.</p> <p>Decision guidelines require Responsible Authority to consider Bacchus UDF and Growing Moorabool, EcoDev Strategy</p> <p>Concept plan included</p> | <p>Introduced in 2009.</p> <p>Standard conditions for subdivision listed, including requirement for Development Contributions to be tied up in S173.</p> <p>Extensive DP requirements under these headings:</p> <ul style="list-style-type: none"> • Staging • Infrastructure and servicing • Neighbourhood design • Community facilities and services • Open space and landscaping • Traffic and movement networks • Environmental considerations | <p>Currently being implemented.</p> |
| DPO4 – Taverner Residential Development Area | | |
| <p>Includes a statement paragraph, rather than objectives.</p> <p>Permit may be granted before DP is prepared to construct buildings and works associated with an addition to an existing dwelling.</p> <p>Standard conditions relate to environmental and construction issues associated with development.</p> | <p>Introduced in 2016.</p> <p>Extensive list of DP requirements.</p> <p>Decision guidelines require Responsible Authority to consider Growing Moorabool EcoDev Strategy, statement of significance of Osage Orange Ave and Windbreak and the views of service and water authorities.</p> | <p>No concept plan.</p> <p>Development Plan currently being prepared</p> |
| DPO5 – Bacchus Marsh Activity Centre Link | | |
| <p>The Link provides pedestrian-cycle link between Main Street and the Werribee River.</p> <p>Permits may be granted prior to DP preparation.</p> | <p>Introduced in 2016.</p> <p>DP must include cultural significance, environmental, stormwater, traffic, certain roads</p> <p>Decision guidelines require Responsible Authority to consider a variety of documents</p> | <p>No Development Plan prepared.</p> |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|--|--|
| DPO6 – Underbank Farm | | |
| <p>The Link provides pedestrian-cycle link between Main Street and the Werribee River.</p> <p>Permits may be granted prior to DP preparation.</p> | <p>Introduced in 2015.</p> <p>DP must include cultural significance, environmental, stormwater, traffic, certain roads</p> <p>Decision guidelines require Responsible Authority to consider a variety of documents</p> | <p>Development Plan has been prepared and is currently being implemented</p> |

13.3 LAND MANAGEMENT OVERLAYS

The Bushfire Management Overlay is the single Land Management Overlay utilised in the Shire to ensure the development of land prioritises the protection of human life and strengthens resilience to bushfires.

It was clear throughout the consultation that the Bushfire Management Overlay conflicts with the Vegetation Protection Overlay, whereby the former prioritises the protection of human life and the latter prioritises the protection of biodiversity.

Table 18 Land Management Overlays Review

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|---|--|
| 44.01 Erosion Management Overlay | | |
| Used to protect areas prone to erosion, landslip or other land degradation processes by minimising disturbance and/or inappropriate development. | Not used in the Shire | Nil |
| 44.02 Salinity Management Overlay | | |
| Used to identify areas subject to saline ground water discharge, facilitate their stabilisation and encourage revegetation and development | Not used in the Shire | Nil |
| 44.03 Floodway Overlay | | |
| Used to identify waterways and the like which have the greatest risk and frequency of flooding, to ensure that development maintains free passage and temporary storage of water | Not used in the Shire The Floodway Overlay is suitable for areas where there is less need for control over land use, and the focus is more on control of development | Opportunity to explore where the FO can be applied in the municipality |
| 44.04 Land Subject to Inundation Overlay | | |
| Used to identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or other area determined by the floodplain management authority. | Not used in the Shire The LSIO applies to mainstream flooding in both rural and urban areas, these areas typically have a lower flood risk than the UFZ and/or FO | Opportunity to explore where the LSIO can be applied in the municipality Melbourne Water has submitted a Planning Scheme Amendment request to apply the LSIO and SBO to the eastern portion of the Shire. |

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|--|---|
| 44.05 Special Building Overlay | | |
| Used to identify land in urban areas liable to inundation by overland flows from urban drainage systems | Not used in the Shire | Melbourne Water has submitted a Planning Scheme Amendment request to apply the LSIO and SBO to the eastern portion of the Shire. |
| 44.06 Bushfire Management Overlay | | |
| <p>A schedule to this overlay must contain a statement of the bush fire management objectives to be achieved for the area affected by the schedule and when the requirements within it apply.</p> <p>A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.</p> <p>A permit is required for buildings and works (noting that some exemptions do apply)</p> | | |
| Applied to land that the State Government has identified as high risk bushfire areas. as significant bushfire risk. | BMO1 Schedule very specific but has evolved from the recent rezoning of land in Camerons Road. Schedule was introduced in 2017 and remains relevant. | <p>Introduced in 2017.</p> <p>Issues regarding conflicts between bushfire management and vegetation protection were raised during the consultation process. There is an opportunity to holistically review the application of the VPO and BMO, as well as the extent of their mapping noting the identified conflict.</p> |
| 44.07 State Resource Overlay | | |
| Used to protect areas of mineral, stone and other resources which have been identified as being of State significance from development that prejudices its productivity | Not used in the Shire | Opportunity to explore whether to apply SRO to state significant earth resources within the Shire. |

13.4 OTHER OVERLAYS

The final four overlays utilised throughout Moorabool Shire are not defined by a single category.

- > The Public Acquisition Overlay reserves land for a public purpose
- > The Airport Environs Overlay identifies area subject to high levels of aircraft noise
- > The Environmental Audit Overlay ensures potentially contaminated land is suitable for a use that could be significantly affected by contamination
- > The Road Closure Overlay identifies a road that is closed by an amendment to the planning scheme

Each of these overlays is used sparingly within the Shire.

Table 19 Other Overlays Review

| USE | KEY FINDINGS | OPPORTUNITIES |
|--|--|--|
| 45.01 Public Acquisition Overlay | | |
| 5 PAOs apply | Standard application of PAOs. | Council to review the status of each PAO and whether any can be removed from the Schedule. E.g. Western Freeway realignment between Bacchus Marsh and Melton has been constructed and the PAO still applies. A number of PAO locations appear to relate to projects where the land has been acquired. |
| 45.02 Airport Environs Overlay | | |
| Applies to the area around the Airport of Rowsley/Parwan | The Schedule is very specific in regard to uses allowed and permit triggers. | To review the permit triggers and prohibited uses to ensure the Overlay is still operating efficiently. Potential to review as part of Parwan Employment Precinct Structure Plan |
| 45.03 Environmental Audit Overlay | | |
| Applies to land (in 4 parts) south of the BM town centre in BM | Confirmation required from Council in regard to status of EAO – no Schedule applies | To determine if the environmental audit has been undertaken for any of the identified sites and whether the Overlay is still required. |
| 45.04 Road Closure Overlay | | |
| Applies in part of Elaine and Old Wallace | Unclear of the status of the overlay and whether it remains a necessary overlay to retain in the Scheme. | Requires a review by Council as to the relevancy of the Overlay. No Schedule |

| USE | KEY FINDINGS | OPPORTUNITIES |
|---|--|---|
| 45.05 Restructure Overlay | | |
| <p>Used to identify old and inappropriate subdivisions which are to be restructured</p> | <ul style="list-style-type: none"> • Used in four locations within the Shire • A conflict is noted where the overlay suggests a dwelling can be developed on restructured land however in special water supply catchments water authorities are not permitting development | <ul style="list-style-type: none"> • Discussion with water authorities regarding the conflict of development on restructure land • Some lots have been restructured and may be able to be removed from the overlay, • Some lots in the same ownership haven't yet been 'restructured' – potential to assist landowners in restructuring them. • Maps 1–4: some lots have been restructured and have the overlay removed. • Opportunity to use overlay on further areas of inappropriate subdivisions, should they exist • Opportunity to develop policy or policy direction relating to restructure overlay in the MSS |
| 45.06 Development Contributions Plan Overlay | | |
| <p>Used to identify areas which require the preparation of a development contributions plan</p> | <ul style="list-style-type: none"> • Not used in the Shire • A permit must not be granted until a development contributions plan has been incorporated into the Scheme. | <ul style="list-style-type: none"> • The lack of appropriate development contributions collection was an emerging theme from the consultation workshops • A number of strategic documents, such as the CHRGP, recommend that social, service and transport needs be identified and implementation opportunities via development contributions plans be investigated • The 2014 audit highlighted the need for Council to form a policy position on development contributions • Clause 21.05-4 includes a strategy requiring new development to make development contributions via DCPs or ICPs. There is opportunity to implement this via the DCPO |
| 45.07 City Link Project Overlay | | |
| <p>Used to ensure the efficient construction, operation and maintenance of various City Link projects</p> | <p>Does not apply to the Shire</p> | <p>Nil</p> |

| Use | Key findings | Opportunities |
|---|--|--|
| 45.08 Melbourne Airport Environs Overlay | | |
| Used to ensure land use and development are compatible with the operation of Melbourne Airport | Does not apply to the Shire | Nil |
| 45.09 Parking Overlay | | |
| Used to facilitate an appropriate provision of car parking spaces in an area, to identify areas and uses where local car parking rates apply and to identify areas where financial contributions are to be made for shared parking. | Not used in the Shire | <ul style="list-style-type: none"> • There may be opportunities to implement the Parking Overlay following future strategic work such as a Car Parking Strategy • The lack of a Car Parking Strategy was an emerging theme from the stakeholder consultation |
| 45.10 Infrastructure Contributions Plan Overlay | | |
| Used to identify areas where an Infrastructure Contributions Plan (ICP) applies for the purpose of levying contributions. The schedule specifies the name of the ICP which applies | Not used in the shire. The ICP system applies to metropolitan greenfield growth areas. | Nil |
| 45.11 Infrastructure Contributions Overlay | | |
| Used to identify areas where an Infrastructure Contributions Plan (ICP) applies for the purpose of imposing contributions. The schedule specifies the name of the ICP which applies | Not used in the shire. The ICP system applies to metropolitan greenfield growth areas. | Nil |
| 45.12 Specific Controls Overlay | | |
| Used to apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances. | Not used in the shire. | Nil |

14 PARTICULAR PROVISIONS

As per Clause 71.05 (Operation of Particular Provisions) of the Planning Scheme, the requirements of the particular provisions apply to specific categories of use, development and other matters in addition to any provisions which apply due to any other provision of this planning scheme.

Locally relevant content can be incorporated into the particular provisions through the use of schedules. Of the 15 schedules within the particular provisions, only three have been populated with locally relevant content:

- > Schedule to Clause 51.01 Specific Sites and Exclusions
- > Schedule to Clause 52.17 Native Vegetation
- > Schedule to Clause 52.28 Gaming

The three schedules that include local content appear to be appropriately used, however there exists an opportunity to review the Clause 51.01 and 52.17 schedule content for relevancy as they largely relate to infrastructure projects which may be completed.

There is an opportunity to review the use (or lack of use) of the remaining 12 schedules which have no locally relevant content incorporated.

15 EXTERNAL DOCUMENTS

15.1 INCORPORATED DOCUMENTS

Table 20 Incorporated Documents Review

| NAME OF DOCUMENT | INTRODUCED BY: | COMMENTS |
|--|----------------|--|
| Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion– Building Siting and Construction, Standards Australia Limited, 2015 | VC107 | Is latest version of standard. No expiry. Retain as is. |
| Bacchus Marsh Heritage Study, Statements of Significance, (February 2015) | C6(Part 3) | No expiry. Retain as is. |
| Ballarat Line Upgrade Incorporated Document, August 2018 | GC95 | Recently added. Retain as is. |
| Fibre Optic Project, Integrated Approval Requirements, December 2002 | VC17 | Has expiry related to commencement / completion of works. Appears to have expired or works were completed. Can possibly be removed as it is also contained within other Planning Schemes. DELWP are conducting a GC Amendment to remove all expired and/or redundant Incorporated Documents If removing also remove from Clause 52.03 |
| Goulburn-Murray Water Native Vegetation Code of Practice, February 2011 | C63 | Small portion of Moorabool Shire is in the catchment. Retain. |
| HO182 Woodlands 229 Long Point Road, Myrniong Incorporated Plan (July 2014) | C6(Part 3) | No expiry. Retain as is. |
| Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas Incorporated Document, June 2017 | GC49 | No expiry. Retain as is. |
| Mildura –Geelong Rail Freight Upgrade Project September 2007 | C44 | Has expiry related to completion of works. Appears to have expired or works were complete. Can possibly be removed as it is also contained within other Planning Schemes. DELWP are conducting a |

| | | |
|---|------|--|
| | | GC Amendment to remove all expired and/or redundant Incorporated Documents |
| | | If removing also remove from Clause 52.03 |
| Plans for the future development of the Western Freeway – titled “Proposed Works Area” and dated 26/7/2000 | C5 | Council is required to review and determine status and relevancy to retain in the Scheme. |
| Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016 | GC57 | No expiry. Retain as is. |
| Rail Gauge Standardisation Project, Integrated Approval Requirements, December 2002 | VC17 | Has expiry related to commencement / completion of works. Appears to have expired or works were completed. Can possibly be removed as it is also contained within other Planning Schemes. DELWP are conducting a GC Amendment to remove all expired and/or redundant Incorporated Documents. |
| Regional Fast Rail Project, Integrated Approval Requirements, December 2002 | VC17 | Has expiry related to commencement / completion of works. Appears to have expired or works were completed. Can possibly be removed as it is also contained within other Planning Schemes. DELWP are conducting a GC Amendment to remove all expired and/or redundant Incorporated Documents. |
| | | If removing also remove from Clause 52.03 |
| Rail Infrastructure Projects Ballarat Rail Corridor Deviation: Fibre Optic Project, Integrated Approval Requirements (August 2003) | C25 | Has expiry related to commencement / completion of works. Appears to have expired or works were completed. Can possibly be removed as it is also contained within other Planning Schemes. DELWP are conducting a GC Amendment to remove all expired and/or redundant Incorporated Documents. |
| | | If removing also remove from Clause 52.03 |
| Rail Infrastructure Projects Ballarat Rail Corridor Deviation: Regional Fast Rail Project, Integrated Approval Requirements (August 2003) | C25 | Has expiry related to commencement / completion of works. Appears to have expired or works were completed. Can possibly be removed as it is also contained within other Planning Schemes. DELWP are conducting a GC Amendment to remove all expired and/or redundant Incorporated Documents. |
| | | If removing also remove from Clause 52.03 |

| | | |
|---|-------------|--|
| <p>Restructure Plans – Blakeville, Old Wallace, Elaine North and Rowsley (June 2000)</p> | <p>NPS1</p> | <p>No expiry. Requires a review to determine the appropriateness of the Restructure Plans to remain in place.</p> |
| <p>Sir Jack Brabham Park Stage 1 Concept Plan February 1998, Kinhill Pty Ltd</p> | <p>NPS1</p> | <p>Site appears to have been partially developed consistent with Incorporated Document. Other aspects of the Incorporated Document don't appear to have been acted on. No expiry. Retain, but likely can be removed in future if site is redeveloped as part of Parwan Employment Precinct.</p> |
| <p>Western Highway Realignment (Melton to Bacchus Marsh) Incorporated Document, December 2009</p> | <p>C52</p> | <p>Has expiry related to commencement / completion of works. Appears to have expired. Note that some works weren't completed e.g. Eastern Link Road. Relates to Melton and Moorabool Planning Schemes. May be able to be partially removed as part of DELWP GC Amendment.</p> <p>If removing also remove from Clause 52.03</p> |

16 ERRORS

During the review, a number of Planning Scheme errors have been identified by the Council planning team and are included in Appendix 6.

17 EMERGING THEMES

Rural Land Use Strategy

A key strategic gap for the Shire in delivering the Plan Melbourne principles and directions is the lack of rural land use directions and highlights the need for the preparation of a Rural Land Use Strategy.

A key emerging direction from the consultation has been that there are a number of issues in the rural areas, that are interconnected, and require a holistic response. These issues include:

- > Approach to ensuring long term viability of farming land
- > Enabling farmers to age in place, and facilitate family succession of farm ownership (raising issues about dwellings in rural areas)
- > Lack of capitalisation on agri-tourism opportunities
- > Increasing demand for rural living
- > lack of certainty in decision making given ambiguous policy

Economic Development

Capitalise on the region's environmental assets and resources to improve environmental outcomes and support economic development. Exploring the link and opportunities between environmental outcomes, resources and enhancing economic growth is critical in meeting State government directions (and Council's) while also ensuring the Shire remains sustainable in the long term.

Tourism

The consultation process also raised potential opportunities for tourism in some of the rural areas of the Shire, in particular in areas where potentially the quality and scale of farming land, in some instances, makes the land unviable for contemporary agricultural practices. A review of the agricultural viability of parts of the Shires is required, while also recognising that the Shire does have some high quality agricultural land that warrants its protection in the long term.

Extractive Industry

The consultation process also identified a lack of guidance on extractive industries and identification of extractive resources in the Shire. A review of extractive industry assets within the Shire would assist in ensuring these resources are available to support the State's future needs in line with Plan Melbourne directions.

Development Contributions

Council to form a policy position in regard to development contributions and prepare Development Contributions Plans in key locations (implemented via appropriate overlay).

Significant landscapes

The protection of significant landscapes which are largely unrecognised in the Moorabool Planning Scheme today, potential to use the Significant Landscape Overlay to protect these landscapes.

Policy gaps

A number of policy gaps in the Scheme, in particular in regard to:

- > A retail policy
- > Non-residential uses in residential zones policy

- > Dependent persons units
- > Large Pipelines and State Infrastructure
- > Building on Steep Land
- > Gaming venues
- > Wind Farms
- > Rural Land Uses
- > Environmentally Efficient Design

Existing local policies

Review of existing local policies in regard to their interpretation in the Scheme, opportunities to be strengthened noting that Smart Planning includes a theme based localised approach and therefore the review of these policies would also need to conform to Smart Planning directions.

Special Water Catchments

A review of relevant sections of the Planning Scheme relating to Special Water Catchments to include the Memorandum of Understanding between Barwon Water, Central Highlands Water, Gippsland and Southern Rural Water, Western Water and Moorabool Shire Council made on 23 December 2013 which determines when permit applications are referred to water authorities.

APPENDIX 1 | CONSULTATION SUMMARIES

STATUTORY PLANNERS

WORKSHOP SUMMARY & EMERGING THEMES

Disclaimer: The emerging themes provided below do not necessarily reflect the official policy or position of all attendees or Moorabool Shire Council. Emerging themes should not be held in perpetuity as they are subject to change, revision and rethinking.

| | |
|----------------------|---|
| Project | Moorabool MSS Review |
| Prepared By | Michael Turnbull, Mesh Planning |
| Workshop Date | 27 September 2018 |
| Attendees | Moorabool Sarah Kernohan, Bronwyn Southee, Thomas Tonkin, Samuel Duff Mesh Leah Wittingslow, Bronwyn Pettitt, Michael Turnbull |
| Apologies | Moorabool Mark Lovell, Vicky Mack, Jill Hocking, Vanessa Obsorn |

WORKSHOP DISCUSSION SUMMARY

- > Welcome and introductions
- > Mesh provided an overview of the project, detailing:
 - Stakeholder engagement process
 - Project influences – emerging issues, recent amendments, Smart Planning
 - Structure of outputs
- > Group discussion about:
 - The role of a Planning Scheme
 - How the Planning Scheme is currently used
 - How the Council Plan is currently used
 - Whether the Planning Scheme supports the Council Plan objectives
 - How the Planning Scheme could encourage economic growth in the Shire
 - What is missing from the Planning Scheme
 - How the Planning Scheme can provide guidance for balancing competing objectives
 - Strategic work that needs to be done
 - What is cumbersome in statutory assessment
 - Zones and overlays that trigger unnecessary permits
 - Whether graphics in the Scheme help with assessment
 - How the Planning Scheme will translate into Smart Planning

KEY EMERGING THEMES

The following key themes emerged from the discussion:

- > The Council Plan has little influence upon decision making
- > The Planning Scheme does not adequately support the Council Plan objectives
 - There is a need for local policies that support strategic work that has been completed
- > There is a big opportunity for the Planning Scheme to support tourism in the Shire
 - E.g. Lal Lal Estate proposal was not supported by the Farming Zone – how could the planning scheme facilitate this?
- > More enquiries are made about rural proposals than commercial proposals
- > Many Planning Scheme local policies were last amended in 2009 .
- > Many overlays require updating e.g. Environmental Significance Overlays and Design and Development Overlays
- > The Rural Conservation Zone is inherently difficult as it raises the following questions:
 - What is the application of the zone?; and
 - What is appropriate?
- > A rural zone review is a major priority for future strategic work
- > A local advertising signs policy is required
- > There is pressure for dwellings in the irrigation district
- > There is a conflict between Vegetation Protection Overlay and Bushfire Management Overlay
- > Section 173 Agreements are problematic
 - They are being used too often
 - They capture things outside of planning
 - Schedules can't be written to compel an applicant to enter into an agreement
- > The Industrial 2 Zone is being misapplied
- > VicSmart is problematic
 - The 10 day decision timeframe is adequate, however Moorabool's own procedures cause delay
- > Opportunity for Developer Contributions to be formalised into the Planning Scheme
 - This may be a direction to come out of this project
- > Car parking study is required

COUNCIL DEPARTMENTS

WORKSHOP SUMMARY & EMERGING THEMES

Disclaimer: The emerging themes provided below do not necessarily reflect the official policy or position of all attendees or Moorabool Shire Council. Emerging themes should not be held in perpetuity as they are subject to change, revision and rethinking.

| | |
|----------------------|--|
| Project | Moorabool MSS Review |
| Prepared By | Michael Turnbull, Mesh Planning |
| Workshop Date | 8 October 2018 |
| Attendees | Moorabool Sarah Kernohan, Bronwyn Southee, Justin Horne, Ian Waugh, Andy Waugh, Ewen Nevett, Peter Cuddy Mesh Leah Wittingslow, Bronwyn Pettitt, Michael Turnbull |

WORKSHOP DISCUSSION SUMMARY

- > Welcome and introductions
- > Mesh provided an overview of the project, detailing:
 - Stakeholder engagement process
 - Project influences – emerging issues, recent amendments, Smart Planning
 - Structure of outputs
- > Group discussion about:
 - The role of a Planning Scheme
 - How the Planning Scheme is currently used
 - How the Council Plan is currently used
 - Whether the Planning Scheme supports the Council Plan objectives
 - What is missing from the Planning Scheme
 - Planning Scheme conflicts
 - Where economic growth should be focused in the Shire
 - Moorabool as a day trip vs overnight stay destination
 - Traffic management requirements associated with day trippers
 - Economic growth being stifled by statutory planning
 - Whether the Planning Scheme should provide guidance for waste and extractive industry
 - What Council's role should be in providing good urban design outcomes
 - The provision of open space in Moorabool

- Development contributions in Moorabool
- Strategic work that needs to be done
- How the Planning Scheme will translate into Smart Planning

KEY EMERGING THEMES

The following key themes emerged from the discussion:

- > The planning scheme is silent on tourism
- > Moorabool lacks appropriate accommodation to provide overnight stays, so it currently operates as a day-trip destination
 - The existing accommodation is low quality
- > Differing views on whether economic growth and development should be focused on 'main street' or rural areas
- > Economic development isn't strong in the Planning Scheme
- > Economic growth is being stifled by planning
 - Example of an accounting wanting to establish in an existing building in General Residential Zone, adjoining the Commercial 1 Zone. Previous tenant of the building was a medical centre. The scheme allowed a medical centre, but not the accounting firm.
- > There are issues associated with the land uses within the Farming Zone
 - Some local laws do not apply in the FZ, allowing activities such as motorbike riding that impact on amenity
- > There is a need for a rural strategy
- > The Planning Scheme does not provide adequate guidance on waste and extractive industry
 - Decisions are political rather than statutory
 - Applications made to Council are pre-approved by DEDJTR – is there a need for Council approval at all?
- > The 500m buffer to Lerderderg State Park is not in the Scheme (with the exception of DDO14 which does, however this only applies to one area adjoining the Park)
- > A car parking study is required
- > Council Engineering Unit are not concerned with urban design from a decision making point of view, only functionality
 - The merit in starting with urban design, rather than finishing, is acknowledged
- > Super Cheap Auto example where Officers worked with developer to secure car parking at the rear of the building and activate the street with building at front of site – consistent with DDO. Council did approved plans with car parking at front of site (adjoining main street)
- > There is a lack of development contributions being collected and they are not being used effectively
 - There is an under provision of active open space in Moorabool
 - Development contributions have been poorly managed in the past. Difficulty experienced in maintaining existing open spaces
- > The Environmental Significance Overlay Schedule 1 triggers a lot of permits, potential to reduce or include in VicSmart.
 - ESO1 covers lots of Ballan when it shouldn't

- > Need local advertising signs policy
 - The visual amenity in towns is being impacted
 - Sports clubs often do not apply for permits – Maddingley Park example
 - Real estate agents often do not apply for permits

WATER AUTHORITIES

WORKSHOP SUMMARY & EMERGING THEMES

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| | |
|----------------------|--|
| Project | Moorabool MSS Review |
| Prepared By | Michael Turnbull, Mesh Planning |
| Workshop Date | 8 October 2018 |
| Attendees | Moorabool Sarah Kernohan, Bronwyn Southee Mesh Leah Wittingslow, Bronwyn Pettitt, Michael Turnbull Barwon Water Jared Scott, Tom Scarborough Melbourne Water Bruce Rush Central Highlands Water Stephen Carter Western Water Will Gielewski, Jason Michie |
| Apologies | Southern Rural Water Port Phillip and Westernport CMA |

WORKSHOP DISCUSSION SUMMARY

- > Welcome and introductions
- > Mesh provided an overview of the project, detailing:
 - Stakeholder engagement process
 - Project influences – emerging issues, recent amendments, Smart Planning
 - Structure of outputs
- > Group discussion about:
 - The role of a Planning Scheme
 - How the Planning Scheme is currently used
 - How the Council Plan is currently used
 - Whether the Planning Scheme supports the Council Plan objectives
 - What is missing from the Planning Scheme
 - Planning Scheme conflicts

- How water authorities interface with the Planning Scheme
- Whether the authorities have any concerns with the Planning Scheme
- Discussion of key planning provisions:
 - Clause 21.02 – Natural Environment
 - Clause 22.01 – Dams
 - Clause 22.02 – Special Water Supply Catchments
 - Clause 66.04
 - ESO1 – Proclaimed Water Catchment Areas
 - ESO2 – Waterway Protection
 - ESO4 – Wetland Areas
 - ESO5 – Ballan Sewage Treatment Plant Buffer Area
- How Section 173 Agreements are used
- Strategic work that needs to be done

KEY EMERGING THEMES

The following key themes emerged from the discussion:

- > The permit referral process is satisfactory
- > The Environmental Significance Overlay Schedule 1 (ESO1) is working well
 - There is an opportunity to remove referral requirement for removal of 1-2 trees. Authorities still want to be referred for natives, and trees near the water.
 - Happy to see the festival Earthcore referred to them despite there not being a statutory trigger to do so
 - Some declared catchments do not have the ESO1 applied. ESO1 should be applied based on gazetted catchment. Catchments have changed but mapping is dated and is accurate.
- > ESO's needed for environment/biodiversity – scope to broaden ESO1 to cover this.
- > Major opportunity to improve the ESO2 mapping
 - Melbourne Water have begun to prepare this mapping
- > Melbourne Water are happy to see LSIO and SBO as VicSmart
- > The ESO1 refers to 'interim guidelines' that are no longer interim
- > There is a need for buffers to waste water treatment plants
- > Central Highlands Water note potential for ESO for Wastewater Treatment Plant at Gordon and expanded ESO for Ballan Wastewater Treatment Plant.
 - Western Water have done odour modelling for Parwan Wastewater Treatment Plant and want the ESO applied. There is concern about the combined impact of coal and abattoir odours
- > There is a need for a rural strategy
- > There is a need for LSIO in the Planning Scheme
- > The water authority application of 1 house in 40ha is being enforced inconsistently across authorities.

- > Can we quantify the risk threshold in catchments? Mansfield have done this. We use 1 in 40ha, but we don't know what actual threshold is.
- > Council has agreement with water authorities regarding Domestic Wastewater Management Plan. Can this be imbedded in the Rural Zone, rather than hidden in background document?
- > The planning scheme is not strong enough on farm dams (ornamental)
 - They are disrupting water flows
 - Not being referred to water authorities for their review
- > Rural Living Zone is 6ha minimum for subdivision, but State is 2ha. Why is Moorabool 6ha?
- > Central Highlands Water prefer 6ha in water catchments. If 2ha, then they would receive subdivision applications which would compromise the water catchments.
- > Rural Conservation Zone is not being used appropriately
 - People are living and farming here like it's a Farming Zone
- > The numerous wind farms are not a concern to water authorities
- > Section 173 Agreements are working effectively. Western Water rely on these as they are upfront and people know about them e.g. on title, transfers with the land.
- > There is a shared concern on intensive animal farming and stocking in water catchments

AGENCIES

WORKSHOP SUMMARY & EMERGING THEMES

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| | |
|----------------------|--|
| Project | Moorabool MSS Review |
| Prepared By | Michael Turnbull, Mesh Planning |
| Workshop Date | 8 October 2018 |
| Attendees | Moorabool Sarah Kernohan Mesh Leah Wittingslow, Bronwyn Pettitt, Michael Turnbull CFA Michael Boatman VicRoads Chris Dunlop |
| Apologies | Transport for Victoria |

WORKSHOP DISCUSSION SUMMARY

- > Welcome and introductions
- > Mesh provided an overview of the project, detailing:
 - Stakeholder engagement process
 - Project influences – emerging issues, recent amendments, Smart Planning
 - Structure of outputs
- > Group discussion about:
 - The role of a Planning Scheme
 - How the Planning Scheme is currently used
 - What is missing from the Planning Scheme
 - Opportunities for heritage protection
 - Strategic work that needs to be done
 - Transport networks within Moorabool
 - Planning permit application referrals to agencies
 - Accommodating growth in bush areas
 - The use of the BMO

KEY EMERGING THEMES

The following key themes emerged from the discussion:

- > Too much freight goes through Bacchus Marsh
 - Eastern bypass is required. Eastern Link Road planning study is currently underway – will determine alignment options
 - Previous alignment was refused by Minister for Planning because of impacts on the Avenue of Honour
- > Emphasis is needed on active transport as a mode of transport
- > Site specific controls are discouraged in the Planning Scheme
- > Most VicRoads referrals are for noise impacts – DDO3 and DDO4
 - A draft policy has been prepared for noise
- > Fire risk not adequately considering the Urban Growth Framework Plan
- > Bushfire Management Statements are often poor quality
- > Need to steer development away from Bushfire Risk
- > Sewering Blackwood will increase development. Current septic restricts development
 - Conflict arises where growth is accommodated in bush areas
- > BMO Schedule 1 is particularly problematic
- > CFA receive too many referrals
 - A single application can be referred up to 4 times over the subdivision process
 - Have agreements with other Councils re subdivision which improves the process, and don't see applications numerous times e.g. road widths, hydrants.
- > Where private streets become public, they can be too narrow for fire truck access, not sealed, no hydrants.
- > Future work needs to look into how to best provide for rural activities in the farming zone
 - This may be a direction to come out of this project

STATE BODIES

WORKSHOP SUMMARY & EMERGING THEMES

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| | |
|----------------------|--|
| Project | Moorabool MSS Review |
| Prepared By | Michael Turnbull, Mesh Planning |
| Workshop Date | 8 October 2018 |
| Attendees | Moorabool Sarah Kernohan Mesh Leah Wittingslow, Bronwyn Pettitt, Michael Turnbull DELWP Vernon Yen, Donna Grace Davis |
| Apologies | EPA Leah Protyniak DEDJTR Richard Hancock, David Wilson Parks Victoria |

WORKSHOP DISCUSSION SUMMARY

- > Welcome and introductions
- > Mesh provided an overview of the project, detailing:
 - Stakeholder engagement process
 - Project influences – emerging issues, recent amendments, Smart Planning
 - Structure of outputs
- > Group discussion about:
 - The role of a Planning Scheme
 - How the Planning Scheme is currently used
 - What is missing from the Planning Scheme
 - Opportunities for heritage protection
 - Smart Planning integration
 - Vic Smart opportunities
 - Relevancy of incorporated documents

KEY EMERGING THEMES

The following key themes emerged from the discussion:

- > A rural land use strategy is required
 - It should be land use focussed
- > There is increased housing in rural areas
 - Reflective of growth pressures, changing housing needs and farming no longer being viable
- > Lorundel Woolshed example
 - Unclear how to address from a statutory standpoint
 - DELWP Practitioners guide discourages site specific rezoning
 - Triangle Project in The Grampians is an example of an alternative use in a rural area
- > Ballarat has local VicSmart controls – potential for Moorabool to have local control
- > Incorporated Documents in the Planning Scheme need to be reviewed
- > Conflict between sewerage Blackwood and increasing dwellings in a Bushfire Area

DEVELOPERS AND CONSULTANTS

WORKSHOP SUMMARY & EMERGING THEMES

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| | |
|----------------------|---|
| Project | Moorabool MSS Review |
| Prepared By | Michael Turnbull, Mesh Planning |
| Workshop Date | 8 October 2018 |
| Attendees | Moorabool Sarah Kernohan, Bronwyn Southee Mesh Leah Wittingslow, Bronwyn Pettitt, Michael Turnbull Underbank Nick Hooper, Matthew Darvell, Allan Carson Farren Group Peter Farren Oupan Graeme Dickson Merv Bartleman EDQ Planning James Robson |
| Apologies | GBL Property Greg Bettiol |

WORKSHOP DISCUSSION SUMMARY

- > Welcome and introductions
- > Mesh provided an overview of the project, detailing:
 - Stakeholder engagement process
 - Project influences – emerging issues, recent amendments, Smart Planning
 - Structure of outputs
- > Group discussion about:
 - The role of a Planning Scheme
 - How the Planning Scheme is currently used
 - What is missing from the Planning Scheme
 - Smart Planning integration
 - Development Contributions
 - Use of Section 173 Agreements

- Application of Environmental Significance Overlay
- Industry examples
- Opportunities for employment and retail in Moorabool
- Council implementation of strategic work
- Liquor licenses in Moorabool

KEY EMERGING THEMES

The following key themes emerged from the discussion:

- > A rural land use strategy is required
 - It should be land use focussed
- > Land is a scarce resource in Bacchus Marsh
 - The density of development in Bacchus Marsh needs to reflect this
- > The development plan process in Moorabool is outdated
 - As developers become accustomed to the Precinct Structure Plan process in metropolitan Melbourne, they expect similar in Moorabool
 - A development plan was identified as an appropriate tool for an Underbank size development, however required extensive detail
 - PSPs have a consistent level of drive and direction
- > The ESO2 is problematic
- > Embedding the Underbank Activity Centre in the planning scheme would give it strategic weight and identification
 - Framework plans need to be updated to reflect this
- > S173 Agreements for development contributions works well for large developers, not for fragmented land ownership
- > Would be useful if Council has a Development Contributions Framework for smaller sites.
- > The liquor license process in Moorabool is difficult and onerous
- > Difficult to change an existing liquor license
 - A liquor license policy in the scheme would assist
- > Car parking controls are restricting development
- > Further work is required for the Ballan town centre
- > There is a lack of accommodation in Moorabool that would encourage tourism

COUNCILLORS

WORKSHOP SUMMARY & EMERGING THEMES

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| | |
|----------------------|--|
| Project | Moorabool MSS Review |
| Prepared By | Michael Turnbull, Mesh Planning |
| Workshop Date | 7 November 2018 |
| Attendees | <p>Moorabool</p> <ul style="list-style-type: none"> • Derek Madden - CEO • Justin Horne – Acting Manager Strategic and Sustainable Development • Sarah Kernohan – Coordinator Strategic Planning • Satwinder Sandhu – General Manager Growth and Development • Phil Jeffrey – General Manager Infrastructure • Danny Coglán – General Manager Social and Organisational Development <p>Mesh</p> <ul style="list-style-type: none"> • Leah Wittingslow • Bronwyn Pettitt <p>Councillors</p> <ul style="list-style-type: none"> • Cr Paul Tatchell – Mayor • Cr Tonia Dudzik – East Moorabool Ward • Cr David Edwards – East Moorabool Ward • Cr Jarrod Bingham – East Moorabool • Cr Pat Toohey – Woodlands Ward • Cr Tom Sullivan – West Moorabool Ward |
| Apologies | <ul style="list-style-type: none"> • Cr John Keogh – Deputy Mayor |

WORKSHOP DISCUSSION SUMMARY

- > Welcome and introductions
- > Mesh provided an overview of the project, detailing:
 - Stakeholder engagement process
 - Project influences – emerging issues, recent amendments, Smart Planning
 - Structure of outputs
- > Group discussion about:
 - Whether there are opportunities for the Planning Scheme to be better align with the Council Plan

- Whether there any Zones or Overlays that are currently inappropriately applied or missing in the Planning Scheme
- The operation of Councils Local Planning Policies. Whether there are gaps or required changes.
- In recent Council planning permit application decisions, whether the Moorabool Planning Scheme has assisted in Councillor decision making
- Deficiencies/gaps that Councillors would like to see improved in the Scheme
- Missing strategic work that should be undertaken to assist in making decision on planning permits
- What the future Planning Scheme should look like

KEY EMERGING THEMES

The following key themes emerged from the discussion:

- > There are competing policies
 - Native vegetation protection vs bushfire management
- > Potential for performance based planning
- > Staff resources causing time wastage
- > Economic development is global, if investors find Moorabool difficult to invest in they will go elsewhere
- > There are zoning anomalies
- > Unnecessary referrals should be minimised
- > Sheds in Moorabool present difficulty
 - Many are illegal
 - Impact of ability to do business in Moorabool
- > Car parking needs to be done differently
 - Explore opportunities for innovation
- > Water authority advice is inconsistent
- > Cases over different advice being given to developers vs officers
- > Standardised conditions from referral authorities would assist with permits.
- > Policy needs to be very clear on what we do / don't want. Policy needs to be tightened in some areas.
- > Gordon Structure Plan should be incorporated into the Planning Scheme
- > Standardise development contributions
- > Irrigation District Areas
 - Water is sold
 - Infrastructure gone
- > Rural Conservation Zone – don't want change in Long Forest
- > Rural Living Zone – Moorabool is a rural living shire
 - This is what makes the Shire special
 - Why is minimum lot size 6ha

- > Rural Activity Zone – should be looked at more closely – potential to apply this zone within the planning scheme
- > FZ – has a one size fits all approach, no science behind it
 - Land that was left over from the rural zone, automatically transferred to Farming Zone.
 - Farming Zone doesn't mean that land can be viable farm land
 - Some of Farming Zone land is not good quality agricultural land. If it isn't viable farming land, then other land uses should be allowed
 - The productivity of farming land should be linked to the Council Plan
 - People should be able to live on the land that they are farming
 - Need to provide for intergenerational transfer and succession farming. Assist people to stay on the land rather than leave the land
- > Need rural land use review
- > Government is encouraging fast rail and more people to live regionally – need to provide for this.
- > Priority projects:
 - Planning for growth in townships such as Bungaree and Wallace e.g. sewerage and zoning
 - Planning scheme needs to provide direction on how to provide for the growth of these towns

APPENDIX 2 | CURRENT LOCAL PLANNING POLICY FRAMEWORK

| No. | Clause |
|--------------|---|
| 21.01 | Municipal Content |
| 21.01-1 | Municipal Profile |
| 21.01-2 | Key Issues |
| 21.01-3 | Vision and strategic framework |
| 21.02 | Natural Environment |
| 21.02-1 | Key Issues and Influences |
| 21.02-2 | Objective - Non Urban Landscapes |
| 21.02-3 | Objective - Water and Catchment Management |
| 21.02-4 | Objective - Biodiversity |
| 21.02-5 | Objective - Bushfire |
| 21.02-6 | Objective - Environmentally Sustainable Design |
| 21.02-7 | Implementation |
| 21.02-8 | Further Strategic Work |
| 21.02-9 | Other actions |
| 21.03 | Settlement and Housing |
| 21.03-1 | Key Issues and Influences |
| 21.03-2 | Objectives - Urban Growth Management |
| 21.03-3 | Objectives - Residential Development |
| 21.03-4 | Objective - Landscape and Neighbourhood Character |
| 21.03-5 | Objective - Small Town Development |
| 21.03-6 | Objective - Rural Lifestyle Opportunities |
| 21.03-7 | Implementation |
| 21.03-8 | Further Strategic Work |
| 21.03-9 | Other actions |
| 21.04 | Economic Development and Employment |
| 21.04-1 | Key Issues and Influences |
| 21.04-2 | Objective - Agriculture |
| 21.04-3 | Objective - Commerce |
| 21.04-4 | Objective - Industry |
| 21.04-5 | Objective - Local Employment |
| 21.04-6 | Implementation |
| 21.04-7 | Further Strategic Work |
| 21.05 | Development and Community Infrastructure |
| 21.05-1 | Key Issues and Influences |
| 21.05-2 | Objective - Open space and recreation |

| No. | Clause |
|--------------|---|
| 21.05-3 | Objective - Integrated Transport |
| 21.05-4 | Objective – Community facilities and Infrastructure |
| 21.05-5 | Implementation |
| 21.05-6 | Further Strategic Work |
| 21.05-7 | Other actions |
| 21.06 | Heritage |
| 21.06-1 | Key Issues and Influences |
| 21.06-2 | Objective - Enhance and Preserve Cultural Heritage |
| 21.06-3 | Implementation |
| 21.06-4 | Further Strategic Work |
| 21.06-5 | Other actions |
| 21.07 | Bacchus Marsh |
| 21.07-1 | Key Issues and Influences |
| 21.07-2 | Objective - Managing urban growth |
| 21.07-3 | Objective - Consolidating land uses within the inner areas of Bacchus Marsh |
| 21.07-4 | Objective - Rural living development |
| 21.07-5 | Objective - Cameron's Road Area limited rural living |
| 21.07-6 | Objective - Urban design |
| 21.07-7 | Implementation |
| 21.07-8 | Further Strategic Work |
| 21.08 | Ballan |
| 21.08-1 | Key Issues and Influences |
| 21.08-2 | Objective - Township growth |
| 21.08-3 | Objective - Housing |
| 21.08-4 | Implementation |
| 21.09 | Small Towns and Settlements |
| 21.09-1 | Small towns and Settlements |
| 21.09-2 | Gordon |
| 22 | Local Planning Policy |
| 22.01 | Dams |
| 22.02 | Special Water Supply Catchments |
| 22.03 | Houses and House Lot Excisions in Rural Areas |
| 22.04 | Animal Keeping |
| 22.05 | Presentation of Industrial Areas |
| 22.06 | Interim Telecommunication Conduit Policy |

APPENDIX 3 | CURRENT ZONES

| Zone | Schedule |
|--------------------------------------|--|
| 30 Zones | |
| 31 [No Content] | |
| 32 Residential Zones | |
| 32.03 Low Density Residential Zone | |
| Schedule to LDRZ | None specified |
| 32.04 Mixed Use Zone | |
| Schedule to MUZ | None specified |
| 32.05 Township Zone | |
| Schedule to TZ | None specified |
| 32.08 General Residential Zone | |
| Schedule 1 to GRZ | General Residential Areas |
| Schedule 2 to GRZ | Central Residential |
| Schedule 3 to GRZ | Inner Residential |
| 32.09 Neighbourhood Residential Zone | |
| Schedule 1 to NRZ | Landscape Residential 1 |
| 33 Industrial Zones | |
| 33.01 Industrial Zone 1 | |
| Schedule to IN1Z | None specified |
| 33.02 Industrial 2 Zone | |
| Schedule to IN2Z | None specified |
| 34 Commercial Zones | |
| 34.01 Commercial 1 Zone | |
| Schedule to C1Z | Max office and shop floorspaces specified |
| 35 Rural Zones | |
| 35.03 Rural Living Zones | |
| Schedule to RLZ | Min. subdivision + dwelling area specified |

| | | |
|-----------|---------------------------------------|---|
| 35.06 | Rural Conservation Zone | |
| | Schedule to RCZ | Conservation values and min. subdivision area specified |
| | Schedule 2 to RCZ | Conservation values and min. subdivision area specified |
| 35.07 | Farming Zone | |
| | Schedule to FZ | Min. subdivision, dwelling area and setbacks specified |
| 36 | Public Land Zones | |
| 36.01 | Public Use Zone | |
| | Schedule to PUZ | None specified |
| 36.02 | Public Park and Recreation Zone | |
| | Schedule to PPRZ | None specified |
| 36.03 | Public Conservation and Resource Zone | |
| | Schedule to PCRZ | None specified |
| 36.04 | Road Zone | |
| 37 | Special Purpose Zones | |
| 37.01 | Special Use Zone | |
| | Schedule 1 to SUZ | Coal Mining |
| | Schedule 2 to SUZ | Earth and Energy Resources Industry |
| | Schedule 3 to SUZ | Golf Courses |
| | Schedule 4 to SUZ | Bacchus Marsh Grammar School |
| | Schedule 5 to SUZ | Shaws Road, Ballan Tourism Precinct |
| 37.02 | Comprehensive Development Zone | |
| | Schedule 1 to CDZ | Sir Jack Brabham Park |

APPENDIX 4 | CURRENT OVERLAYS

| Overlay | Schedule |
|--|---|
| 40 Overlays | |
| 41 [No content] | |
| 42 Environmental and Landscape Overlays | |
| 42.01 Environmental Significance Overlay | |
| Schedule 1 to ESO | Proclaimed Water Catchment Areas |
| Schedule 2 to ESO | Waterway Protection |
| Schedule 3 to ESO | Long Forest and Werribee Gorge |
| Schedule 4 to ESO | Wetland Areas |
| Schedule 5 to ESO | Ballan Sewage Treatment Plant Buffer Area |
| Schedule 6 to ESO | Western Grassland Reserves |
| Schedule 7 to ESO | Grasslands within the Werribee Plains hinterland |
| Schedule 8 to ESO | River Red Gums in the Bacchus Marsh Valley |
| 42.02 Vegetation Protection Overlay | |
| Schedule 1 to VPO | Blackwood Township Environs |
| 42.03 Significant Landscape Overlay | |
| Schedule 1 to SLO | Scenic Hilltops and Ridge Line Areas |
| Schedule 2 to SLO | Gordon Town Centre, Township and Surrounds |
| 43 Heritage and Built Form Overlays | |
| 43.01 Heritage Overlay | |
| 43.02 Design and Development Overlay | |
| Schedule 1 to DDO | Bences Road Area |
| Schedule 2 to DDO | Visual Amenity and Building Design |
| Schedule 3 to DDO | National Route 8 (western Freeway/highway) Environs |
| Schedule 4 to DDO | Western Highway - Leigh Creek to Woodmans Hill |
| Schedule 5 to DDO | Gordon Town Centre, Township and Rural Surrounds |
| Schedule 6 to DDO | Residential Investigation Area A |
| Schedule 7 to DDO | Industrial Interface Area |
| Schedule 8 to DDO | Residential Investigation Area B |

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| | Schedule 9 to DDO | Residential Investigation Ara - Waddell Street to Werribee River |
| | Schedule 10 to DDO | Bacchus Marsh Hospital and Medical Services Precinct |
| | Schedule 11 to DDO | Main Street Precinct |
| | Schedule 12 to DDO | Residential Land between Waddell Street and Werribee River East of Grant Street |
| | Schedule 13 to DDO | Taverner Residential Development Area |
| | Schedule 14 to DDO | Camerons road area |
| | Schedule 15 to DDO | Bacchus Marsh Hospital Emergency Medical Services Helicopter Flight Path Protection (Inner Area) |
| | Schedule 16 to DDO | Bacchus Marsh Hospital Emergency Medical Services Helicopter Flight Path Protection (outer Area) |
| 43.04 | Development Plan Overlay | |
| | Schedule 1 to DPO | Moorabool Agribusiness Industrial Area |
| | Schedule 2 to DPO | Hopetoun Park Estate |
| | Schedule 3 to DPO | West Maddingley |
| | Schedule 4 to DPO | Taverner Residential Development Area |
| | Schedule 5 to DPO | Bacchus Marsh Activity Centre Link |
| | Schedule 6 to DPO | Underbank Farm |
| 44 | Land Management Overlays | |
| 44.06 | Bushfire Management Overlays | |
| | Schedule 1 to BMO | Camerons Road Area |
| 45 | Other Overlays | |
| 45.01 | Public Acquisition Overlay | |
| | Schedule 1 to PAO | Western Freeway Realignment |
| | Schedule 2 to PAO | Grant Street Widening |
| | Schedule 3 to PAO | Gisborne Road Realignment |
| | Schedule 4 to PAO | Goldfields Superpipe Project - header tank |
| | Schedule 5 to PAO | Western Grasslands Reserves |
| 45.02 | Airport Environs Overlay | |
| | Schedule 1 to AEO | Permit requirements for certain uses |
| 45.03 | Environmental Audit Overlay | |
| 45.04 | Road Closure Overlay | |
| 45.05 | Restructure Overlay | |

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| Schedule 1 to RO | Blakeville |
| Schedule 2 to RO | Old Wallace |
| Schedule 3 to RO | Elaine North |
| Schedule 4 to RO | Rowsley |

APPENDIX 5 | PLANNING POLICY FRAMEWORK STRUCTURE

| Settlement 11 | Environmental and Landscape Values 12 | Environmental Risks and Amenity 13 | Natural Resource Management 14 | Built Environment and Heritage 15 | Housing 16 | Economic Development 17 | Transport 18 | Infrastructure 19 |
|--|--|---|---|---|--|--|--|--|
| <p>11.01 Victoria</p> <p>11.01-1 Settlement</p> <p>11.02 Managing Growth</p> <p>11.02-1 Supply of Urban Land</p> <p>11.02-2 Structure Planning</p> <p>11.02-3 Sequencing of Development</p> <p>11.03 Planning for Places</p> <p>11.03-1 Activity Centres</p> <p>11.03-2 Growth Areas</p> <p>11.03-3 Peri-urban Areas</p> <p>11.03-4 Coastal Settlement</p> <p>11.03-5 Distinctive Areas and Landscapes</p> <p>11.03-6 Regional and Local Places</p> | <p>12.01 Biodiversity</p> <p>12.01-1 Protection of Biodiversity</p> <p>12.01-2 Native Vegetation Management</p> <p>12.02 Coastal Areas</p> <p>12.02-1 Protection of Coastal Areas</p> <p>12.02-2 Coastal Crown Land</p> <p>12.02-3 Bays</p> <p>12.03 Water Bodies and Wetlands</p> <p>12.03-1 River Corridors, Waterways, Lakes and Wetlands</p> <p>12.04 Alpine Areas</p> <p>12.04-1 Sustainable Development in Alpine Areas</p> <p>12.05 Significant Environments and Landscapes</p> <p>12.05-1 Environmentally Sensitive Areas</p> <p>12.05-2 Landscapes</p> | <p>13.01 Climate Change Impacts</p> <p>13.01-1 Natural Hazards and Climate Change</p> <p>13.01-2 Coastal Inundation and Erosion</p> <p>13.02 Bushfire</p> <p>13.02-1 Bushfire Planning</p> <p>13.03 Floodplains</p> <p>13.03-1 Floodplain Management</p> <p>13.04 Soil Degradation</p> <p>13.04-1 Contaminated and Potentially Contaminated Land</p> <p>13.04-2 Erosion and Landslip</p> <p>13.04-3 Salinity</p> <p>13.05 Noise</p> <p>13.05-1 Noise Abatement</p> <p>13.06 Air Quality</p> <p>13.06-1 Air Quality Management</p> <p>13.07 Amenity</p> <p>13.07-1 Land Use Compatibility</p> | <p>14.01 Agriculture</p> <p>14.01-1 Protection of Agricultural Land</p> <p>14.01-2 Sustainable Agricultural Land Use</p> <p>14.01-3 Forestry and Timber Production</p> <p>14.02 Water</p> <p>14.02-1 Catchment Planning and Management</p> <p>14.02-2 Water Quality</p> <p>14.02-3 Water Conservation</p> <p>14.03 Earth and Energy Resources</p> <p>14.03-1 Resource Exploration and Extraction</p> | <p>15.01 Built Environment</p> <p>15.01-1 Urban Design</p> <p>15.01-2 Building Design</p> <p>15.01-3 Subdivision Design</p> <p>15.01-4 Healthy Neighbourhoods</p> <p>15.01-5 Neighbourhood Character</p> <p>15.01-6 Design for Rural Areas</p> <p>15.02 Sustainable Development</p> <p>15.02-1 Energy and Resource Efficiency</p> <p>15.03 Heritage</p> <p>15.03-1 Heritage Conservation</p> <p>15.03-2 Aboriginal Cultural Heritage</p> | <p>16.01 Residential Development</p> <p>16.01-1 Integrated Housing</p> <p>16.01-2 Location of Residential Development</p> <p>16.01-3 Housing Diversity</p> <p>16.01-4 Housing Affordability</p> <p>16.01-5 Rural Residential Development</p> <p>16.01-6 Crisis Accommodation and Community Care Units</p> <p>16.01-7 Residential Aged Care Facilities</p> | <p>17.01 Employment</p> <p>17.01-1 Diversified Economy</p> <p>17.01-2 Innovation and Research</p> <p>17.02 Commercial</p> <p>17.02-1 Business</p> <p>17.02-2 Out-of-centre Development</p> <p>17.03 Industry</p> <p>17.03-1 Industrial Land Supply</p> <p>17.03-2 Industrial Development Siting</p> <p>17.03-3 State Significant Industrial Land</p> <p>17.04 Tourism</p> <p>17.04-1 Facilitating Tourism</p> <p>17.04-2 Coastal and Maritime Tourism and Recreation</p> | <p>18.01 Integrated Transport</p> <p>18.01-1 Land Use and Transport Planning</p> <p>18.01-2 Transport System</p> <p>18.02 Movement Networks</p> <p>18.02-1 Sustainable Personal Transport</p> <p>18.02-2 Public Transport</p> <p>18.02-3 Road System</p> <p>18.02-4 Car Parking</p> <p>18.03 Ports</p> <p>18.03-1 Planning for Ports</p> <p>18.03-2 Planning for Port Environs</p> <p>18.04 Airports</p> <p>18.04-1 Planning for Airports and Airfields</p> <p>18.05 Freight</p> <p>18.05-1 Freight Links</p> | <p>19.01 Energy</p> <p>19.01-1 Energy Supply</p> <p>19.01-2 Renewable Energy</p> <p>19.01-3 Pipeline Infrastructure</p> <p>19.02 Community Infrastructure</p> <p>19.02-1 Health Facilities</p> <p>19.02-2 Education Facilities</p> <p>19.02-3 Cultural Facilities</p> <p>19.02-4 Social and Cultural Infrastructure</p> <p>19.02-5 Emergency Services</p> <p>19.02-6 Open Space</p> <p>19.03 Development Infrastructure</p> <p>19.03-1 Development and Infrastructure Contribution Plans</p> <p>19.03-2 Infrastructure Design and Provision</p> <p>19.03-3 Water Supply, Sewage and Drainage</p> <p>19.03-4 Stormwater</p> <p>19.03-5 Telecommunications</p> <p>19.03-6 Waste and Resource Recovery</p> |

APPENDIX 6 | KNOWN ERRORS

The table below summarises known anomalies as advised by Council officers.

| Location in Planning Scheme | Page | Comments |
|-----------------------------|------|---|
| Clause 21.02-1 | 1 | In 'Biodiversity', first bullet point: add 'and' to read 'nationally important flora, fauna and habitat values.' |
| Clause 21.02-6 | 3 | Forth bullet point under 'Strategies', remove capitalisation from 'Ensure Best Practice Water Sensitive Urban Design...' |
| Clause 21.02-8 | 3 | Seventh bullet point replace 'WMO' with 'BMO'. |
| Clause 21.03-7 | 4 | Delete first bullet point: '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;' This has been undertaken. |
| Clause 21.03-8 | 6 | Third bullet point: spell out the abbreviations, replace 'ST&SS' with 'Small Towns and Settlement Strategy (2016).' |
| Clause 21.05-6 | 5 | Delete second bullet point at 'Further Strategic Work': 'Develop local policies to protect road infrastructure in rural areas and to manage land use and development in areas adjacent to and likely to be impacted by the Western Freeway.' DDO3 and DDO4 do this. |
| Clause 21.07-2 | 4 | Remove underlining from second last dot point. |
| Clause 21.09-1 | 2 | Third bullet point: replace 52.10 with 53.10. |
| Clause 21.09-2 | 3-4 | At first bullet point under 'Key Issues and Influences' delete: '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.' This is not key issue or influence. Correct typo at third bullet point under 'Infrastructure': pededstrian |

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| Clause 21.11 | 1 | Change Bacchus Marsh District Urban Growth Framework from '2017' to '2018'. |
| Clause 22.02 | 1 | Change 4x references 'Proclaimed Water Supply Catchments' to 'Declared Water Supply Catchments'. |
| Clause 22.04 | 1 | At 'Policy Basis' replace '(Noise Control Guidelines TG 302/29)' with '(Noise Control Guidelines 1253)' Under 'Policy' at 4 th bullet point replace 'EPA Guidelines (TG 302/29)' with 'Environmental Protection Authority (Noise Control Guidelines 1253)' |
| Clause 22.06 | 1 | Delete Clause 22.06, Clause 66.01-1 contains mandatory provisions which replaced the interim policy. |
| Schedule to 32.03 | 1 | Insert '1' after 'LRDZ' – should read 'LDRZ1' |
| Schedule to 34.01 | 1 | Second row first column: typo: Ramsey, correct to Ramsay Last row first column: typo: Clilfton, correct to Clifton Improve description of land in fourth and fifth lines. Is difficult to determine extent of land, and some lot numbers no longer exist. |
| Schedule 1 to the SUZ | 1 | Table of uses Section 1, under 'Condition" change May 1997 into May 2011. |
| Schedule 2 to the SUZ | 1-2 | Under 'Table of uses' Section 2, 'Industry' change 52.10 to 53.10 Under 'Table of uses' Section 2, 'Warehouse' change 52.10 to 53.10 |
| Schedule 3 to the SUZ | 1-3 | Table of uses Section 1, under 'Condition" change May 1997 into May 2011 Under 'Decision Guidelines', first bullet point: two correct typos 'properosed' and 'residnetial' |
| Schedule 4 to the SUZ | 1 | Table of uses Section 1, under 'Condition' change May 1997 into May 2011 |
| Schedule 1 to the CDZ | 1 | Table of uses Section 1, under 'Condition" change May 1997 into May 2011 |

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| Schedule 1 to the CDZ | 1-2 | Under 'Table of uses' Section 1, 'Apiculture' change 52.10 to 53.10 Under 'Table of uses' Section 2, 'Industry' change 52.10 to 53.10 |
| Schedule 1 to the ESO, 42.01 | 1 | Change 4x references to 'Proclaimed Water Catchment Areas' into 'Declared Water Supply Catchment Areas'. |
| Schedule 1 to the ESO, 42.01-3 | 2 | Delete last two bullet points. CHW has confirmed that this project is complete. Also need to remove other project references from POA Schedule, Map9PAO, and 52.17. |
| Schedule 1 to the ESO, 42.01-3 | 4 | Last paragraph delete reference to 'Interim' and add author and date. 'Interim Guideline for Planning Permit Applications in Open, Potable Water Supply Catchment Areas, DSE, 2012' |
| Schedule 8 to the ESO | 1 | Check if stats in last paragraph under 'Statement of environmental significance' are still correct. |
| Schedule 1 to the SLO, 42.03-1 | 1 | Under 'Statement of nature and key elements of landscape' Amend '...valued rural town ambience' to more accurately reflect Bacchus Marsh. |
| Schedule to the HO | 1-21 | Replace 'Outbuildings or fences which are not exempt under Clause 43.01-3' with 43.01-4 Errors in HO schedules, incorrect addresses, needs to be corrected with a separate Amendment |
| Schedule 1 to the DDO, 43.02-2 | 2 | In the last bullet point replace August 1996 with March 1999. |
| Schedule 3 to the DDO, 43.02-2 | 1 | Under 'Buildings and works' in the last bullet point replace August 1996 with March 1999. |
| Schedule 14 to the DDO, 43.02-2 | 1 | At the forth bullet under 'Buildings and works' replace Clause 52.47 with 53.02 |

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| Schedule 2 to the DPO, 43.04-2 | 2 | At second bullet point replace 'Department of Natural Resources and Environment' with the Department of Environment, Land, Water and Planning (DELWP). |
| Schedule 4 to the DPO, 43.04-4 | 5 | Under 'Decision Guidelines' replace 'Growing Moorabool, Economic Development Strategy, 2006' with 'Economic Development Strategy, 2015.' |
| Schedule 6 to the DPO, 43.04-4 | 4 | At the seventh bullet point replace 52.47 with 53.02 |
| Schedule 1 to the BMO, 44.06 | 1-3 | Under 'Application' replace 52.47 with 53.02. Under 'Substitute approved measures' correct all 52.47 references in first and third columns, as a result of VC148. Under 'Decision Guidelines' replace 52.47 with 53.02. |
| Schedule to Clause 45.01 | 1 | Remove PAO4 as CHW have confirmed that this project is complete. Also remove references from 52.17, ESO1 and PAO Maps. Check status of all VicRoads PAOs with VicRoads. |
| Schedule to 51.01 | 1 | Under 'Specific sites and exclusions' replace '...Schedules 14 and 15....' with 'Schedules 15 and 16'. |
| Schedule 52.17 | 1 | Replace map numbers 55 and 74 with 38 Super Goldfields Project. CHW have confirmed that his project is complete, and land acquired and owned by CHW. Can remove this reference along with PAO4, Map9PAO and ESO1 reference. |
| Schedule to 52.28-1 | 1 | At Table 1 replace 'The Complex' with 'The Village'. |
| Schedule to 66.04 | 1 | Replace 52.03 with 51.01 in the 8 th row Change Schedule 14 to Schedule 15 in the 9 th row, and change Schedule 15 to Schedule 16 in the 10 th row. |
| Schedule to 66.06 | 1 | Change 2x references to Lederderg State Park to 'Lerderderg' |

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| Planning Scheme Map 10 | 220 Bungaree Wallace Road, Bungaree is split TZ/FZ. 309 Bungaree Wallace Road, Bungaree is split TZ/FZ. |
| Planning Scheme Maps 34, 35, 36 and 37DDO | Mapping scheme Maps are labelled incorrectly on Planning Scheme Maps. Change DDO14 to DDO15 and DDO15 to DDO16. |
| Planning Scheme Map 35 | The land at 10 Bennett Street and 23 Young Street, Bacchus Marsh are both owned by Council, however both sites have split zoning. Land at 11 and 13 Lidgett St, Bacchus Marsh are residential properties. 13 Lidgett Street is zoned PPRZ, and 11 Lidgett Street is split GRZ2/PPRZ. |
| Planning Scheme Map 40ESO | ESO2 deviates from the creek in the vicinity of Attwoods Road, Yendon |

Item 6. Closed Session of the Meeting to the Public

Recommendation:

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

In accordance with section 77(2) of the Local Government Act 1989, I designate the following information as confidential information. I do so on the basis that the information relates to proposed developments; within the meaning of section 89(2) of the Local Government Act.
Derek Madden – Chief Executive Officer – 5 June 2019

Items 6.1 is a Confidential Item and therefore not included as part of this Agenda.