

## **SPECIAL MEETING OF COUNCIL**

**Minutes** of a  
Special Meeting of Council held in  
Public Hall, 211 Main Street, Bacchus Marsh on  
Wednesday 17 September 2014, 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**

*The Mayor, Cr. Paul Tatchell, opened the meeting at 5.08 pm.*

**2. PRESENT**

<i>Cr. Paul Tatchell</i>	<i>Central Ward</i>
<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. John Spain</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>

**Officers:**

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Andrew Goodsell</i>	<i>Acting Manager Strategic &amp; Sustainable Development</i>
<i>Ms. Lisa Gervasoni</i>	<i>Coordinator Strategic Planning</i>
<i>Ms. Lace Daniel</i>	<i>Minute Taker</i>

**3. APOLOGIES**

<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>
<i>Cr. Allan Comrie</i>	<i>East Moorabool Ward</i>

#### **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.

**Nil.**

## 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:**

Item No	Description	Name	Position
6.1	Amendment C62 . Underbank Rezoning Proposal Consideration of Panel Report / Adoption.	Jason Yeap, Kataland	Applicant
6.1	Amendment C62 . Underbank Rezoning Proposal Consideration of Panel Report / Adoption.	Nick Hooper, Taylors	Applicant
6.1	Amendment C62 . Underbank Rezoning Proposal Consideration of Panel Report / Adoption.	Pat Griffin	Objector
6.1	Amendment C62 . Underbank Rezoning Proposal Consideration of Panel Report / Adoption.	Peter Matters	Objector
6.1	Amendment C62 . Underbank Rezoning Proposal Consideration of Panel Report / Adoption.	Daryl Law	Objector

## **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 m<sup>2</sup> 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 700m<sup>2</sup> lot size, except where the land has a gradient less than 1:10) and 45.5% below the 125m contour (minimum 400m<sup>2</sup> 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 towns 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 maker<sup>1</sup>. 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. *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.*

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<sup>1</sup> 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.

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><b>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.</b></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"> <li>• Under the heading <del>Site Analysis</del> in Clause 4 <del>Requirements for the Development Plan</del> include a new dot point to <del>review</del> sight distance constraints at the Rosehill Drive / Ascot Drive intersection and, if justified by the results, a Road Safety Audit of the intersection</li> <li>• Under the heading <del>Traffic and Movement Network</del> in Clause 4 <del>Requirements for the Development Plan</del> include a new dot point to <del>respond</del> to the site analysis work undertaken for the Rosehill Drive / Ascot Drive intersection and identify: <ul style="list-style-type: none"> <li>a) The most appropriate intersection configuration;</li> <li>b) The number of lots that can be approved prior to the construction of the Halletts Way connection.</li> </ul> </li> </ul>

### **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><b><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></b></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
<b>3. <i>Construction works on Meikle Road as proposed in the Section 173 Agreement should be deleted.</i></b>	<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><b>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.</b></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"> <li><del>• 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.</del></li> <li><del>• is generally consistent with the Underbank Farm Concept Plan</del></li> <li><del>• 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.</del></li> </ul>

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 blocking 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><b>5. DPO6 should be amended as set out in Appendix B to this Panel Report.</b></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 <del>Design Response</del> and subheading <del>neighbourhood</del> and Density Objectives within Clause 4 <del>Requirements for the Development Plan</del> third dot point 3 following <del>to</del> 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><b>Modifications Post Panel to address Council concerns.</b></p>	<p>Replace <del>facilitate</del> 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 %Innovative wastewater management strategies that maximise opportunities for waste recycling and or storm water harvesting must be developed to the satisfaction of the Responsible Authority.+ with %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+ 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><b>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.</b></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"> <li>• Under the heading <del>Site Analysis</del> in Clause 4 <del>Requirements for the Development Plan</del> include a new dot point to <del>review</del> sight distance constraints at the Rosehill Drive / Ascot Drive intersection and, if justified by the results, a Road Safety Audit of the intersection.</li> <li>• Under the heading <del>Traffic and Movement Network</del> in Clause 4 <del>Requirements for the Development Plan</del> include a new dot point to <del>respond</del> to the site analysis work undertaken for the Rosehill Drive / Ascot Drive intersection and identify: <ul style="list-style-type: none"> <li>a) The most appropriate intersection configuration;</li> <li>b) The number of lots that can be approved prior to the construction of the Halletts Way connection+</li> </ul> </li> </ul>

<p><b>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.</b></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><b>3. Construction works on Meikle Road as proposed in the Section 173 Agreement should be deleted.</b></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><b>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.</b></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><b>5. DPO6 should be amended as set out in Appendix B to this Panel Report.</b></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 <del>Design Response</del> and subheading <del>neighbourhood</del> and Density Objectives within Clause 4 <del>Requirements for the Development Plan</del> third dot point 3 following <del>to</del> ensure development, where appropriate, responds to locational issues, including: +will read %<del>A</del>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 %<del>A</del>adequate setbacks from the escarpment must be provided to prevent visual intrusion and landslip hazard.+</p>
<p><b>Modifications Post Panel to address Council concerns.</b></p>	<p>Replace <del>facilitate</del> 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 %<del>B</del>attleaxe style lots should be avoided and if created should be a minimum lot frontage to the street of 16m.+</p> <p>Replace %<del>B</del>uilt form on hilltops and ridgelines is minimised in order to preserve high quality landscapes with %<del>B</del>uilt 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 %<del>an</del>ovative 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 %<del>an</del>ovative 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 %<del>O</del>wnership and maintenance responsibility for all open space will be retained by the developer until developed to the satisfaction of the responsible authority.+ Insert %<del>D</del>etails on how stormwater harvested from the development can be stored and utilised for watering open space areas.+</p>



***Consideration of Deputation***

***Mr. Jason Yeap, Kataland, addressed Council in relation to Amendment C62 – Underbank Rezoning Proposal Consideration of Panel Report/Adoption***

***Mr. Nick Hooper, Taylors, addressed Council in relation to Amendment C62 – Underbank Rezoning Proposal Consideration of Panel Report/Adoption***

***Mr. Pat Griffin addressed Council in relation to Amendment C62 – Underbank Rezoning Proposal Consideration of Panel Report/Adoption***

***Mr. Peter Matters addressed Council in relation to Amendment C62 – Underbank Rezoning Proposal Consideration of Panel Report/Adoption***

***Mr. Daryl Law addressed Council in relation to Amendment C62 – Underbank Rezoning Proposal Consideration of Panel Report/Adoption***

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

**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.**

**Resolution:**

**Crs. Dudzik/Spain**

***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 with the following additions:***
  - a. ***Amend Clause 4 of the proposed Development Plan Overlay Schedule under the heading 'Environment Consideration' and sub heading 'European and Cultural Heritage' by inserting a special provision that the Heritage Assessment must provide specific recommendations in reference to enhancement and preservation of site heritage relating to the Phar Lap tree; and***
  - b. ***Amend Clause 4 of the proposed Development Plan Overlay Schedule under the heading 'Open Space and Landscaping' by inserting after bullet point 2 that the key Arterial / Collector Road is to be treated as a double row canopy tree style boulevard in order to provide a formal gateway into the Underbank Estate. This will involve a selection of species and tree planting spacing to achieve the desired outcome.***
2. ***Amend the executed Section 173 Agreement, prior to Amendment C62 being submitted to the Minister for Planning for approval, to:***
  - a. ***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:***
    - i. ***Full construction of Halletts Way from Bacchus Marsh Road to Werribee Vale Road; and***

- [illegible]

**CARRIED.**

## Report Authorisation

**Authorised by:**

**Name:** Satwinder Sandhu

**Title:** General Manager Growth & Development

**Date:** Friday, 12 September 2014

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

**Nil.**

**8. CLOSED SESSION OF THE MEETING TO THE PUBLIC**

**Nil.**

**9. MEETING CLOSURE**

*The meeting closed at 6.22pm.*

*Confirmed.....Mayor.*