

SPECIAL MEETING OF COUNCIL

Notice is hereby given of a
Special Meeting of Council to be held in
Public Hall, 211 Main Street, Bacchus Marsh on
Wednesday 17 September 2014,
commencing at 5:00 p.m.

Members:

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

Officers:

Mr. Rob Croxford	Chief Executive Officer
Mr. Shane Marr	General Manager Corporate Services
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING

2. PRESENT

3. APOLOGIES

4. DISCLOSURE OF INTERESTS OR CONFLICTS OF INTEREST

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

Definitions of the class of the interest are:

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

Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

5. PRESENTATIONS/DEPUTATIONS

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

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

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

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

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

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

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

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

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

As listed.

6. BUSINESS

6.1 Amendment C62 – Underbank Rezoning Proposal Consideration of Panel Report / Adoption

Introduction

File No.: 13/06/62
Authors: Lisa Gervasoni and Andrew Goodsell
General Manager: Satwinder Sandhu

Background

An application by Taylors on behalf of Kataland Developers was submitted in 2011 to rezone the Underbank Stud Farm in Bacchus Marsh to enable a substantial residential precinct to be developed. Underbank Stud Farm is generally comprised of 174 Morton Road Pentland Hills and the southern corner of 5 Randwick Avenue, Bacchus Marsh. This parcel of land covers approximately 153 hectares of farming land.

The exhibited amendment proposed to rezone the land from the Farming Zone (FZ) to the General Residential Zone (GRZ), introduce a Development Plan Overlay and associated Schedule 6 (DPO6); and delete the Design and Development Overlay (DDO) Schedules 2 and 3 from the area affected by the amendment.

Council resolved on 13 July 2013 to seek authorisation from the Minister for Planning to prepare and exhibit planning scheme amendment C62. Authorisation was granted and the amendment was placed on public exhibition over a period of eight weeks between 28 November 2013 and 26 January 2014. Eighteen (18) submissions were received which were considered at a Special Meeting of Council on 11 March 2014. The Panel heard submissions to the amendment on 2 June and 4-6 June 2014 and have issued a report which was previously circulated to Councillors (14 August 2014). A link to the report is also found on the Department of Transport, Planning and Local Infrastructure Website via the Council's website.

The proposed amendment has been considered and supported with respect to conversion to residential use by two Panels; the Panel which heard submissions on Amendment C34 (MSS); and the Panel which heard submissions to the current amendment.

Rezoning of the site is envisaged in the Bacchus Marsh Framework Plan contained within the Municipal Strategic Statement. At a Policy level there is no substantive argument that the amendment proposed is inconsistent with local or State planning policy. It is also consistent with Plan Melbourne and the Central Highlands Regional Growth Plan which seeks to grow Bacchus Marsh as a regional centre.

The purpose of this report is to consider the Panel report and to determine whether to accept the Panel recommended changes to the amendment as per S27(1) of the Planning and Environment Act 1987 (P & E Act 1987), or abandon the amendment as per S28 of the P & E Act 1987. In addition, the report addresses issues raised during the life of the amendment.

It is recommended that Council accept the changes set in the Panel report with some modifications set out below.

- *Issues of Density Control/Landscape Character*

There has been issues raised consistently in the community regarding lot density with new residential development. This applies not only to Underbank but elsewhere in Bacchus Marsh and is part of a broader discussion about the rate of change and how Bacchus Marsh is evolving.

Leaving aside the question of how Bacchus Marsh should grow and its future function (already addressed in Plan Melbourne and the Planning Scheme which identifies this land for housing), it needs to be understood that Council operates under a legislative framework giving considerable weight to State Planning Policies (the State Planning Policy Framework). The State Planning Policy Framework encourages a density of 15 dwellings per hectare upon residential land. This will substantially require a number of lots of less than 500 m² in area.

Given the topography of the Underbank site a Development Plan Overlay Schedule was prepared to ensure that lot sizes reflect the constraints of the site with larger lots on steeper ground and more conventional sized lots upon the flatter ground nearest planned services.

Upon the residentially zoned land within Moorabool there are only two areas that have utilised a Development Plan Overlay to guide the form of the development . Hopetoun Park and West Maddingley. Hopetoun Park has a minimum lot size requirement for low density development and West Maddingley has no reference to preferred density or lot size.

While the West Maddingley Development Plan Overlay Schedule was used as the basis for the Underbank Development Plan this schedule addresses many additional issues including density of development.

On the basis that approximately 55.5% of the gross land area (including encumbered land) at Underbank is above the 125m contour (minimum 700m² lot size, except where the land has a gradient less than 1:10) and 45.5% below the 125m contour (minimum 400m² lot size, with the exception of land near a neighbourhood activity/community infrastructure centre). Larger lots are also to be provided on the flatter land and lot widths are to be designed to accommodate landscaping in front setbacks and avoid excessive areas of paving.

The streets are to have a range of cross sections which incorporate existing vegetation and create distinct naturalised open space to provide a visual context and character.

Generally, if the subdivision is well designed (purpose of a development plan overlay) then traditional development can occur in accordance with Rescode without undue impact.

Lot dimensions or design criteria to address achievement a required landscape character are better dealt with by a Design and Development Overlay. This tool would then trigger planning permits for single dwellings and should be applied when there is a design issue to be addressed. Council could consider this issue at a future date.



Area above and below 125m contour.

The Panel recommended change to remove an overall density across the Underbank site is supported. Equally however, the proposed modifications of the amendment now specify a typical lot size above and below the 125m contour consistent with the outcomes being sought.

For further details on proposed controls refer to Attachment 4 page 3 which details the key principles and outcomes to be achieved concerning density and landscape character.

- *Traffic Network*

Consideration of the transport network requirements is a significant component of a projected population of 30,000 people in the Darley . Bacchus Marsh . Maddingley conurbation as projected by the Central Highlands Regional Growth Plan. This includes full development at West Maddingley, Underbank, other zoned and undeveloped land and urban infill development.

Local traffic impacts associated with the rezoning of the Underbank site was one of the main concerns within the community noted during the Panel hearings. The issues to distinguish between in this case are the capacity and performance of local streets and intersections near Underbank, versus the impacts of the development on the town's overall road network.

A key outcome required to cater for the traffic movements in Bacchus Marsh is the construction of Halletts Way. The upgrade of other local streets is important but less fundamental to the overall network performance of Bacchus Marsh.

Significantly, unlike the majority of residential development that has occurred in Bacchus Marsh, the West Maddingley and Underbank (if rezoned) areas include development contributions which will assist with funding of road capacity improvements outside these development areas, including completing the extension of Halletts Way south of Main Street. Until this link is provided, the main access for the development will be through the existing Underbank Estate. Improvement works in this local network are proposed to be provided as part of the development.

The proposed amendments to the Development Plan Overlay Schedule requires the assessment of the number of lots that can be approved prior to the completion of Halletts Way. This ensures that consideration of the timing of Halletts Way construction is taken into account and a threshold set for the overall development. Based on existing traffic movements, congestion in the Grant Street/Gisborne Road corridor and the escalation of traffic volumes expected in future years, it is considered that the required threshold should be around 300 new lots.

The following wording reflects the recommendations of the Panel in relation to this matter:

Prior to any development of the site and approval of the Development Plan a Traffic Impact Assessment must be submitted to the satisfaction of the Responsible Authority, VicRoads and Public Transport Victoria. The Traffic Impact Assessment must include:

- *The level of development that can occur prior to road network upgrades. At a minimum this should:*
 - *Review internal and external traffic and movement network impacts and identify costs for Developer Contributions where the impact is outside the developable area;*
 - *Determine the number of lots which can be approved prior to the completion of the Halletts Way extension; and*
 - *Determine the number of lots which can be approved prior to the completion of the Halletts Way on ramps.*

- *Court Bowls and Frontage Widths*

Courts/cul-de-sacs in new subdivisions in Bacchus Marsh tend to have blocks with narrow frontages and limited space for on street parking. Under ~~ResCode~~ subdivision provisions cul-de-sacs should be avoided.

To respond with respect to Underbank, it is proposed to maintain a minimum 16m lot frontage on lots within a cul-de-sac. This will have a direct effect of discouraging cul-de-sacs as the number of lots achievable would be limited relative to road length.

The distance between crossovers for each lot determines if on street parking is affected, otherwise there is little evidence that frontage widths have any bearing on parking arrangements on through roads. It is also dictated by road pavement widths. Appropriate checks and balances are provided in the DPO Schedule to ~~facilitate lot width and configurations that are designed to accommodate landscaping in front setbacks and avoid excessive areas of paving. Battleaxe style lots should be avoided.~~ The minimum with could be appended so as to read ~~%Battleaxe style lots should be avoided and if created should be a minimum lot frontage to the street of 16m.~~ The Panel did not support specifying a minimum lot frontage width in the Underbank development via the Development Plan Overlay Schedule. There is not considered sufficient evidence to support a case for wholesale application of frontage width standards which depart from the Panel's conclusions.

If ongoing concerns relate to neighbourhood character and building boundary to boundary (and not parking) there are more appropriate mechanisms for achieving this . such as design and development overlays and clear principles within the DPO. Both are realistic options to consider but their implementation would require a further planning scheme amendment.

- *Staging/Timing of Development*

There is a perception that the rezoning of land at Underbank will result in significant shorter term traffic congestion and a demand on services. This in turn has led to a criticism as to detailed management of parking, traffic management, open space maintenance, and neighbourhood character.

The process of developing land from rezoning through to subdivision approval takes several steps. The rezoning stage is only the earliest stage in the development processes and the key consideration is whether the land is suited for the proposed use.

Background studies examine the physical nature of the site, as well as the impact of development on the wider area have been undertaken to support this consideration.

In this instance, the next stage would be the approval of a development plan. This is a detailed document which responds to the Development Plan Overlay Schedule.

The development plan includes more detailed site analysis and creates the master plan to guide the staged development of the site. This stage is likely to take 6 months to a year to prepare the background work, develop the plan and achieve approvals.

Once a development plan is approved, a planning permit for subdivision can be sought. This application must be generally in accordance with the development plan. The Planning Permit stage is the opportunity for Council and utility bodies to give consent to the subdivision layout and to specify any refinements or services to be provided during the subdivision phase. This stage is likely to take 6 months to a year to prepare the background work, develop the plan and achieve approvals.

Once a planning permit for subdivision is approved subdivision plans (by stages) are prepared for certification. The certification process addresses the utility and other authority conditions. A plan of subdivision must be certified and engineering plans approved, before physical works can commence on the site. Following certification the developer needs to undertake all the civil works required to create the lots, including the provision of infrastructure servicing those lots. Once the works have been undertaken to the satisfaction of all authorities, a statement of compliance can be issued by Council.

Once a statement of compliance is received the developer can apply to the Titles Office to issue titles for lots in the relevant stage of the subdivision. Once a title is issued land sales / transfers can commence.

Council can have direct input on staging of subdivision to match delivery of on-ground housing and other uses with the endorsement of the development plan and payment of developer contributions for needed infrastructure.

Even assuming the rezoning succeeds, with a relatively rapid transition into the development phase, by the time all relevant steps are completed it could take 3-5 years from now (2017-2019), or even longer, for 100 lots to be delivered on the ground.

Balanced against this, Council will be able to collect ongoing developer contributions towards service delivery, at the completion of each stage of the subdivision. This is a superior outcome to Stonehill where contributions are payable at a threshold of 800 lots and sets Underbank apart from every other subdivision in Bacchus Marsh where no contributions were collected.

It should be noted that parts of Underbank to the north are already zoned for residential use. This land can be developed and facilitate residential use without the significant contributions that will be delivered to Council from developing the site in a more comprehensive manner.

- *Landscape Amenity*

The ridgelines of the site are quite prominent. The existing DPO Schedule includes a requirement that *~~Built form on hilltops and ridgelines is minimised in order to preserve high quality landscapes.~~* The Development Plan Overlay Schedule ensures that road network and lot layout allows for building envelopes below the ridgeline but this could be reinforced by reading *~~Built form on hilltops and ridgelines is minimised in order to preserve high quality landscapes with building envelopes to be provided for on the lower parts of each block.~~*

The density controls as proposed, adequately address these issues, especially when read in conjunction with the proposed DPO provisions.

- *Water Use*

Concerns have been expressed regarding ongoing costs related to purchasing water for reserve maintenance and management. The exhibited Development Plan Overlay Schedule envisages the preparation of a water-Sensitive Drainage Master Plan, which includes consideration of storm water re-use.

In relation to the property's irrigation water licence, the current water right for the subject site has been sold, the implication being that the subject site no longer has a water entitlement and that water entitlement can be provided to other highly productive agricultural land in the Bacchus Marsh Irrigation District.

No further analysis is required of water arrangements for the site and the issue did not generate any discussion or debate in the Panel hearing.

Proposal

The Exhibited Amendment

Amendment C62, as exhibited, proposed to rezone the site to General Residential Zone (GRZ) to enable the development of the land for residential purposes; to insert a new Schedule to the Development Plan Overlay (DPO) at Clause 43.04 to allow for a master planned development, delete Design and Development Overlay (DDO) Schedules 2 and 3 from the subject land as they generally apply to non-urban land.

The exhibited rezoning of the land to GRZ will allow for residential development in accordance with the purpose of the Zone, specifically providing residential development at a range of densities with a variety of dwellings and, in appropriate locations, allowing for recreational, community and other limited non-residential uses to serve local community needs.

The rezoning is proposed to be supported by a site specific Schedule to the Development Plan Overlay to provide the necessary guidance to ensure the coordinated and considered planning and development of the land.

The use of the Development Plan Overlay allows Council to have greater control over the specific planning outcomes for the site and ensure increasingly levels of detail are provided (above those required to support rezoning) to guide subdivision applications to achieve a master planned development outcome.

The exhibited Schedule to the Development Plan Overlay requires that the Development Plan be generally in accordance with the Concept Development Plan that was submitted with the amendment request. In addition, the Development Plan must provide details on how the following elements will be addressed:

- Development staging;
- Infrastructure and servicing, including stormwater management;
- Neighbourhood design;
- Neighbourhood and density objectives;
- Community facilities and services;
- Open space, escarpment and landscaping
- Traffic and movement networks; and
- Environmental Considerations.+

The amendment proposes to remove DDO2 and DDO3 from the subject site as it will be superseded by the suite of controls within the amendment.

DDO3 relates to the management of noise effects from the Western Freeway, which will continue in the way that has been required for the existing residential zoned land. Either buffers or noise attenuation methods will be required in immediate proximity to the freeway reserve.

One of the methods to achieve development contributions is via a voluntary agreement registered on title under Section 173 of the Planning and Environment Act. To ensure that, if the land is rezoned, the appropriate contribution is made, a Section 173 Agreement has been entered into with the applicant to ensure development contributions resulting from the development are spent on community infrastructure, community facilities, road upgrades and other necessary works to ensure the development addresses the needs of the community. If the Section 173 Agreement was negotiated as part of any future Development Plan it would be contestable at VCAT. Scope exists to clarify aspects of this further with respect to on-ground works and triggers for completion of Halletts Way. Alternatively a new S173 Agreement can be prepared.

Development at Underbank is envisaged in the Bacchus Marsh Framework Plan. The S173 agreement funds a number of major infrastructure projects to the value of \$13 million. This will assist Council in ensuring that the creation of these new communities provides a legacy benefit to the whole Bacchus Marsh community. The projects to be funded in full or part via the development contributions collected during the life of the development include:

- Contribution to Halletts Way extension
- Bacchus Marsh Rd / Halletts Way roundabout upgrades
- Grant St / Main St / Gisborne Rd intersection upgrades
- Werribee Vale Rd upgrades and shared path
- Bacchus Marsh Rd / Underbank Blvd intersection upgrades
- Ascot Ave / Rosehill St upgrades and pedestrian link
- Construction of a new integrated recreation and community facility, including football / cricket oval, tennis courts, netball courts, multi-purpose pavilion and community meeting space
- Regional open space upgrades (1% of open space requirement in lieu)
- Integrated path and passive open space network
- Family & Children Services facility upgrades

Planning Scheme Amendment Steps and legislative context

A planning scheme amendment is the formal process under which subordinate legislation (the Moorabool Planning Scheme) is changed. The process to alter a planning scheme is outlined within the *Planning and Environment Act 1987* (the Act), and has 7 major steps with the Minister for Planning being the final decision maker¹. The Amendment is currently at Step 6 of the process . consideration of adoption by Council.

- Step 1: Requesting an amendment
- Step 2: Authorisation
- Step 3: Preparation
- Step 4: Exhibition
- Step 5: Submissions, panels & advisory committees
- Step 6: Adoption by Council
- Step 7: Approval by the Minister for Planning

When considering a planning scheme amendment, Council is acting as a ~~planning authority~~. Section 12 of the Act outlines the duties and powers of a planning authority, which is included in Attachment 1 to this report.

In accordance with Section 27 (1) of the Act the ~~planning authority must consider the panel's report before deciding whether or not to adopt the amendment.~~

Section 29(1) of the Act outlines that ~~the planning authority may adopt the amendment or that part with or without changes~~.

Section 31 (1) of the Act requires that ~~"A planning authority other than the Minister must submit an adopted amendment to the Minister together with the prescribed information."~~

Consideration of the Panel Report

The Planning Authority must consider the recommendations of the Panel in making its decision in regard to an amendment. If the Planning Authority does not accept the recommendations of the Panel it should outline its reasons for dissent for consideration by the Minister.

What did the Panel Recommend?

For the reasons outlined in this report, the Panel recommends that Moorabool Planning Scheme Bacchus Marsh Urban Rezoning be adopted subject to the following recommendations:

¹ Section 38 of the act requires approved amendment must lay on the floor of Parliament for 10 sitting days during which time it may be revoked by Parliament.

1. *Council should undertake a review of sight distance constraints at the Rosehill Drive/Ascot Avenue intersection and if necessary commission a Road Safety Audit at the intersection.*
2. *A further Traffic Impact Assessment be undertaken to incorporate the abovementioned findings and determine the most appropriate Rosehill Drive/Ascot Avenue intersection configuration. The revised Traffic Impact Assessment should also include a recommendation regarding the number of lots that can be approved without the Halletts Way connection.*
3. *Construction works on Meikle Street as proposed in the Section 173 Agreement should be deleted.*
4. *DDO3 should not be deleted from the planning scheme maps. As part of a separate process Council in consultation with VicRoads should review the DDO3 provisions as set out in Section 8.3 of this report and where DDO3 should be applied.*
5. *DPO6 should be amended as set out in Appendix B to this Panel Report. (Attachment 2 to the Business Paper)*

Zoning

Following advice from DTPLI Council exhibited the amendment with the General Residential Zone. Council submitted to the Panel that the site should be Neighbourhood Residential 4 as was proposed to be applied to West Maddingley as Part of Draft Amendment C72.

While Council is yet to receive the Advisory Committee Report on Draft Amendment C72, at the Advisory Committee hearing, the Committee members indicated that the Neighbourhood Residential Zone was unlikely to be applied to greenfield sites.

Although not specifically discussed in the ~~the~~ recommendations+as no change from the exhibited control was proposed, the Panel report discussed this issue and stated ~~the~~ *the Panel considers that the General Residential Zone to be the most appropriate zone where a moderate level of growth and diversity is envisaged. The Schedule to the zone should specify no variations to any of the zone or ResCode provisions.*+

It is the officers recommendation that the General Residential Zone is the appropriate zone for the site.

Recommendation 1

Council should undertake a review of sight distance constraints at the Rosehill Drive/Ascot Avenue intersection and if necessary commission a Road Safety Audit at the intersection.

The proponent's traffic engineering consultant has provided a sight distance assessment of the intersection and officers are satisfied with the recommendation that a road safety audit is not required.

It is noted that minor intersection improvements in the form of a splitter island and line marking are proposed prior to the occupancy of 100 lots.

Therefore, sight distance constraints and intersection improvements at Rosehill Drive / Ascot Avenue intersection will be addressed via an appropriate planning permit condition.

The planning scheme amendment documents being presented for adoption have been amended to give effect to this recommendation.

Recommendation	How the Amendment Documentation has been Amended
<p><i>1 Council should undertake a review of sight distance constraints at the Rosehill Drive/Ascot Avenue intersection and if necessary commission a Road Safety Audit at the intersection.</i></p>	<p>Sight distance constraints at Rosehill Drive / Ascot Avenue have been assessed. A Road Safety Audit is not required. To ensure that this site is addressed the DPO schedule has been amended as follows:</p> <ul style="list-style-type: none"> • Under the heading Site Analysis in Clause 4 Requirements for the Development Plan include a new dot point to review sight distance constraints at the Rosehill Drive / Ascot Drive intersection and, if justified by the results, a Road Safety Audit of the intersection • Under the heading Traffic and Movement Network in Clause 4 Requirements for the Development Plan include a new dot point to respond to the site analysis work undertaken for the Rosehill Drive / Ascot Drive intersection and identify: <ul style="list-style-type: none"> a) The most appropriate intersection configuration; b) The number of lots that can be approved prior to the construction of the Halletts Way connection.+

Recommendation 2

A further Traffic Impact Assessment be undertaken to incorporate the abovementioned findings and determine the most appropriate Rosehill Drive/Ascot Avenue intersection configuration. The revised Traffic Impact Assessment should also include a recommendation regarding the number of lots that can be approved without the Halletts Way connection.

The proponent's traffic engineering consultant provided a recommendation on the number of lots that can be approved without the Halletts Way connection being completed.

The calculated trigger was set at 800 lots following a review of existing traffic volumes, traffic generation per lot, traffic distribution, intersection capacity analysis and the environmental capacity of Ascot Avenue. This finding is based primarily on the capacity of the Bacchus Marsh Road/Ascot Avenue but not the broader road network.

Officers are of the opinion a lot trigger of 300 would be more appropriate given the limited capacity of the existing road network, in particular Grant Street and Gisborne Road.

However, in the event the Halletts Way extension south of Main Street is constructed, there could be an opportunity to increase the lot trigger, given the improved north-south traffic distribution facilitated by Halletts Way that will most likely free up capacity on Grant Street and Gisborne Road.

To ensure that this is reviewed at the time of preparing the development plan (and therefore a higher level understanding of the nature of the development) it is recommended that the Development Plan Schedule be amended to ensure that a revised Traffic Impact Assessment to the satisfaction of Council be prepared.

It is recommended the proponent undertake additional traffic modelling of the broader road network, specifically Grant Street and Gisborne Road, to prove that the proposed 300 lot trigger be lifted or amended.

The planning scheme amendment documents being presented for adoption have been amended to give effect to this recommendation.

Recommendation	How the Amendment Documentation has been Amended
<p><i>2. A further Traffic Impact Assessment be undertaken to incorporate the abovementioned findings and determine the most appropriate Rosehill Drive/Ascot Avenue intersection configuration. The revised Traffic Impact Assessment should also include a recommendation regarding the number of lots that can be approved without the Halletts Way connection.</i></p>	<p>To ensure that this is included as a holistic assessment of the proposed form of development, the Development Plan Overlay Schedule has been amended to include consideration of the number of lots that can be approved prior to the construction of the Halletts Way connection.+</p>

Recommendation 3

Construction works on Meikle Road as proposed in the Section 173 Agreement should be deleted.

It is officers recommendation that the Meikle Street contribution with the Section 173 Agreement be reallocated to improvement works on Labilliere Street and Franklin Streets, Maddingley.

Recommendation	How the Amendment Documentation has been Amended
3 Construction works on Meikle Road as proposed in the Section 173 Agreement should be deleted.	<p>The Section 173 Agreement has been executed. Consideration should be given during the preparation of the DPO to the appropriate external road network that will require upgrades to better deal with increased traffic. The current Meikle Street contribution documented within the Section 173 agreement be reallocated to improvement works on Labilliere Street and Franklin Streets. The Guidelines on development contribution envisage substitution of projects with the agreement of parties.</p>

Recommendation 4

DDO3 should not be deleted from the planning scheme maps. As part of a separate process Council in consultation with VicRoads should review the DDO3 provisions as set out in Section 8.3 of this report and where DDO3 should be applied.

The DDO3 currently does not apply to any other land zoned for residential purposes within Bacchus Marsh. Noise attenuation along the freeway corridor has been included within Development Plan Overlay. The Panel has recommended that the DDO3 be maintained and refined as part of a future amendment and that the noise attenuation measures be removed from the Development Plan Overlay.

Council officers have concerns that rather than dealing with noise issues at the development plan stage the maintenance of the status quo will require each owner in the DDO3 area to address this control at the time of construction of their dwelling, which will require the issue of a planning permit for each dwelling. This provision will have a resource implication as it is likely to trigger a number of planning permit applications.

However, the officers recommendation is to accept the Panel's recommendation to retain the DDO3.

As this is a standard control applied in many municipalities, VicRoads should be the planning authority for any future revision of the control, subject to notice being provided to affected landholders and Council.

The planning scheme amendment documents being presented for adoption have been amended to give effect to this recommendation.

Recommendation	How the Amendment Documentation has been Amended
<p><i>4 DDO3 should not be deleted from the planning scheme maps. As part of a separate process Council in consultation with VicRoads should review the DDO3 provisions as set out in Section 8.3 of this report and where DDO3 should be applied.</i></p>	<p>DDO3 will no longer be deleted from the amendment. It is noted that this control does not apply to any other land zoned for residential purposes. Any further review (and amendment) will need to be sponsored by VicRoads. This requires the maps to delete this Overlay from the land to be removed from the amendment and subsequent changes to be made to the instruction sheet and explanatory report.</p>

Recommendation 5

DPO6 should be amended as set out in Appendix B to this Panel Report.

General typographical corrections have not been included within the body of this report. Each substantive change has been included as outlined by the Panel with the officers recommendation following.

Clause 2.

Requirement before a permit is granted
<p>The responsible authority may grant a permit for subdivision <u>for a public purpose or buildings and works or a fence before approval of a development plan provided that the responsible authority is satisfied that the subdivision, use or development is generally consistent with the Underbank Farm Concept Plan.</u></p> <ul style="list-style-type: none"> • subdivision of an existing building; extension to an existing dwelling; construction of rural outbuildings where the subdivision, use or development will not prejudice the future development of the area as intended by the Underbank Farm Concept Plan and this schedule. • is generally consistent with the Underbank Farm Concept Plan • will not conflict with infrastructure or development sequencing or associated development contributions. In particular, the development of the Hallet's Way extension when existing road network has reached capacity as indicated in the approved Integrated Transport Plan for the development.

This section of the Development Plan Overlay Schedule outlines works that can be approved within the provision of a single development plan for the whole site.

The officers recommendation is to accept the Panel's recommendation and the planning scheme amendment documents being presented for adoption have been amended to give effect to this wording change.

Site Analysis -Waterway assessment

- A Drainage and Stormwater Management Strategy for the land to the satisfaction of Melbourne Water that shows:
 - The catchment area, drainage outfall locations, new drainage works, existing drainage infrastructure and details of flow levels and flood levels for the 100-year ARI storm event as a result of development,
 - How the subdivision of the land will cater for flooding and waterway enhancement works, including setbacks from waterways, and
 - How it is intended to deal with the existing waterways, flood levels and flows that run through the land.

This section of the Development Plan Overlay Schedule covers work required to provide a detailed knowledge of the site as the basis of the development plan. This change reflects the submission made by Melbourne Water.

The officers recommendation is to accept the Panel's recommendation and the planning scheme amendment documents being presented for adoption have been amended to give effect to this wording change.

Design response . Neighbourhood and Density Objectives . garages

- ~~Envisages development where garages are recessed and not the visually dominant element of the streetscape.~~

The Panel recommended the removal of this objective from the Development Plan Overlay Schedule as it is not readily achievable within a development plan.

The officers recommendation is to accept the Panel's recommendation and the planning scheme amendment documents being presented for adoption have been amended to give effect to this wording change.

Design response . Neighbourhood and Density Objectives . response to locational issues

To ensure development, where appropriate, responds to locational issues, including:

- Provide an appropriate housing and fencing interface to adjoining rural lands, and vehicle and pedestrian connections to adjoining residential land;
- Design principles for interface areas that encourage active frontages along higher order roads ~~and facing on developable land indicated on the Underbank Farm Concept Plan at subsection 5 to this schedule;~~
- Adequate setbacks, ~~including access place roads,~~ from the escarpment must be provided to prevent visual intrusion and landslip hazard;
- Street layout is to ensure passive surveillance of the escarpment and gullies. Where an access way cannot form the boundary to a lineal reserve lots should be located to provide passive surveillance of the space and to allow access by management and emergency service vehicles
- Lots designed with an appropriate interface either side of waterways. Waterway corridors should typically be defined with a continuous edge formed by a public road or open space area

- Development including setbacks from waterways are in accordance ~~to~~ with Melbourne Water's Waterway Corridor Guidelines for Greenfield Development.
- Built form on hilltops and ridgelines is minimised in order to preserve high quality landscapes.
- Identification of how development and development density on land between 15 – 25 degree slope will be undertaken to minimise potential for mass wasting.
- Demonstration as to how the development plan responds to [Clause 52.47 Bushfire Protection : Planning Requirements](#).
- Noise attenuation, particularly within 50 metres of the Western Highway property boundary.
- No new allotment is to be created such that there is insufficient space below the 63 db(A) or greater at 1 metre from the most exposed façade of any residential dwelling.

These changes are generally supported by the Officers, with the exception of the deletion of ~~%including access place roads+~~. The purpose of this element was to ensure that there were not back fences to the escarpment but a roadway that would provide a buffer to the escarpment in case of any future mass wasting and allow access for maintenance of the area.

The planning scheme amendment documents being presented for adoption have been amended to give effect to this wording change however additional clarification in dot point 3 to read ~~%adequate setbacks from the escarpment must be provided to prevent visual intrusion and landslip hazard and to provide access to both dwellings facing the escarpment and management vehicles.+~~

Traffic and Movement networks

Traffic and Movement Networks

Prior to any development of the site and approval of the Development Plan ~~an Integrated Transport plan~~ Traffic Impact Assessment must be submitted to the ~~Satisfactory~~ satisfaction of the Responsible Authority, VicRoads and Public Transport Victoria. The Traffic Impact Assessment ~~Integrated Transport plan~~ must include:

- ~~A Traffic Impact Assessment, which determines~~ The level of development that can occur prior to road network upgrades. At a minimum this should:
 - review internal and external traffic and movement network impacts and ~~identify~~ identifies costs for Developer Contributions where the impact is outside the developable area; ~~and~~
 - determine the number of lots which can be approved prior to the completion of Halletts Way extension; and
 - determine the number of lots which can be approved prior to the completion of Halletts Way on ramps.
- ~~Traffic and movement networks between the proposed residential areas and the Bacchus Marsh Activity Centre to facilitate both public and private transport and active transport.~~
- The future road network and traffic management works showing an internal road network.

- A transportation network that provides a high level of access within the development for all vehicular and non-vehicular traffic, responds to the topography of the land and provides opportunities for public transport. The information provided is to include:-
 - ~~Road hierarchy displaying trunk collector, collector and local access roads;~~
 - A road hierarchy plan displaying trunk collector, collector and local access roads referencing the cross-sectional dimensions between property lines of all roads, clearly displaying parking, traffic and bicycle lanes/paths, central medians, kerb and channel, footpaths, nature strips and services reflecting the requirements and specifications of the Infrastructure Design Manual – Moorabool Shire Council (IDM); Verge widths shall be a minimum of 4.5 metres, unless stated as higher in the IDM. The corresponding minimum road reserve wide width for Access Place is 16.0 metres, Access Street is 18 metres and Residential Court Bowl is 30 metres. All other Minimum Reserve Widths are as per the IDM.
 - A road-traffic-safety plan that assigns a traffic volume range to each road and identifies measures to ensure roads do not exceed the traffic volume range commensurate with their position in the road hierarchy, ~~intersection~~ treatments and traffic management controls (e.g. roundabouts) for the internal road network and identifies appropriate landscaping and entry/exit points that ensure maximum casual surveillance and public safety.
 - Potential bus routes connecting to the existing public transport network and potential location of bus stopping areas (in collaboration with Public Transport Victoria);
 - An integrated and connective system of bicycle and pedestrian paths incorporated into the road and public open space system. Paths proposed along waterway corridors must meet Melbourne Water's *Shared Pathway's Guidelines*;
 - Roads parallel to and adjoining the boundary of the public open space being provided along open space / escarpment areas;
 - A road layout that maximises solar efficiency to most lots,
 - Type of street light pole and luminaire (Powercor approved) ;
 - Details of any proposed new bridge crossing locations. The design and location of any new crossing must be approved by Melbourne Water and must be designed in accordance with Melbourne Water's Constructed Waterway Crossing Guidelines.
 - determine the number of lots which can be approved prior to the completion of Halletts Way on ramps.
 - ~~Traffic and movement networks between the proposed residential areas and the Bacchus Marsh Activity Centre to facilitate both public and private transport and active transport.~~
 - The future road network and traffic management works showing an internal road network.
 - A transportation network that provides a high level of access within the development for all vehicular and non-vehicular traffic, responds to the topography of the land and provides opportunities for public transport. The information provided is to include:-
 - ~~Road hierarchy displaying trunk collector, collector and local access roads;~~
 - A road hierarchy plan displaying trunk collector, collector and local access roads referencing the cross-sectional dimensions between property lines of all roads, clearly displaying parking, traffic and bicycle lanes/paths, central medians, kerb and channel, footpaths, nature strips and services reflecting the requirements and specifications of the Infrastructure Design Manual – Moorabool Shire Council (IDM); Verge widths shall be a minimum of 4.5 metres, unless stated as higher in the IDM. The corresponding minimum road reserve wide width for Access Place is 16.0 metres, Access Street is 18 metres and Residential Court Bowl is 30 metres. All other Minimum Reserve Widths are as per the IDM.

- A ~~road-traffic-safety~~ plan that assigns a traffic volume range to each road and identifies measures to ensure roads do not exceed the traffic volume range commensurate with their position in the road hierarchy ~~intersection~~ treatments and traffic management controls (e.g. roundabouts) for the internal road network and identifies appropriate landscaping and entry/exit points that ensure maximum casual surveillance and public safety.
- Potential bus routes connecting to the existing public transport network and potential location of bus stopping areas (in collaboration with Public Transport Victoria);
- An integrated and connective system of bicycle and pedestrian paths incorporated into the road and public open space system. Paths proposed along waterway corridors must meet Melbourne Water's *Shared Pathway's Guidelines*;
- Roads parallel to and adjoining the boundary of the public open space being provided along open space / escarpment areas;
- A road layout that maximises solar efficiency to most lots,
- Type of street light pole and luminaire (Powercor approved) ;
- Details of any proposed new bridge crossing locations. The design and location of any new crossing must be approved by Melbourne Water and must be designed in accordance with Melbourne Water's Constructed Waterway Crossing Guidelines.

These changes reflect submissions made to the Panel and do not have a major impact on the intent of the provision.

The officers recommendation is to accept the Panel's recommendation and the planning scheme amendment documents being presented for adoption have been amended to give effect to this wording change.

Variances between Exhibited DPO and DPO recommended by Panel

During the Hearing, the Panel held a workshop to consider the content of the DPO Schedule and stated that it would be using the version of the DPO schedule which was presented to Special Meeting of Council on 11 March 2014. The Panel decided to use this version of the Schedule as it included proposed changes to resolve submissions, including those requested by Agencies such as Melbourne Water.

The Panel was aware of Council's preference for the exhibited version of the DPO. The main discussion regarding the DPO schedule related to the Design Response for Neighbourhood and Density Objectives. Panel understood the outcomes that Council sought to achieve on the site. Although they have recommended the deletion of the 11 dwellings per gross developable hectare and 16m lot frontage they replaced these prescriptive elements with performance based criteria which provide flexibility to respond to site context while still seeking to provide a range of lot sizes will be achieved, a diverse urban form, landscaped front setbacks and deliver high amenity character.

The Development Plan Overlay requires the preparation of a single development plan for the proposal. This development plan will include a written report and plans and it will need to show how the development plan responds to all elements within the Schedule. Council needs to approve the development plan before a planning permit for subdivision can be approved.

Design Response¶

Neighbourhood and Density Objectives¶

To provide a series of internal neighbourhoods that:¶

- Are diverse in landscape, streetscape and built form character, each with a neighbourhood 'core' consisting of a feature (open space, streetscape, heritage place, community space etc);¶
- Are clearly defined by streetscape features and are connected through use of local streets and open space areas;¶
- Provide diversity in lot sizes and housing styles, with smaller lots in key, high amenity locations around open space and activity areas and larger lots on slopes greater than 15%;¶
- ~~Ninety per cent of allotments shall have a minimum frontage width of 16 metres.~~¶
- Identifies designated areas within the plan areas proposed as potentially suitable for medium and higher density housing types based upon accessibility to transport, open space and services and facilities.¶
- ~~Describe indicative density patterns including proposed lot densities by block in each area, and indicative lot layout for initial stages, road and movement networks, open space networks, integration between new and existing development, location of reticulated water, sewerage and drainage, road and footpath networks.~~¶
- Provide opportunity for ~~some~~ larger lots for single dwellings on flatter land ~~so as to achieve a diversity of lot sizes with little or no slope.~~¶
- ~~Achieve an overall density of 11 lots per gross developable hectare across the Development Plan.~~¶
- ~~Incorporate a high amenity character through use of diverse streetscape cross sections and distinct 'naturalised' open space to provide a context for diverse housing outcomes.~~¶
- ~~For land generally above the 125 metre contour line (as shown in the concept plan), the minimum lot size should be generally in the order of 700sqm, except where the land has a gradient of less than approximately 1:10.~~¶
- ~~For land generally below the 125 metre contour line, the minimum lot size should be generally in the order of 400sqm, except where the land is in close proximity to the proposed neighbourhood centre.~~¶
- ~~Include a number of diverse streetscape cross sections which incorporate existing vegetation and create distinct 'naturalised' open space to provide a content for diverse housing outcomes and high amenity character.~~¶
- ~~Facilitates lot width and configurations that are designed to accommodate landscaping in front setbacks and avoid excessive areas of paving. Battleaxe style lots should be avoided.~~¶
- ~~Ensure that lots adjoining open space are designed to facilitate positive interfaces and passive surveillance. Blank walls and tall impermeable fences should be avoided.~~¶

Recommendation	How the Amendment Documentation has been Amended
<p><i>5 DPO6 should be amended as set out in Appendix B to this Panel Report.</i></p>	<p>This has been undertaken with 3 variations. Changes to give greater effect to the Recommendations 1 and 2 alteration rather than deletion of text relating to lot access so under the sub clause under heading Design Response and subheading neighbourhood and Density Objectives within Clause 4 Requirements for the Development Plan third dot point 3 following to ensure development, where appropriate, responds to locational issues, including: +will read %adequate setbacks from the escarpment must be provided to prevent visual intrusion and landslip hazard and to provide front access to lots and maintenance access to the escarpment+ rather than %adequate setbacks from the escarpment must be provided to prevent visual intrusion and landslip hazard.+</p>
<p><i>Modifications Post Panel to address Council concerns.</i></p>	<p>Replace facilitate lot width and configurations that are designed to accommodate landscaping in front setbacks and avoid excessive areas of paving. Battleaxe style lots should be avoided.+ With %Battleaxe style lots should be avoided and if created should be a minimum lot frontage to the street of 16m.+</p> <p>Replace %Built form on hilltops and ridgelines is minimised in order to preserve high quality landscapes with %Built form on hilltops and ridgelines is minimised in order to preserve high quality landscapes with building envelopes to be provided for on the lower parts of each block+</p> <p>Replace %anovative wastewater management strategies that maximise opportunities for waste recycling and or storm water harvesting must be developed to the satisfaction of the Responsible Authority.+ with %anovative wastewater management strategies that maximise opportunities for waste recycling and or storm water harvesting and reuse in open space and streetscapes must be developed to the satisfaction of the Responsible Authority+ and following %Ownership and maintenance responsibility for all open space will be retained by the developer until developed to the satisfaction of the responsible authority.+ Insert %Details on how stormwater harvested from the development can be stored and utilised for watering open space areas.+</p>

Financial Implications

The costs for the Amendment will be met within the 2014/2015 budget and planning costs within the S173 agreement. The proponent has been sent a copy of the invoice for the Planning Panel costs.

The amendment and proposed development will add significant funds to infrastructure and road upgrade projects as agreed to in the Section 173 agreement prepared in unison with the amendment.

Risk & Occupational Health & Safety Issues

Adopting a planning scheme amendment in accordance with the recommendations of a Planning Panel is a normal part of the planning process with limited risk to Council.

If Council abandons the Amendment there is a risk that the Minister for Planning may act as Planning Authority for the amendment as it has strategic support within Council's Municipal Strategic Statement and the views of all parties are known.

Communications and Consultation Strategy

Public exhibition of Amendment C62 has been undertaken in accordance with the provisions of the *Planning and Environment Act 1987*.

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 – Lisa Gervasoni and Andrew Goodsell

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

Conclusion

The Planning Scheme Amendment as exhibited is strategically and technically sound. With the modifications included in Attachment 4 Amendment Documents for adoption the Amendment will respond to the issues raised in the Panel Report and facilitate the development of a new master planned community for Bacchus Marsh.

It is recommended that the Amendment be adopted with the following changes in accordance with the recommendations of the Panel.

Recommendation	How the Amendment Documentation has been Amended
<p>1. Council should undertake a review of sight distance constraints at the Rosehill Drive/Ascot Avenue intersection and if necessary commission a Road Safety Audit at the intersection.</p>	<p>Sight distance constraints at Rosehill Drive / Ascot Avenue have been assessed. A Road Safety Audit is not required. To ensure that this site is addressed the DPO schedule has been amended as follows:</p> <ul style="list-style-type: none"> • Under the heading Site Analysis in Clause 4 Requirements for the Development Plan include a new dot point to review sight distance constraints at the Rosehill Drive / Ascot Drive intersection and, if justified by the results, a Road Safety Audit of the intersection. • Under the heading Traffic and Movement Network in Clause 4 Requirements for the Development Plan include a new dot point to respond to the site analysis work undertaken for the Rosehill Drive / Ascot Drive intersection and identify: <ul style="list-style-type: none"> a) The most appropriate intersection configuration; b) The number of lots that can be approved prior to the construction of the Halletts Way connection+

<p>2. A further Traffic Impact Assessment be undertaken to incorporate the abovementioned findings and determine the most appropriate Rosehill Drive/Ascot Avenue intersection configuration. The revised Traffic Impact Assessment should also include a recommendation regarding the number of lots that can be approved without the Halletts Way connection.</p>	<p>To ensure that this is included as a holistic assessment of the proposed form of development, the Development Plan Overlay Schedule has been amended to include consideration of the number of lots that can be approved prior to the construction of the Halletts Way connection.+</p>
<p>3. Construction works on Meikle Road as proposed in the Section 173 Agreement should be deleted.</p>	<p>The Section 173 Agreement has been executed. Consideration should be given during the preparation of the DPO to the appropriate external road network that will require upgrades to better deal with increased traffic. The current Meikle Street contribution documented within the Section 173 agreement to be reallocated to improvement works on Labilliere Street and Franklin Streets. The Guidelines on development contribution envisage substitution of projects with the agreement of parties.</p>
<p>4. DDO3 should not be deleted from the planning scheme maps. As part of a separate process Council in consultation with VicRoads should review the DDO3 provisions as set out in Section 8.3 of this report and where DDO3 should be applied.</p>	<p>DDO3 will no longer be deleted from the amendment. It is noted that this control does not apply to any other land zoned for residential purposes. Any further review (and amendment) will need to be sponsored by VicRoads. This requires the maps to delete this Overlay from the land to be removed from the amendment and subsequent changes to be made to the instruction sheet and explanatory report.</p>

<p>5. DPO6 should be amended as set out in Appendix B to this Panel Report.</p>	<p>This has been undertaken with 3 variations. Changes to give greater effect to the Recommendations 1 and 2 alteration rather than deletion of text relating to lot access so under the sub clause under heading Design Response and subheading neighbourhood and Density Objectives within Clause 4 Requirements for the Development Plan third dot point 3 following to ensure development, where appropriate, responds to locational issues, including: +will read %Aadequate setbacks from the escarpment must be provided to prevent visual intrusion and landslip hazard and to provide front access to lots and maintenance access to the escarpment+ rather than %Aadequate setbacks from the escarpment must be provided to prevent visual intrusion and landslip hazard.+</p>
<p>Modifications Post Panel to address Council concerns.</p>	<p>Replace facilitate lot width and configurations that are designed to accommodate landscaping in front setbacks and avoid excessive areas of paving. Battleaxe style lots should be avoided.+ With %Battleaxe style lots should be avoided and if created should be a minimum lot frontage to the street of 16m.+</p> <p>Replace %Built form on hilltops and ridgelines is minimised in order to preserve high quality landscapes with %Built form on hilltops and ridgelines is minimised in order to preserve high quality landscapes with building envelopes to be provided for on the lower parts of each block+</p> <p>Replace %nonovative wastewater management strategies that maximise opportunities for waste recycling and or storm water harvesting must be developed to the satisfaction of the Responsible Authority.+ with %nonovative wastewater management strategies that maximise opportunities for waste recycling and or storm water harvesting and reuse in open space and streetscapes must be developed to the satisfaction of the Responsible Authority+ and following %Ownership and maintenance responsibility for all open space will be retained by the developer until developed to the satisfaction of the responsible authority.+ Insert %Details on how stormwater harvested from the development can be stored and utilised for watering open space areas.+</p>

Recommendation:

That Council, having considered the recommendations of the Planning Panel appointed to hear submissions to Moorabool Planning Scheme Amendment C62, resolves to:

- 1) Adopt with change Moorabool Planning Scheme Amendment C62, pursuant to Section 27 of the Planning and Environment Act 1987, as in accordance with the documents attached to Attachment 3 (6.1c) to this report.**
- 2) Amend the executed Section 173 Agreement, prior to Amendment C62 being submitted to the Minister for Planning for approval, to:**
 - i. Require that no greater than 300 lots (unless an alternative threshold is justified via a revised Traffic Impact Assessment to the satisfaction of the responsible authority) within the development area be issued titles prior to the full construction of Halletts Way from Bacchus Marsh Road to Werribee Vale Road.**
 - ii. Require that no greater than 600 lots (unless an alternative threshold is justified via a revised Traffic Impact Assessment to the satisfaction of the responsible authority) within the development area be issued titles prior to a road connection being constructed from the development area to Halletts Way.**
 - iii. Remove the requirement for the Meikle Street works and reallocate these funds to Labilliere Street and Franklin Streets.**
- 3) Submit the adopted Moorabool Planning Scheme Amendment C62 together with the prescribed information, to the Minister for Planning requesting approval pursuant to Section 31(1) of the Planning and Environment Act 1987.**

Report Authorisation**Authorised by:****Name:** Satwinder Sandhu**Title:** General Manager Growth & Development**Date:** Friday, 12 September 2014

Attachment - Item 6.1(a)

Attachment 1 – Duties and powers of responsible authorities

S12(1) A planning authority must—

- (a) implement the objectives of planning in Victoria;*
- (b) provide sound, strategic and co-ordinated planning of the use and development of land in its area;*
- (c) review regularly the provisions of the planning scheme for which it is a planning authority;*
- (d) prepare amendments to a planning scheme for which it is a planning authority;*
- (e) prepare an explanatory report in respect of any proposed amendment to a planning scheme.*

(2) In preparing a planning scheme or amendment, a planning authority—

- (a) must have regard to the Minister's directions; and*
- (aa) must have regard to the Victoria Planning Provisions; and*
- (ab) in the case of an amendment, must have regard to any municipal strategic statement, strategic plan, policy statement, code or guideline which forms part of the scheme⁷; and*
- (b) must take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment⁸; and*
- (c) may take into account its social effects and economic effects.*

(3) A planning authority may—

- (a) carry out studies and commission reports; and*
- (b) do all things necessary to encourage and promote the orderly and proper use, development and protection of land in the area for which it is a planning authority; and*
- (c) take any steps and consult with any other persons it considers necessary to ensure the co-ordination of the planning scheme with proposals by those other persons.*

Attachment - Item 6.1(b)

Our Ref.: 17118L9723

29th August 2014

KATALAND
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MELBOURNE VIC 3000

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ATTN: Tom Grantham

Dear Sir,

**MOORABOOL AMENDMENT C62
ROSEHILL DRIVE/ASCOT AVENUE INTERSECTION
SIGHT DISTANCE ASSESSMENT**

We refer to your request to provide further traffic engineering assistance in relation to Amendment C62 to the Moorabool Planning Scheme.

We also refer to the previous documentation that has been prepared in relation to this matter, and is referenced throughout this letter:

- Moorabool Planning Scheme Amendment C62 Panel Report prepared by Planning Panels Victoria and dated 10th July 2014;
- Traffic engineering expert evidence statement to Planning Panels Victoria prepared by Mr Henry Turnbull of Traffix Group and dated 26th May 2014;
- Underbank Farm Development Transport Impact Assessment prepared by GTA Consultants and dated 3rd May 2013.

PLANNING PANEL RECOMMENDATIONS

The Planning Panel outlined a number of recommendations in their report dated 10th July 2014 relating to traffic and transport. Specifically, we refer to recommendation 1 and 2:

1. *Council should undertake a review of sight distance constraints at the Rosehill Drive/Ascot Avenue Intersection and if necessary commission a Road Safety Audit at the intersection.*
2. *A further Traffic Impact Assessment be undertaken to incorporate the abovementioned findings and determine the most appropriate Rosehill Drive/Ascot Avenue intersection configuration. The revised Traffic Impact Assessment should also include a recommendation regarding the number of lots that can be approved without the Halletts Way connection.*

An assessment of these issues has been undertaken and is outlined in the following letter.

SIGHT DISTANCE ANALYSIS

The Planning Panel's first traffic and transport recommendation is to undertake an assessment of the available sight distance at the Rosehill Drive/Ascot Avenue intersection. The results of this assessment are detailed in the following section.

Available Sight Distance

The intersection of Rosehill Drive and Ascot Avenue is shown in Figure 1 below.

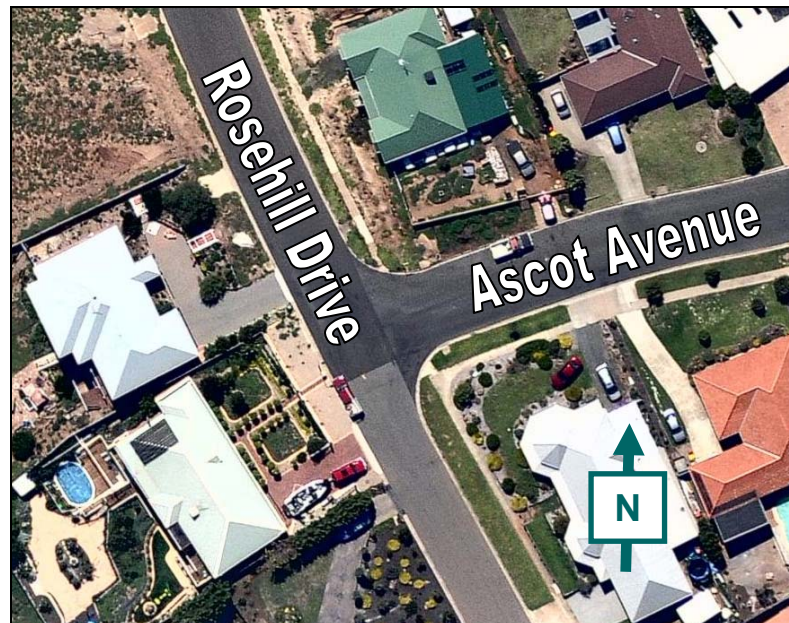


Figure 1: Ascot Avenue/Rosehill Drive Intersection (Nearmap.com)

For the proposed intersection the sight distance of concern is Safe Intersection Sight Distance (SISD) which assesses a vehicle's ability to stop in the event a vehicle turning out of the minor road (Ascot Avenue) stalling across the traffic lanes.

On-site measurements of sight distance were undertaken by Traffix Group on Thursday 21st August 2014. It was shown that a minimum sight distance of 112m could be achieved to the north and 75m to the south.

On-site observations also noted that there is a significant vertical crest in the vicinity of the intersection. However, the crest peaks at the intersection of Ascot Avenue and Rosehill Drive and accordingly it does not obstruct sight distance to/from the minor road.

The grades will however have an impact on vehicle stopping distances. Accordingly, on site measurements of the grades were also undertaken. An average positive (upwards) grade of 11.2% and 2.5% was observed on the north and south approaches respectively.

Sight Distance Requirements

Table 3.2 of the Austroads Guide to Road Design Part 4a: Unsignalised and Signalised Intersections outlines 'typical' SISD requirements. However as the intersection is on top a vertical crest, adjustments for the grades need to be taken into account as they will effect stopping distance. Accordingly, the SISD requirements have been calculated using the equation from the AustRoads Guide (equation 2 in the guide), which is shown below.

Equation 1: SISD Calculation (AustRoads Guide)

$$SISD = \frac{D_T \times V}{3.6} + \frac{V^2}{254 \times (d + 0.01 \times a)}$$

Where:

- D_T = Decision Time (3s Observation Time + 2.0s Reaction Time)
- V = 85%ile Speed (in km/h)
- d = coefficient as deceleration (taken as the default 0.36 value from the AustRoads Guide)
- a = longitudinal grade (%)

Based on the above the sight distance requirements are outlined in Table 1 below. We note that for the purposes of this assessment it has been assumed that the 85%ile speed is equal to the speed limit; in this instance the default 50km/h urban speed limit.

Table 1: SISD Requirements

Approach	SISD Requirement
North	90m
South	95m

As can be seen from Table 1, the sight distance requirements are 90m to the north – which is exceeded – and 95m to the south – which falls short by 20m.

However, we note that 100m south of its intersection with Ascot Avenue, Rosehill Drive terminates at Underbank Boulevard. Accordingly, at the point of maximum sight distance (75m) the vehicle will only have in the order of 25m in which to accelerate and accordingly the 85%ile speed is likely to be significantly less than the posted speed limit in this instance.

Rearranging equation 1, it is possible to calculate the speed that would have to be exceeded for the 75m sight distance to be inadequate. In this instance, the 75m sight distance will be sufficient for vehicle speeds of up to 41.3km/h. Given the proximity of the location to Underbank Boulevard it is highly unlikely the 85%ile speed will be greater than this and accordingly the sight distance is considered acceptable. We also note that existing traffic on this approach is minimal¹ and it is not anticipated that any significant amount of additional traffic would be generated onto this approach by the subject site.

Summary of Sight Distance Requirements

The existing Ascot Avenue/Rosehill Drive intersection exceeds the required SISD to the north but falls short to the south by 20m.

It is noted however that this assessment is based on the 85%ile speed being assumed to be equal to the speed limit (50km/h). As Rosehill Drive terminates 100m south of Ascot Avenue it is highly unlikely vehicles will be travelling this quickly and the 75m sight distance is deemed satisfactory. Accordingly, we are of the opinion that no road safety audit is required.

¹ GTA undertook a tube count at this location in December 2010, which indicated a 7-day average volume of only 82 vehicles per day.

ASCOT AVENUE/ROSEHILL DRIVE INTERSECTION WORKS

The sight distance analysis undertaken in the previous section indicates that the existing intersection layout is appropriate and that no intersection works are strictly required.

However, due to the increased traffic on the Ascot Avenue/Rosehill Drive intersection as a result of the proposed rezoning it would be beneficial to formalise the existing T-intersection treatment. This would involve installing give-way line marking, to enforce to drivers on Ascot Avenue they need to yield to vehicles on Rosehill Drive, and a splitter island so as that vehicles cannot cut the corner.

A functional layout of the proposed works has been prepared and is attached at Appendix A.

The proposed works would involve only limited cost and it is recommended that they be undertaken early in the site's development, say, prior to the occupancy of 100 lots.

HALLETT'S WAY CONNECTION TRIGGER

It was previously agreed between Council and Kataland that the construction of the Halletts Way connection would be triggered when 800 lots in the subject site were occupied.

The Panel expressed concern about this trigger, stipulating that the 800 lot figure may be too high and more detailed investigations should be undertaken. In particular, the capacity of the intersections at Ascot Avenue and Rosehill Drive and Ascot Avenue and Bacchus Marsh Road to accommodate additional vehicles was raised as a concern.

We note that our previous assessment detailed above has addressed a number of the underlying concerns regarding the Ascot Avenue/Rosehill Drive intersection. We also note that traffic on the southern approach of this intersection (Rosehill Drive) was observed to be negligible. Accordingly, this intersection will be effectively acting as a reverse-priority T-intersection and the capacity will be governed by the environmental capacity of Rosehill Drive and Ascot Avenue as opposed to the capacity of the intersection itself.

Accordingly, we are of the opinion that the Ascot Avenue/Bacchus Marsh Road intersection is the critical consideration in this instance. Our assessment of this intersection is detailed below.

Existing Traffic Volumes

GTA have previously undertaken traffic counts at the roundabout on 29th March 2011 between the hours of 7:30am-9:30am and 2:30pm-6:00pm. The results of these surveys are detailed in their report dated 3rd May 2013 (GTA ref: JM15170).

The observed volumes during the AM and PM peak hour periods are shown in Figures 2 and 3 below.

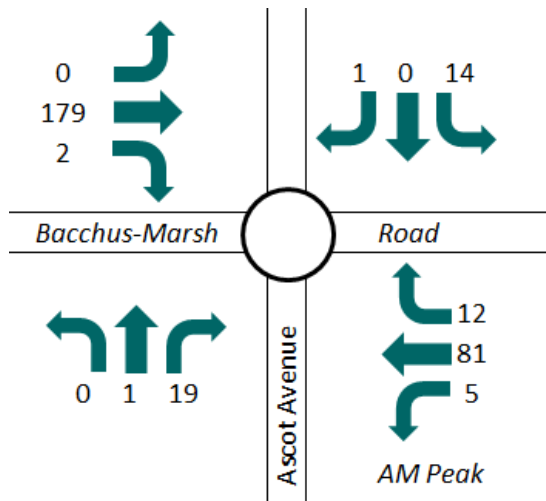


Figure 2: AM Peak Traffic Volumes - 2011

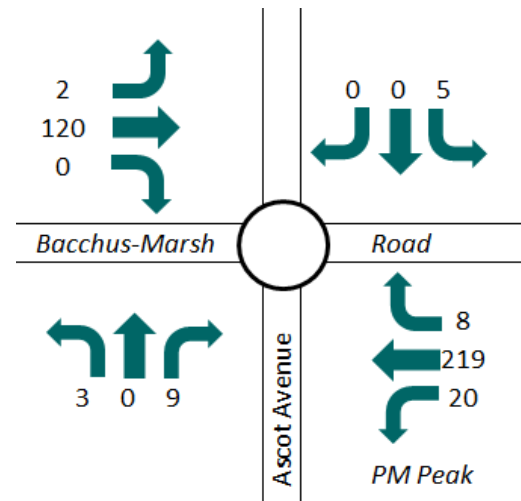


Figure 3: PM Peak Traffic Volumes - 2011

We note that the GTA volumes are based on 2011 volumes. Accordingly, the through volumes on Bacchus Marsh Road have been factored up by 2% per annum for 13 years. This is to allow additional growth on Bacchus-Marsh Road since 2011 as well as a ten year design-life to the year 2024.

Additionally, the GTA volumes do not include a separate figure for heavy vehicles. Accordingly, 5% heavy vehicles will be assumed for the through movements on Bacchus Marsh Road (in accordance with VicRoads historical data²).

Traffic Generation per Lot

We note that the GTA report adopted a traffic generation rate of 9.5 external trip ends per dwelling per day and 0.9 vehicle external trip ends per dwelling in the peak hour periods for the ultimate scenario. As noted in Henry Turnbull's evidence statement, we are of the opinion that this value is on the high side as it does not adequately take into account internal trips generated by the proposed neighbourhood activity centre nor does it reflect empirical data collected in the area.

However, as the proposed neighbourhood amenities are unlikely to be operating early in the site's development there are likely to be a less significant number of internal trips. Accordingly, despite being of the view that they are still on the high-side, for the purposes of providing a robust assessment we have adopted GTA's rates for the interim assessment.

Accordingly, it has been assumed that each lot will generate a 9.5 external trips ends per dwelling per day and 0.9 trips ends during the peak hour periods.

² VicRoads 'Traffic Volume Data for Victoria' database, May 2013

Traffic Distribution

We note that in the ultimate scenario (once all road links are constructed) the following traffic distributions are anticipated (as per GTA's previous report and Henry Turnbull's evidence statement):

- 5% to/from the west via Mortons Road (towards City-bound freeway interchange, Myrningong and Werribee Gorge State Park),
- 5% to/from the west via Ascot Avenue and Bacchus Marsh Road (towards Ballarat-bound freeway interchange),
- 25% to/from the east via Ascot Avenue and Bacchus Marsh Road (towards town centre and city-bound freeway),
- 15% to/from the east via Underbank Boulevard and Bacchus Marsh Road, and
- 50% to from the direct connection to the Halletts Way extension (including 15% to/from the north and 35% to/from the south).

In the absence of the Halletts Way extension and the Halletts Way freeway interchange (citybound) we are of the opinion that a greater portion of drivers would utilise the Mortons Road interchange as a viable alternative. While this route involves 'back-tracking' it avoids having to drive through the Bacchus Marsh township and a number of intersections (including signalised intersections and roundabouts). Accordingly, it may actually offer travel time savings for the residents of the subject site. Even in the event that travel time savings are minimal, the avoidance of these intersections in favour of rural driving conditions along Mortons Road would be appealing to residents.

Accordingly, based on the above we anticipate the following traffic distributions in the interim scenario:

- 15% to/from the west via Mortons Road (towards City-bound freeway interchange, Myrningong and Werribee Gorge State Park),
- 5% to/from the west via Ascot Avenue and Bacchus Marsh Road (towards Ballarat-bound freeway interchange),
- 50% to/from the east via Ascot Avenue and Bacchus Marsh Road (towards the town centre and city-bound freeway), and
- 30% to/from the east via Underbank Boulevard and Bacchus Marsh Road.

Directional splits have been calculated in accordance with the empirical data collected by GTA, as outlined on Page 11 of Henry Turnbull's evidence statement. Specifically, 24%/76% in/out movements during the AM peak hour period and 62%/38% in/out movements in the PM peak hour period.

Intersection Capacity Analysis

Based on the preceding assessments an analysis of the Ascot Avenue/Bacchus Marsh Road intersection has been undertaken using the intersection modelling software SIDRA.

The results are shown in Table 2 below.

Table 2: Ascot Avenue/Bacchus Marsh Road SIDRA Results

Approach	DOS		95%ile Queue (veh)		Average Delay (s)	
	AM	PM	AM	PM	AM	PM
South – Ascot Avenue	0.249	0.153	1.4	0.8	9.2	10.0
East – Bacchus Marsh Road	0.129	0.331	0.7	2.3	4.1	3.9
North – Burbidge Close	0.016	0.006	0.1	0.0	6.0	5.4
West – Bacchus Marsh Road	0.216	0.144	1.3	0.8	5.3	5.0

We note that a degree of saturation (DOS) of up 0.85 is generally considered to be good operating conditions for roundabouts. As can be seen the intersection DOS (represented by the maximum DOS on any one approach) is 0.249 and 0.331 in the AM and PM peak periods respectively.

Accordingly, the intersection has ample capacity to accommodate the additional traffic.

SIDRA Results are attached at Appendix B.

Environmental Capacity of Ascot Avenue

Based on the preceding assessment, the daily traffic on Ascot Avenue and Rosehill Drive is anticipated to increase to approximately 4,100vpd³. This is well below both the traffic volume previously allocated to the 800 lot trigger (5,000vpd) and the upper limit of the environmental capacity of the road as outlined in Clause 56.06 of the Moorabool Planning Scheme (7,000vpd).

Summary of Road Network Capacity Analysis

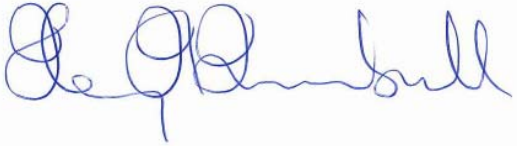
As outlined in the preceding assessments there is ample capacity at both the Rosehill Drive/Ascot Avenue intersection and Bacchus Marsh Road/Ascot Avenue Intersection to accommodate the proposed lots prior to the construction of the Halletts Way extension. Accordingly, we are of the opinion that the proposed 800 lot trigger is appropriate.

³ Based on the 7-day average volume recorded in December 2010 for Ascot Avenue between Rosehill Drive and Bacchus Marsh Road by GTA as outlined in their report.

If you have any queries regarding the above, please contact Henry Turnbull or Brayden Capper at our Glen Iris office.

Yours faithfully,

TRAFFIX GROUP PTY LTD

A handwritten signature in blue ink, appearing to read 'H. H. Turnbull', written over a light grey rectangular background.

HENRY H TURNBULL

APPENDIX A: FUNCTIONAL LAYOUT PLAN



PRELIMINARY PLAN
FOR DISCUSSION
PURPOSES ONLY

WARNING
BEWARE OF UNDERGROUND SERVICES
The locations of underground services
shown are approximate only and their exact
position should be proven on site.

ISSUE	ISSUE DESCRIPTION	ISSUE DATE	GENERAL NOTES	DESIGNED	 <small>Traffic Engineering Design and Survey Suite 8/431 Burke Road TEL : (03) 9822-2888 GLEN IRIS, VICTORIA 3146 FAX : (03) 9822-7444 www.traffixgroup.com.au</small>	ASCOT AVENUE - BACCHUS MARSH ROSEHILL DRIVE MOORABOOL SHIRE FUNCTIONAL LAYOUT PLAN	SCALE 0 1 2 3 4	SHEET No. 47 of 79	DRAWING No. 17118-01
			1 BASE INFORMATION FROM AERIAL PHOTOGRAPHY (NEARMAP)	R CARBARN 28 AUG 2014					
			2 ALL DIMENSIONS ARE TO FACE OF KERB	CHECKED/APPROVED B CAPPER 28 AUG 2014					
			3 LOCAL ROAD - ASCOT AVENUE (SPEED ZONE 50km/h)	FILE NAME G17118A-00 dgn					
A	INITIAL ISSUE	28 AUG 2014							

APPENDIX B: SIDRA ANALYSIS

MOVEMENT SUMMARY

 **Site: AM Peak Future Interim**

Bacchus Marsh Road/Ascot Avenue Intersection
Roundabout

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Ascot Avenue											
1	L2	31	0.0	0.249	4.7	LOS A	1.4	9.9	0.31	0.61	51.1
2	T1	1	0.0	0.249	4.6	LOS A	1.4	9.9	0.31	0.61	52.7
3	R2	294	0.0	0.249	9.7	LOS A	1.4	9.9	0.31	0.61	53.1
Approach		325	0.0	0.249	9.2	LOS A	1.4	9.9	0.31	0.61	52.9
East: Bacchus Marsh Road											
4	L2	92	0.0	0.129	3.5	LOS A	0.7	5.3	0.08	0.41	55.9
5	T1	109	5.0	0.129	4.0	LOS A	0.7	5.3	0.08	0.41	56.9
6	R2	13	0.0	0.129	9.1	LOS A	0.7	5.3	0.08	0.41	57.4
Approach		214	2.6	0.129	4.1	LOS A	0.7	5.3	0.08	0.41	56.5
North: Burbidge Close											
7	L2	15	0.0	0.016	5.7	LOS A	0.1	0.6	0.57	0.54	54.2
8	T1	1	0.0	0.016	5.8	LOS A	0.1	0.6	0.57	0.54	55.9
9	R2	1	0.0	0.016	11.3	LOS B	0.1	0.6	0.57	0.54	55.7
Approach		17	0.0	0.016	6.0	LOS A	0.1	0.6	0.57	0.54	54.4
West: Bacchus Marsh Road											
10	L2	1	0.0	0.216	4.9	LOS A	1.3	9.2	0.49	0.50	54.0
11	T1	241	5.0	0.216	5.0	LOS A	1.3	9.2	0.49	0.50	55.6
12	R2	12	0.0	0.216	10.6	LOS B	1.3	9.2	0.49	0.50	56.0
Approach		254	4.8	0.216	5.3	LOS A	1.3	9.2	0.49	0.50	55.6
All Vehicles		809	2.2	0.249	6.5	LOS A	1.4	9.9	0.31	0.52	54.7

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Roundabout.sip6

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**SIDRA
INTERSECTION 6**

MOVEMENT SUMMARY

 **Site: PM Peak Future Interim**

Bacchus Marsh Road/Ascot Avenue Intersection
Roundabout

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Ascot Avenue											
1	L2	18	0.0	0.153	5.7	LOS A	0.8	5.7	0.46	0.66	50.6
2	T1	1	0.0	0.153	5.5	LOS A	0.8	5.7	0.46	0.66	52.3
3	R2	146	0.0	0.153	10.6	LOS B	0.8	5.7	0.46	0.66	52.6
Approach		165	0.0	0.153	10.0	LOS B	0.8	5.7	0.46	0.66	52.4
East: Bacchus Marsh Road											
4	L2	244	0.0	0.331	3.5	LOS A	2.3	16.4	0.15	0.39	55.8
5	T1	295	5.0	0.331	4.1	LOS A	2.3	16.4	0.15	0.39	56.8
6	R2	8	0.0	0.331	9.1	LOS A	2.3	16.4	0.15	0.39	57.3
Approach		547	2.7	0.331	3.9	LOS A	2.3	16.4	0.15	0.39	56.3
North: Burbidge Close											
7	L2	5	0.0	0.006	4.6	LOS A	0.0	0.2	0.43	0.47	54.4
8	T1	1	0.0	0.006	4.7	LOS A	0.0	0.2	0.43	0.47	56.1
9	R2	1	0.0	0.006	10.2	LOS B	0.0	0.2	0.43	0.47	55.9
Approach		7	0.0	0.006	5.4	LOS A	0.0	0.2	0.43	0.47	54.9
West: Bacchus Marsh Road											
10	L2	2	0.0	0.144	4.1	LOS A	0.8	5.9	0.34	0.45	54.4
11	T1	162	5.0	0.144	4.2	LOS A	0.8	5.9	0.34	0.45	56.0
12	R2	25	0.0	0.144	9.9	LOS A	0.8	5.9	0.34	0.45	56.5
Approach		189	4.3	0.144	5.0	LOS A	0.8	5.9	0.34	0.45	56.1
All Vehicles		909	2.5	0.331	5.3	LOS A	2.3	16.4	0.25	0.45	55.5

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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**SIDRA
INTERSECTION 6**

Attachment - Item 6.1(c)

MOORABOOL PLANNING SCHEME

AMENDMENT C62

EXPLANATORY REPORT

Who is the planning authority?

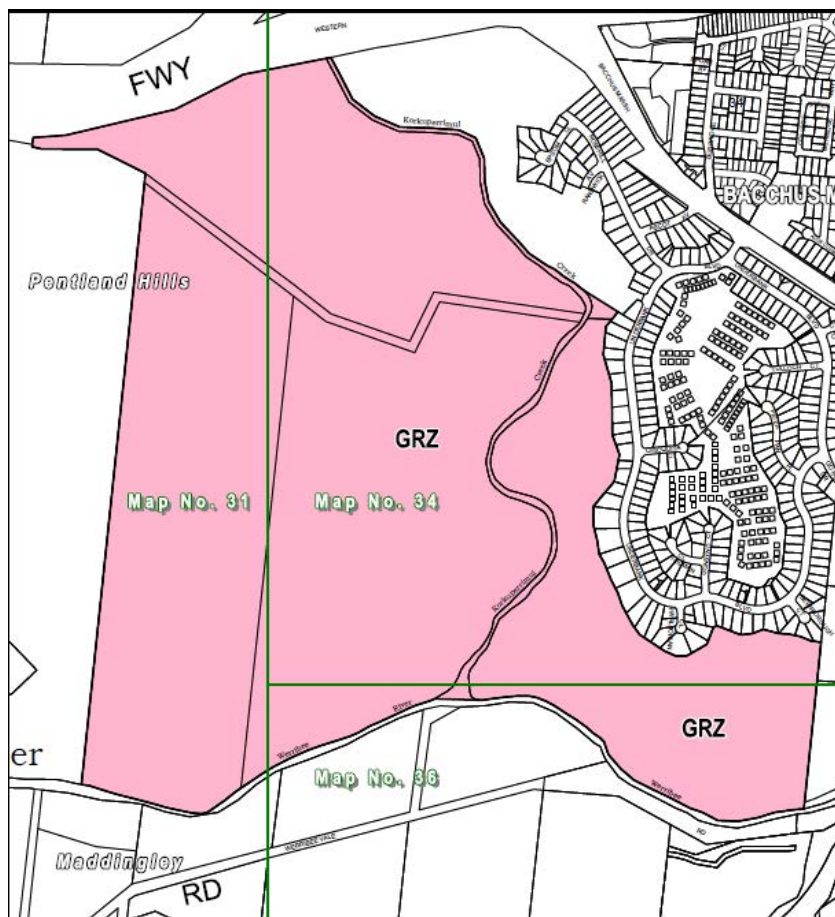
This amendment has been prepared by the Moorabool Shire Council who is the planning authority for this amendment.

The amendment has been made at the request of Taylors on behalf of the Kataland Pty Ltd.

Land affected by the amendment

The amendment affects land at 174 Morton Road, Pentland Hills (Lot 3 TP896465; Lot S4 PS300542; Lot 2 TP896465; Lot 1 TP896465; and Lot 4 TP896465); part of 5 Randwick Avenue, Bacchus Marsh (Lot 4 TP896465); and part of Woolpack Road (the section running through 174 Morton Road) (Lot UNK Parish of Merrimu)

The amendment proposes to rezone the land from the Farming Zone (FZ) to the General Residential Zone (GRZ), introduce a Development Plan Overlay (DPO) and associated Schedule 6; and delete the Design and Development Overlay (DDO) Schedules 2 from the subject land.



What the amendment does

The amendment proposes to rezone the land from the Farming Zone (FZ) to the General Residential Zone (GRZ); introduces Schedule 6 to Development Plan Overlay (DPO6); and delete the Design and Development Overlay (DDO) Schedules 2 from the subject land.

The Development Plan Overlay overlay has a range of requirements to ensure that the following principles are met by the development of the site:

- The release of land for residential development in a logical, cost effective and sequential manner;
- The efficient use of infrastructure, and land, whilst managing any impacts on the environment and amenity;
- The identification and effective management of sites of environmental, heritage and landscape significance;
- The co-ordinated provision of utility services and drainage;
- The co-ordinated provision of physical and community infrastructure and public open space that enhances the amenity, safety and liveability of the precinct and surrounds; and
- The preparation of an integrated Development Plan generally in accordance with the Underbank Farm Concept Plan shown in Clause 5.0 of this schedule.

Strategic assessment of the amendment

Why is the amendment required?

This amendment is required to facilitate the master planned development of the site, to ensure the continued supply of residential land at Bacchus Marsh in accordance with State and local planning policies and to facilitate the social and environmental outcomes proposed for the land. The Moorabool Planning Scheme identifies the majority of the site as “potential residential land” in the Bacchus Marsh Framework Plan. The Moorabool Planning Scheme supports and promotes a coordinated, master-planned development of identified areas in and around Bacchus Marsh to accommodate growth. The Farming Zone (FZ) does not allow for urban development. In addition to rezoning the land to a General Residential Zone (GRZ), the amendment seeks to introduce a new Schedule to Development Plan Overlay (DPO) to ensure that the land is developed in an integrated and coordinated manner.

How does the amendment implement the objectives of planning in Victoria?

The amendment will implement the following relevant objectives of planning in Victoria under Section 4 of the *Planning and Environment Act 1987* (the Act):

- 4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of the land;
- 4(1)(b) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and
- 4(1)(g) to balance the present and future interests of all Victorians.

The amendment provides land for residential development in accordance with the strategic vision within the Bacchus Marsh Framework Plan to ensure that Bacchus Marsh can fulfil the role envisaged by the Central Highlands Regional Growth Plan.

How does the amendment address the environmental effects and any relevant social and economic effects?

As assessment of a range of environmental matters including flora and fauna, drainage, potential contamination and heritage has found that the land is suitable for rezoning to the R1Z and can accommodate future development. A detailed assessment of potential environmental impacts as a result of development will be undertaken in conjunction with the preparation of a development plan in accordance with the proposed Schedule to the DPO.

A development plan must address neighbourhood design; community facilities and services; open space and landscaping; traffic and movement networks; and environmental considerations. The introduction of a DPO with a site-specific Schedule will provide for the orderly, economic and sustainable use, and development of land; the protection of natural resources and the maintenance of ecological processes and genetic diversity; and the pleasant, efficient and safe living and recreational environment.

The amendment is expected to have positive and social and economic effects on the town of Bacchus Marsh, by providing for a master planned residential development and associated community and social infrastructure. The Central Highlands regional Growth Plan nominates Bacchus Marsh as a key growth centre and encourages accelerated population growth within the Shire.

The amendment is expected to have positive environmental benefits creation of linear reserves and biodiversity corridors along watercourses within the site, including the Werribee River and Korkuperrimul Creek. The Development Plan ensures that potential effects of the environment on the development are considered in the development plan..

Does the amendment address relevant bushfire risk?

The subject site is not affected by the Bushfire Management Overlay (BMO) however it is recognised that areas of Bacchus Marsh may be subject to grassfire.. This is an extension of the residential area of Bacchus Marsh. The area is distant from forest areas and has minimal landscape level risk. The Development Plan Overlay requires that:

- development plan responds to 52.47 Bushfire Protection: Planning Requirements, and
- a costed Management and Implementation Plan be prepared for the escarpment outlining any works necessary to maintain and manage the site (including fire management), the timing of the works and how this is to be resourced.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Section 12(2)(a) of the Act requires that in preparing a planning scheme amendment, a planning authority must have regard to the Minister's Directions.

Direction No. 11 Strategic Assessments of Amendments is applicable to this amendment.

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment is consistent with, and gives effect to, the State Planning Policy Framework (SPPF), in particular Clause 11 (Settlement), Clause 12 (Environmental and Landscape Values), Clause 14 (Natural Resource Management), Clause 15 – Built Environment and Heritage, Clause 16 (Housing) and Clause 19 (Infrastructure):

Clause 11 – Settlement

Clause 11 provides Objectives and Strategies for 'Settlement'. Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Strategies for 'Urban Growth - Supply of Urban Land at Clause 11.02-1 include: ensuring the ongoing provision of land and supporting infrastructure to support sustainable urban development; ensuring that sufficient land is available to meet forecast demand; and planning to accommodate projected population growth over at least a 15 year period. Bacchus Marsh is identified as a 'Regional Town' within 'Melbourne's Hinterland Area' where development should be provided for having regard to complex ecosystems, landscapes, agricultural and recreational activities in the area.

A Land Supply Analysis of available zoned land suggests that Bacchus Marsh has been experiencing higher than forecasted growth and a pending shortage of readily available land for development. This amendment will ensure that there is sufficient appropriately zoned land to meet forecast demand. The introduction of a Schedule to the DPO will guide the orderly and sustainable development commensurate with the preferred character of Bacchus Marsh.

Clause 12 – Environmental and Landscape Values

Clause 12.01-1 'Protection of Habitat' seeks to assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

Clause 12.01-2 'Native Vegetation Management' seeks to achieve a net gain in the extent and quality of native vegetation.

Abzeco Pty Ltd identified five small zones of 'intact' remnant vegetation, which occupy a very small proportion of the site area. A number of 'scattered trees' were also identified across the site.

The Development Plan envisages linear corridors of open space along Creek and River corridors and steep ridgelines. It requires that any future development proposal appropriately address the environment values of the land. Future development plan and planning permit applications will be required to address flora and fauna provisions, including Victoria's Native Vegetation Management – A Framework for Action, Clause

Clause 14 - Natural Resource Management

Objectives include the protection of waterways. This Clause includes a 'strategy' of retaining drainage corridors with vegetated buffer zones along each side of a waterway. The Concept Development Plan prepared in conjunction with the Schedule to the DPO provides for protection of the watercourse areas of the site within linear corridors. A future Development Plan prepared under the draft DPO will be required to establish appropriate buffers to waterways and to provide for appropriate treatment of waterway corridors.

Clause 15 – Built Environment and Heritage

Clause 15.01-1 'Urban Design' seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-2 'Urban Design Principles' seeks to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Clause 15.01-3 'Neighbourhood and Subdivision Design' seeks to ensure the design of subdivision achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

Clause 15.01-4 Design for safety seeks to improve community safety and encourage neighbourhood design that makes people feel safe.

The amendment supports the above policies with the introduction of DPO Schedule. This control requires the inclusion of good urban design principles in future development.

Clause 16 – Housing

Clause 16.01-1 'Integrated Housing' seeks to promote a housing market that meets community needs. This amendment will increase the supply of zoned land to accommodate the growth of Bacchus Marsh.

Clause 16.01-2 'Location of Residential Development' seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. The site is contiguous with residential development in Bacchus Marsh and is identified in the Bacchus Marsh Framework Plan. The residential development of the subject site is supported by a range of Local Planning Policies.

Clause 16.01-4 'Housing Diversity' seeks to provide for a range of housing types to meet increasingly diverse needs. The amendment will facilitate future residential subdivision and GRZ allows for a range of lot sizes and housing styles. Housing diversity commensurate with contemporary community needs will be provided for via the preparation of a detailed Development Plan in accordance with the proposed DPO.

Clause 19 – Infrastructure

Clause 19.03-1 'Development Contributions Plan' seeks to facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plan. A Section 173 Agreement will be prepared in conjunction with the Responsible Authority to ensure that all required infrastructure will be funded and delivered in a timely manner.

Clause 19.03-2 'Water Supply, Sewerage and Drainage', Clause 19.03-3 'Stormwater', Clause 19.03-4 Telecommunications, and Clause 19.03-5 Waste and Resource Recovery relate to the provision of development infrastructure to support urban development. The provision of required infrastructure will be provided in accordance with the requirements of the respective service authorities via the planning permit process.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

Clause 21.01 'Municipal Context' anticipates significant population growth in consolidated urban areas of the Shire over the next 25 years. Council's key strategic planning directions are illustrated on the Strategic Framework Plan. The framework plan identifies overall direction to guide specific land use outcomes including potential 'development opportunity areas' where significant land use change may be expected. The Shire's Strategic Framework Plan identifies Bacchus Marsh and Ballan as the only two key growth nodes within the municipality.

Clause 21.03 'Settlement and Housing' seeks to plan and manage sustainable urban growth in and around the Shire's major towns and to promote an accelerated rate of population and local employment growth to support the provision of improved social and physical infrastructure in the Shire.

The amendment will facilitate provision of an adequate supply of zoned land at Bacchus Marsh, to meet existing and expected increase in demand. The Development Plan will that social and physical infrastructure is considered in accordance with an integrate vision for the area.

Clause 21.07 'Bacchus Marsh' identifies Bacchus Marsh as the largest town within the Shire. Its character is defined by a strong range of commercial and business enterprises set within a rural landscape and highly productive agricultural areas. The policy objective with respect to accommodating growth is to promote coordinated, master-planned development of identified areas in and around Bacchus Marsh. The strategies to achieve the policy objective include planning for staged residential growth in accordance with the Bacchus Marsh Framework Plan and creating high quality master- planned estate development while encouraging walkability.

The Bacchus Marsh Framework Plan identifies the majority of the subject site as "potential residential (long-term)". Areas that were identified as residential growth areas have now all been rezoned. To ensure that there is sufficient amount of zoned land for urban development in Bacchus Marsh, it is now necessary to rezone land was then identified as "potential residential". The proposed Schedule to the DPO will require the approval of a Development Plan prior to any planning permit being issued for residential subdivision or development.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by using the most appropriate tools to achieve the strategic objective. The current Farming Zone prohibits the proposed use and development and is not consistent identification of the site as "potential residential land" in the Planning Scheme's Bacchus Marsh Framework Plan.

The amendment seeks to insert DPO within the Moorabool Planning Scheme to guide future residential subdivision and development in logical residential growth area. The content of the DPO makes DDO2 schedule redundant.

How does the amendment address the views of any relevant agency?

The amendment has been prepared following consultation with many state agencies. It supports the implementation of the cross agency Central Highlands Regional Growth Plan and the development plan overlay demonstrates how a range of issues will be considered. The amendment will allow for the views of any relevant agency to be considered during the exhibition process.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will allow for the views of relevant transportation agencies to be considered during the exhibition process. The concept plan included with the Development Plan Overlay Schedule provides the basis of a future transportation network.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will not have a significant impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

Moorabool Shire Council

182 Halletts Way

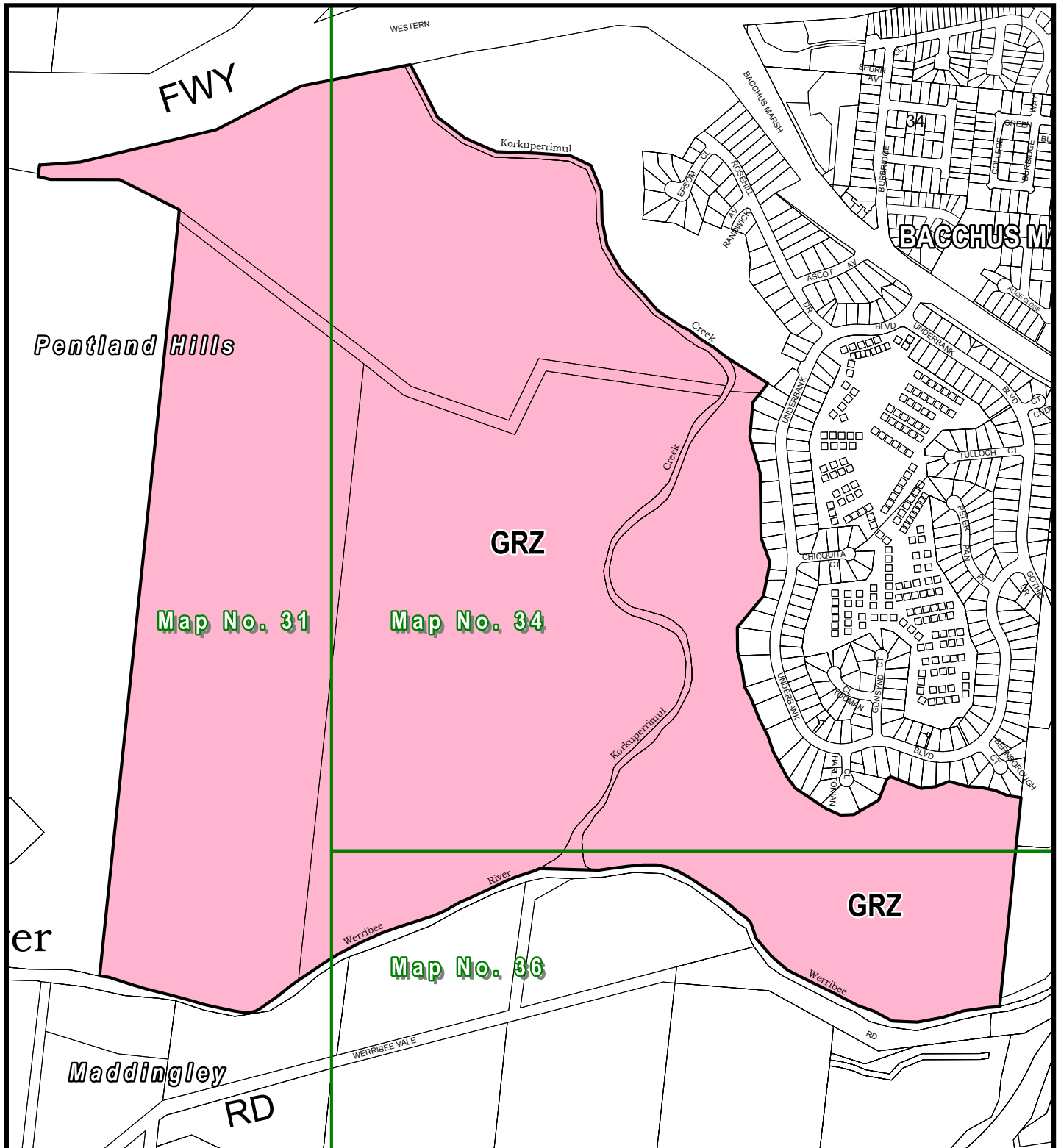
Darley VIC 3340

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at

<http://www.dpcd.vic.gov.au/planning/publicinspection>.

MOORABOOL PLANNING SCHEME

LOCAL PROVISION



LEGEND

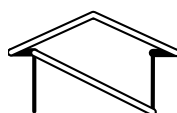
Part of Planning Scheme Map Nos 31, 34 & 36



GRZ

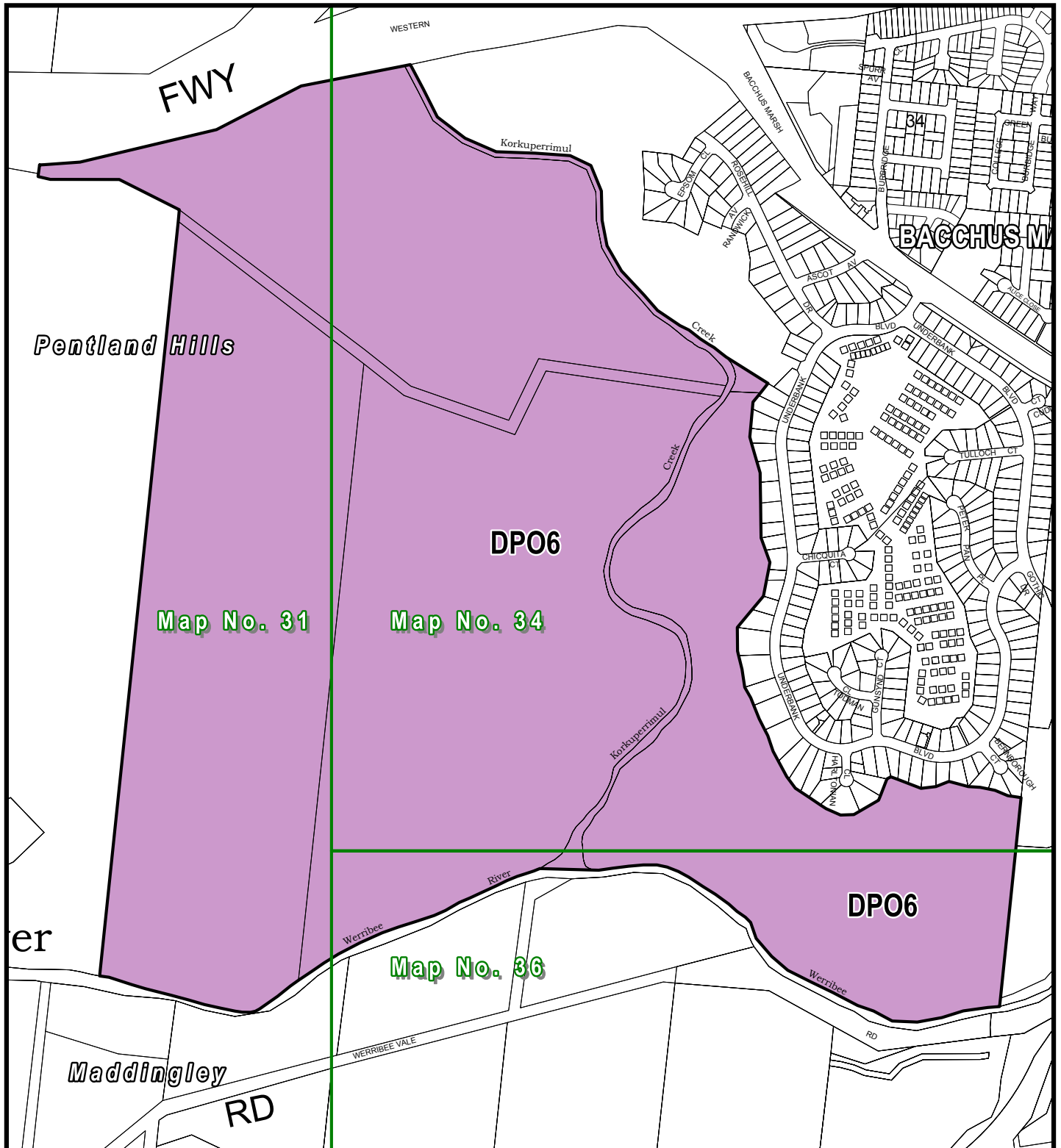
GENERAL RESIDENTIAL ZONE

AMENDMENT C62



MOORABOOL PLANNING SCHEME

LOCAL PROVISION

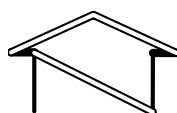


LEGEND

DPO6 DEVELOPMENT PLAN OVERLAY
- SCHEDULE 6

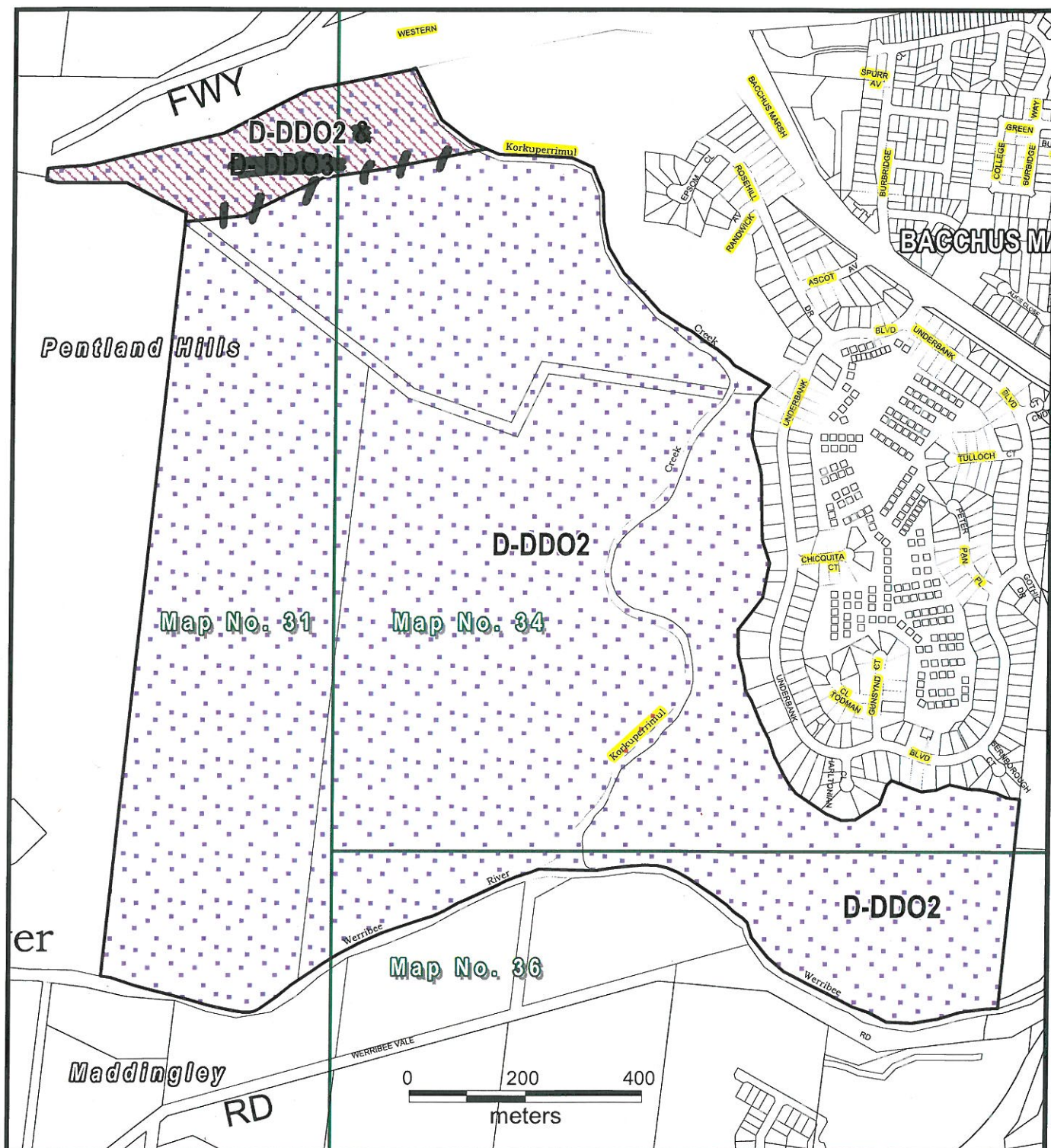
Part of Planning Scheme Map Nos 31, 34 & 36

AMENDMENT C62



MOORABOOL PLANNING SCHEME

LOCAL PROVISION



LEGEND

D-DDO2 AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY (DDO2)

D-DDO3 AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY (DDO3)

Part of Planning Scheme Map Nos 31DDO, 34DDO & 36DDO

AMENDMENT C62



27/11/2013
C62 Proposed

SCHEDULE 6 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO6

Underbank Farm

1.0 Development Plan Overlay Objectives

27/11/2013
C62 Proposed

The objective of this Development Plan Overlay are to stage a master-planned development to ensure:

- Planning for residential and associated development in a logical, cost effective and sequential manner;
- Efficient use of infrastructure, and land, whilst managing any impacts on the environment and amenity;
- Identification and effective management of sites of environmental, heritage and landscape significance;
- Co-ordinated provision of utility services and drainage;
- Co-ordinated provision of physical and community infrastructure and public open space that enhances the amenity, safety and liveability of the precinct and surrounds; and
- Preparation of an integrated Development Plan generally in accordance with the Underbank Farm Concept Plan shown in Clause 5.0 of this schedule.

2.0 Requirement before a permit is granted

27/11/2013
C62 Proposed

The responsible authority may grant a permit for subdivision, for a public purpose or buildings and works or a fence before approval of a development plan provided that the responsible authority is satisfied that the subdivision, use or development is generally consistent with the Underbank Farm Concept Plan.

3.0 Conditions and requirements for permits

27/11/2013
C62 Proposed

Any permit for subdivision must include the following conditions:

- Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the developer will manage the environmental and construction issues associated with the development. The plan must address, but not be limited to the following:
 - How the land is to be accessed during the construction period;
 - All measures to be introduced to ensure that construction on the land does not impact on any vegetation to be retained;
 - All measures to be introduced to minimise soil erosion and runoff;
 - Details relating to the storage of all plant and equipment during the construction period; and
 - Measures to be implemented to ensure the containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site.
- Developer contributions are required for the provision of infrastructure on the developable land. A condition must be provided requiring the payment of the

development contribution in accordance with an agreement made with Moorabool Shire Council under Section 173 of The Act.

4.0

Requirements for development plan

27/11/2013
C62 Proposed

A development plan must be prepared for the site as a whole and generally in accordance with the *Underbank Farm Concept Plan*.

The development plan must comprise:

- A design response that is based on the results of the site analysis process, and is generally consistent with the Underbank Farm Concept Plan, and
- A written report and plans addressing the objectives described in this schedule

Site Analysis

- A development plan must include a detailed site analysis and design response that includes the following items to the satisfaction of the responsible authority:
 - Contours of land at 1.0 metre intervals and shading of land in 5 degree slope class intervals.
 - Identification of sites of potential geotechnical instability;
 - An environmental assessment of the flora, fauna and habitat significance of the land which includes recommended actions for management, revegetation and restoration of any identified conservation and vegetation protection areas where relevant. The assessment must also make recommendations with regard to management of noxious weeds as identified by the Catchment and Land Protection Act 1994. .
 - An arboriculture assessment of all existing trees / groups of trees on the land which provides a description of the condition, health and integrity of all trees. The assessment must include recommendations for the long term preservation of tree(s) having regard to proposed open space or development in the neighbourhood context. The arboriculture assessment must include a plan showing the location of all vegetation nominated for removal and retention and surveyed locations of the trunk, canopy and tree protection zone of all vegetation nominated for retention.
 - An archaeological survey and heritage assessment which includes recommendations for the protection, restoration and interpretation of significant sites, and where appropriate, design measures to sensitively integrate sites. The assessment must also identify areas where a Cultural Heritage Management Plan is required by the Aboriginal Heritage Act 2006.
 - A landscape assessment that defines any important landscape views or vistas and any landscape features.
 - An environmental assessment identifying any potential environmental hazards or contamination on the land and proposed treatments, if any; or a qualified statement indicating the absence of such hazards or contamination.
 - A waterway assessment that:
 - Identifies the top bank of the Werribee River, Koruperrimul Creek and its tributaries to inform setback requirements for development; and
 - Identifies any geotechnical issues that may arise from development proposed on land abutting waterways where there is potential for instability and bank erosion.
 - A Drainage and Stormwater Management Strategy for the land to the satisfaction of Melbourne Water that shows:

- The catchment area, drainage outfall locations, new drainage works, existing drainage infrastructure and details of flow levels and flood levels for the 100 year ARI storm event as a result of development;
- How the subdivision of land will cater for flooding and waterway enhancement works, including setbacks from waterways; and
- How it is intended to deal with the existing waterways, flood levels and flows that run through the land.

Design Response

Neighbourhood and Density Objectives

To provide a series of internal neighbourhoods that promote a sense of spaciousness through landscaped side and front setbacks and creation of diverse and interesting range of public realms. This will be achieved through:

- Are diverse in landscape, streetscape and built form character, each with a neighbourhood 'core' consisting of a feature (open space, streetscape, heritage place, community space etc);
- Are clearly defined by streetscape features and are connected through use of local streets and open space areas;
- Provide diversity in lot sizes and housing styles, with smaller lots in key, high amenity locations around open space and activity areas and larger lots on slopes greater than 15%;
- Identifies designated areas within the plan areas proposed as potentially suitable for medium and higher density housing types based upon accessibility to transport, open space and services and facilities.
- Describe indicative density patterns including proposed lot densities in each area, indicative lot layout for initial stages, road and movement networks, open space networks, integration between new and existing development, location of reticulated water, sewerage and drainage, road and footpath networks.
- Provide opportunity for some larger lots for single dwellings on flatter land so as to achieve a diversity of lot sizes with little or no slope;
- Ensure that lot configuration allows for space between structures to allow for views beyond dwellings and to facilitate landscaping.
- For land generally above the 125 metre contour line (as shown in the concept plan), the minimum lot size should be generally in the order of 700sqm, except where the land has a gradient of less than approximately 1:10.
- For land generally below the 125 metre contour line, the minimum lot size should be generally in the order of 400sqm, except where the land is in close proximity to the proposed neighbourhood centre.
- Include a number of diverse streetscape cross sections which incorporate existing vegetation and create distinct 'naturalised' open space to provide a context for diverse housing outcomes and high amenity character
- Facilitates lot width and configurations that are designed to accommodate landscaping in front setbacks and avoid excessive areas of paving. Battleaxe style lots should be avoided and if created should be a minimum lot frontage to the street of 16m.
- Ensure that lots adjoining open space are designed to facilitate positive interfaces and passive surveillance. Blank walls and tall impermeable fences should be avoided.

To ensure development, where appropriate, responds to locational issues, including:

- Provide an appropriate housing and fencing interface to adjoining rural lands, and vehicle and pedestrian connections to adjoining residential land;
- Design guidelines for interface areas that encourage active frontages along higher order roads ;
- Adequate setbacks, from the escarpment must be provided to prevent visual intrusion and landslide hazard;
- Street layout is to ensure passive surveillance of the escarpment and gullies. Where an accessway cannot form the boundary to a lineal reserve houses should be located to provide passive surveillance of the space and to allow access by management and emergency service vehicles;
- Lots designed with an appropriate interface either side of waterways. Waterway corridors should typically be defined with a continuous edge formed by public road or open space area.
- Development including setbacks from waterways are in accordance with Melbourne Water's Waterway Corridor Guidelines for Greenfield Development.
- Built form on hilltops and ridgelines is minimised in order to preserve high quality landscapes with building envelopes to be provided for on the lower parts of each block
- Identification of how development and development density on land between 15 – 25 degree slope will be undertaken to minimise potential for mass wasting.
- Demonstration as to how the development plan responds to 52.47 Bushfire Protection : Planning Requirements.
- Noise attenuation, particularly within 50 metres of the Western Highway property boundary.
- No new allotment is to be created such that there is insufficient space below the 63 db(A) or greater at 1 metre from the most exposed façade of any residential dwelling.

Traffic and Movement Networks

Prior to any development of the site and approval of the Development Plan a Traffic Impact Assessment must be submitted to the satisfaction of the Responsible Authority, VicRoads and Public Transport Victoria. The Traffic Impact Assessment must include:

- The level of development that can occur prior to road network upgrades. At a minimum this should:
 - review internal and external traffic and movement network impacts and identify costs for Developer Contributions where the impact is outside the developable area;
 - Determine the number of lots which can be approved prior to the completion of the Halletts Way extension; and
 - Determine the number of lots which can be approved prior to the completion of the Halletts Way on ramps
- The future road network and traffic management works showing an internal road network.
- A transportation network that provides a high level of access within the development for all vehicular and non-vehicular traffic, responds to the topography of the land and provides opportunities for public transport. The information provided is to include:-
 - A road hierarchy plan displaying trunk collector, collector and local access roads referencing the cross-sectional dimensions between property lines of

all roads, clearly displaying parking, traffic and bicycle lanes/paths, central medians, kerb and channel, footpaths, nature strips and services reflecting the requirements and specifications of the Infrastructure Design Manual – Moorabool Shire Council (IDM); Verge widths shall be a minimum of 4.5 metres, unless stated as higher in the IDM. The corresponding minimum road reserve width for Access Place is 16.0 metres, Access Street is 18 metres and Residential Court Bowl is 30 metres. All other Minimum Reserve Widths are as per the IDM.

- A plan that assigns a traffic volume range to each road and identifies measures to ensure roads do not exceed the traffic volume range commensurate with their position in the road hierarchy -intersection treatments and traffic management controls (eg roundabouts) for the internal road network and identifies appropriate landscaping and entry/exit points that ensure maximum casual surveillance and public safety.
- Potential bus routes connecting to the existing public transport network and location of bus stopping areas (in collaboration with Public Transport Victoria);
- An integrated and connective system of bicycle and pedestrian paths incorporated into the road and public open space system. Paths proposed along waterway corridors must meet Melbourne Water's *Shared Pathway's Guidelines*;
- Roads parallel to and adjoining the boundary of the public open space being provided along open space / escarpment areas;
- A road layout that maximises solar efficiency to most lots,
- Type of street light pole and luminaire (Powercor approved); and
- Details of any new bridge crossing locations. The design and location of any new crossing must be approved by Melbourne Water and must be designed in accordance with Melbourne Water's Constructed Waterway Crossing Guidelines.

Utilities and Drainage

- A Development Sequencing plan that identifies the likely sequence of development, the staging and provision of infrastructure, drainage, roads and other key facilities and evidence that reticulated water supply and sewerage services can be provided to the land in a timely and efficient manner.
- An overall land budget that calculates the area for each category of land use shown on the plan. The land budget must specifically identify land that will be set aside for infrastructure and open space.
- Demonstrate how infrastructure including water supply, sewerage, drainage, power, telecommunications and broadband, public transport, and roads will be cost effectively provided.
- Ensure the lot layout and street network is designed to include infrastructure for broadband and the rollout of Fibre to the Premises on a sub terrestrial basis. Evidence of collaboration with appropriate providers is required within the development plan.
- A Water-Sensitive Drainage Masterplan must be prepared and demonstrate the implementation of appropriate water sensitive urban design techniques to minimise inappropriate drainage and runoff impacts. Reference should be made to Urban Stormwater: Best Practice Environmental Management Guidelines; Infrastructure Design Manual and Melbourne water requirements. It should provide for:

- A detailed description and concept plans of the proposed system of stormwater drainage measures including water retention basins and water quality treatments including siting;
- A restriction on embankment slopes so that they are no steeper than 8:1 where maintenance access is required and 5:1 elsewhere; in accordance with the IDM
- A maximum of 5 metres in the depth of fill (as measured from natural ground level) to be placed in the gullies, whether for retarding basins or road crossings, unless there are compelling engineering reasons for exceeding this figure;
- A costed construction, management and maintenance implementation plan including appropriate water quality treatment measures for approval, along with associated maintenance and capital costs;
- Innovative wastewater management strategies that maximise opportunities for waste recycling and or storm water harvesting and reuse in open space and streetscapes must be developed to the satisfaction of the Responsible Authority.
- The proposed stormwater quality treatment measures shall be reviewed using the MUSIC (Model for Urban Stormwater Improvement Conceptualisation) program to determine the benefits of the proposed works and the outcomes incorporated into the Drainage Masterplan.
- The Water-sensitive Drainage Masterplan must meet the requirements and specifications of the Infrastructure Design Manual – Moorabool Shire Council and Melbourne Water requirements.

Community Facilities and Services

- A community infrastructure report that identifies the need for new services and facilities such as primary schools, secondary schools, community centres, neighbourhood scale activity centres, and district playing fields must be prepared in consultation with relevant agencies and demonstrate that community infrastructure services can be either adequately provided in the development plan area or through the provision of developer contributions outside the area.
- The location of any social and community facilities or features that will be included as part of the development, including neighbourhood scale activity centres.

Open Space and Landscaping

Preparation of an open space and landscaping Masterplan and report that:

- Identifies encumbered open space, passive open space, land suitable for active open space, and any additional open space required to perform a streetscape function or to link open space areas.
- Identifies a preferred character/theme for each open space area and a street tree theme for streets and boulevards, including nomination of suitable species and provides consistent whole of precinct landscaping details, along main roads, open spaces, and pedestrians/bicycle pavements
- Details any vegetation to be preserved on site, vegetation to be removed and any revegetation works required in accordance with the recommendations of the flora and fauna assessment.
- Details of fencing treatments proposed for land abutting open space, including land abutting the floodplain.

- Uses indigenous and drought tolerant vegetation for landscaping and retention of existing indigenous vegetation wherever possible.
- Ensures at least 4% of the land shall be set aside for public open space purposes within the site and 1% payment made for embellishment of regional open space. Without prior agreement of Council, the following areas will be excluded from the calculation of land set aside for public open space contributions:
 - Areas identified as non-developable on the Underbank Farm Concept Plan;
 - Areas of Environmental Significance due to the presence of cultural heritage, indigenous heritage or significant flora and fauna species;
 - Drainage Reserves;
 - Land with a slope in excess of 15%.
- Details how the open space interacts with and embellishes the waterways (Korkuperrimul Creek and Werribee River) and water infrastructure (channels and pipes).
- Ownership and maintenance responsibility for all open space will be retained by the developer until developed to the satisfaction of the responsible authority.
- Details on how stormwater harvested from the development can be stored and utilised for watering open space areas.

Environmental Considerations

An environmental plan to be prepared for the site that:

- Demonstrate innovative sustainable development practices including measures to:
 - Reduce greenhouse gas emissions, water consumption and waste generation, and
 - Preserve and enhance environmental attributes of the area.
- Measures to avoid and minimise potential environmental impacts including but not limited to:
 - Flora and fauna - Native vegetation removal must be avoided or minimized in accordance with Clause 52.17 wherever possible. Where vegetation removal cannot be avoided, consideration should be given for any vegetation offset required, to be applied to the rehabilitation of the escarpment and gullies;
 - Land degradation - minimisation of topsoil disturbance;
 - Erosion - Development on steep land with a slope greater than 20% is to be avoided and the Development Plan must indicate how escarpment areas will be protected;
 - Flood risks;
 - Hydraulic report to demonstrate no adverse impacts on the floodplain and must include:
 - Computations that detail impacts upon flows, velocities, flows storage and flood levels for the 100 year ARI flood event
 - Proposed drainage outfalls.
 - European and cultural heritage - Conservation and protection of significant Aboriginal and European cultural heritage places. An archaeological survey and heritage assessment must be submitted which includes

recommendations for the protection, restoration and interpretation of significant individual sites and, where appropriate, design measures to sensitively integrate sites into the open space network; and

- Weed invasion – staged weed management program

The environment plan must be to the satisfaction of Melbourne Water and the responsible authority.

Escarpment Management

Noting that escarpment land is too steep for development and that it may only be suitable as a landscape/scenic backdrop, a Management Plan must be prepared and land identified as 'escarpment' on the Underbank Farm Concept Plan' shown in Clause 5.0 of this schedule. The Management Plan will address:

- A geotechnical assessment of the stability of the area and the impact of any proposed uses and management regimes;
- What works are required to remediate the site and create a steady state including landscaping and rehabilitation and/or stabilisation works including environmental weed removal and replanting;
- Maintenance requirements, machinery requirements, and access arrangements;
- Information on surface runoff and drainage and possible impacts on the escarpment;
- The identification of noxious weeds and pests and a plan to remove them and replace them with appropriate landscape selection;
- Detailing of a rehabilitation and revegetation program which will enable minimum maintenance as well as offering land stabilisation where appropriate to be implemented in conjunction with appropriate bodies such as Grow West, Port Phillip & Westernport Catchment Management Authority, Melbourne Water, and Southern Rural Water and the Responsible Authority;
- The control of water runoff to prevent scouring and erosion consistent with sensitive pathway design;
- Appropriate species selection on the basis of minimum fuel load, throughout the lifecycle of the plant growth;
- The provision of appropriate safety barriers to prevent access to unsuitable unauthorized areas, designed to blend in with the environment;
- A Management and Implementation Plan outlining any works necessary to maintain and manage the site (including fire management), the timing of the works and how this is to be resourced (including indicative timing).
- Future ownership and responsibility for the long term maintenance and management of the site.

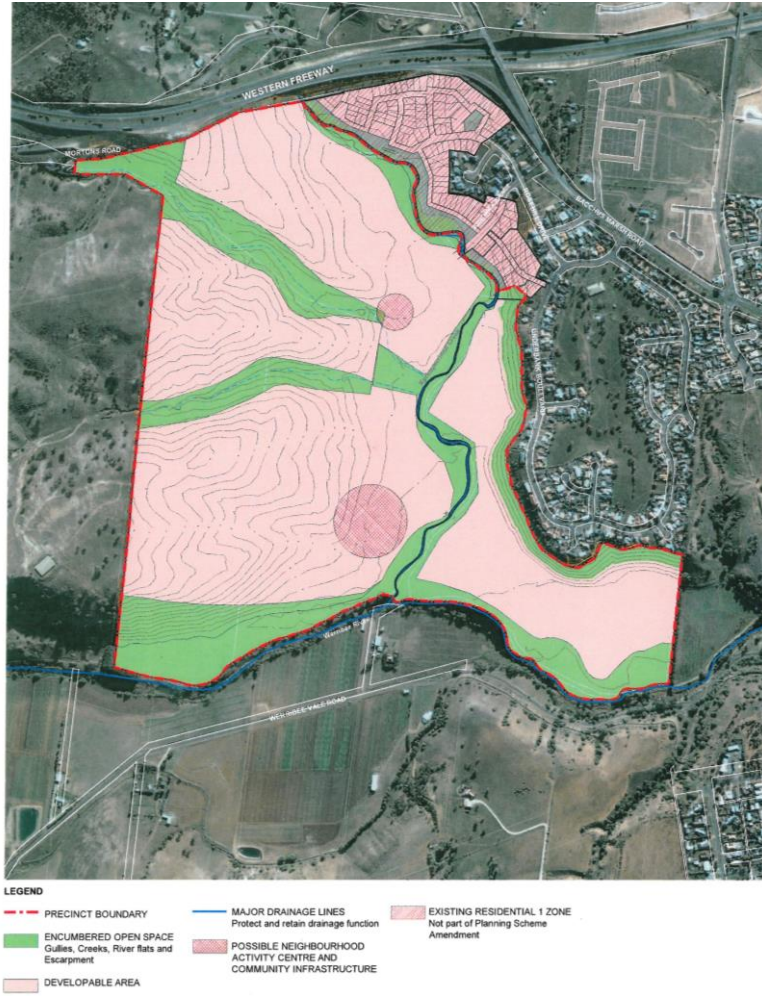
Decision Guidelines

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

- The views of all relevant service authorities.
- Consistency with the Underbank Farm Concept Plan.

5.0 Underbank Farm Concept Plan

27/11/2013
C62 Proposed



SCHEDULE TO CLAUSE 61.03

Maps comprising part of this scheme:

Zoning maps 1 to 55 inclusive

Overlay maps

- 1DDO, 1ESO, 1WMO
- 2DDO, 2ESO, 2WMO,
- 3DDO, 3ESO, 3HO, 3WMO
- 4DDO, 4ESO, 4HO, 4WMO
- 5DDO, 5ESO, 5HO, 5VPO, 5WMO
- 6DDO, 6ESO, 6HO, 6VPO, 6WMO
- 7DDO, 7ESO, 7WMO
- 8WMO
- 9DDO, 9ESO, 9PAO, 9WMO
- 10DDO, 10ESO, 10PAO
- 11DDO, 11ESO, 11RO, 11RXO, 11WMO
- 12DDO 12ESO,
- 13DDO, 13ESO, 13RO, 13WMO
- 14DDO, 14ESO, 14HO, 14RO, 14WMO
- 15DDO, 15ESO, 15HO, 15WMO
- 16DDO, 16ESO, 16WMO, 16HO
- 17DDO, 17ESO, 17WMO, 17HO
- 18DDO, 18ESO, 18WMO
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- 55DDO, 55ESO, 55PAO

Planning and Environment Act 1987

MOORABOOL PLANNING SCHEME

AMENDMENT C62

INSTRUCTION SHEET

The planning authority for this amendment is Moorabool Shire Council.

The Moorabool Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 attached maps.

Zoning Maps

1. Planning Scheme Map Nos 31, 34 and 36 are amended in the manner shown on the attached map marked "Moorabool Planning Scheme, Amendment C62".

Overlay Maps

2. Planning Scheme DPO Maps No 31, 34 and 36 are amended in the manner shown on the attached maps marked "Moorabool Planning Scheme, Amendment C62".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Clause 43.04 Introduce Schedule 6 in the form of the attached document.

End of document

Attachment - Item 6.1(d)

Attachment 5 Amendment Phase

Proponent Undertakes Background Studies

Proponent lodges rezoning request including draft planning controls

Council officers consider proposal and discuss content of planning controls with proponent.

Council considers whether to seek authorisation to prepare / exhibit

Council officers seek authorisation and undertake exhibition of the amendment.

Council considers report on submissions received and whether to request the appointment of a planning panel.

Council officers prepare report for Planning Panel.

Council considers the Report of the Panel and whether to seek approval of the amendment.

Council officers submit amendment for approval.

Minister considers Panel Report and Council recommendation before making decision.

Minister's decision comes into effect once gazetted.

Development Plan to Issuing Title

Proponent prepares background work and lodges a development plan for approval.

Council officers consider the development plan for compliance with the DPO Schedule.

Council considers development plan and approves if in accordance with the DPO Schedule.

Proponent prepares and lodges a planning permit application.

Council officers check that the application is in accordance with the approved Development Plan and process the planning permit application including referral to statutory authorities.

Council considers the planning permit application.

Proponent prepares and lodges a plan for certification in accordance with the planning permit.

Council officers process the application for certification including referral to statutory authorities.

Proponent undertakes civil works in accordance with the certified plan.

Proponent seeks a statement of compliance for the subdivision.

Council officers seek input from statutory authorities as to whether works are completed to their satisfaction and issue a statement of compliance.

Proponent seeks issuance of title from titles office.

7. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL

8. 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.**

9. MEETING CLOSURE