

## **SPECIAL MEETING OF COUNCIL**

**Minutes** of a  
Special Meeting of Council held at  
the James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh on  
Wednesday 14 September 2016  
at 6:00 p.m.

### **Members:**

Cr. Allan Comrie (Mayor)	East Moorabool Ward
Cr. Paul Tatchell	Central 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. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Social and Organisational Development

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

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**1. OPENING OF MEETING**

*The Mayor, Cr. Allan Comrie, opened the meeting at 6.00pm.*

**2. ACKNOWLEDGEMENT TO COUNTRY**

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

**3. PRESENT**

<i>Cr. Allan Comrie</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
<i>Cr. Paul Tatchell</i>	<i>Central Ward</i>
<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>

**Officers:**

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Andrew Goodsell</i>	<i>Manager Strategic and Sustainable Development</i>
<i>Mr. Glenn Townsend</i>	<i>Manager Operations</i>
<i>Ms. Melissa Hollitt</i>	<i>Minute Taker</i>

**4. APOLOGIES**

<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. John Spain*</i>	<i>East Moorabool Ward</i>

*\*(Leave of Absence – Refer Item 16.1 of the Minutes of the Ordinary Meeting of Council held 3 August 2016)*

## 5. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

### Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

***Nil.***

## 6. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
7.1	<i>Underbank Development Plan</i>	Nick Hooper and Allan Carlson Applicants' Representative	Supporter

## 7. BUSINESS

### *Consideration of Presentation*

***Mr. Nick Hooper and Mr. Allan Carlson addressed Council in favour of the Underbank Development Plan.***

***The business of the meeting then returned to the agenda.***

### 7.1 Underbank Development Plan

#### **Introduction**

File No.: 13/06/079  
Author: Andrew Goodsell/Justin Horne  
Manager: Satwinder Sandhu

#### **Proposal**

A Development Plan has been lodged with Council as required under the provisions of the Development Plan Overlay which was introduced to the Moorabool Planning Scheme with the approval of Amendment C62.

This report provides an assessment of the Development Plan against the requirements of Schedule 6 to the Development Plan Overlay and makes recommendations to Council on the plans.

#### **Background**

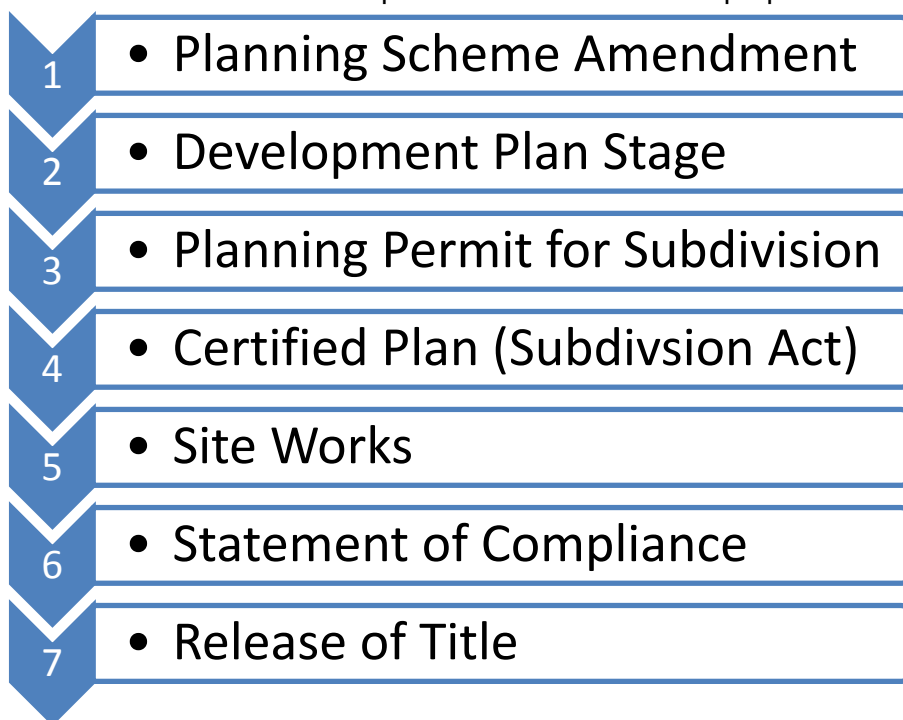
The Minister for Planning gazetted Planning Scheme Amendment C62 which came into effect on 9 July 2015 and resulted in the rezoning of 174 Morton Road, Pentland Hills, part of 5 Randwick Avenue, Bacchus Marsh and part of Woolpack Road, (the section running through 174 Morton Road) from Farming Zone to General Residential Zone and also placed a Development Plan Overlay, Schedule 6 on the land and deleted the Design and Development Overlay Schedules 2 and 3 from the subject land.

The land parcels rezoned are identified in the Municipal Strategic Statement (MSS). The revised Municipal Strategic Statement (MSS) sets out potential growth areas including the Bacchus Marsh Framework Plan, and identifies the subject land as a proposed growth area highlighted for long term residential growth.

The MSS recommends the use of the Development Plan Overlay (DPO) for all land in future residential growth areas that are to be master planned. In order to guide orderly development it is necessary to introduce a DPO that sets out the basic requirements and expectations of the responsible authority before subdivision is to occur.

The aim of the Development Plan is to address the specific items identified in the Development Plan Overlay.

Figure 1 outlines the seven stages from Planning Scheme Amendment to the Release of Title. The Development Plan that has been prepared is stage two.



**Figure 1** Planning process from rezoning to land release

### **Underbank Development Plan**

The Underbank Development Plan (UDP) prepared for Kataland by Taylors covers an area of 151.7 hectares (with some consideration for an additional 15 hectares at 5 Randwick Avenue) and consists of a significant residential estate with a network of open space, roads and community facilities. The development of the area is expected to occur over a ten year period.

The proposed lot sizes are mixed and is proposed to consist of:

- Neighbourhood lots: sizes ranging between 400 to 600 square metres.
- Conventional lots: generally 700 square metres, except where the land has a gradient of less than 1:10 (approximately).
- Rural Interface lots: Larger blocks at sensitive interfaces and on steeper land.

The development area will be separated into three residential neighbourhoods as described later in this report. Areas of active and passive open space within the site have been identified and the location of these parks ensures the retention of existing vegetation which is considered to be of significant value. The UDP has been developed to ensure connectivity throughout the larger estate in relation to road movements, Halletts Way extension and pedestrian links.

The UDP needs to be read in conjunction with the background reports which address a wide range of issues from traffic circulation to drainage, acoustic design and landscape (amongst other matters).



Several iterations of the UDP have been prepared in the last few months, reflecting a considerable amount of work undertaken by Taylors, Council staff and consultants (Mesh Planning) commissioned by Council to assist.

Accordingly, updates of background reports to match with the finalised layout as reflected in the UDP will be required, where matters such as road alignments, open space design/configuration and associated issues have been refined. Any final matters are substantially operational and can be conditioned to be addressed prior to the issuing of the planning permit for subdivision.

### **Development Plan Assessment**

The Development Plan Overlay states a number of itemised requirements which must be submitted with an application to approve a development. An assessment against each of the requirements is provided below based chronologically on section 4 of Development Plan Overlay Schedule 6 – 'Requirements for development plan'.

The UDP is provided at **Attachment 7.1(a)**. A spreadsheet identifying the requirements of DPO Schedule 6 and the responses provided in the UDP, as well as adequacy is provided at **Attachment 7.1(b)**. Key agency responses are provided at **Attachment 7.1(c)**. The current S173 Agreement is provided at **Attachment 7.1(d)**.

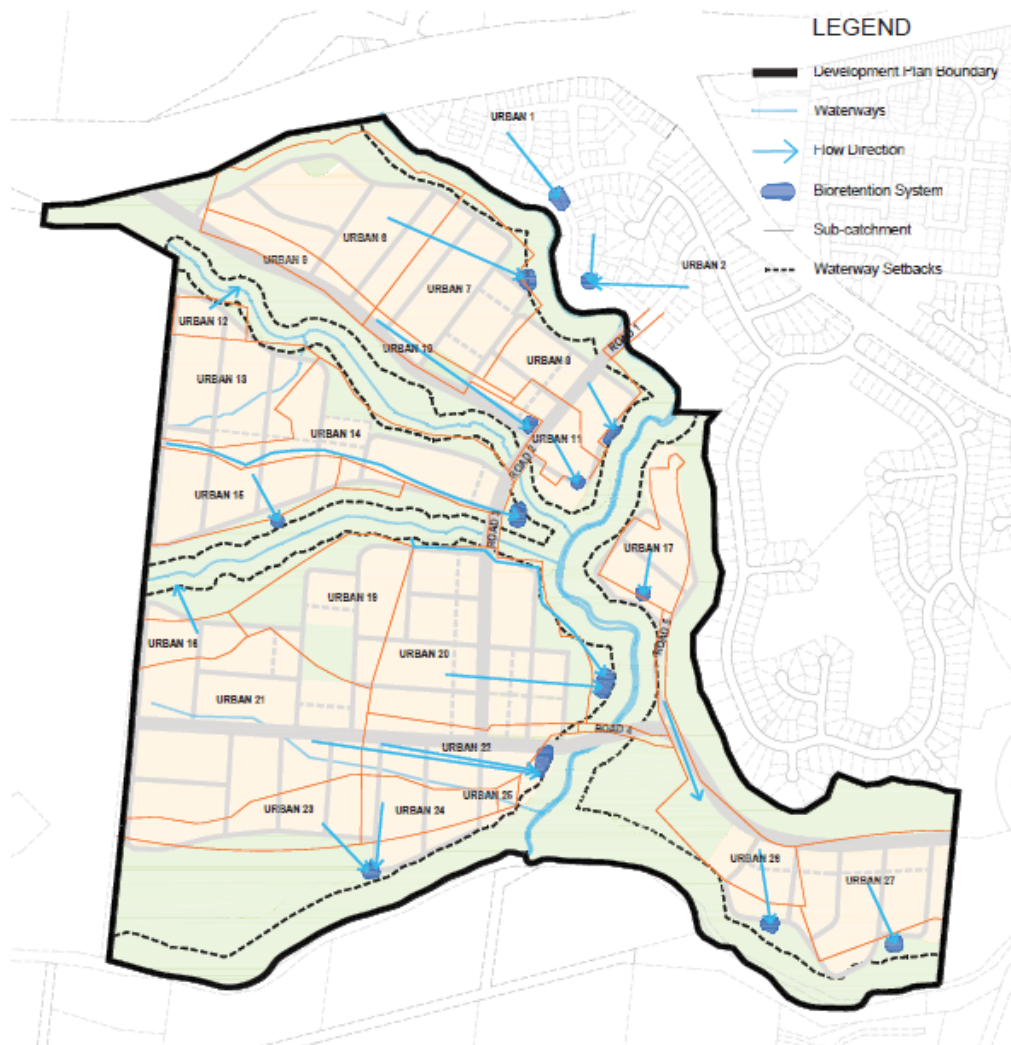
### Site Analysis

The site analysis is contained in Section 4 of the UDP. Slope analysis, existing buildings and movement networks, waterways and flooding, geotechnical, flora and fauna, archaeology and heritage, landscape features, environmental (contaminated land), bushfire management, acoustics are each separately addressed. From that follows site analysis and design principles (4.11).

Overall, the information provided is adequate and the UDP meets the site analysis. The matters which are likely warranting further consideration before any subdivision or site works occurs concerns the drainage and stormwater management strategy.

A drainage management strategy (Annex E of the UDP) has been prepared by the applicants, and this strategy has been referred to Melbourne Water for comment as part of the UDP assessment. The stormwater strategy incorporates a number of wetlands (see page 55). The strategy has been developed to mitigate peak flows, through the use of a number of wetlands and is also used to clean the water prior to being released into the Werribee River.

Notwithstanding Melbourne Water's endorsement of the UDP (**Attachment 7.1(c)**), the detailed nature of a stormwater management plan, where outfall locations will be constructed, new drainage works built and limiting Council maintenance obligations with respect to detention features is an order of detail beyond the development plan process. These are matters of detailed design but are nonetheless critical, especially noting the geotechnical challenges caused by local soil conditions and slope within some parts of the site. Suitable conditions to address this issue are therefore appropriate.



**Figure 2** Indicative Bio retention System Locations

### Design Response

The Design Response section of DPO Schedule requires the UDP to address a range of matters in relation to neighbourhood and density objectives.

A key outcome for the UDP was the establishment of distinct neighbourhoods, defined by lot size, configuration, slope, level of access to facilities and services and landscape.

Section 5.6 of the UDP provides a design response, design objectives as well as density, diversity and slope considerations. From this it can be determined that there are three types of neighbourhoods:

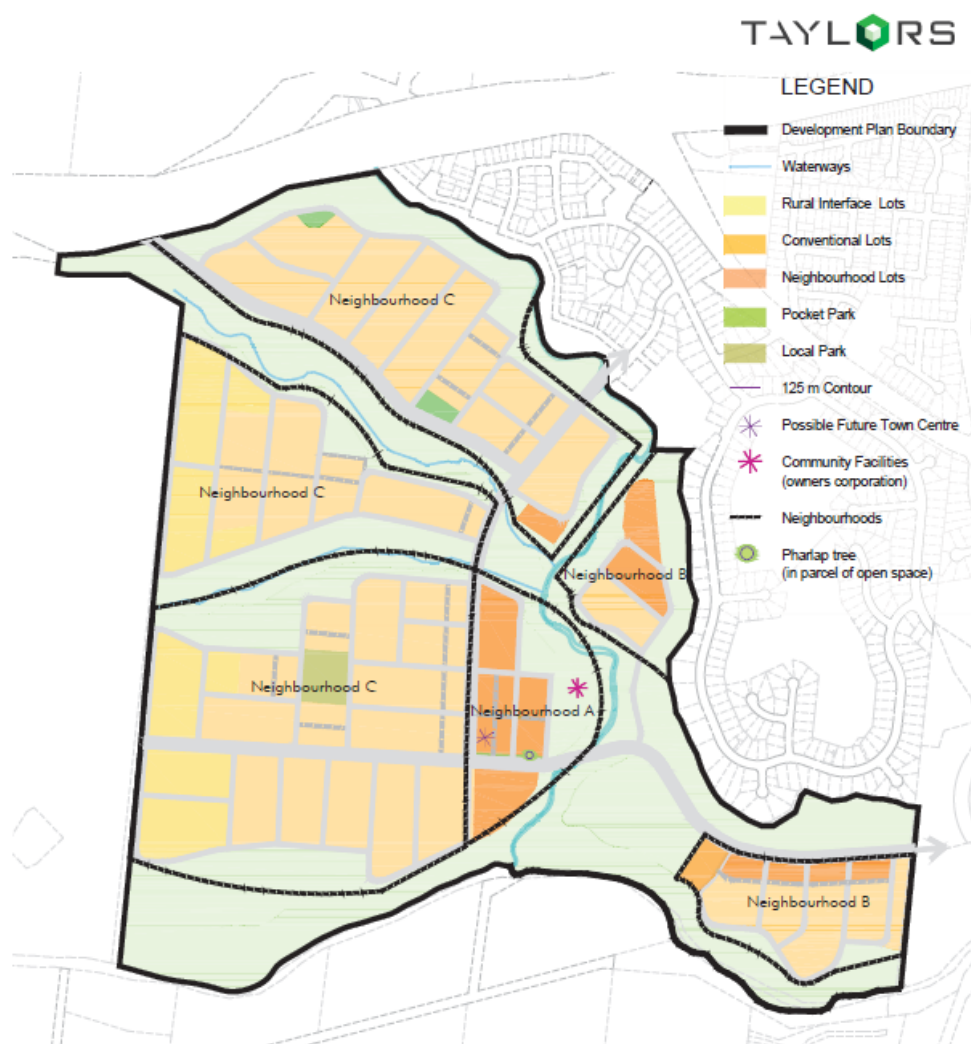
- **Neighbourhood Lots** – minimum lot size of generally 400 sq.m on land below the 125m contour, near local facilities and services. Provision for some larger 600 sq.m lots will also be provided for diversity reasons (Neighbourhoods A and B).
- **Conventional Lots** – minimum lot sizes of around 700 sq.m on land that has a gradient of less than 1 in 10 (Neighbourhood B and C).

- **Rural Interface Lots** – Larger blocks at sensitive interfaces and on steeper land for a less urban experience (Neighbourhood C).

Neighbourhood A lots will have frontage widths of typically 10-12.5m. Neighbourhood B lots will maintain frontage widths of typically 10-16m. Neighbourhood C lots will have a minimum frontage width of 16m.

Detailed built form controls that differentiate the neighbourhoods would further assist the effective implementation of the UDP. Presently these controls are not found in the UDP but they can be conditioned to be included in the design guidelines required by the DPO Schedule.

Controls on battle axe lots, to minimise their use along with appropriate reference to passive surveillance of open space areas are addressed.



**Figure 3** Neighbourhoods and densities

DPO Schedule 6 requires design guidelines for interface areas that encourage active frontages along higher order roads. Whilst there are many examples of highly desirable built form outcomes, it is unclear how the design outcomes proposed can be mandated. A condition requiring an agreed design guideline to be finalised that achieves the types of built form outcomes proposed will be required.



**Figure 4** Indicative Built Form Outcomes

Fencing treatment is detailed for the respective neighbourhoods.

A key requirement from the DPO Schedule is the use of appropriate streetscape cross-sections which show clearly the relationship between development, infrastructure (such as roads) and the natural environment and landscape. The sections are provided on page 38 of the UDP, including the double row of tree connector road, which is an entrance feature to the estate from Halletts Way.

DPO Schedule requirements such as minimal development on hilltops and ridgelines are managed through the use of density controls, being the least intensely developed part of the site. The landscape masterplan (Figure 8) also effectively displays the layout of the site and the application of development principles as set out in the UDP.

The acoustic design response is provided at page 58 of the UDP. As some sections will be within 50m of the Western Freeway design detailing is required. Heights and lengths as well as design treatment are specified appropriately, the solution being likely superior to several existing acoustic walls located within Bacchus Marsh facing the same Freeway.

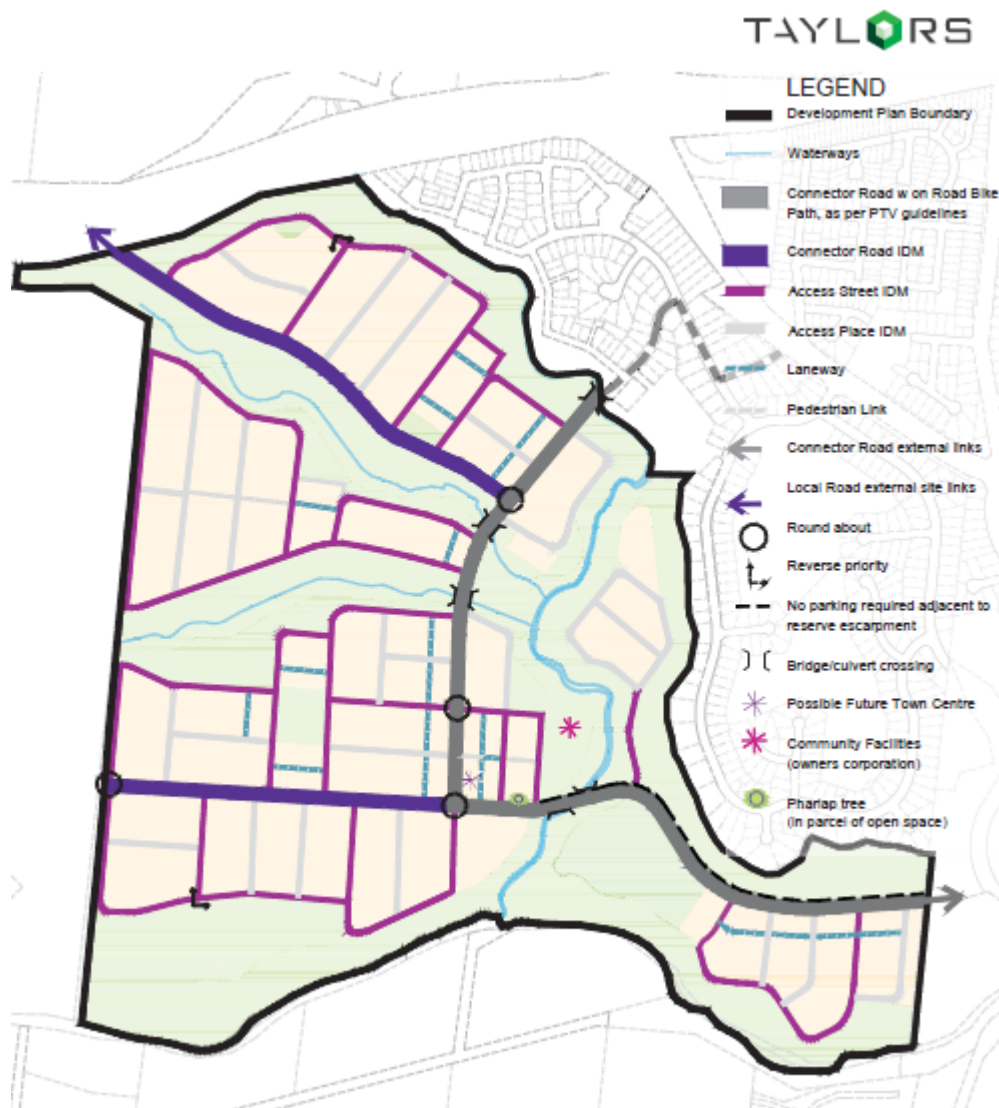
A bushfire hazard response is provided, though the site is not subject to any bushfire management overlay controls in any event.

### Traffic and Movement Networks

A traffic impact assessment is a key requirement of the DPO Schedule 6, prepared to the satisfaction of the responsible authority, VicRoads and Public Transport Victoria (PTV).

PTV and VicRoads have endorsed the DP. The movement network is provided at Figure 5.

The network describes the internal road network, pedestrian links, bridges and key off site road linkages, along with the road hierarchy. A major advantage of the new layout, relative to earlier master planned estates is the use of roads to access and experience open space and escarpment areas and the stronger and more direct road routing which is likely more user-friendly for residents and visitors alike.



**Figure 5** Movement Network

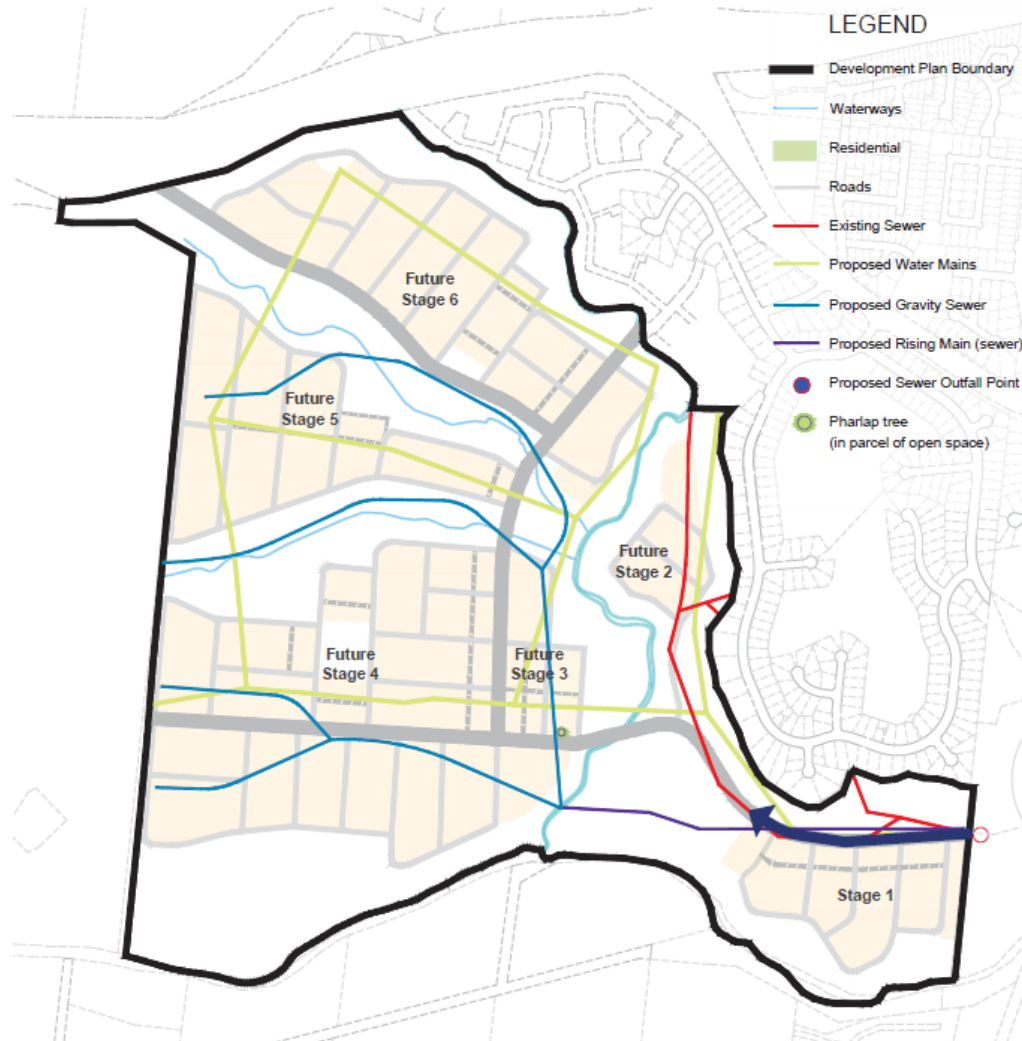
Triggers for road works such as the Rosehill Drive/Ascot Drive intersection (100 lots in Neighbourhood 6) are specified. The intent is clear however there is no neighbourhood 6, only a 'Future Stage 6' (p53). A condition clarifying triggers with stages to Council's satisfaction is appropriate to remove any future confusion. 800 lots are allowed to be released before Halletts Way is constructed, though it is almost guaranteed that Halletts Way will be built before any significant number of lots are on the market.

The Traffix Addendum Letter to Traffic Impact Assessment G17118R-01B dated August 2016 appears to adequately address the triggers proposed but it is appropriate that these be finalised via condition.

Melbourne Water's feedback addresses the issues concerning creek crossing locations and design, with the construction details to be confirmed at the subdivision and civil works stage – as is generally the case.

## Utilities and Drainage

A core requirement of the DPO Schedule is to provide the likely sequencing of development as well as staging of infrastructure, drainage, roads and other key facilities. Stage 1 begins off Halletts Way with subsequent staging within the lower sections around or below the 125m contour. The steeper ground above 125m is typically developed in Stages 3-6 as per Figure 6 below. Servicing arrangements are also provided for trunk water and sewer.



**Figure 6** Anticipated Staging and Servicing

Western Water has reviewed the DP and given their support for the concept layout (response at **Attachment 7.1(c)**).

An overall land budget is provided as per Table 1. The open space/local parks/active open space is generally acceptable with the qualification that:

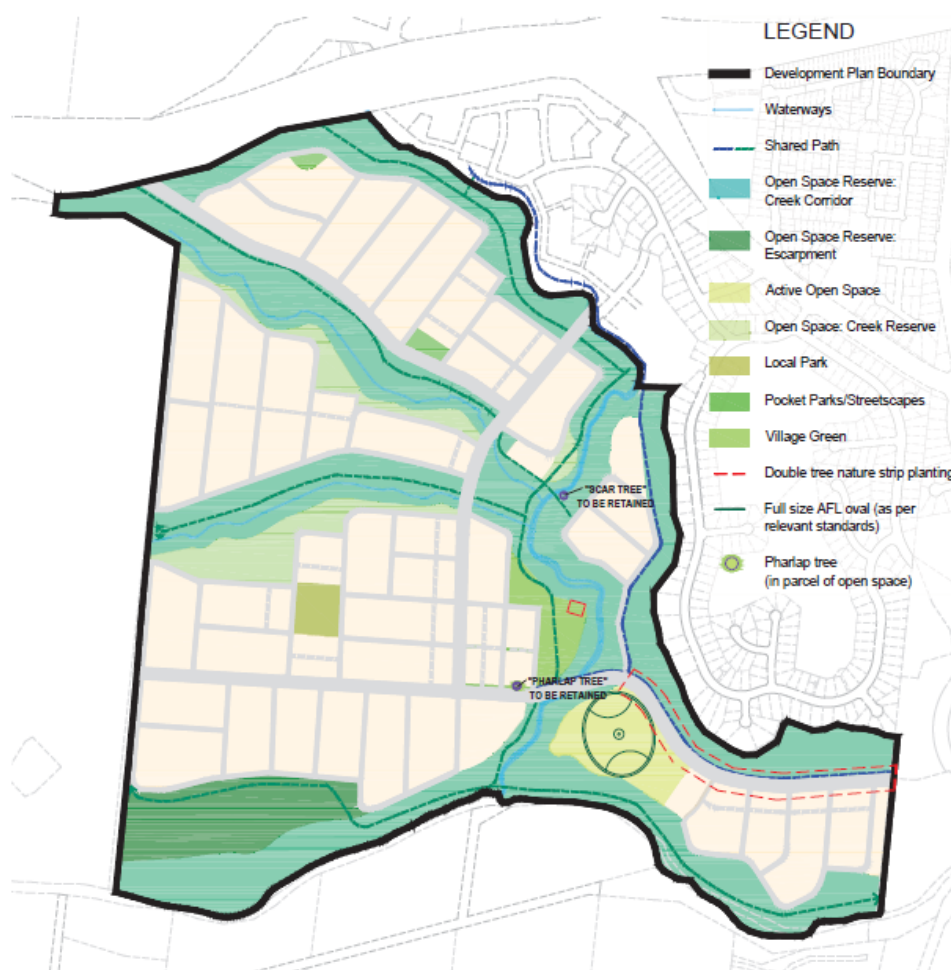
- (a) the landscape masterplan is to be updated as necessary to reflect that slope grades will need to be adequately managed in the design of each stage of subdivision to achieve usable open space; and
- (b) the final design of each dedicated open space area is deemed suitable by Council having regard to the design response set out in Section 5.7 of the Development Plan and the Development Plan objectives contained in DPO Schedule 6, section 1.0 Development Plan Overlay Design Objectives.

Land Use	Area	%
Creek Environs	44.5ha	29.33%
Escarpment	18.1ha	11.93%
Open Space/Local Parks/Active Open Space	6.42ha	4.23%
Net Developable Area	82.7ha	54.51%
<b>TOTAL SITE:</b>	<b>151.72</b>	<b>100%</b>

**Table 1** Land Budget

#### Community Facilities and Services

A community infrastructure report has been prepared and forms a reference document to the UDP (Annex L). The full list of facilities and services to be provided and the schedule of payments identified in the S173 Agreement are provided at **Annexure D** and discussed later in this report.



**Figure 7** Open Space Network

Page 34 of the UDP identifies the retention of the existing stables, with the possibility of it being repurposed as a community centre to be managed via an owners corporation.

While generally supportive of the concept, prior to the issuing of a planning permit further work is required relating to the parameters of the owners corporation. A condition requiring further clarity on how assets will be managed on behalf of the future Underbank community and potential risks to Council is appropriate.

### Open Space and Landscaping

A range of requirements are to be delivered via the Open Space and Landscaping Masterplan (Annex I of UDP). A reproduction of the masterplan is provided at Figure 8 and text and analysis is provided in Section 5 of the UDP.

As is foreshadowed in the engineering feedback section of this report, there has been considerable attention to the question of suitable open space areas usable by the local community. This is a relevant consideration noting variable and sometime significant slope constraints around the escarpment areas and the geotechnical issues attached to development of some of these areas.

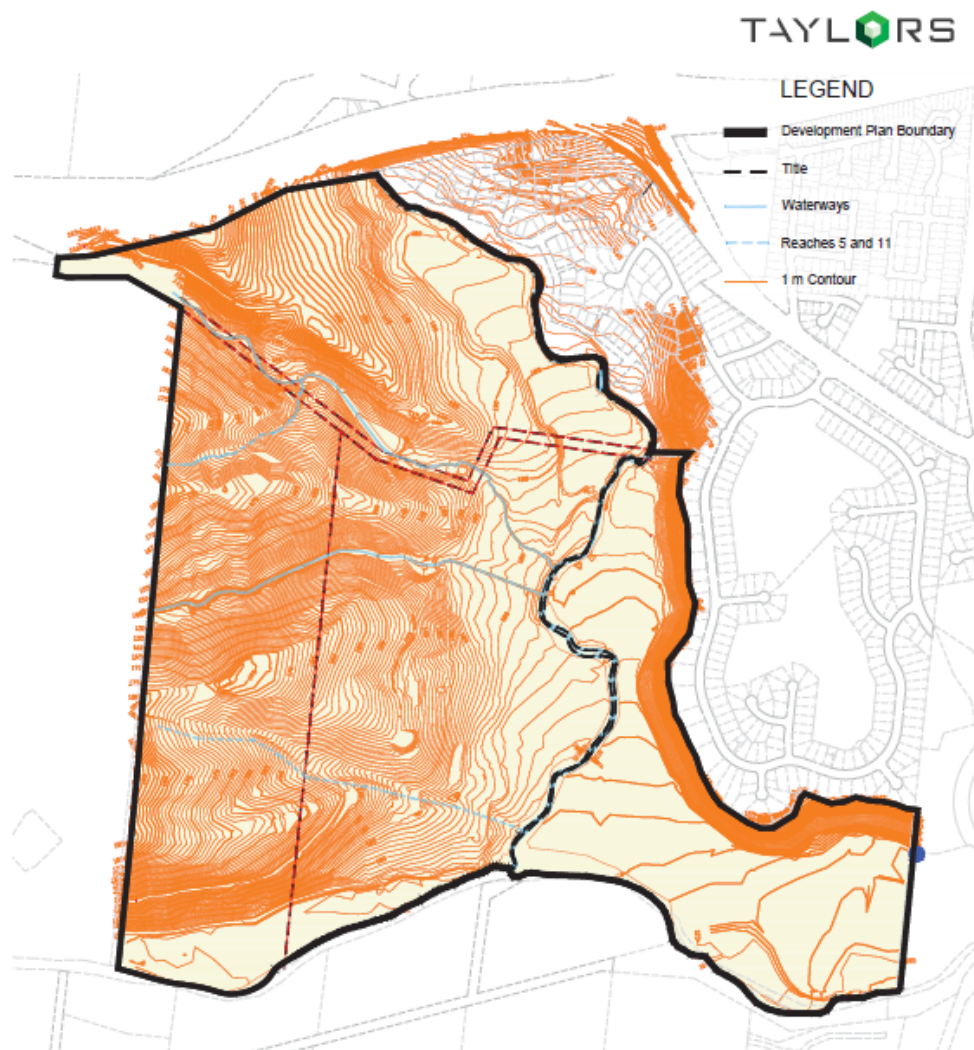
Noting the land budget meets the condition of a minimum of 4% open space the most relevant issues turn to slope gradients and usability (as well as maintenance).



The requirement in the UDP is that only land with slopes less than 15% are included in the 4% calculation and that drainage reserves are not included in the future. This will mean that escarpment areas, the most prone to erosion and instability are not relied upon as viable public open space.



Figure 8 Overall Landscape Masterplan



**Figure 9** Contours at 1m interval

It is evident that beyond the AFL identified oval precinct that much of the remainder of the open space, whether active or otherwise will be on land of moderate to more significant grade. The design of roads, neighbourhoods, potential terracing and retaining will all impact the delivery of final open space to communities. Conditions will therefore be needed to ensure the design response set out in 5.7 of the UDP is achieved.

The 'Phar Lap Tree' has been identified to be retained with a small open space reserve. An appropriate designed landscape response will be developed during the detail design response.

#### Environmental Considerations

As required via the DPO, the UDP includes additional background reports including Biodiversity Assessment, Escarpment Management Plan, Landscape Master Plan and a Weed Management Plan, which have identified key areas, actions (including timing) for the restoration and rehabilitation of natural features within the site.

As a result of the development it is inevitable that some areas of containing remnant vegetation will be removed. This will be addressed via the planning permit process.

The DPO requires that the development included measures to reduce greenhouse gas emissions, water consumption and waste generation. The UDP has not specifically addressed these items, however, section 7.0 has identified the key objectives that will be promoted.

A Site Environmental Management Plan (SEMP) that considers will need to be developed as when the planning permit at subdivision for approval by Council and Melbourne Water. The SEMP, will at a minimum include

- actions to mitigate noise, vibrations and dust
- sediment and erosion controls
- native vegetation and tree protection
- weed management.

Identified existing European and Indigenous cultural heritage where possible will be retained. In the eventuality that existing or new sites are disturbed during development, these will be managed as required via existing legislation.

### Development Contributions

As part of the rezoning and development process the landowners and Council negotiated developer contributions to contribute towards infrastructure for existing and future residents as a result of the development of the land.

Annexure D comprises a copy of the Section 173 Agreement that has been entered into between the landowners and Council. The Agreement sets out a range of infrastructure that is required to be delivered as part of the Underbank development.

Key items include:

- Active and passive open space
- Road infrastructure improvements
- Pedestrian and trail improvements

Whilst the approved Section 173 agreement clearly identifies the projects and funding to be provided to enable the development of Underbank as a master planned community, the Agreement was prepared during the finalisation of the rezoning of the land and therefore has not identified timing triggers as to when the infrastructure is required to be delivered.

The UDP does define some triggers including active open space areas at 250 lots, a family services hub at 500 lots and so forth. A full list is provided on page 60, reproduced in Figure 10.

## 6.1 Community Facilities and Services

A Section 173 Agreement was entered into with Council regarding the provision and upgrades to infrastructure within the wider area. The location of any infrastructure works have been nominated on the plan over and make an active contribution to Underbank and the surrounding Bacchus Marsh area.

The following matters were included as part of the Agreement:	Trigger
<ul style="list-style-type: none"> <li>● 1. Open Space:               <ul style="list-style-type: none"> <li>a) Active Open Space areas; 250 lots</li> <li>b) Water supply connection for irrigation; 250 lots</li> <li>c) Peppertree Park upgrade. 1,000 lots</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>● 2. Community:               <ul style="list-style-type: none"> <li>a) Family Services Hub (West Maddingley) 500 lots</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>● 3. Infrastructure Works:               <ul style="list-style-type: none"> <li>a) Pedestrian/shared trails Halletts Way Upgrade</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>4. Planning               <ul style="list-style-type: none"> <li>a) Strategic Planning 250 lots</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>● 5. Road Network Upgrades:               <ul style="list-style-type: none"> <li>a) Bacchus Marsh Road / Halletts Way Round-a-bout; 800 lots</li> <li>b) Upgrade works to Labilliere and Franklin Streets; 750 lots</li> <li>c) Werribee Vale Road / Franklin Street Intersection Upgrade 750 lots</li> <li>d) Werribee Vale Road Carriageway Widening; 750 lots</li> <li>e) Halletts Way 800 lots</li> <li>f) Grant Street / Main Street / Gisborne Road Intersection; 500 lots</li> <li>g) Ascot/Rosehill Upgrade 100 lots</li> <li>h) Pedestrian Links to north. 1,000 lots</li> </ul> </li> </ul>	

**Figure 10** Triggers for Infrastructure

Overall, it is considered that the proposed timing outlined in the Development Plan is adequate. However, to ensure that a clear and unambiguous Infrastructure Schedule is satisfactory to Council, it is recommended that the Infrastructure Schedule be confirmed by relevant Council departments post the approval of the Development Plan and prior to any permits being issued for the subdivision of the land.

Even with the triggers proposed, there are still unresolved matters. Reviewing the documentation provided, Council has received advice from its consultants, Mesh Planning. That advice indicates that it would be reasonable as part of a Council resolution to approve the Development Plan, that the resolution a Supplementary Agreement (to the existing Section 173 Agreement) be entered into prior to the issue of any permit under the Development Plan.

The purpose of the Supplementary Agreement would be to primarily lock in timings around the delivery of the infrastructure. This would also provide Council an opportunity to review the Agreement to ensure there were no gaps in regards to the implementation of the Agreement (ie collection of Development Contributions, timing of reimbursements etc).

It is also recommended that if Council agrees to the developer undertaking Works-in-Kind (WIK) the Supplementary Agreement would also be required to lock in the WIK requirements. Appropriate detail should be included to ensure there is no risk to Council on what, when, how the infrastructure will be delivered. This may require a further conversation with Council's solicitors, as to the best mechanism to achieve the outcome. The WIK Agreement should be entered into prior to Council allowing any WIK to commence.

Finally, Council has been advised that some of the background reports have requirements that should be incorporated into an additional Section 173 Agreements (ie Site Environmental Management Plan, Weed Management Plan, Escarpment Management Plan). This will be a separate agreement to the Supplementary Agreement relating to development contributions and WIK.

### **Engineering Feedback**

**Issues identified with the previous version of the UDP are summarised as follows:**

**Roads and Movement** - Various cross sections are still required (double canopy trees/avenue, laneways, removal of access place adjacent to reserve).

*Comment: Now resolved in UDP. The double row of trees are provided in section. No access places are shown adjacent to the reserve now.*

**Open Space** – Need to ensure parks located within the estate cater for all residents. Consider the Recreation & Open Space strategy and the proximity of residents to a park/open space. Open space calculations need to be verified. There are still major concerns in relation to the active open space provision. A plan needs to be included in the UDP that shows all open space (active and passive), and provide comfort that an oval will fit.

*Comment: The open space areas are extensive across the estate, in each neighbourhood. The budget of land is addressed elsewhere in this report and has been examined closely. The AFL oval layout has been superimposed over the dedicated main open space areas and is considered to meet requirements as verified by the Recreation Team.*

### **Stormwater –**

- The UDP should consolidate WSUD locations. It is highly likely a number of them cannot be constructed due to topography. The design response on drainage should look at opportunities to consolidate and possibly locate in the gullies prior to discharge into the main creek. There has been some text added around this in the revised DP.
- Although not necessary for the development plan, a stormwater strategy needs to be produced for the estate, akin to a MW scheme, that identifies the catchments, Q100 flows and trunk mains and overland flow paths. This would need to be completed prior to initial works but could be mentioned in the DP.
- There needs to be clarity on who is the responsible authority. Melbourne Water will be responsible for the Werribee River, main creek and connections to it but will they also be responsible for the gullies? We assume the WSUD will become Council assets. A joint approach to approval of stormwater design and treatment is required and hasn't been done to date. We assume they are being referred to on the side and would like to review their feedback to consolidate our ultimate response.

*Comment: Conditions are proposed on drainage that will mandate the need for additional drainage design addressing the points raised above.*

### **Escarpment Management**

The geotechnical report for the site looked at the escarpments and land stability. This important report doesn't seem to have been picked up or addressed in any of the subsequent documentation. The main concerns are:

- The geotech report classifies the eastern escarpment, southern escarpment and waterway all as high risk yet none of the management plans or the DP address this in any way. It would be negligent if this wasn't addressed, particularly in the management plan that has been developed. Therefore, an updated management plan should be developed addressing the risk. Given the timeframe and inability to update reports before this goes to Council, the DP should at least identify areas of the site that are "high/extreme risk" with some commentary about the need for management plans for each of these locations before any development occurs on the site.

### **Policy Implications**

The 2013–2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Infrastructure and Natural and Built Environment
<b>Objective</b>	Effective and integrated strategic planning in place to create sustainable communities.
<b>Strategy</b>	Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.

The preparation of the UDP is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

Council officer time as well as consultants has been involved in the assessment of the UDP.

### **Risk & Occupational Health & Safety Issues**

There are unlikely to be any risk and occupational health and safety implications for Council.

However, it is prudent in a financial, infrastructure delivery and project management context that the conditions of approval as set out in this report are applied.

### **Communications and Consultation Strategy**

Not applicable. The UDP is not subject to any consultation requirements, beyond those mandated by Schedule 6 of the DPO.

That feedback is provided in **Attachment 7.1(c)**.

## **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 General Manager, I have no interests to disclose in this report.

*Author – Andrew Goodsell & Justin Horne*

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

### **Conclusion**

The UDP area is zoned General Residential and has been identified for some time as the future residential growth area of Bacchus Marsh. The submission of the development plan, ensures that the area is developed in a holistic approach taking into account not just the site, but the impact the development will have on existing services and infrastructure.

The development contributions in relation to improvement of road and social infrastructure will provide additional benefits to the entire township of Bacchus Marsh / Maddingley / Darley through funding contribution of Halletts Way, dedicated AFL oval space and other facilities.

The assessment process has been thorough as has the negotiations in relation to the developer contributions in ensuring that the town maximises the benefits that this development can bring. It is conceded that a number of conditions will be required to resolve certain matters but these are matters primarily of detail and an operational nature.

In conclusion, the UDP is considered to comply with the schedule in the planning scheme and satisfies these requirements.

**Recommendation:**

**That Council approves the Underbank Development Plan subject to:**

1. **A full suite of assessments/reports as listed in Underbank Development Plan, being documents referenced by or informing the Underbank Development Plan, prior to any applications for subdivision or development being lodged upon the Underbank site, including but not limited to the following:**
  - **Annex A Acoustic Assessment**
  - **Annex B Arboricultural Assessment**
  - **Annex C Archaeological Assessment**
  - **Annex D Biodiversity Assessment**
  - **Annex E Drainage Management Strategy**
  - **Annex F Escarpment Management Plan**
  - **Annex G Geomorphological Assessment**
  - **Annex H Geotechnical Assessment**
  - **Annex I Landscape Master Plan**
  - **Annex J Preliminary Site Investigation (Contamination)**
  - **Annex K Traffic Impact Assessment**
  - **Annex L Servicing Report**
  - **Annex M Weed Management Plan**
2. **A Drainage and Stormwater Management Strategy for Underbank being provided to the satisfaction of Melbourne Water, in collaboration with Council's Engineering Services section, with respect to:**
  - **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.**
  - **The UDP will need to consolidate WSUD locations. The design response on drainage should look at opportunities to consolidate and possibly locate in the gullies prior to discharge into the main creek.**
  - **There needs to be clarity on who is the responsible authority. Melbourne Water will be responsible for the Werribee River, main creek and connections to it but it is unclear whether Melbourne Water will also be responsible for the gullies. Assuming the WSUD infrastructure will become Council assets, a joint approach to approval of stormwater design and treatment is required.**
3. **Finalised design guideline being issued, to the satisfaction of Council's Manager Statutory Planning, referenced directly in the Underbank Development Plan that achieves the types of built form outcomes proposed.**
4. **Open space/local parks/active open space is generally acceptable to Council with the qualification that:**
  - **the landscape masterplan is to be updated as necessary to reflect that slope grades will need to be adequately managed in the design of each stage of subdivision to achieve usable open space; and**



- the final design of each dedicated open space area is deemed suitable by Council having regard to the design response set out in Section 5.7 of the Development Plan and the Development Plan objectives contained in DPO Schedule 1, section 1.0 Development Plan Overlay Design Objectives.
5. In addition to the existing S173 Agreement registered on title, a Supplementary Agreement is to be prepared by the proponent and entered into by Council prior to the issue of any permit under the Development Plan. The purpose of the Supplementary Agreement is to confirm in timings around the delivery of the infrastructure, deleting the triggers in the UDP. Matter such as collection of Development Contributions, timing of reimbursements and associated matters will be considered and addressed in this Supplementary Agreement. Any Works-in-Kind (WIK) proposed would be also addressed. The WIK Agreement should be entered into prior to Council allowing any WIK to commence.
  6. A further additional Section 173 Agreements will also be prepared and entered into by Council addressing to Council's satisfaction the Site Environmental Management Plan, Weed Management Plan, Escarpment Management Plan, passive and active open space commitments set out in the UDP.
  7. Utilisation of an owners corporation to manage assets on behalf of the community is subject to further review by officers. At a minimum the review will include: confirmation of the assets to be managed by the owners corporation and potential risk to Council.

Resolution:

Cr. Toohey/Cr. Dudzik

*That Council approves the Underbank Development Plan subject to:*

1. *A full suite of assessments/reports as listed in Underbank Development Plan, being documents referenced by or informing the Underbank Development Plan, prior to any applications for subdivision or development being lodged upon the Underbank site, including but not limited to the following:*
  - *Annex A Acoustic Assessment*
  - *Annex B Arboricultural Assessment*
  - *Annex C Archaeological Assessment*
  - *Annex D Biodiversity Assessment*
  - *Annex E Drainage Management Strategy*
  - *Annex F Escarpment Management Plan*
  - *Annex G Geomorphological Assessment*
  - *Annex H Geotechnical Assessment*
  - *Annex I Landscape Master Plan*
  - *Annex J Preliminary Site Investigation (Contamination)*
  - *Annex K Traffic Impact Assessment*
  - *Annex L Servicing Report*
  - *Annex M Weed Management Plan*

2. ***A Drainage and Stormwater Management Strategy for Underbank being provided to the satisfaction of both the responsible authority and Melbourne Water, with respect to:***
  - ***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.***
  - ***The UDP will need to consolidate WSUD locations. The design response on drainage should look at opportunities to consolidate and possibly locate in the gullies prior to discharge into the main creek.***
  - ***There needs to be clarity on who is the responsible authority. Melbourne Water will be responsible for the Werribee River, main creek and connections to it but it is unclear whether Melbourne Water will also be responsible for the gullies. Assuming the WSUD infrastructure will become Council assets, a joint approach to approval of stormwater design and treatment is required.***
  - ***Incorporate a storm water harvesting and storage system with sufficient capacity to irrigate open space reserves.***
3. ***Finalised design guideline being issued, to the satisfaction of Council's Manager Statutory Planning, referenced directly in the Underbank Development Plan that achieves the types of built form outcomes proposed.***
4. ***Open space/local parks/active open space is generally acceptable to Council with the qualification that:***
  - ***the landscape masterplan is to be updated as necessary to reflect that slope grades will need to be adequately managed in the design of each stage of subdivision to achieve usable open space; and***
  - ***the final design of each dedicated open space area is deemed suitable by Council having regard to the design response set out in Section 5.7 of the Development Plan and the Development Plan objectives contained in DPO Schedule 1, section 1.0 Development Plan Overlay Design Objectives.***
5. ***In addition to the existing S173 Agreement registered on title, a Supplementary Agreement is to be prepared by the proponent and entered into by Council prior to the issue of any permit under the Development Plan. The purpose of the Supplementary Agreement is to confirm in timings around the delivery of the infrastructure, deleting the triggers in the UDP. Matter such as collection of Development Contributions, timing of reimbursements and associated matters will be considered and addressed in this Supplementary Agreement. Any Works-in-Kind (WIK) proposed would be also addressed. The WIK Agreement should be entered into prior to Council allowing any WIK to commence.***


6. ***A further additional Section 173 Agreements will also be prepared and entered into by Council addressing to Council's satisfaction the Site Environmental Management Plan, Weed Management Plan, Escarpment Management Plan, passive and active open space commitments set out in the UDP.***
7. ***Utilisation of an owners corporation to manage assets on behalf of the community is subject to further review by officers. At a minimum the review will include: confirmation of the assets to be managed by the owners corporation and potential risk to Council.***
8. ***Any further modification to the development plan, excluding the above mentioned, are required to be approved by Council, including, for example; further subdivision of proposed lots and excessive traffic use of Mortons Road through the development of this proposal.***

**CARRIED.**

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#### **Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu   
**Title:** General Manager Growth and Development  
**Date:** Wednesday, 7 September 2016

## 7.2 Small Towns and Settlements Strategy

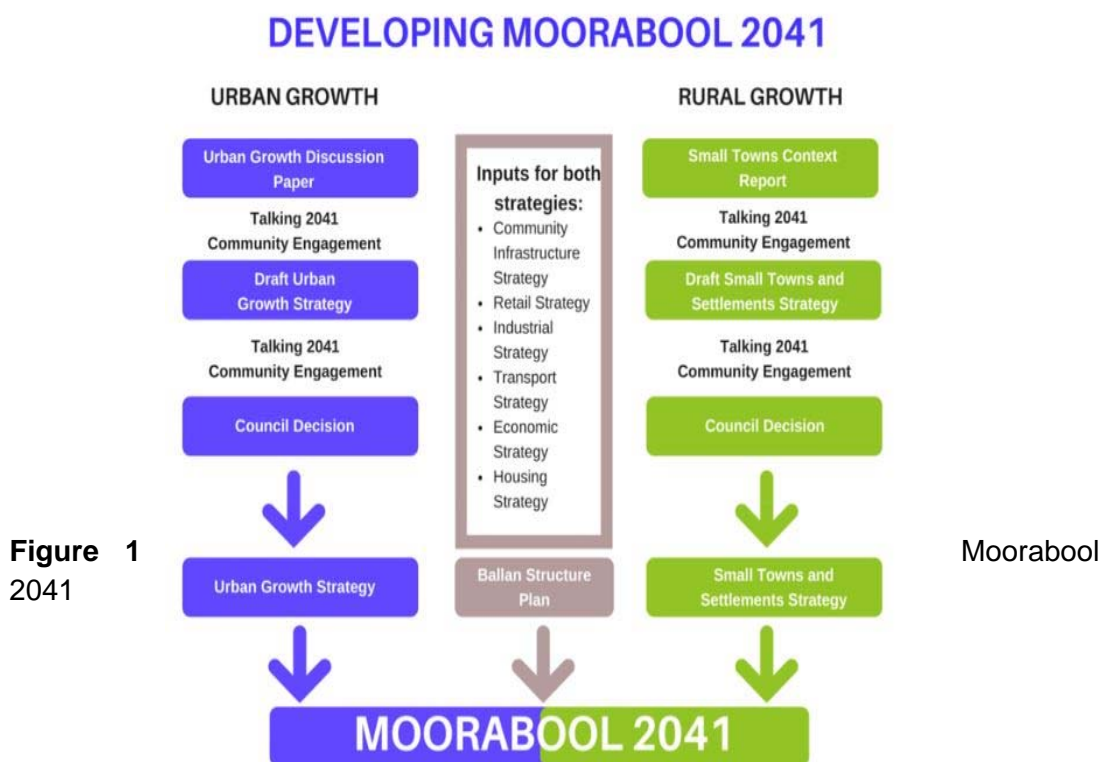
### Introduction

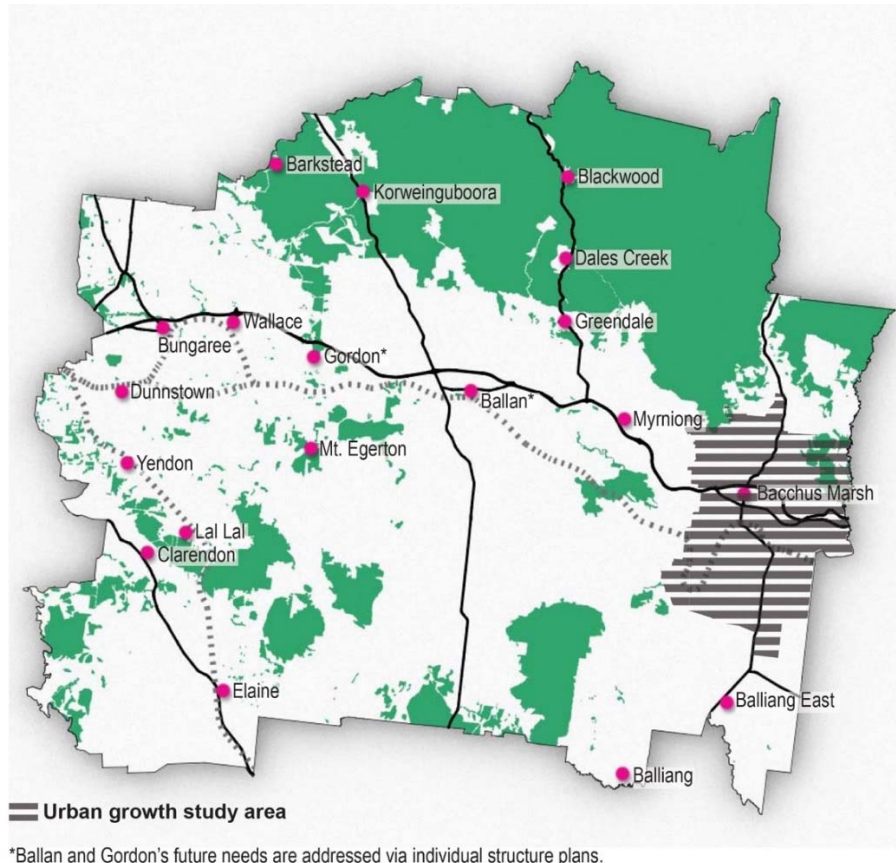
File No.: 13/01/013  
 Author: Andrew Goodsell  
 General Manager: Satwinder Sandhu

### Background

In July 2012, Council established the Moorabool 2041 (M2041) project to develop a vision and planning principles to guide and manage future growth and development across the Shire. It is anticipated that the project will lead to a long-term vision to guide the development of the Moorabool Shire, whilst retaining valued character and places, and ensuring that change is positive and provides new services and opportunities for residents.

M2041 has two main components as set out in Figure 1, an Urban Growth Strategy based on Bacchus Marsh and the surrounding district; and a Small Towns and Settlement Strategy (STS) based on the smaller towns and settlements west, north and south of Bacchus Marsh (Figures 1 & 2). Preparation of the STS is the key component of the Rural Growth Strategy.





**Figure 2** Small Towns Study Area (excludes hatched area)

The STS is supported by a range of background studies (Table 1) and ongoing consultation with local residents and stakeholders. Workshops were held with local communities in mid and late 2015 to establish a vision for each settlement. Targeted engagement with stakeholders has continued throughout preparation of the strategy.

Activity/Strategy	Status
Moorabool Industrial Strategy (SGS)	Adopted (2015)
Moorabool West Small Towns Residential Assessment (Urban Enterprise)	Completed (2014)
Small Towns Servicing Study (Aecom)	Completed (2014)
Moorabool Retail Strategy	Adopted (2016)
Moorabool Economic Development Strategy (Macroplan)	Adopted (2015)
Moorabool Small Towns Servicing Assessment (Urban Enterprise)	Internal doc (2016)
The Way Forward 2015 (MSC)	Internal doc. (2015)
Moorabool 2041 Environmental Assessment Project (Ecology & Heritage Partners)	Internal doc (2015)
Moorabool Shire Community Infrastructure Framework (MSC)	Ongoing*
Recreation and Leisure Strategy 2015-2021 (Simon Leisure)	Adopted (2015)
Community visioning workshops and discussion paper (MSC)	Completed

**Table 1** Background Studies

\* principles endorsed 2016

At the S86 Rural Growth Committee meeting held on 7 July 2016, it was resolved to place the STS on public consultation for a period of 4 weeks. That exhibition occurred across the period 18 July to 23 August 2016. During the public consultation process twenty two (22) submissions were received from agencies including, amongst others private residents, the Port Phillip and Westernport Catchment Management Authority, three adjoining Councils (Wyndham, Melton, Geelong), Department of Environment, Land, Water and Planning and three water authorities (Barwon, Central Highlands, Goulburn-Murray).

Submissions are highly supportive of the STS process, with some suggested improvements made by DELWP concerning town hierarchies and strategic justifications. Central Highlands Water note the potential implications of the STS on future projects and whilst not in a position to comment on these (as they are yet to be initiated), are willing to work with Council on what private-partnerships may be able to achieve in delivering sewer and water to select western towns.

A copy of the STS is provided at **Attachment 7.2(a)**. A redacted version of the submissions is provided at **Attachment 7.2(b)**. A summary of submissions received and responses is provided at **Attachment 7.2(c)**.

Subject to adoption of the Strategy, implementation of the recommendations will form the next phase of work.

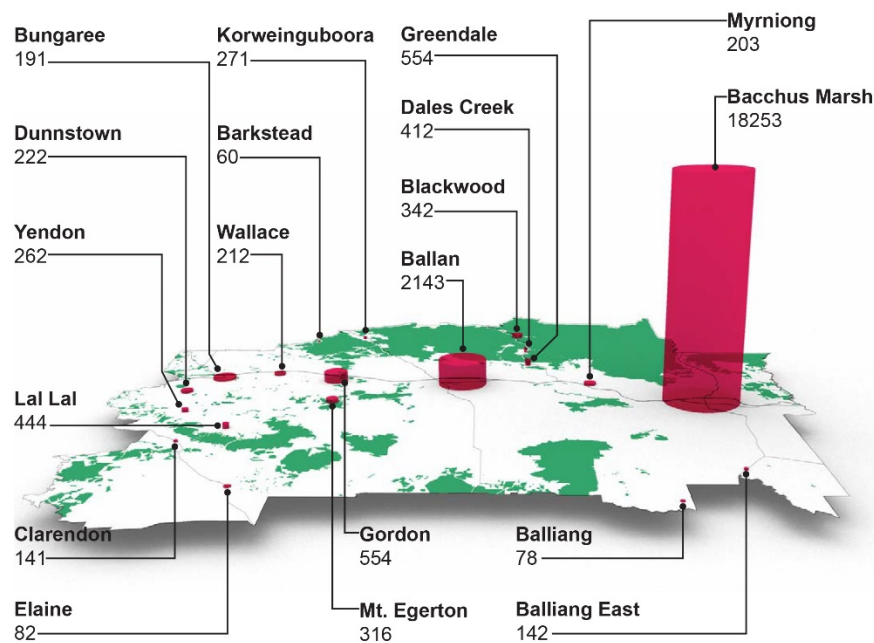
#### **Objectives of the Small Towns Strategy**

1. To identify the hierarchy of the small towns in terms of their role based on population size, existing infrastructure investment, present and future service role, and growth opportunities into the future to 2041.
2. To identify the towns that are most likely to experience significant population growth and where infrastructure investment to support that growth is desirable.
3. To identify the strategic work required to support individual towns to reach their potential. This may include structure plans and urban design frameworks.
4. To develop a comprehensive vision for the rural areas of the Shire that can be used to advocate for greater support from Government including water authorities and stakeholders.
5. To develop a strategy that supports and promotes vibrant communities and townships and prioritises economic growth across the Shire through commerce and tourism opportunities.
6. To safeguard the environmental, heritage and cultural assets of the Shire and to support opportunities to share the natural and cultural wealth of Moorabool Shire with residents and visitors.

### Findings of the Small Towns Strategy

**Growth:** Moorabool Shire is growing rapidly but unevenly. Rapid growth is occurring in the east in Bacchus Marsh district (Bacchus Marsh population exceeds 18,000 residents in 2016), where there is convenient access to Western Melbourne jobs and services. Ballan (population exceeding 3,000 residents) in the centre of the Shire is also growing appreciably, as a destination of choice for many residents. In the west, many small towns with 200 or fewer residents have experienced little or no growth and a number have undergone population decline in recent decades (Figure 3).

Some settlements, especially in the West have not seen any new homes built in the last 10-15 years, others very few. Between 2001 and 2011 79 houses were built in West Moorabool (none in Bungaree, 1 in Wallace, 4 in Dunnstown). Of the houses built in the west, less than 15% would likely have been constructed in existing towns, the rest being built in the Farming Zone, Rural Living Zone and other zones.



**Figure 3** Population Distribution - 2016

Growth projections to 2041 are provided in Table 2. Annual change is shown in brackets.

Settlement	2016	2021	2026	2031	2036	2041
Bacchus Marsh & Surrounds	18,585 (3.38%)	21,662 (3.11%)	23,984 (2.06%)	26,223 (1.80%)	28,528 (1.70%)	30,518 (1.36%)
Ballan	3,010 (1.41%)	3,347 (2.15%)	3,913 (3.17%)	4,506 (2.86%)	5,160 (2.75%)	5,910 (2.75%)
Rural East	5,019 (1.69%)	5,469 (1.73%)	6,194 (2.52%)	7,125 (2.84%)	8,302 (3.11%)	9,475 (2.68%)
Rural West	5,697 (0.65%)	5,979 (0.97%)	6,261 (0.93%)	6,549 (0.91%)	6,900 (1.05%)	7,366 (1.31%)

**Table 2** Growth Projections to 2041 (source: ID Consulting)

It is not considered realistic to redistribute this growth pressure evenly across the Shire. State or Regional Policy identifies the broad settlement hierarchy (Plan Melbourne, Central Highlands Regional Growth Plan). Figure 4 articulates the regional perspective on growth. Nonetheless, there is significant under-utilisation of existing infrastructure in many settlements and an appetite by local communities to find a more sustainable balance between infrastructure investment and local growth opportunities.



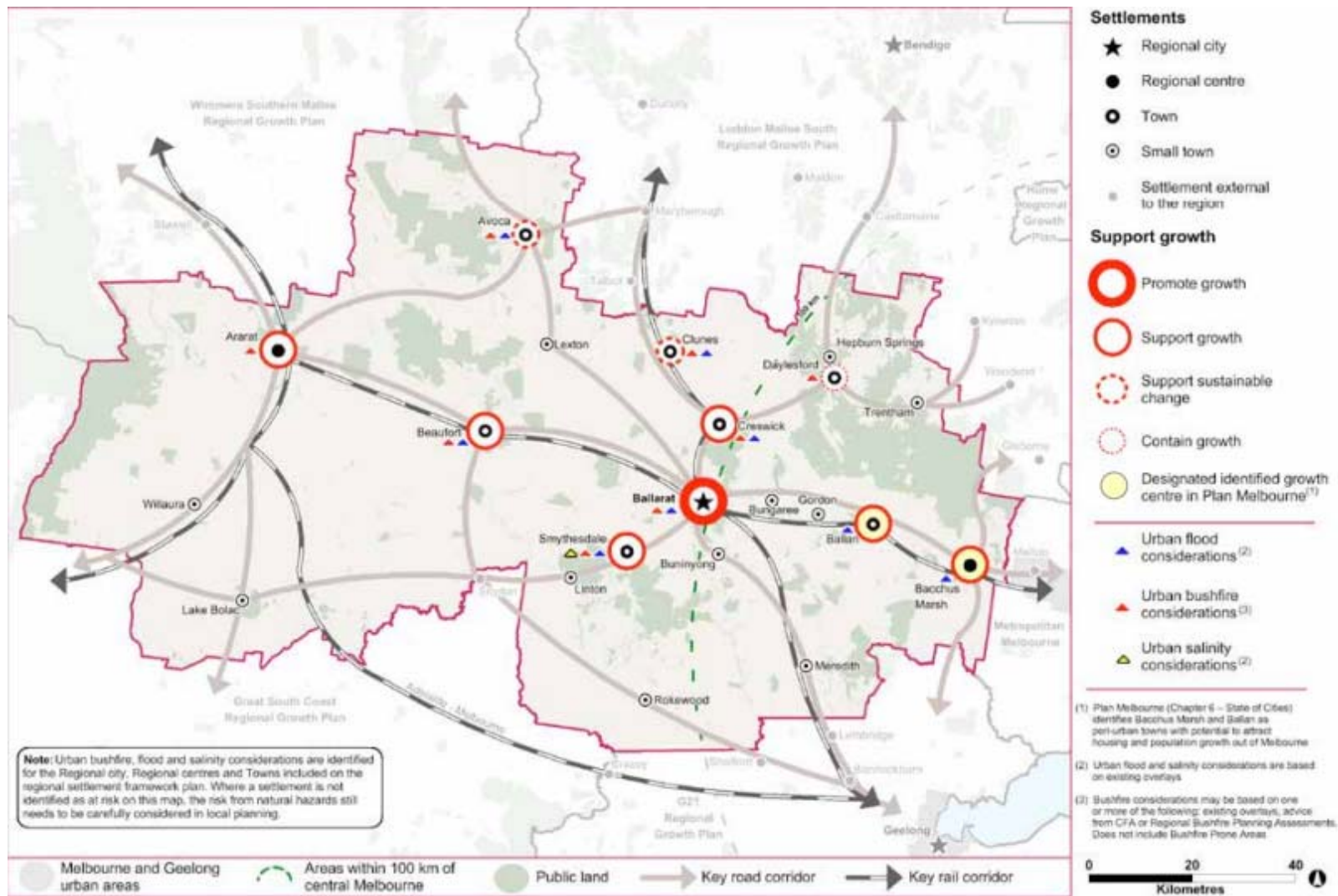
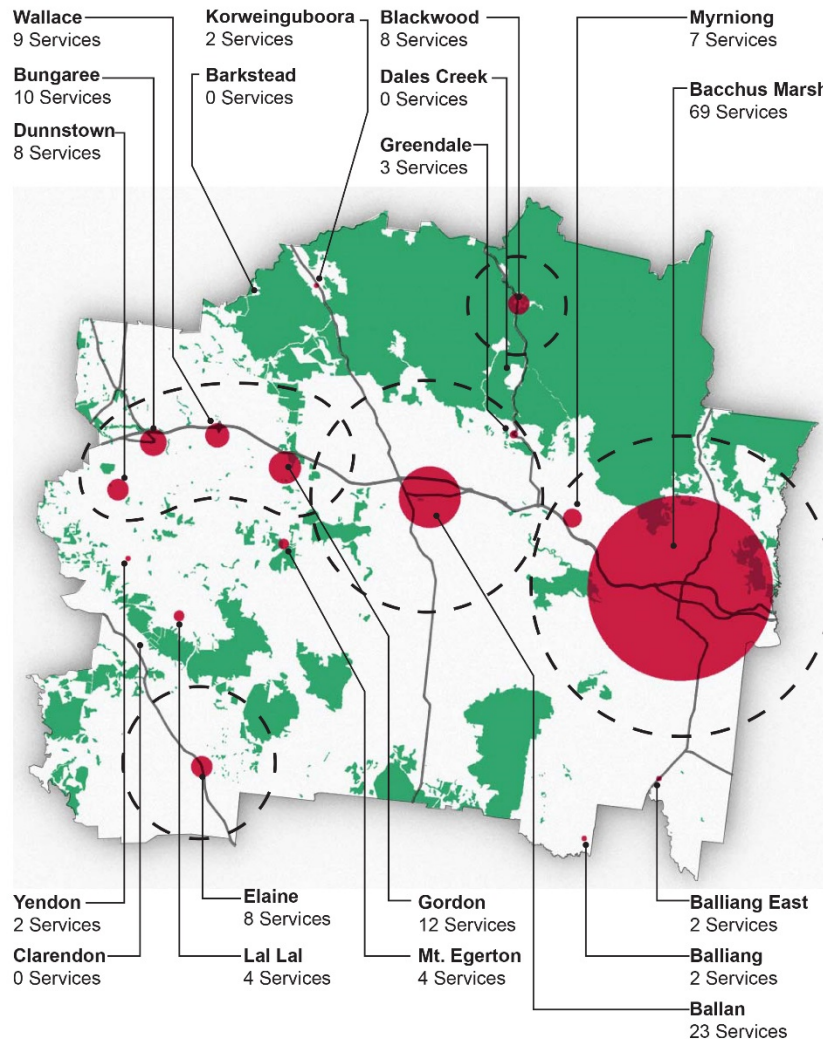


Figure 4 Regional Settlement Framework Plan – support for growth (DTPLI, 2014)

**Infrastructure:** Many small settlements have historically played significant roles and supported sizable populations and been vibrant communities for over 150 years. That historic role is reflected in infrastructure investment (Figure 5). What this clearly delineates is a cluster of settlements beginning at Gordon and extending west towards Ballarat, south of the Western Freeway comprising Wallace, Bungaree and Dunnstown. All have essential building blocks for sustainable communities – whether it be local schools, competition level sporting venues, public halls or other local services (child care, convenience retail etc). Elaine also plays an important service role within the south west of the Shire.



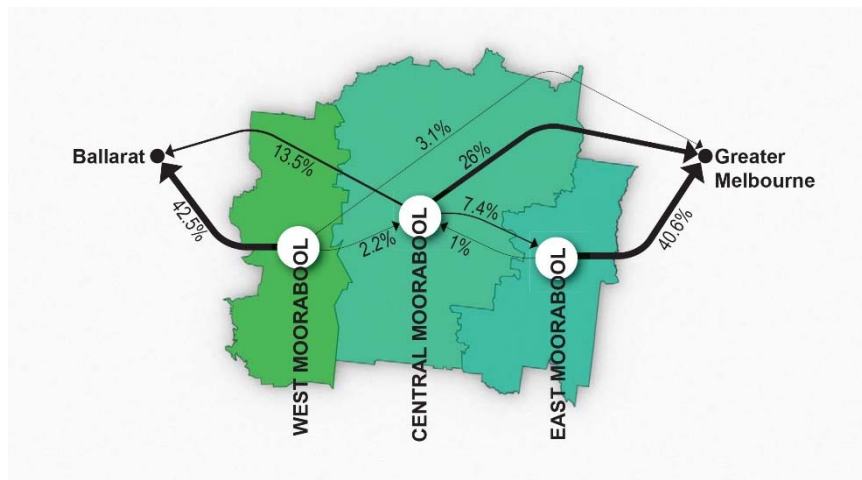
**Figure 5** Community Infrastructure (counting critical services that meet people’s daily needs\*)

\* *primary schools, children’s and early years facilities, competition sports facilities, community venues, convenience retail*

**Spatial relationships:** Local feedback and policy, including within the Planning Scheme, has been that settlements have differing growth challenges, constraints and opportunities. This has never been articulated clearly in terms of local and regional economies, where communities turn for services and ultimately how settlements function.

Journey to work and retail spending data indicates that Bacchus Marsh and surrounds (including Myrning) is strongly influenced by and increasingly integrated into metropolitan Melbourne. People choose to live in the Bacchus Marsh district for a range of reasons including infrastructure, local jobs and access to Melbourne. This relationship to Melbourne was also identified in the Bacchus Marsh Housing Strategy.

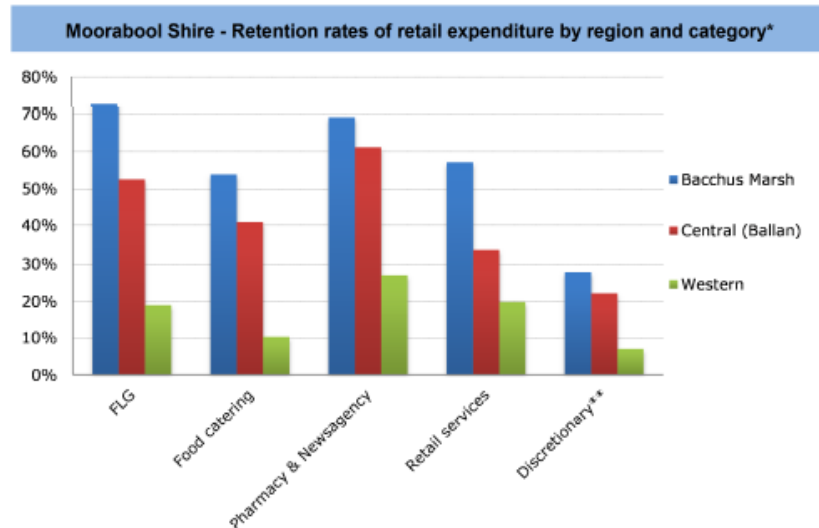
Conversely, Central Moorabool, but especially Western Moorabool towns, lie within the City of Ballarat area of influence. In turn, the conversation for many towns, seen as clusters, is the service role they should play having regard to the wider role of Ballarat and how these small towns support each other. Thus, M2041 and the STS is a case of one Shire, two distinct subregions – East and West (see Figure 6 and Figure 7 but also community consultation feedback).



**Figure 6** Journey to work data (source: ID Consulting as modified) \*

\* percentages indicate the proportion of the local workforce who work elsewhere

The Moorabool Retail Strategy (Macroplan, 2015) confirms that less than 20% of food, liquor and groceries purchased by residents in western Moorabool are purchased in the Shire, a figure well below Ballarat (central area) and Bacchus Marsh (east). To a large degree these patterns match journey to work – though Bacchus Marsh is as dependent on out of area employment as western towns, but has much greater local spending due to local retail offer.



**Figure 7** Retained expenditure (source: Macroplan, 2016)

Accordingly, if the future of western towns is interlinked with that of Ballarat, any growth that occurs in these towns, is also likely to come from those residents and households who want the benefit of Shire life, but convenient access to Ballarat.

**Sewerage and Water:** According to the *Central Highlands Infrastructure Study (CHIS)*, towns with reticulated sewerage have advantages for attracting and supporting future development.

The Moorabool West Small Towns Residential Assessment (Urban Enterprise, 2014) found that there has been a small increase in development activity in towns which have been recently seweraged, such as Gordon (from around 6 building permits/pa. to 9-10 permits pa). A similar trend was found at Smythesdale.

Studies into the future of small towns and settlements and their ability to accommodate increased populations, has included work on the costs and practicalities of providing sewerage systems including Wallace, Bungaree and Dunnstown.

The reports found that if Wallace Bungaree and Dunnstown can address sewerage infrastructure issues at typical urban/settlement densities each can accommodate growth to a size likely beyond 1000 residents beyond 2041, fuelled by an annual growth rate of 25 new homes per year (60-75 residents). It was noted that Wallace enjoys significant residential amenity with respect to landscape, built form and character and is more likely to attract higher levels of population growth if supported by reticulated sewerage. However, Bungaree's proximity to Ballarat and its existing sewerage systems makes it the more likely candidate for sewerage in the first instance.

The capital expense (CAPEX) for sewerage trunk connection for Bungaree is estimated to cost \$6.8 million and an extended system connecting to Wallace and Bungaree would cost \$9.2 million. Internal reticulation is a separate cost. Urban Enterprise (2016) identifies a gravity sewer for Dunnstown costing in the order of \$2.8 million. Aecom costed water reticulation to Dunnstown at approximately \$1.7 million.

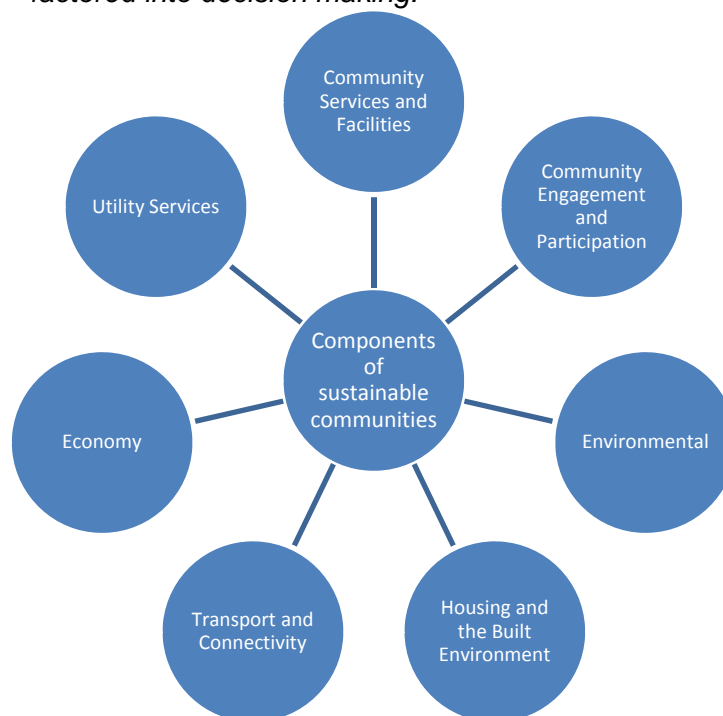
The funding of these potential projects is a significant obstacle to their fruition. The options are to seek their inclusion in upcoming or future five-year capital works plans of the relevant Water Authority or to co-fund the projects with contributions from landowners and the State Government.

### Suggested Vision Statement

The following vision is provided:

*'Moorabool Shire supports a diverse range of settlements each with unique qualities and roles. The communities and towns of have a strong rural setting and character that is defined by the local agricultural base, spectacular scenic landscapes and diverse vegetation. There is a need to ensure that these values, which draw people to the area, are protected.'*

*'Future planning, investment and infrastructure decisions will build on these characteristics within a cluster narrative, whereby services and roles for each settlement are defined, duplication is avoided, opportunities for managed or incremental growth is facilitated and all aspects of community life and achieving sustainable communities are factored into decision making.'*

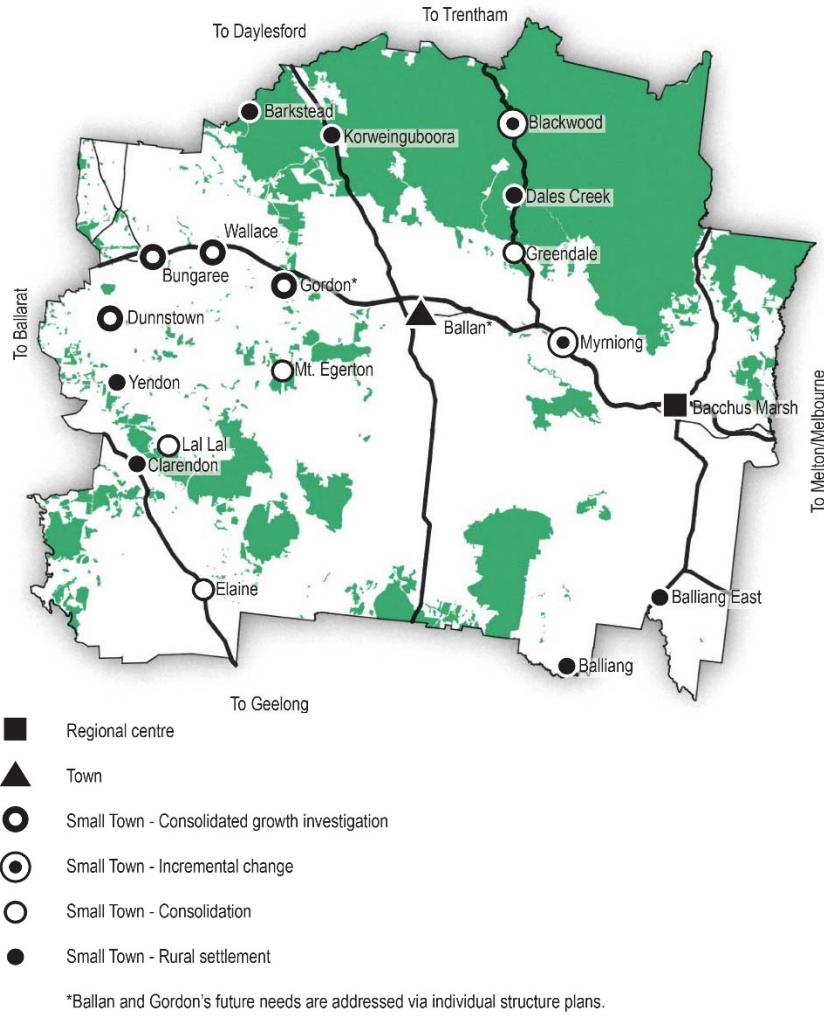


**Figure 8** Conceptual Model for Strategy Input (source: CPG)

## Recommendations of the STS

The STS makes the following key recommendations:

1. Four towns have long-term potential to accommodate some population growth, Bungaree, Dunnstown, Myrniong and Wallace, dependent on the provision of reticulated sewerage or, in the case of Myrniong, possibly other local solutions. Any accommodation of growth in Dunnstown will be dependent on provision of reticulated water supply first. Myrniong is identified as a small town –incremental change (<800 residents), whereas the other settlements are considered to be small towns – consolidated growth investigation (800-2000 residents potential).
2. Elaine has the potential to become a provider of a wider range of community services to residents in the south-western part of the Shire. Limited growth, if it occurs, will rely upon Council's domestic wastewater policy and suitable site identification for housing.
3. All other settlements have been identified as very limited growth potential for residential development, and no substantial change is recommended for the majority of these settlements.
4. Urban design treatments, such as, green edges, buffers, and town entrances, to establish defined boundary edge to settlements, provide a buffer between urban and rural uses, and clearly separate settlements.
5. The Municipal Strategic Statement (MSS) should be revised to reflect the findings and recommendations of the Strategy. The Strategy should be included as a reference document within the Moorabool Planning Scheme.
6. Further strategic work in relation to the towns and settlements with low growth potential, such as, urban design frameworks, or streetscape improvement plans, can be undertaken in the short to medium term.
7. Further strategic work in relation to the development of the towns with long-term potential to accommodate some population growth can be undertaken when it is determined whether reticulated sewerage can be provided to those locations.



**Figure 9** Moorabool Shire Hierarchy of Small Towns and Settlements

HIERARCHY	INDICATIVE DEFINITION	TYPICAL UTILITIES	TYPICAL SERVICES	PHYSICAL FORM / LAYOUT	SETTLEMENT
Small Town – consolidated growth investigation (pop. 800-2000)	<ul style="list-style-type: none"> <li>• Access to a limited range of education and health services, may contain a small retail centre.</li> <li>• Strong employment relationships with larger settlements nearby.</li> </ul>	<ul style="list-style-type: none"> <li>• Electricity,</li> <li>• Phone</li> <li>• Reticulated water</li> <li>• Sewer.</li> </ul>	<ul style="list-style-type: none"> <li>• Local conveniences.</li> <li>• General Store/Post office, CFA, Police Station (some cases), Primary School, community/recreation.</li> </ul>	<ul style="list-style-type: none"> <li>• Likely to contain a ‘main street’ and small retail area.</li> <li>• Evidence of public spaces and facilities.</li> <li>• Closer settlement pattern (density).</li> </ul>	<ul style="list-style-type: none"> <li>• Bungaree</li> <li>• Wallace</li> <li>• Dunnstown</li> <li>• Gordon*</li> </ul>
Small Town – incremental change (pop<800)	<ul style="list-style-type: none"> <li>• Small populations but a focal point for the surrounding area.</li> <li>• Access to larger centres for retail, business, cultural facilities etc.</li> <li>• Efficient local sewer solutions to protect catchments**</li> </ul>	<ul style="list-style-type: none"> <li>• Electricity,</li> <li>• Phone</li> <li>• Reticulated water (usually).</li> </ul>	<ul style="list-style-type: none"> <li>• Basic needs of the community.</li> <li>• Small primary school and/or a general store with postal facilities (possible)</li> <li>• CFA (some cases), Hotel, community /recreation.</li> </ul>	<ul style="list-style-type: none"> <li>• Defined ‘main street’.</li> <li>• Grid road layout with housing around local services (likely).</li> <li>• Mix of co-existing uses.</li> </ul>	<ul style="list-style-type: none"> <li>• Blackwood</li> <li>• Myrning</li> </ul>
Small Town – consolidation (200-500)	<ul style="list-style-type: none"> <li>• Small population numbers, within the Township Zone.</li> <li>• Reliant on other settlements for higher order services.</li> </ul>	<ul style="list-style-type: none"> <li>• Electricity,</li> <li>• Phone</li> <li>• Reticulated water (possibly).</li> </ul>	<ul style="list-style-type: none"> <li>• At least one key service, e.g., CFA.</li> <li>• General Store/Post office, hotel, and/or small primary school (possible)</li> </ul>	<ul style="list-style-type: none"> <li>• Lacks a compact core and may not have definable edges.</li> </ul>	<ul style="list-style-type: none"> <li>• Elaine</li> <li>• Greendale</li> <li>• Lal Lal</li> <li>• Mt Egerton</li> </ul>
Small Town - Rural Settlement (pop <200)	<ul style="list-style-type: none"> <li>• Cluster of housing on smaller than average rural sized lots, within non-urban zones.</li> <li>• Residents are reliant on other settlements for higher order services.</li> </ul>	<ul style="list-style-type: none"> <li>• Electricity</li> <li>• Phone.</li> </ul>	<ul style="list-style-type: none"> <li>• The settlement usually does not have any services, other than a community/recreation facility, and/or CFA.</li> </ul>	<ul style="list-style-type: none"> <li>• Ribbon development along a main road (often).</li> <li>• No definable edges to the housing cluster, lack of grid layout.</li> <li>• May lack gateway feature/ signage, or restricted speed limits.</li> </ul>	<ul style="list-style-type: none"> <li>• Balliang</li> <li>• Balliang East</li> <li>• Barkstead,</li> <li>• Clarendon</li> <li>• Dales Creek, and</li> <li>• Korweinguboora / Spargo Creek</li> <li>• Yendon</li> </ul>

**Table 3** Moorabool Shire Small Towns Hierarchy - \* Gordon’s future needs are addressed via its adopted structure plan. No change proposed.



	PAGE NUMBER FOR DETAILED FINDINGS	SETTLEMENT CENTRE	SETTLEMENT GROWTH & DEVELOPMENT	FARMING AND RURAL INDUSTRY	COMMUNITY INFRASTRUCTURE & FACILITIES**	INFRASTRUCTURE	RECREATION & LEISURE	STREETSCAPE & ENVIRONMENT	BUILT FORM & URBAN DESIGN	TOURISM & ECONOMIC DEVELOPMENT	HERITAGE	FURTHER STRATEGIC WORK	RECOMMENDATION FOR GROWTH INVESTIGATION
BALLIANG	43	X	X	✓	✓	✓	✓	✓	NIL	✓	✓	SIP + H	NO
BALLIANG EAST	53	X	X	✓	✓	✓	✓	✓	NIL	✓	✓	SIP + H	NO
BARKSTEAD	62	X	X	✓	NIL	✓	✓	✓	NIL	✓	✓	ESO + RCZ + H	NO
BLACKWOOD	77	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	SP + F	NO
BUNGAREE	91	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	SP* + F + CHMP	YES
CLARENDON	104	X	X	✓	NIL	✓	✓	✓	NIL	✓	✓	SIP + F + CHMP + H	NO
DALES CREEK	112	X	X	NIL	NIL	✓	NIL	✓	NIL	✓	✓	ESO + RCZ	NO
DUNNSTOWN	123	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	SP + F + H	YES
ELAINE	136	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	UDF + F + H	NO
GREENDALE	147	X	X	✓	✓	✓	✓	✓	✓	✓	✓	UDF + H	NO
KORWEINGUBOORA	158	X	X	✓	✓	✓	✓	✓	NIL	✓	✓	SIP + ESO	NO
LAL LAL	170	X	X	✓	✓	✓	✓	✓	✓	✓	✓	UDF + F	NO
MOUNT EGERTON	183	X	X	✓	✓	✓	✓	✓	✓	✓	✓	UDF + H	NO
MYRNIONG	194	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	SP + CHMP + H	YES*
WALLACE	208	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	SP + F + CHMP	YES
YENDON	220	X	X	✓	✓	✓	✓	✓	✓	✓	✓	UDF + F + H	NO

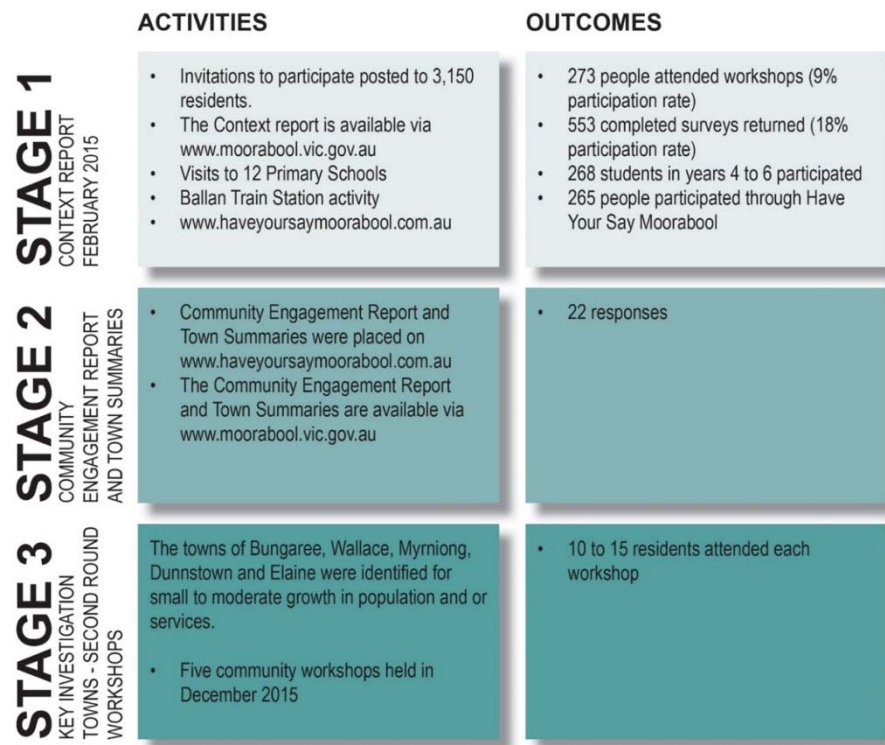
Table 4 Recommendations. Note Gordon and Ballan are excluded from Table 3 as both are subject to separate structure plan processes.

\*Incremental change only – local waste water solutions required.

\*\* critical services that meet people’s daily needs (see figure 5)

## Engagement Feedback

Submissions received are provided at **Attachment 7.2(b)** and a summary and review of submissions is provided at **Attachment 7.2(c)**. The work undertaken can be reasonably described as a logical extension of the process identified in Figure 10.



**Figure 10** Consultation process

Changes were made to the STS as a result of the exhibition process. The most notable change is structural, with the document now split in three sections:

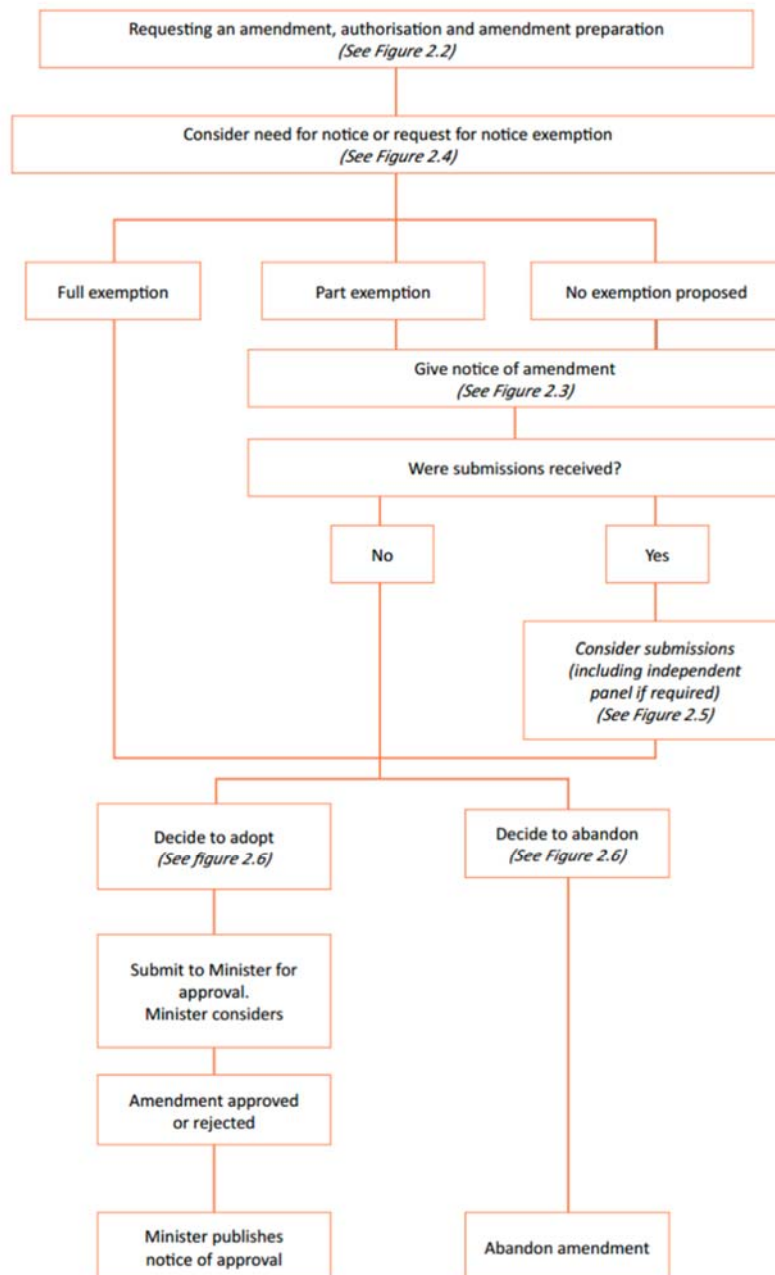
- The strategic aspects relating to State, Regional and Local Policy are provided in Part A of the STS.
- The individual town assessments, which form the basis of recommendations found in Part A are found in Part B.
- Background policy context summarizing a range of informing strategies is provided in Part C (Part A contains effectively a summary of the VPP).

The choice of using Forecast ID data on population projections as opposed to the State Government Victoria in Future (VIF) projections are explained (level of accuracy, timelines of modelling favour Profile ID data). The hierarchy of towns is modified to better reflect the hierarchy applied in the Central Highlands Regional Growth Plan and terms such as hamlet and village have been deleted to avoid confusion. Settlements smaller than Ballan are now classified as per Table 4.

New graphics including updated maps are now provided giving a clearer explanation of the strategic justification for the selected growth investigation towns, based on current service role, sunken investment and reflecting community aspirations.

**Future Steps**

Subject to Council adopting the STS, the next steps will involve preparing the necessary Planning Scheme amendments. As per Figure 11 the amendment will also be required to undertake a public consultation process and likely a referral to Planning Panels Victoria, both steps which entail an opportunity to further engage on the small towns hierarchy and likely priorities.



**Figure 11** Planning Scheme amendment process (source: DTPLI – Using Victoria’s Planning System, 2015)

## Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Infrastructure and Natural and Built Environment
<b>Objective</b>	Effective and integrated strategic planning in place to create sustainable communities.
<b>Strategy</b>	<p>Adoption of Moorabool 2041 Framework and vision.</p> <p>Development of Urban and Rural Growth Strategies in conjunction with other related plans.</p> <p>Advocate and lobby government for increased infrastructure funding and ensure state land use plans are in line with the Moorabool community needs.</p> <p>Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.</p>

The preparation of the Small Towns Strategy is consistent with the 2013-2017 Council Plan.

## Financial Implications

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

Council officers have completed a large proportion of the background research and prepared the detailed work to date 'in house' using existing skills and experience. External consultants have been engaged where specialist skills were required.

Funding for further stages of the work program to complete and implement the Small Towns Strategy has been allocated in the 2016/2017 Budget.

The STS will guide planning and development over the long term (25 plus years) in the Shire, consequently the management of the planning processes will require a significant and ongoing staffing commitment across the organisation.

The recommendations contained within the Strategy are not costed or funded. Estimated costs for the provision of reticulated sewerage in Bungaree, Wallace and Dunnstown have been prepared, however, gaining funding to undertake the projects will likely require support from a range of sources including but not limited to the relevant water authority, private sector and Council.

In addition, the Strategy includes recommendations to undertake further investigations including the preparation of Structure Plans Urban Design Frameworks, Streetscape Improvement Plans, and other investigations and studies. Some of these investigations may be prepared 'in house', dependent on staffing and resource availability.

Furthermore, the Strategy recommends the undertaking of works in the settlements including the provision of pedestrian paths, street tree planting, and the provision of new community facilities in some settlements.

Where implementation of specific recommendations requires a new capital allocation from Council, these will be presented and considered as part of the overall annual budget process. The inclusion of these projects within the Small Towns and Settlements Strategy is likely to improve the opportunities for gaining co-contributions from external funding sources.

It is expected that the Strategy will be implemented over a 25-year timeframe, and as funding becomes available through a range of sources.

### **Risk & Occupational Health & Safety Issues**

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

The STS will address issues and community aspirations in relation to future development, growth and planning matters in the Municipality.

Consolidating and clarifying issues at both a broad municipal level and at a local township/settlement level via the preparation of the STS should increase the understanding of the planning and strategic direction for the Shire. However, the project may raise aspirations in relation to growth outcomes, and provision of infrastructure and services, which at this time require further discussion with key stakeholders.

The STS will be developed to implement the broader strategic objectives of ensuring the sustainability of the Shire's small towns and settlements. To provide the best opportunity of being successfully implemented into the Moorabool Planning Scheme, any changes proposed by the Strategy would need to satisfy State Planning Policy.

Council can only consider strategic directions for land use in the Shire, which align with the broader State Government planning policies, including the Central Highlands Regional Growth Plan. Otherwise, there is a risk of the preparation of a Planning Scheme amendment not being supported by the Planning Minister.

### **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 – Andrew Goodsell*

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

### **Conclusion**

Moorabool 2041 and the Small Towns and Settlements Strategy presents Council with an opportunity to develop a consolidated and coordinated vision and plan for a significant area of the Shire, in particular, its townships/settlements and communities.

Since February 2015, Council has conducted a significant program of community consultation in the small towns and settlements in the municipality. This process has built good will and collaboration in communities, as indicated by the good attendances at the community workshops, and the positive feedback received at these sessions. The consultation process in July and August 2016 confirms that view.

Progress on the STS has highlighted the successful significant contribution of local communities. A significant number of people have participated in the development of the Strategy to date, through selected approaches to community participation.

It is an important strategic planning project for the Moorabool Shire, which will require significant input from staff across Council, resources, and strong Councillor support, to ensure its successful completion and implementation. The draft STS represents the culmination of a lengthy development and consultative process. It establishes the strategic basis for long term planning vision for the townships and important townscape improvement works. But it goes further – the STS has direct implications as to where community infrastructure investment is made and the role of towns as key service providers for wider districts. The cluster narrative described in the STS relates to economic investment, tourism, marketing, land use and growth and job creation within local economies.

State Government support for the STS will be important in achieving the ultimate implementation of the Strategy through the Planning Scheme Amendment process. That will be a key task in the next phase as work on new policy statements consistent with the STS and a plan for work required is finalised.

Further work, including structure plans and urban design frameworks will be prepared where appropriate for the small towns and settlements, following the adoption and implementation of the Strategy.

**Resolution:****Cr. Sullivan/Tatchell*****That Council resolves to:***

- 1. *Receive the submissions in relation to the Small Towns and Settlements Strategy as tabled in Attachment 7.2(b).***
- 2. *Adopt the Small Towns and Settlement Strategy, as tabled in Attachment 7.2(a) and authorise its publication on the Moorabool Shire Council web site.***
- 3. *Seek authorisation from the Minister for Planning to prepare a Planning Scheme amendment to implement the recommendations of the Small Towns and Settlement Strategy by:***
  - *modifying the Local Planning Policy Framework of the Moorabool Planning Scheme;***
  - *including the Strategy as a Reference Document in the Moorabool Planning Scheme; pursuant to Section 8A(2) of the Planning and Environment Act 1987.***
- 4. *Following receipt of Ministerial authorisation, exhibit the amendment in accordance with the requirements of the Planning and Environment Act 1987.***
- 5. *Prior to putting the Small Towns and Settlement Strategy on the Council Website authorise staff to make any minor edits to the final desktop version.***

**CARRIED.**

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**Report Authorisation****Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Thursday, 8 September 2016



**8. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL**

*Nil.*

**9. COUNCIL ACKNOWLEDGEMENTS**

*Cr. Sullivan thanked Council staff for their collaboration in producing the Smalls Towns Strategy.*

*The Mayor, Cr. Comrie congratulated Cr. Sullivan on the MAV's recognition of his 20 years' service to Moorabool Shire Council and the community.*



**ADJOURNMENT OF MEETING – 6.38PM**

Crs. Toohey/Sullivan

*That the meeting now stand adjourned for a period of 5 minutes.*

CARRIED.

**RESUMPTION OF MEETING – 6.43PM**

Crs. Toohey/Dudzik

*That the meeting now be resumed.*

CARRIED.

**9. CLOSED SESSION OF THE MEETING TO THE PUBLIC****9.1 Confidential Report**

Resolution:

Crs. Toohey/Sullivan

*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*

CARRIED.

Item 9.1 is a confidential item and  
therefore not included  
as part of these Minutes.

**10. MEETING CLOSURE**

*The meeting closed at 6.49pm.*

*Confirmed.....Mayor.*