



SPECIAL MEETING OF COUNCIL

Minutes

of the Special Meeting of Council held at the
Supper Room, 207 Main Street, Bacchus Marsh on
Wednesday 28 March 2018 at 6.00 p.m.

Members:

Cr. Paul Tatchell (Mayor)	Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Jarrod Bingham	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 Community Services

Rob Croxford
Chief Executive Officer

AGENDA

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1. OPENING OF MEETING

The Mayor, Cr. Tatchell, opened the meeting at 6.00pm.

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. RECORDING OF MEETING

As well as the Council for its minute taking purposes, the following organisations have been granted permission to make an audio recording of this meeting of Council:

- *The Moorabool News; and*
- *The Star Weekly*

4. PRESENT

<i>Cr. Paul Tatchell (Mayor)</i>	<i>Central Moorabool Ward</i>
<i>Cr. John Keogh (Deputy Mayor)</i>	<i>East Moorabool Ward</i>
<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. Jarrod Bingham</i>	<i>East Moorabool Ward</i>

In attendance

<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>Manager Strategic and Sustainable Development</i>
<i>Mr. Geoff Alexander</i>	<i>Strategic Planner</i>
<i>Mrs. Renee Hodgson</i>	<i>Minute Taker</i>

5. APOLOGIES

<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>

6. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

Nil.

7. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
8.1	<i>Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions</i>	Andrew Almenara	Submitter
8.1	<i>Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions</i>	Brooke Ivory <i>(did not address Council)</i>	
8.1	<i>Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions</i>	Gregg Turner	Objector

8.1	<i>Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions</i>	Tony Fedele <i>(did not address Council)</i>	
8.1	<i>Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions</i>	Steven Harper	Objector
8.1	<i>Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions</i>	Ross Closter	Submitter
8.1	<i>Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions</i>	A. Dominic <i>(did not address Council)</i>	
8.1	<i>Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions</i>	Bob Reid	Submitter
8.1	<i>Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions</i>	Jason Black	Submitter
8.2	<i>Planning Scheme Amendment C79 – Bacchus Marsh Housing Strategy</i>	David Marnie	Supporter
8.2	<i>Planning Scheme Amendment C79 – Bacchus Marsh Housing Strategy</i>	Bob Reid	Submitter

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

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

Nil.

8. BUSINESS

Consideration of Presentations

The following members of the public addressed Council and spoke to their submissions in relation to the Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions:

*Mr. Andrew Almenara
Mr. Ross Closter
Mr. Bob Reid
Mr. Jason Black*

The following members of the public addressed Council as objectors to the recommendation in relation to the Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions:

*Mr. Gregg Turner
Mr. Steven Harper*

With the consent of the Mayor, Mr. Mat Garner, Strategic Planning Manager, from the Victorian Planning Authority addressed Council in relation to the Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions.

The business of the meeting then returned to the agenda.

8.1 Planning Scheme Amendment C81 – Bacchus Marsh Urban Growth Framework – Consideration of Submissions

File No: 13/06/085
Author: Andrew Goodsell
General Manager: Satwinder Sandhu

Executive Summary

This report considers submissions made in response to the recent public exhibition of Moorabool Planning Scheme Amendment C81 (the Amendment) and the draft Bacchus Marsh Urban Growth Framework (UGF). Amendment C81 seeks to implement the UGF by updating the Municipal Strategic Statement and inserting the UGF as a reference document.

The Amendment was prepared by Council, in collaboration with the Victorian Planning Authority (VPA).

Council received 55 submissions during the exhibition period, including three submissions which object to the Amendment.

It is recommended that Council:

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

Subsequent to the exhibition process for the Amendment and the UGF, the following key findings are made:

Buffers

Clarify that no new sensitive uses are allowed in any buffer area identified in the UGF.

Transport & Land Use

As a regional centre with a relatively high level of vehicle dependence, provision of an efficient road network to permit internal cross-town movements is critical. Neighbourhoods, activity centres and key destinations will need to be accessible by road, which in turn need to support public transport, cycling and walking.

Precinct structure plans for Parwan Station and Merrimu will need to identify the maximum number of lots which can be developed prior to the Eastern Link Road (ELR) being constructed.

Hopetoun Park North Growth Investigation Area

Growth investigation is only supported south of the Western Freeway due to landscape value, the extractive Industry Interest Area 884023 and Transport for Victoria (TfV) concerns.

Hopetoun Park North timing is medium term for a planning scheme amendment to rezone the land. The ELR is not critical. However, the future planning scheme amendment will need to demonstrate how the precinct will facilitate improved connectivity with the Western Freeway, along with an acceptable level of community facilities/amenities in accordance with Council's Community Infrastructure Framework.

Development densities will be greater than those existing at Hopetoun Park, but less than conventional residential densities with applicable zones applied.

Merrimu Growth Investigation Area

Precinct timing is medium/long term for a planning scheme amendment to rezone land and incorporate a precinct structure plan (PSP). Earlier medium-term timing may be considered if it can be demonstrated that the precinct will facilitate the provision of the northern section of the ELR.

Steep and heavily vegetated land will be excluded from the UGF maps. Areas below the escarpment in the south-west of Merrimu should be retained within the precinct, as this area provides opportunity for the precinct to connect with the existing urban area to the north of Darley.

Densities would be determined having regard to environmental offsets, landscape protection and buffer interfaces to surrounding land uses. Long Forest Nature Conservation Reserve, Bacchus Marsh Irrigation District (BMID) and the Darley sand quarries will need to be protected.

Parwan Station Growth Investigation Area

This precinct will be medium/long term for a planning scheme amendment to rezone land and incorporate a PSP. Earlier timing may be considered if it can be demonstrated that this precinct will facilitate the provision of the southern component of the ELR.

Ensure that land zoned for sensitive uses is located beyond the buffer distance to Bacchus Marsh Recycled Water Plant (RWP) as determined in Western Water's future odour dispersion modelling project. The PSP process for Parwan Station precinct will involve the preparation of a schedule of allowable and prohibited uses within the buffer interface areas, in order to avoid amenity impact disputes.

Ensure that sequencing of Parwan Station precinct protects the existing use rights of the broiler farm, by identifying an amenity buffer where no sensitive uses will be permitted until such time as the broiler farm use ceases.

Maddingley Waste and Resource Recovery (WRR) Hub

The State significance of the WRR should be further emphasised where appropriate as per the Victorian Waste and Resource Recovery Infrastructure Planning Framework. The UGF plans should clearly show a 2.0km buffer interface between the existing composting operations and future sensitive uses.

In practical terms the 2km buffer already exists, as it is an EPA requirement. The issue is about formalising a buffer within the planning scheme and managing use conflicts appropriately.

The Maddingley WRR Hub site is currently within the Special Use Zone Schedule 1 (Coal Mining). The current zone provisions fail to recognise the role of the site as a State-significant WRR hub. A planning study should be undertaken for the Maddingley WRR Hub site and associated amenity buffer area, to determine appropriate planning zone and overlay controls. All key stakeholders need to be engaged in this process.

Parwan Employment Precinct (PEP)

Define the northern precinct boundary with applicable buffers to RWP. The principles for the allocation of growth areas should also be amended to recognise the need to protect the RWP and associated buffers. Prepare a land use amenity plan to ensure that future land uses with the precinct are adequately separated from sensitive uses.

Sand Quarries at Darley/Coimadai

Amend the UGF plans to show a clearly delineated 500m wide buffer (no sensitive uses permitted), in accordance with EPA Publication 1518 '*Recommended separation distances for industrial residual air emissions*'.

Amend the export-based employment objectives and strategies within the UGF to better recognise the State-significant sand resources at Darley and Coimadai.

Education Provision

The UGF should more specifically address the current need for an additional government primary school/s in Maddingley or Bacchus Marsh.

Environment

Amend/modify or add principles including reference to improve connectivity between nature reserves, forested Crown land, remnant patches of native vegetation and waterways. Clarify that waterway corridors need to be managed to ensure their function and biodiversity are not negatively impacted by any development, and seek to add strategic open space to improve wildlife corridors.

Bushfire Risk

Amend the UGF to better address bushfire risk as a key principle when addressing new growth opportunities in Merrimu, Parwan Station and Hopetoun Park precincts.

Introduction

Moorabool Shire and the VPA have jointly prepared the UGF over the past two years in accordance with Ministerial terms of reference (Attachment 1).

The UGF identifies future residential growth precincts, new employment precincts and key infrastructure requirements within the Bacchus Marsh district. It also identifies key growth actions, at both the State/regional and local level.

Council does not presently have any growth management framework for Bacchus Marsh. It therefore has limited scope to leverage new infrastructure investment or give direction as to future growth areas. Greater clarity on growth management is urgently needed, for the benefit of all stakeholders.

Land affected by Amendment C81

The Amendment applies to approximately 140 sq.km of land in the Bacchus Marsh district as depicted in the UGF. The Bacchus Marsh district includes the urban and rural areas of Bacchus Marsh, Darley, Maddingley and Pentland Hills, together with the rural fringe areas of Merrimu, Parwan, Hopetoun Park, Coimadai (part), Long Forest (part) and Rowsley (part).

What the Amendment does

Amendment C81 will update the local planning policy framework (LPPF) contained within the planning scheme, to articulate the key principles and directions contained in the UGF. The updated LPPF will provide longer term strategic directions for Bacchus Marsh, as a State-recognised regional growth centre, consistent with Plan Melbourne 2017-2050 and the Central Highlands Regional Growth Plan.

The Amendment makes the following changes to the Municipal Strategic Statement (MSS) in the Moorabool Planning Scheme ordinance:

- Amends Clause 21.01 'Municipal Context', by updating the text pertaining to Bacchus Marsh under the headings of 'Introduction', 'Municipal profile' and 'Key issues and influences'.
- Amends Clause 21.02 'Natural Environment', by updating the strategies relating to the objective of 'Non-urban landscapes'.
- Amends Clause 21.03, 'Settlement and Housing', to provide context and strategic direction for managing future urban growth in Bacchus Marsh.
- Amends Clause 21.04, 'Economic Development and Employment', by updating the Issues or overview, objectives and strategies pertaining to 'Agriculture and horticulture', 'Commercial', 'Industry' and 'Local employment'.
- Amends Clause 21.05, 'Development and Community Infrastructure', by updating the Issues or overview, objectives and strategies pertaining to 'Open space and recreation', 'Integrated transport' and 'Community facilities and infrastructure'.
- Amends Clause 21.07 'Bacchus Marsh', by inserting a new Bacchus Marsh Urban Growth Framework plan (see Figure 1), and updating the text to provide context and strategic direction for managing future urban growth.
- Amends Clause 21.11, by updating the list of reference documents to include the UGF and the above listed strategies.

Background

Authorisation of Amendment C81

Council resolved at its Ordinary Meeting on 4 September, 2017 to seek Ministerial authorisation to prepare and exhibit the Amendment C81 for 6 weeks. That resolution read as follows:

That Council resolves to:

1. *Authorise the Chief Executive Officer to finalise the planning scheme amendment documents, in consultation with the Department of Environment Land Water and Planning and the VPA as required.*
2. *Request authorisation from the Minister for Planning, to prepare and exhibit Moorabool Planning Scheme Amendment C81, in accordance with Section 8A (2) of the Planning and Environment Act 1987.*
3. *Exhibit Amendment C81 along with the Bacchus Marsh District Urban Growth Framework documents for a period of not less than six (6) weeks, in accordance with the Planning and Environment Act 1987, subject to receiving authorisation from the Minister for Planning.*

4. *Ensure that the exhibition period and Planning Panel are scheduled according to the VPA's availability.*

On 22 September, 2017 Council was granted authorisation (without conditions) by the Minister to prepare and exhibit the Amendment.

Public Exhibition Process

Amendment C81 (Attachment 2) was exhibited between 2 November to 15 December, 2017 concurrent with Amendment C79 (Bacchus Marsh Housing Strategy). A total of 55 submissions were received including seven submissions that refer to both C79 and C81. Of these 55 submissions, eight were late, with five of these being from agencies.

The CFA was the only state agency that objected to the Amendment, due to recent changes to State planning policy Clause 13.05 relating to bushfire risk. Council officers have met with key CFA staff and agreed that the UGF should be amended, such that the precinct planning principles for each growth precinct will require that Clause 13.05 be addressed during the future PSP process.

Consideration of Submission

Submissions in response to the Amendment cover a range of issues. A full response to all submissions is provided in Attachment 3. Attachment 4 includes a set of updated draft UGF plans, reflecting recommendations in this report and Attachment 3. The key themes include:

1. Growth investigation areas – Merrimu, Parwan Station, Hopetoun Park North, Parwan Employment Precinct.
2. Traffic / transport network issues.
3. Maddingley Waste and Resource Recovery Hub (incorporating brown coal resources) and surrounds, buffer issues and sensitive uses.
4. Irrigation district/green break related.
5. Managing sand and stone resources.
6. Hydraulic Infrastructure related – water, sewer, gas.
7. Provision of education facilities.
8. Environmental considerations, tracks and trails.
9. Bushfire Issues.
10. Bacchus Marsh Aerodrome Planning Issues.
11. Miscellaneous/site specific zone requests/other – not covered above.

Theme 1: Growth investigation areas– Merrimu, Parwan Station, Hopetoun Park North, Parwan Employment Precinct

Overview: *There are three distinct positions expressed in the submissions concerning growth investigation areas. Group 1 represents those in favour of the UGF identified growth investigation areas; not requiring any changes to the UGF (submissions 5, 10, 30). Group 2 request refinement to the UGF and MSS clauses (submissions 4, 6, 11, 12, 19, 20, 22, 24, 27, 28, 29, 31, 33, 34, 37, 48, 52). Group 3 do not support the UGF growth investigation areas (submissions 3, 39).*

Submitter Justification

Group 1 submissions note the effective consultation process and the considerable documentation provided, and agree with the objectives and vision contained in the UGF to guide future growth.

Group 2 feedback is more wide ranging in content.

The extent of the growth investigation areas was raised by some submitters. Where practicable, it is argued, escarpments should be protected between the Bacchus Marsh Irrigation District (BMID) and growth investigation areas. There are two areas where residential development encroaches beyond the top of the escarpment in the Merrimu growth precinct. Likewise, the same is true of Hopetoun Park North and Parwan precincts. This is inconsistent with the environment objective in the UGF: *“Protect high-value agricultural land in the BMID from encroachment by urban development.”*

Some submitters have requested that the timing of growth at Merrimu, Parwan Station and Hopetoun Park North be changed to short term.

At Merrimu, submission 24 raises questions as to the suitability of this area for urban growth investigation due to environmental constraints [This submission is addressed later under environmental submissions]. Many more submissions, however, accept that the area is suitable for growth investigation. One submitter seeks a transition from two acres down to smaller lots within the growth investigation area. Whatever the density determined for Merrimu, environmental habitats are to be preserved to manage wildlife foraging and movement.

Submission 25 from Cement Concrete and Aggregates Australia (CCAA) welcomes the recognition within the UGF that the Darley sand quarries are a significant sand resource for Melbourne’s western growth front and construction industry. However, the submission expresses concern about potential for sensitive land uses (e.g. residential) being permitted within the buffer interface area in the north-west of the Merrimu precinct. The CCAA has subsequently advised that some of the quarry operators undertake blasting operations in the process of removing overburden material, which raises concern about the adequacy of the width of the buffer interface.

Submission 52 argues that development of Merrimu precinct should commence from Buckleys Road and head east and south, rather than south to north. The submission suggests that a quantum change is expected with respect to demand for housing. The quantum change to supply will influence the demand drivers and thereby the rate of growth of Bacchus Marsh as a whole.

Submission 27 supports the UGF, but questions urban growth potential at Parwan Station due to nearby broiler (chicken) farms and Western Water’s treatment plant. The submitter suggests that the lot yield is therefore ambitious.

At Parwan Station, a couple of submitters suggest that the 1,400 m separation to the Bacchus Marsh Recycled Water Plant (RWP) seems excessive. They argue that, as the buffer study was a first pass assessment, it should not be used to define the boundary. The Parwan Station PSP can do that. It is also considered illogical that a heavy industrial use that generates a buffer to a sensitive use could be allowed to locate close to the southern boundary of the Parwan Station Precinct. A land use amenity plan would provide appropriate buffers to sensitive uses and avoid land use conflicts.

Concerning the sequencing of growth, it is submitted that there is an abundance of land within the PEP area to accommodate uses that will generate separation buffers such as those listed above and as such it is recommended that the areas closer to the future Parwan Station residential precinct be allocated for uses that will not impact on sensitive uses.

Plan 1 of the UGF identifies the land as within the Parwan Station Residential & Commercial Growth Precinct. The submitter supports this initiative. However the phasing of the development set out in Chapter 10 prohibits the delivery of important development that has the potential for significant net community benefit.

Submission 6 notes that the Parwan Employment Precinct (PEP) is identified in the UGF as a high value agricultural activity area. Given that the PEP is proposed to be an agribusiness area it should not be rezoned to the Urban Growth Zone (UGZ). Use of planning tools such as a land use and amenity plan for the area, and a suite of zones and / or overlays is recommended.

Submitter 1 is opposed to having their land, at 4256 Geelong-Bacchus Marsh Road, included within the PEP. They argue that, if the subject land and surrounds remain earmarked for employment, the land will be vacant for the next 30-40 years. The land should be earmarked as Mixed Use Zone (MUZ), as this would provide flexibility to the land owner to provide an array of uses such as employment, residential, commercial, light industrial and a mixture of the above.

At Hopetoun Park, poor transport infrastructure is a common concern (addressed further under traffic heading), but broader issues about the level of social isolation are also of concern. Other key matters raised include protecting the amenity of existing households in Hopetoun Park such as view corridors, providing an infrastructure first approach to planning and applying the Low Density Residential Zone (LDRZ) with lots no less than one acre in size. Submission 33 also requests that there be a general store, park with native plants, BBQ for public use and playground/BMX track.

Others (such as submission 19) support the UGF identifying Hopetoun Park North for growth investigation, but request refinements with respect to timing (bringing it forward) and not being too specific on zone choices.

Submission 22 requests higher densities (Figure 1) with minimum lot sizes in some areas below 400 square metres.

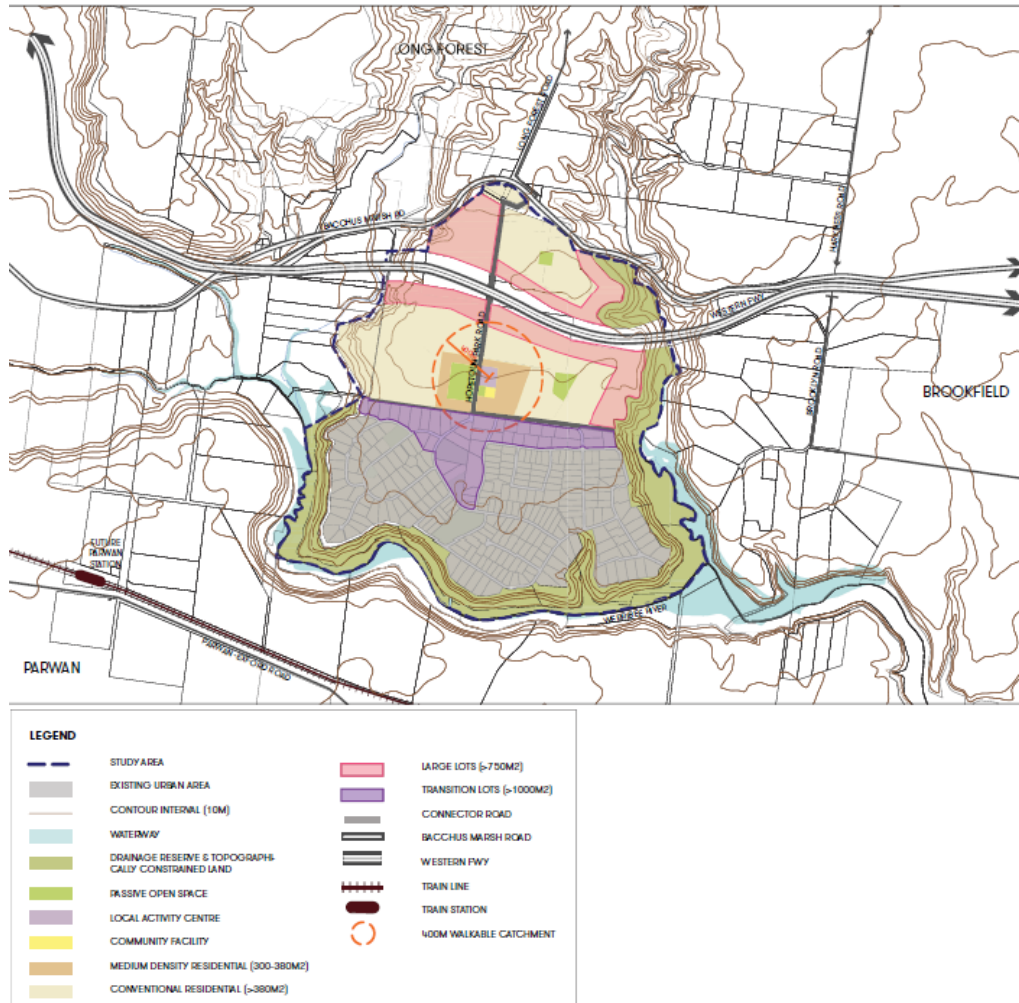


Figure 1 Proposed density plan in submission 22 for Hopetoun Park

Submission 22 seeks growth to the north of the Western Freeway at Hopetoun Park, suggesting that Area B is a logical inclusion due to it having identical interfaces as Area A with access running through the area to service Areas A and C.

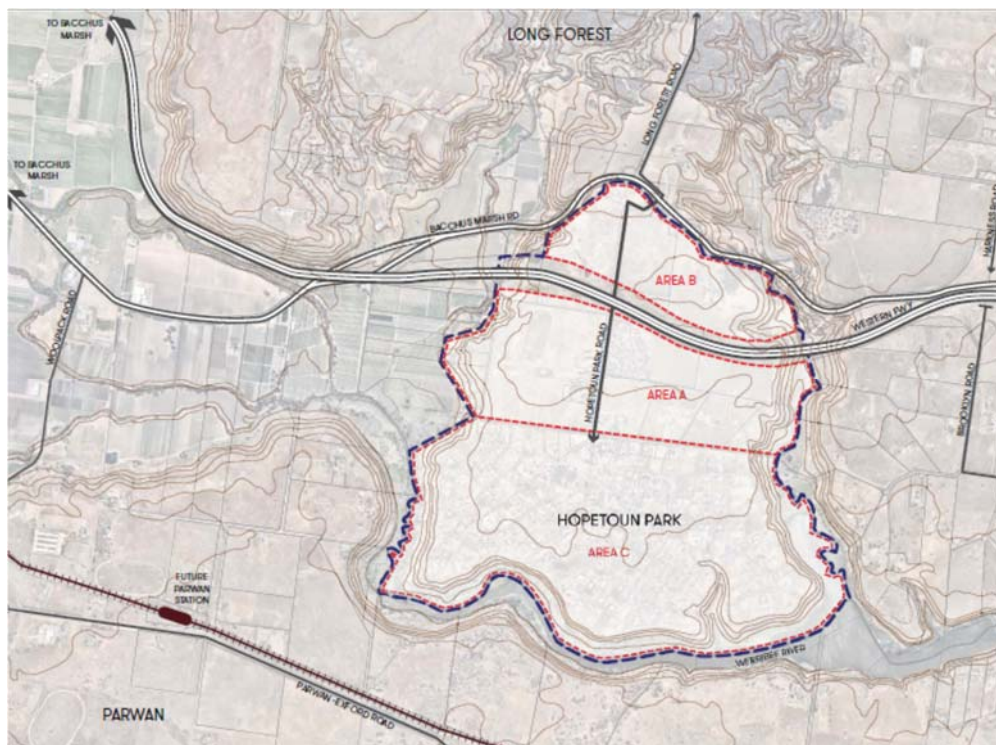


Figure 2 area of interest identified in submission 22 is marked 'Area A' and 'Area B'

Group 3 represents objectors, including references to rates charged and lack of infrastructure in the district. Submission 39 suggests that Bacchus Marsh needs to be protected from inappropriate development by a settlement boundary, like Macedon Ranges Shire is doing.

Officer Response

Group 1 – Noted. No change to UGF or MSS required.

Group 2 - See below.

Merrimu Growth Precinct

Issue 1: Timing/sequencing of development at Merrimu.

The UGF sets a clear expectation that the priority for short term (1-5 years) development is infill and greenfield opportunities within the existing Bacchus Marsh urban area. As per Table 5 (Sequencing) of the UGF, timing for each of the residential growth precincts is stated to be medium (5-10 years) to long term (10+ years). Timing is dependent on land supply and demand analysis in the first instance, but sequencing of Merrimu should be brought forward if the precinct can demonstrably deliver the ELR. In the event that population growth rates trend higher than those recently experienced, there is capacity to bring forward planning for growth in the new growth precincts.

The UGF notes the relationship between development of Merrimu and Parwan Station precincts, and the planning for the ELR. The ELR will be important for removing through-traffic (particularly heavy vehicles) from the centre of Bacchus Marsh, and also for providing critical connectivity between the future growth precincts, particularly Merrimu, Parwan Station and PEP.

The timing expressed in the UGF with respect to the urban growth precincts is intended to refer to the timing for a planning scheme amendment to rezone land and incorporate a precinct structure plan where relevant. Medium to long term timing is considered appropriate for Merrimu, for the following reasons:

- The adopted housing strategy titled 'Housing Bacchus Marsh to 2041' (dated 2017) as amended by more recent growth analysis (Spatial Economics, 2017) concludes that there is around 18-20 years of broad hectare supply (with 14 years under a 4.2% growth rate). This means there is no short term imperative to act on Merrimu.
- The ELR corridor planning study, which has recently been commenced by VicRoads and is expected to take approximately 2-3 years to complete. It is crucial that the road alignment be confirmed prior to the preparation of any future PSP or planning scheme amendment.
- Council will need to undertake a range of complex strategic work for the whole Bacchus Marsh District to give guidance for growth planning within Bacchus Marsh district as a whole. This work needs to be undertaken prior to the preparation of any individual future PSP or planning scheme amendment, including:
 - Integrated infrastructure delivery framework (which addresses all higher order infrastructure needs and means of delivery to inform PSP DCPs and ICPs).
 - Integrated Water Management Plan (providing principles to address a range of sustainable water management priorities within the district).
 - District Open Space Framework (this is a 2018/19 budget bid and is already in the UGF), to address key principles to protect escarpments, achieve biolinks, integrate open space outcomes with waterway management etc.
 - Undertake traffic modelling to identify the maximum number of lots which can be developed in each growth precinct prior to the ELR being constructed, and the local road network improvements necessary to facilitate such development.
 - Update the Bacchus Marsh Integrated Transport Strategy, to include consideration of the Bacchus Marsh Urban Growth Framework.
- Proponents of development in this precinct will need to undertake a range of technical studies relating to each precinct and surrounds, such as biodiversity, bushfire risk, cultural and European heritage, integrated transport, infrastructure, etc.

It is recommended that the UGF be amended, to more clearly articulate the above as pre-conditions for the preparation of any future PSP or planning scheme amendment, and to allow for consideration of earlier timing for PSPs if these pre-conditions are met and if the precinct can demonstrably deliver the applicable sections of the ELR (ie Merrimu for the northern component and Parwan Station for the southern component).

Merrimu is a complex precinct. On the one hand much of it is cleared open ground upon an escarpment. However, it has an extended interface with Long Forest Nature Conservation Reserve to the east, which is nationally significant. There are also areas containing a range of threatened species requiring State and Federal approval to remove. There is an extensive interface with the sand quarries to the north-west, and with the BMID to the south-west.

Merrimu has some advantages as a land release due to its size and limited exposure to buffers from industry. However, the ELR needs to integrate and limit impact on the irrigation district farming community, and its alignment from Gisborne Road to the Western Freeway cannot be considered in isolation from the southern component that likely extends ultimately to Geelong-Bacchus Marsh Road.

Thus, a short term timeline seems premature at Merrimu, especially if the ELR alignment and State funding has not been confirmed. The UGF identifies Merrimu as a medium to longer term project. The qualification is that it can be brought forward (to a date to be determined) if funding for the ELR is secured. That position remains valid. Completion of all background studies, an agreement for the Minister to be the planning authority and preparation of a fully integrated PSP is a significant undertaking, especially with the amendment process and likely Panel required. It is noted that submitter 52 has commissioned a number of background reports that will inform the preparation of a future PSP.

Council accepts that most growth in Bacchus Marsh district will be delivered as greenfield, as it has in the past (around 85%) (see Figures 3 - 5). In this context, it is acknowledged that once Stonehill and Underbank estates are near build-out, no new greenfield opportunities will remain in Bacchus Marsh. Thus, the issue is not the merit of greenfield growth investigation areas such as Merrimu, but rather its timing (see Table 1).

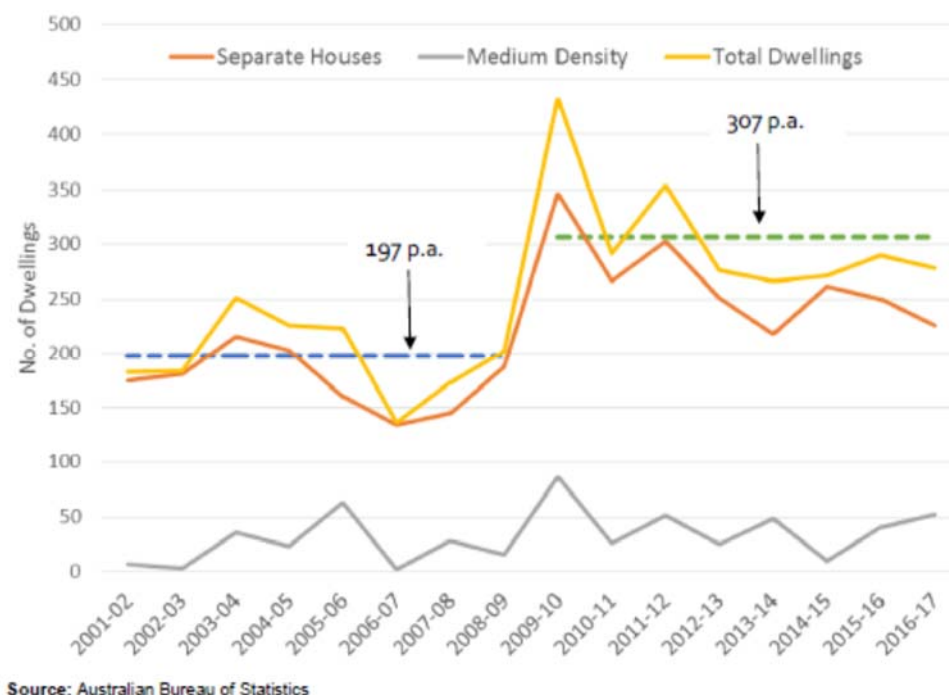
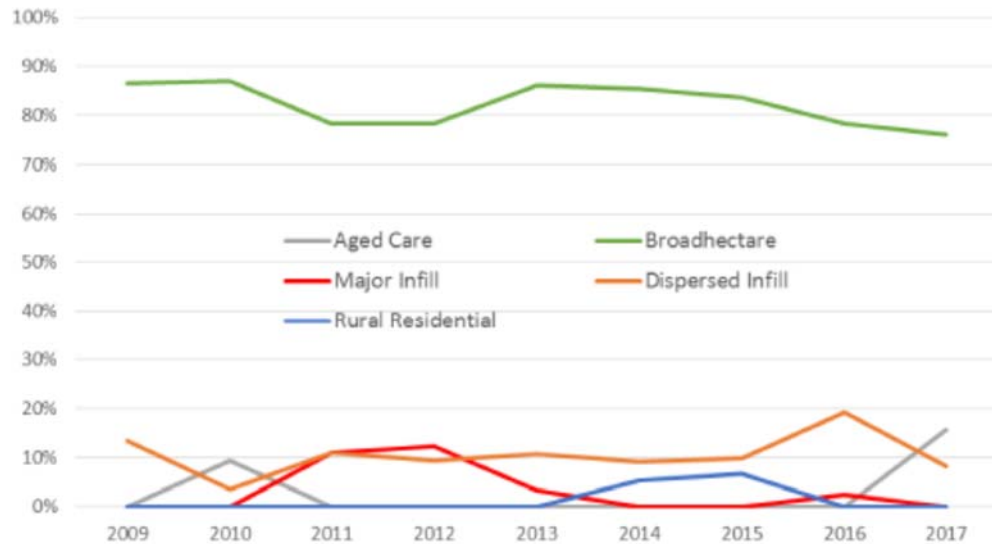


Figure 3 Trend Residential Building Approvals (Spatial Economics, 2017).



Source: Spatial Economics Pty Ltd

Figure 4 Share of residential development activity by supply type (Spatial Economics, 2017).

Graph 12: Historic and Projected Demand for Residential Dwellings, 2009 to 2031



Source: DELWP. Victoria in Future 2016: Population and Household Projections
 Forecast ID - Moorabool
 Australian Bureau of Statistics – 2011 and 2016 Population and Housing Census
 Lot Construction - Spatial Economics Pty Ltd

Figure 5 Dwelling demand (Spatial Economics, 2017).

Scenario 1 (ID Forecast)	26
Scenario 2 (VIF 2016)	18
Scenario 3 (Trend Growth)	18
Scenario 4 (High Growth)	14

Source: Spatial Economics Pty Ltd

Table 1 Land supply calculations – est. years of broad hectare/major infill land supply 2017 (Spatial Economics, 2017).

Issue 2: Footprint of Merrimu

Refinements to the UGF maps are required to delete significantly constrained land that is steep, heavily vegetated and highly bushfire prone, to the east of Bences Road, as delineated by the blue dashed line in Figure 6.

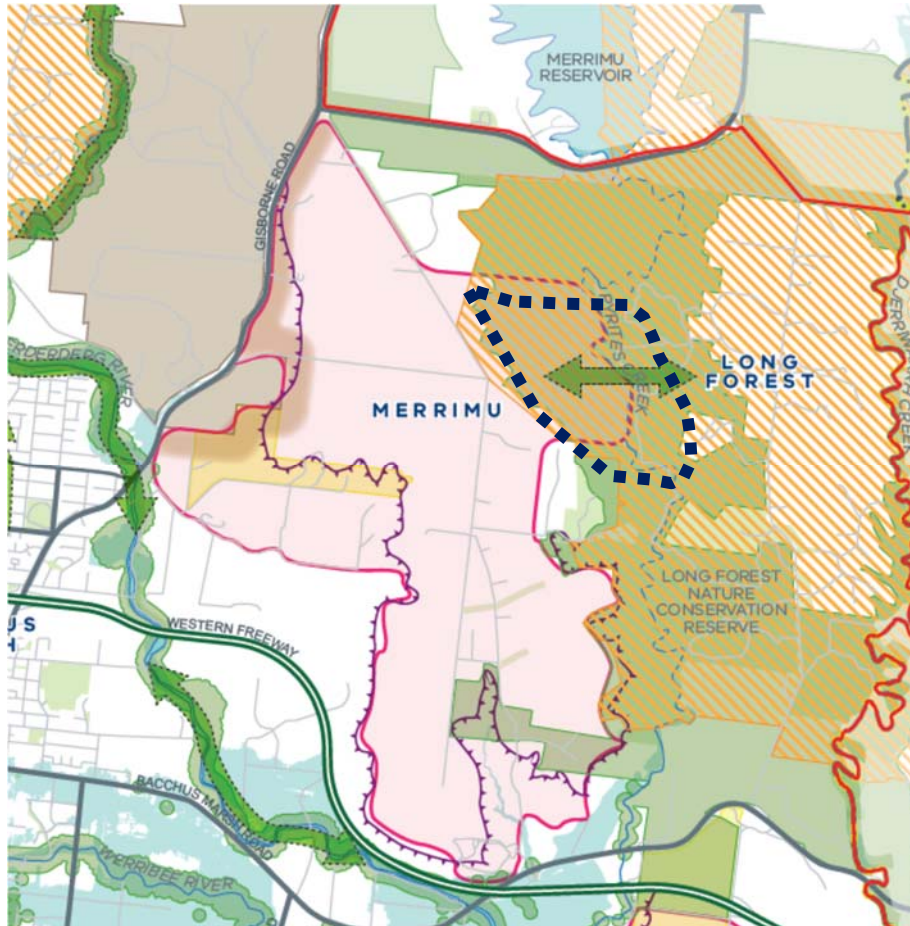


Figure 6 Significantly constrained land (delineated by the blue dashed line)

Issue 3: Appropriate densities at Merrimu

The UGF is premised on achieving average residential densities of approximately 15 dwellings per net developable hectare which reflects State Planning Policy (Clause 11-02-3). However, recent discussions with the VPA suggest that this density target is not strictly applicable to regional Victoria, which in turn suggests that the ultimate figure may be marginally lower than this figure.

Exclusion of existing subdivisions on the edge of the identified Merrimu precinct, being Dodemaide Court to the north-east and Possum Tail Run to the east will also ensure that a much lower density interface with Long Forest Nature Conservation Reserve is retained.

Issue 4: Integration of Merrimu with ELR delivery

It is critical that the precincts of Merrimu, Parwan Station and PEP are integrated with the ELR delivery. As discussed above, it is crucial that the road alignment be confirmed prior to the preparation of any future PSP or planning scheme amendment.

Council accepts that there is some uncertainty on timing and alignment for the ELR, but it would be potentially a medium term project and one of Council's and VicRoads' highest priorities.

Council, supported by the VPA, is currently seeking expert traffic engineering advice, as to an appropriate lot yield capable of being delivered at Merrimu and Parwan Station precincts before the road is constructed. This work will also examine what other road upgrades will be needed to accommodate growth.

Issue 5: Buffer issues at Merrimu

The CCAA's concerns (submission 25) primarily relate to separation distances to the Darley sand quarries, which constitute a State significant resource. It is recommended that the plans and text in the UGF and MSS Clause 21.07 be amended, to show a clearly delineated 500m wide buffer (no sensitive uses permitted) which is appropriate for quarries with blasting operations (EPA Publication 1518 '*Recommended separation distances for industrial residual air emissions*') (see Figure 7). In so doing, the concerns raised by submission 25 will be addressed.

Issue 6: Escarpments at Merrimu

Only two areas are located below the escarpment at Merrimu: the southern end of Flanagans Drive (Figure 8; area 1), which can remain in the investigation area but may be ultimately more appropriate for other non-residential uses given the landscape values; and land in the vicinity of the former Bacchus Marsh winery, accessed off Lerderderg Park Road (Figure 8; area 2) – which requires further visual analysis and may be subject to a range of different development scenarios in future planning.

With respect to area 2, the land does not comprise alluvial soil; has no existing water licence (the licence was sold to Council); has no history of productive agricultural use; is a foot-slope not an alluvial flat, well separated from the irrigation district further south; and does not raise any issues with Southern Rural Water.

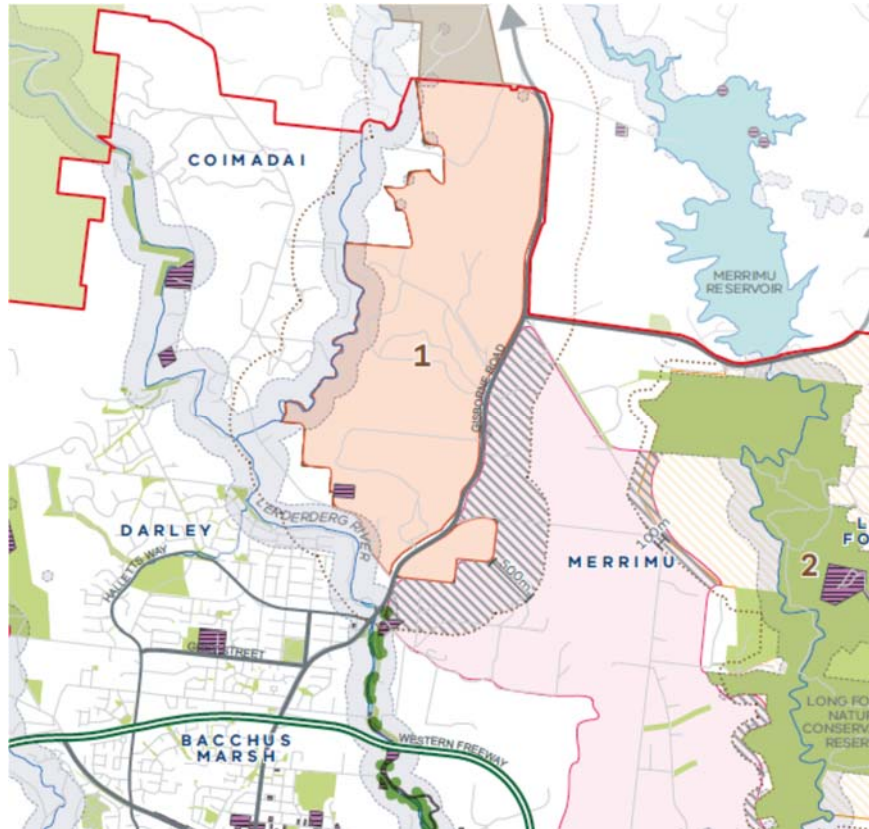


Figure 7 Darley sand quarries (1) and the recommended 500m wide buffer (hatched).

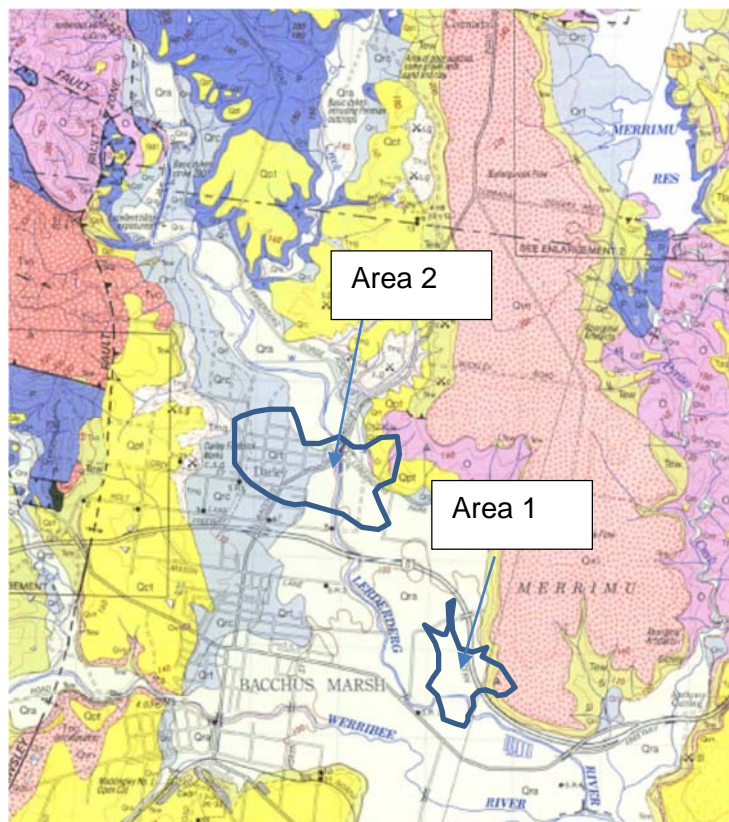


Figure 5 Geological map; alluvial soils are shown white (source: Earth Resources)

Hopetoun Park North Growth Precinct

Issue 7: Timing/sequencing of development at Hopetoun Park

Timing of development at Hopetoun Park was raised in two submissions. The UGF sets a clear expectation that the priority for short term development is infill and greenfield opportunities within the existing Bacchus Marsh urban area.

Given the limited size of the land investigation area and the lacks a direct relationship with the delivery of the ELR (i.e. one is not contingent on the other), Hopetoun Park should be a medium term project. Medium term timing is considered appropriate for Hopetoun Park North the following reasons:

- The adopted housing strategy titled 'Housing Bacchus Marsh to 2041' (dated 2017) as amended by more recent growth analysis (Spatial Economics, 2017) concludes that there is around 18-20 years of broad hectare supply (with 14 years under a 4.2% growth rate). This means there is no short term imperative to act on Hopetoun Park.
- Council will need to undertake a range of complex strategic work for the whole Bacchus Marsh District to give guidance for growth planning within Bacchus Marsh district as a whole. This work needs to be undertaken prior to the preparation of any individual future PSP or planning scheme amendment, including:
 - Integrated infrastructure delivery framework (which addresses all higher order infrastructure needs and means of delivery to inform PSP/Development Plan, DCPs and ICPs or S173 Agreements).
 - Integrated Water Management Plan (providing principles to address a range of sustainable water management priorities within the district).
 - District Open Space Framework (this is a 2018/19 budget bid and is already in the UGF), to address key principles to protect escarpments, achieve biolinks, integrate open space outcomes with waterway management etc.
 - Update the Bacchus Marsh Integrated Transport Strategy, to include consideration of the Bacchus Marsh Urban Growth Framework.
- Proponents of development in this precinct will need to undertake a range of technical studies relating to each precinct and surrounds, such as biodiversity, bushfire risk, cultural and European heritage, integrated transport, infrastructure, etc.
- However, equally it is conceded that at the densities likely to be achieved in Hopetoun Park (<10 dw/ha net) that only some 600-700 homes would be built or 2 years supply. Provided community facility investments were made (funded by the proponent) and access/road improvements were facilitated, a medium term timeline would be supportable.

It is recommended that the UGF be amended:

- to clearly articulate the above strategic work as pre-conditions for the preparation of any future planning scheme amendment; and

- to allow for consideration of earlier timing if these pre-conditions are met, and if the precinct can demonstrably deliver improved connectivity with the Western Freeway to and from the west, along with an acceptable level of community facilities/amenities in accordance with Council's Community Infrastructure Framework.

Issue 8: Footprint of Hopetoun Park North

There are two opinions on the appropriate footprint of Hopetoun Park North. Submission 22 advocates extending the precinct north of the Western Freeway, whereas submission 19 supports limiting it to south of the Western Freeway as per the UGF.

The area immediately south of the Western Freeway reserve is a logical inclusion area as it physically abuts the existing settlement, has been contemplated for some form of residential use for over 10 years (e.g. Amendment C34) and is physically separated from surrounds by the road network. Land north of the Western Freeway is not suitable for urban growth for the following reasons:

- There is more than ample land already identified at Hopetoun Park to deliver community benefits in new infrastructure.
- Council is keen to see the green break between Melton and Bacchus Marsh retained. Land to the north appears more visually exposed from a range of vantage points.
- There is limited access to and from the west. Whilst access may be sufficient for modest housing delivery at Hopetoun Park North, it would be more problematic if residential growth extended north of the Western Freeway (see submission 44 from Transport for Victoria).
- It is not supported by DEDJTR due to sand and gravel resources potential (submission 54).

Issue 9: Appropriate densities at Hopetoun Park

There are three scenarios on residential density put forward, ranging from applying an LDRZ control with 4,000 square metre minimum lot size (submission 33), through to full urban (submission 22) and submission 19 which supports more balanced growth, stating that this precinct "is likely to have a larger average lot size than the other growth areas in Bacchus Marsh and therefore provide a point of difference and a unique offer to the market". A mix of densities is appropriate, likely with LDRZ on any interface boundaries with the existing Hopetoun Park, Western Freeway and escarpments, with the remainder likely to be NRZ on the following basis:

- The densities should be lower than that proposed under Amendment C79 for hilly and poorly serviced parts of Darley (NRZ2 with 700 sq.m minimum lot size), because there will be only limited retail and community facilities.
- Abrupt differences in density between existing and new areas should be reasonably avoided. Existing lots to the south are typically 8,000 sq.m in size.
- There remains a need for critical mass (i.e. lot yield) to provide a very basic retail offer along with a kick and play oval and a local recreational park.

- Transport for Victoria (submission 44) does not support growth in this precinct at conventional or higher densities, due to poor transport connectivity and difficulties in providing a viable bus service.

Issue 10: Escarpments at Hopetoun Park

Notwithstanding submission 6 (City of Melton), there is no intention of any urban growth occurring either on the edge or slope of an escarpment. The investigation areas include this land only for the purposes of future consideration of pedestrian/cycleways, passive/active open space and appropriate planning controls. It is recommended that the precinct planning principles in Part 9 of the UGF be amended, to reinforce these principles as appropriate.

Parwan Station Growth Precinct

Issue 11: Timing of development/sequencing at Parwan Station

The UGF sets a clear expectation that the priority for short term (1-5 years) development is infill and greenfield opportunities within the existing Bacchus Marsh urban area. As per Table 5 (Sequencing) of the UGF, timing for each of the residential growth precincts is stated to be medium to long term. Timing is dependent on land supply and demand analysis in the first instance, but sequencing of Merrimu or Parwan Station precincts should be brought forward if the precinct can demonstrably deliver the ELR.

The UGF notes the relationship between development of Merrimu and Parwan Station precincts, and the planning for the ELR. The ELR will be important for removing through-traffic (particularly heavy vehicles) from the centre of Bacchus Marsh, and also for providing critical connectivity between the future growth precincts, particularly Merrimu, Parwan Station and PEP.

Medium to long term timing is considered appropriate for Parwan Station, for the following reasons:

- The adopted housing strategy titled 'Housing Bacchus Marsh to 2041' (dated 2017) as amended by more recent growth analysis (Spatial Economics, 2017) concludes that there is around 18-20 years of broadhectare supply (with 14 years under a 4.2% growth rate). This means there is no short term imperative to act on Parwan Station.
- The ELR corridor planning study, which has recently been commenced by VicRoads and is expected to take approximately 2-3 years to complete. It is crucial that the road alignment be confirmed prior to the preparation of any future PSP or planning scheme amendment;
 - Council will need to undertake a range of complex strategic work for the whole Bacchus Marsh District to give guidance for growth planning within Bacchus Marsh district as a whole. This work needs to be undertaken prior to the preparation of any individual future PSP or planning scheme amendment, including Integrated infrastructure delivery framework (which addresses all higher order infrastructure needs and means of delivery to inform PSP, DCPs and ICPs).

- Integrated Water Management Plan (providing principles to address a range of sustainable water management priorities within the district).
- District Open Space Framework (this is a 2018/19 budget bid and is already in the UGF), to address key principles to protect escarpments, achieve biolinks, integrate open space outcomes with waterway management etc.
- Undertake traffic modelling to identify the maximum number of lots which can be developed in each growth precinct prior to the ELR being constructed, and the local road network improvements necessary to facilitate such development.
- Update the Bacchus Marsh Integrated Transport Strategy, to include consideration of the Bacchus Marsh Urban Growth Framework.
- Maddingley WRR Hub Planning Study, for the WRR Hub site and associated amenity buffer area, to determine appropriate planning zone and overlay controls.
- Proponents of development in this precinct will need to undertake a range of technical studies relating to each precinct and surrounds, such as biodiversity, bushfire risk, cultural and European heritage, integrated transport, infrastructure, etc.

It is recommended that the UGF be amended, to clearly articulate the above strategic work as pre-conditions for the preparation of any future PSP or planning scheme amendment, and to allow for consideration of earlier timing if these pre-conditions are met and if the precinct can demonstrably deliver the ELR.

Issue 12: The footprint of Parwan Station

The footprint of this precinct is dictated by issues of suitable buffers to nearby industry. New sensitive uses (residential, schools, outdoor recreation, etc.) can only be located beyond recommended or modelled buffers for industry; a point confirmed by the EPA (submission 17), SV (submission 7) and other agencies (submissions 13 and 15) in their submissions. A range of studies including further modelling of odour by Western Water and studies likely required to support the PSP will refine the exact footprint of development.

Issue 13: Integration of Parwan Station precinct with ELR delivery

This is a critical issue. The comments previously on Merrimu precinct (Issue 4) equally apply to Parwan Station.

Issue 14: Buffer issues at Parwan Station

Buffers have been an ongoing issue of debate within Bacchus Marsh for the past 20 years. The current planning scheme (Clause 21.07-9) requires buffer studies to be completed before making decisions on sensitive uses in the South Maddingley area.

Council, with the VPA, commissioned Pacific Environment to model odour emissions from existing uses and the resultant report is titled *Bacchus Marsh UGF - Bacchus Marsh Buffer Assessment* (22 August 2017).

The boundaries of Parwan Station precinct and the buffer interface area, as depicted on the UGF plans, are based on the recommended separation distances identified in that report (see Figure 9).

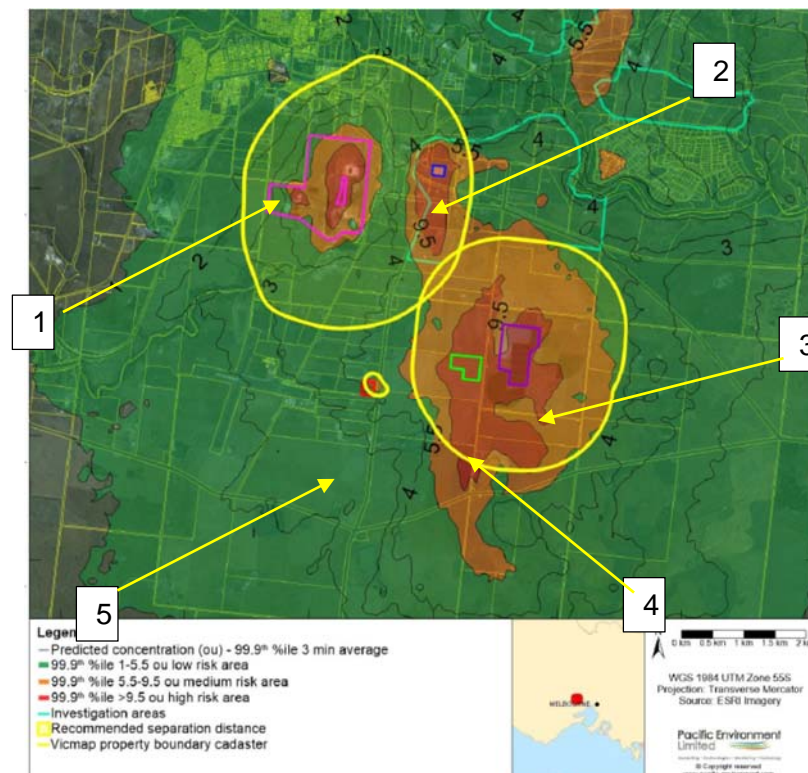


Figure 9: Odour dispersion modelling – Maddingley WRR Hub (1), chicken broiler (2), Bacchus Marsh RWP (3), chicken broiler (4) and mushroom farm (5) (Source: Pacific Environment; 2017). Yellow lines depict the recommended separation distances.

The key matters in developing Parwan Station are as follows:

- A 2.0 km buffer needs to be applied from the existing composting operations approved under EPA licence 45288 (as amended on 22/11/2017). There is no need to show buffer requirements for other uses at this site, such as coal mining and landfill, as these are contained within the 2.0 km buffer.
- An absolute minimum buffer of 1.4 km buffer needs to be applied from the Bacchus Marsh RWP, to meet EPA requirements. As per submission 26, Western Water is about to commence an odour dispersion modelling project, to determine the area impacted by the operations of the Bacchus Marsh RWP, now and into the future. Once the modelling exercise has been completed, Western Water intends to begin a planning scheme amendment process to apply an Environmental Significant Overlay (ESO) over the buffer area. Any future PSP for Parwan Station precinct will need to ensure that land zoned for sensitive uses is located beyond the buffer distance to Bacchus Marsh RWP as determined in Western Water's odour dispersion modelling project. Alternatively, the proponents will need to work with Western Water to deliver treatment plant upgrades to facilitate a reduced buffer distance.

Any reduced buffer distance must be at least 1.4 kms and will be subject to the proponents committing to a substantial financial contribution towards treatment plant upgrades.

- There is a distinction between buffers applying to pre-existing urban areas such as Maddingley/Bacchus Marsh and new, as yet undeveloped, greenfield sites such as Parwan Station. In the former, it is not unreasonable to expect ongoing dialogue between Council, the EPA and industry, to facilitate best practice and limit off-site amenity impacts. However, where new greenfield development is concerned, the existing industries warrant protection from potential complainants.
- No new sensitive uses or polluting uses will be allowed within the buffer areas described above.
- It is unlikely that any issues will arise with the northern chicken broiler farm (see Figure 9, site 2), due to its more limited scale of operation and the processes applied. However, it is recommended that the UGF be amended by adding the following precinct planning principle for Parwan Station precinct: *“Ensure that sequencing of Parwan Station precinct protects the existing use rights of the broiler farm at 51 Browns Lane, by identifying an amenity buffer where no sensitive uses will be permitted until such time as the broiler farm use ceases”*.
- Planning for the PEP needs to be coordinated with that for Parwan Station, to appropriately identify uses that can exist within the buffer interface area and those that cannot. For instance, there may be some uses that do require buffers of their own which can be accommodated within the buffer interface due to its sheer size, but not within requisite distances of sensitive uses.

Issue 15: *Escarpments at Parwan Station*

Notwithstanding submission 6 (City of Melton), there is no intention of any urban growth occurring either on the edge or slope of an escarpment. The investigation areas include this land only for the purposes of future consideration of pedestrian/cycleways, passive/active open space and appropriate planning controls. It is recommended that the precinct planning principles in Part 9 of the UGF be amended, to reinforce these principles as appropriate.

Parwan Employment Precinct (PEP) (see Figure 10)

Issue 16: Timing/sequencing of Development at PEP

No submissions critiqued the timing of the PEP (. However, it is noted that the UGF is inconsistent with respect to timing of the PEP, as detailed below:

Table 1 – Key growth actions – State/regional:

Project: Parwan Employment Precinct growth framework and infrastructure contribution plan.

Timing: Short term

Table 3 – Key growth actions – State/regional:

Project: Parwan Employment Precinct - Precinct Structure Plan (PSP) and Infrastructure Contributions Plan (ICP)

Timing: Short to medium term.

Table 5 – Sequencing:

Project: Parwan Employment Precinct

Actions:

- Rezone to UGZ and prepare and implement a PSP.
- Undertake a buffer assessment for existing uses and apply an ESO as appropriate.
- In the PSP, or as a separate overlay, prepare a land use and amenity plan that manages potential future land use incompatibilities.
- For the Bacchus Marsh Aerodrome site, see below (sic).

Timing: Stage 1: Short to medium term; Stage 2: Medium to long term.

It is recommended that these inconsistencies be rectified, by amending Table 1 in the UGF so that it is consistent with Table 2.

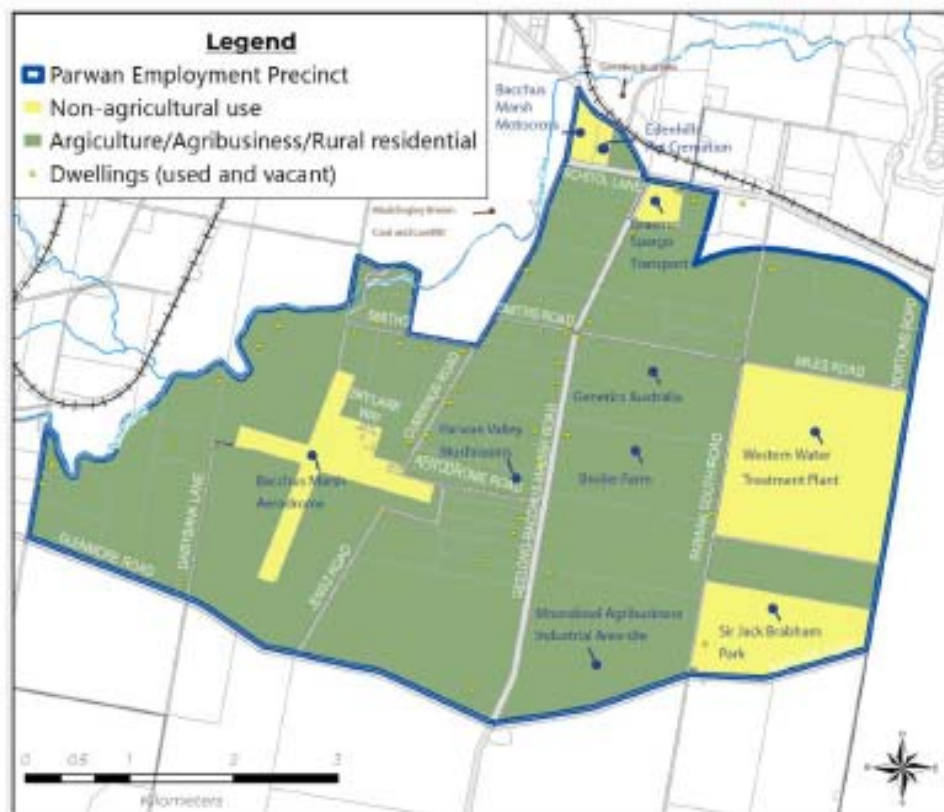


Figure 5: Key current land uses within the Parwan Employment Precinct

Figure 10 Parwan Employment Precinct Study Area

Issue 17: Footprint of PEP

Submitter 1's property, at 4256 Geelong-Bacchus Marsh Road, Parwan, is partially within the PEP and partially within the Parwan Station Residential and Commercial Precinct, as shown in Figure 13.

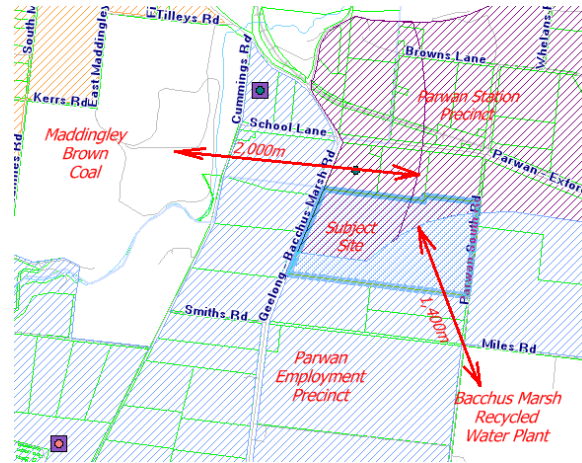


Figure 11 4256 Geelong-Bacchus Marsh Road (delineated in blue)

The UGF does not rezone land and therefore the suggested zone (MUZ) cannot be considered. The most appropriate zones will be identified as part of the future PSP/planning process for each precinct.

There is no strategic justification for applying the MUZ. The land is mostly within the amenity buffers required to protect the ongoing operation of the Bacchus Marsh Recycled Water Plant, the Maddingley Waste and Resource Recovery Hub and a broiler farm. The MUZ contemplates residential use amongst other uses, which are inappropriate within amenity buffers.

Council officers have become aware that a small area of land within the PEP is located to the north of Parwan Creek (Figure 12), which is a deeply incised valley. With respect to natural boundaries, Parwan Creek is a logical boundary between Maddingley and Parwan. It is therefore recommended that the plans in the UGF and the exhibited MSS Clause 21.07 be amended accordingly.

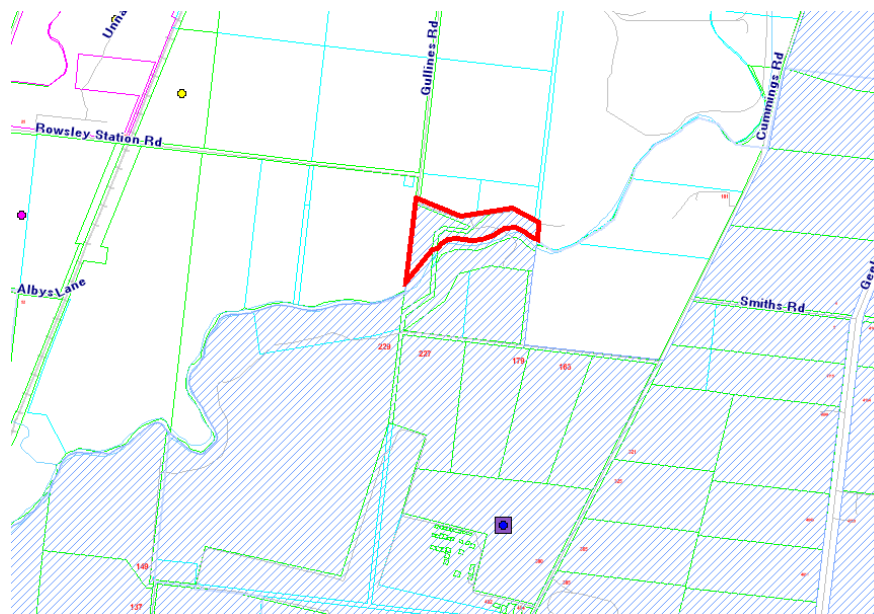


Figure 12 Land recommended for removal from the PEP (delineated in red).

Issue 20: Future planning process for the PEP

It is recommended that the UGF and exhibited MSS clauses be amended to the effect that:

- A PSP and a land use and amenity plan will be prepared for the PEP, to inform the application of an appropriate suite of zone and overlay controls.
- UGF references to a UGZ being applied to the PEP will be removed.

Group 3 – Noted. Issues concerning transport and traffic networks are covered elsewhere in this report.

In response to submission 39, the Urban Growth Boundary (UGB) in a Victorian planning context is a planning tool which defines the planned extent of urban development in metropolitan Melbourne. Consequently, it also defines the 'green wedge' within metropolitan fringe planning schemes, in accordance with section 46AC of the *Planning and Environment Act 1987* (the Act).

The Act requires that any amendment to a metropolitan fringe planning scheme to change a UGB be ratified by both houses of the Victorian Parliament.

The Act does not specifically provide for the use of a UGB outside of metropolitan fringe planning schemes. Therefore any boundary expressed through the Bacchus Marsh UGF would be an articulation of a policy position, rather than a statutory tool in the form of a UGB in metropolitan Melbourne.

Whilst it would be considered desirable to define a settlement boundary to Bacchus Marsh, it would be premature to specifically define a boundary as part of the UGF. Certain actions identified within the UGF will need to be undertaken before an appropriate location for a settlement boundary can be determined.

It is recommended that the following project be added to Table 4 (Key growth actions - local):

- Define a settlement boundary for the Bacchus Marsh district and incorporate this into the Local Planning Policy Framework of the Moorabool Planning Scheme following the completion of the following actions:
 - Merrimu Precinct PSP
 - Parwan Station Precinct PSP
 - Hopetoun Park North Precinct rezoning
 - Maddingley Employment Investigation Area - planning study

Concerns about Council rates levied on properties and the value of services provided are matters beyond the scope of the UGF and the Moorabool Planning Scheme.

For more specific responses regarding proposed changes to the planning scheme ordinance under Amendment C81, refer to Annexure A.

For likely map changes refer to Annexure B.

Officer Recommendation

1. Strengthen text in UGF on the role of the PEP, including further information on the planning study and business case.
2. Amend the UGF to clarify the role and purpose of the buffers.
3. Include a requirement for a landscape/amenity plan in the PEP precinct planning principles.
4. Amend the UGF to provide lot triggers in urban growth investigation areas.
5. Amend the UGF to include the further strategic work listed in the officer response to issues 1, 7 and 11 above, as pre-conditions prior to the preparation of any future PSP or planning scheme amendment, and to allow for consideration of earlier timing if these pre-conditions are met..

Theme 2: Traffic/Transport Network Issues

***Overview:** Traffic and transport comments covered a wide range of matters from submissions critiquing the need for a UGF, through to more detailed submissions from State agencies (TfV, submission 44) which seek more holistic solutions to transport and land use planning.*

Submitter Justification

Some submitters raised the issue of necessary road infrastructure but are unclear on priorities. Additional access into Hopetoun Park from the Western Freeway is mentioned in a number of submissions. A lack of public transport at Hopetoun Park is a general concern.

The lack of connectivity between Bacchus Marsh and the urban growth precincts is identified in submission 6 as warranting attention. The Western Freeway / Bacchus Marsh Road eastern interchange should be improved if the Merrimu residential precinct is approved, to remove the acute angle and provide an on-ramp to the Western Freeway to reduce reliance on the back road between Melton township and Bacchus Marsh (Anthony's Cutting).

Given that access to the centre of Bacchus Marsh and the Bacchus Marsh train station will be difficult from Merrimu some residents will travel to Melton township and Melton train station through Anthony's Cutting to access goods and services.

One agency (V/Line, submission 16) raises operational and design issues concerning urban growth around the rail corridor typically addressed in a PSP, such as lighting arrangements, fencing and pedestrian crossings.

An existing traffic problem in the secondary education area of Bacchus Marsh is the intersection of Grant Street, Parwan Road, the railway crossing in Grant Street and the turn into South Maddingley Road to Wilson's Hardware and Bacchus Marsh Grammar.

The development of a north/south heavy transport road or network should precede the implementation of development of industries requiring multiple transport movements such as the bulky goods precinct.

Submission 27 advocates for the future railway station to be built approximately 5 km further to the east, at the junction of Telephone Road, Parwan which is equidistant between Eynesbury, Bacchus Marsh and Melton South (see Figure 13).



Figure 13 Potential station sites – where proposed in UGF and by submission 27

The lack of capacity of the Western Freeway for traffic is noted in two submissions.

Submission 52 concerns planning for the ELR. They contend that development can occur prior to the initial delivery of the ELR, thereby generating an income stream from development via means of development contributions that can then be put towards the delivery of the road - a commonly accepted means of road delivery in the growth areas. This approach will ensure a more practical way to facilitate the delivery of the road in line with development.

A preferred route for the ELR would be located outside of the growth precinct itself (see Figure 14). The following advantages are identified:

- A shorter distance from Bacchus Marsh-Gisborne Road to the Western Freeway than alternative routes located further east thereby facilitating delivery sooner;
- Appropriate separation distances between existing interchanges; and
- A setback from the steep incline of the Western Freeway (Melbourne bound) to the east, providing truck drivers with sufficient distance to build appropriate speed and reduce gear changes.



Figure 14 Suggested northern component of ELR – as proposed in submission 52

Officer Response

Issue 1: No growth should occur within the study area due to lack of road network capacity.

There is a view expressed by some that current experienced road congestion should halt any discussion about future growth. Whilst local road congestion can be a challenge, a growth management framework is needed nonetheless, for the following reasons:

- Council has resolved to work with VPA to prepare a growth framework as per terms of reference from the Planning Minister. Council has and always will achieve greater outcomes where it works with agencies to plan for growth, secure investment and support.

- Growth pressures exist in Bacchus Marsh whether Council proceeds with the UGF or otherwise. In Merrimu alone there is scope for some 600 additional lots under current planning controls. This equates to 6000 additional vehicle movements per day – many times greater than current vehicle movements in that area. It is the same in Bacchus Marsh itself which is expected to grow from around 20,000 people today to over 30,000 based on current zoned land.
- A ‘no growth’ policy is contrary to Plan Melbourne and the Central Highlands Regional Growth Plan. Managed well, growth can deliver better transport networks, more local schools and better community facilities.
- A growth framework is the only consolidated method for providing clear direction on how growth will occur, what services are needed, the role of agencies in delivering investment. There is little doubt that the UGF played a significant role in securing funding for the ELR corridor study. The UGF can assist in positioning Council to secure delivery of the ELR, a train station at Parwan and other community facilities.
- Congestion is within defined periods of the day at present. This is confirmed in the BMITS. Congestion can be overstated as a reason to support a wider perspective that growth is bad or that Council can divorce itself from wider metropolitan growth challenges.

Rapid growth in the western metropolitan growth corridor will need to be matched with likely future State government investment in road, rail and bus infrastructure – see Regional Network Development Plan (TfV). These considerations are beyond the scope of this UGF. Council is also working actively with VicRoads to examine and upgrade access onto the Western Freeway from Bacchus Marsh. A range of these initiatives are discussed in the BMITS.

Issue 2: The need for an ELR, its alignment and timing

The ELR has been identified in the Moorabool Planning Scheme (cl.21.07) for the past 9 years (C34). Figure 15 shows the current version of the Bacchus Marsh Framework Plan as it appears in Clause 21.07. In 2010, Woolpack Road was supported by both Council and VicRoads as a preferred alignment for the ELR, and a Public Acquisition Overlay was introduced to the planning scheme to enable its construction. However, the road was not built due to a refusal by the Planning Minister, reliant on provisions of the *Heritage Act 1995* concerning the Avenue of Honour. The demonstrated need for the road remains, as evidenced by:

- BMITS modelling of traffic conditions (2015)
- Origin-destination modelling (2017)
- Ongoing community feedback in preparing the UGF

Refer to Attachment 5 for traffic data from the origin-destination modelling.

VicRoads secured \$3M via State Government funding in mid-2017, to conduct an ELR alignment study. The issues raised in submissions will be addressed more appropriately as part of VicRoads’ community consultation process for this study. Council’s BMITS (2015) identified the need for the ELR. Recent origin-destination modelling (2017) for freight movement within Bacchus Marsh also highlights the ongoing need to have a catchment understanding of road networks.

As for alignment, the VicRoads study will determine an optimal configuration for the road, having regard to a range of constraints including (but not restricted to) limiting impact on the irrigation district, topography, landscape values along escarpments, environmental values, cultural heritage. It is premature to speculate on the road alignment, given the complexity of the road alignment study which could span 3 years.

Likewise, timing of construction is dependent on completing the alignment study, State/Federal funding (plus possibly Council contribution) and contributions from the private sector (such as through Development Contributions Plans, Infrastructure Contributions Plans or section 173 agreements).

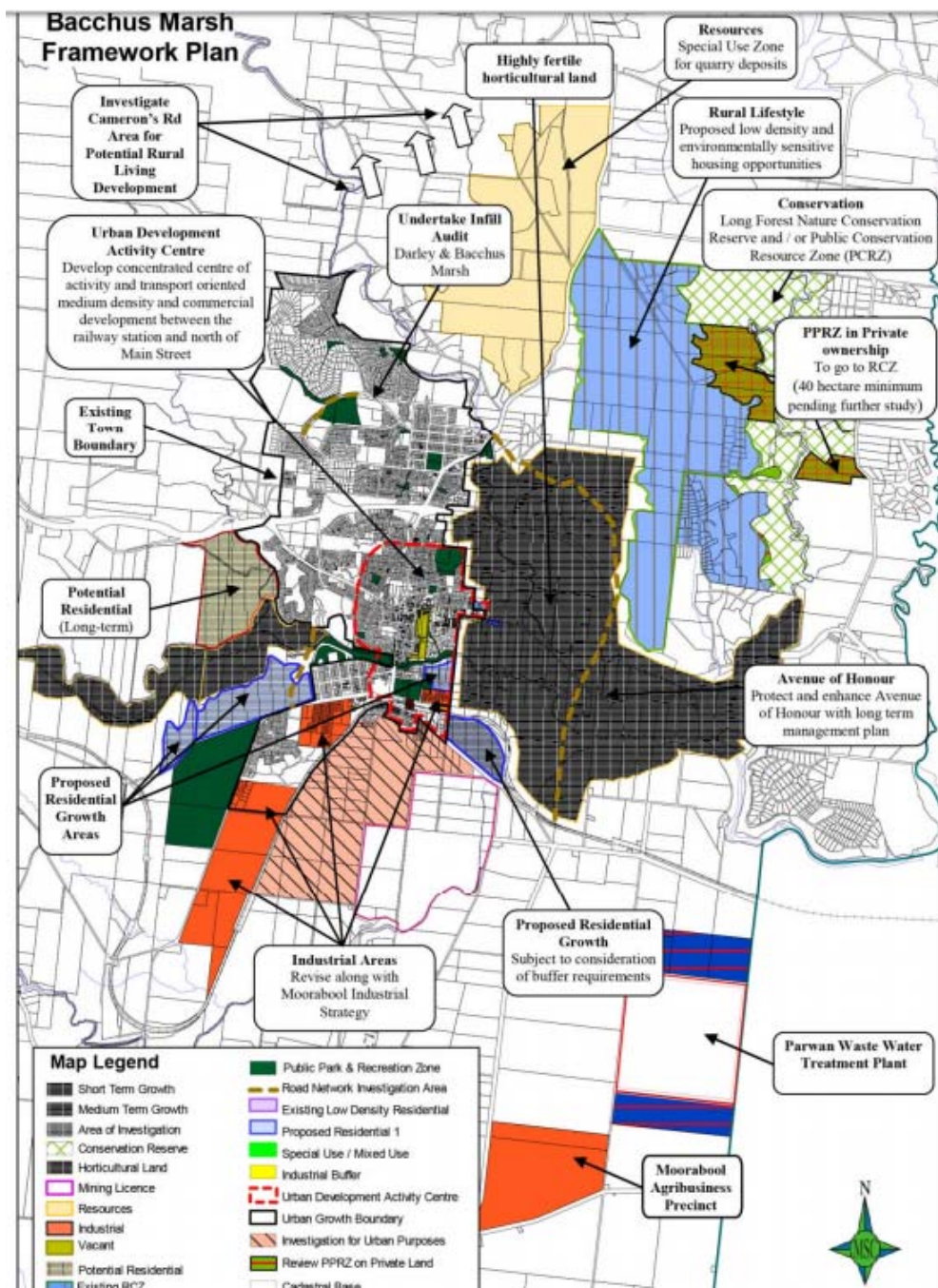


Figure 15 Extract from cl. 21.07 of planning scheme

Key actions and priorities

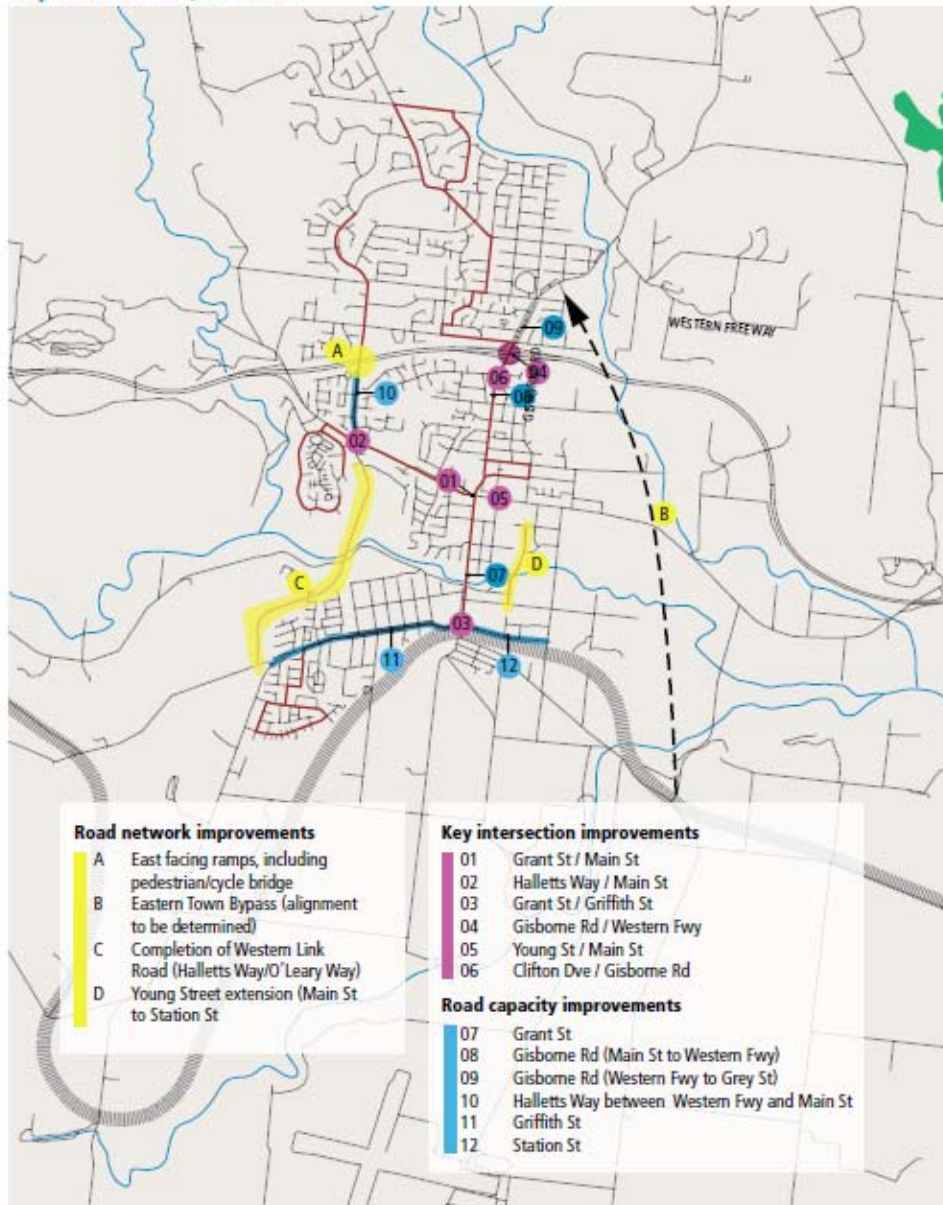


Figure 16 BMITS showing the ELR and other road priorities

Issue 3: Integration of land use and transport infrastructure

A valid critique of the UGF is its absence of benchmark standards for levels of public transport infrastructure in growth investigation areas as well as how existing activity centres function. The following clarifications should be made to the UGF:

- Merrimu will require a bus interchange to connect with Bacchus Marsh train station and/or Melton train station. Ultimately, a feeder bus service would be required to the Parwan train station, once delivered.
- Parwan Station will require a bus interchange as an interim solution until such time as a train station is constructed. According to TfV this could be a longer term project. Therefore transitional facilities will be needed in the interim.

- A local school bus service (Bacchus Marsh Coaches) runs through Hopetoun Park and serves Bacchus Marsh Grammar. Council will continue to liaise with TfV to determine how practical a public bus service would be, when it would be appropriate (if at all), and by what route it would operate.
- For all existing and proposed activity centres (except for some lower order centres), there will be a stronger statement on the use of these centres as key bus drop off, pick up points.
- Whilst BMITS identifies a range of local road upgrades to manage congestion, additional modelling should be completed before any PSP is prepared to deliver growth blueprints.
- There is a need to undertake traffic modelling to identify the maximum number of lots which can be developed in each growth precinct prior to the ELR being constructed, and the local road network improvements necessary to facilitate such development.
- There is a need to update the Bacchus Marsh Integrated Transport Strategy, to include consideration of the Bacchus Marsh Urban Growth Framework.

Hopetoun Park will require a full network assessment to determine road upgrade opportunities.

Issue 4: Delivering the Parwan Train Station

TfV (submission 44) supports a station in the longer term at Parwan. Parwan Station as a growth investigation precinct is underpinned by the notion of being a transit-oriented development. This is mentioned throughout the UGF.

Submission 27's suggested relocation of the proposed train station to Telephone Road, Parwan is not supported for the following reasons:

- Historically there has been a train station at Whelans Road, Parwan (within the Parwan Station growth precinct) and this is a logical place to provide a new station.
- There is no State support for a train station at Telephone Road Parwan.

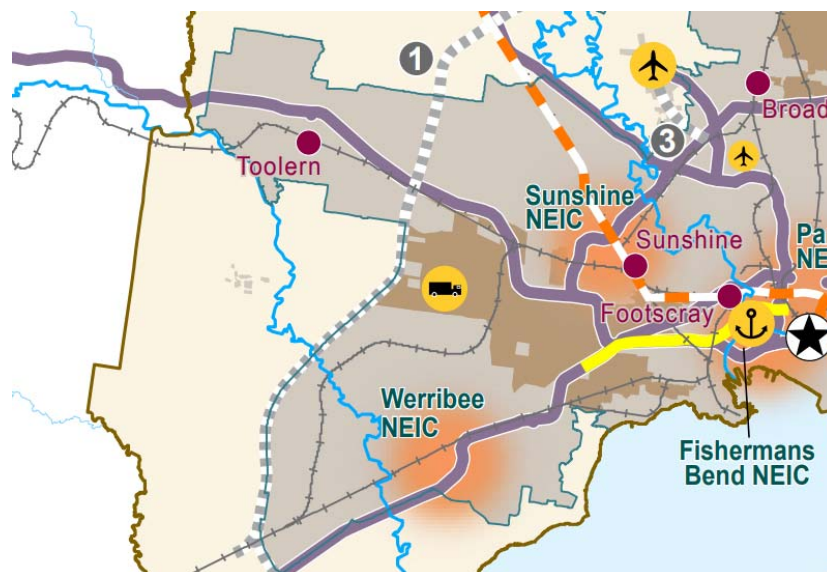


Figure 17 Extract from Map 2 Plan Melbourne (refresh version) – silent on major growth at Eynesbury.

Issue 5. How much detail needs to be put in a high level UGF?

The matters raised by V/Line (submission 16) are entirely matters of detail which will be considered in the PSP phase. Many transport related concerns raised in other submissions have largely been identified in the BMITS which lists a host of local road upgrades. Transport related concerns that are more specifically related to growth precincts will be addressed via an update to the BMITS, and integrated transport planning associated with the future preparation of PSPs or development plans.

Officer Recommendation

1. Reconfirm that the UGF is the primary mechanism to identify the match between land use and transport integration in future strategic planning for Bacchus Marsh district.
2. Undertake traffic modelling to identify the maximum number of lots which can be developed in each growth precinct prior to the ELR being constructed, and the local road network improvements necessary to facilitate such development.
3. Update the Bacchus Marsh Integrated Transport Strategy, to include consideration of the Bacchus Marsh Urban Growth Framework.
4. Reconfirm that whilst the ELR is a priority, growth investigation needs to be linked to funding of upgrades to existing road networks as per the updated BMITS. This is likely to entail some contributions from growth investigation precincts as PSP areas are delivered, to improve the overall network rather than just a single road (i.e. the ELR).
5. Amend the UGF to identify clearly the role of existing and planned activity centres as bus hubs/interchanges.
6. That the provision of a train station remain a priority for the Parwan Station precinct.

Theme 3: Maddingley Waste and Resource Recovery (WRR) Hub (incorporating brown coal resources) and surrounds, buffer issues and sensitive uses

Overview: *Submissions range from those who wish to facilitate potentially sensitive uses within areas identified as being within EPA buffers (submission 14), through to those seeking mixed use zones which would also enable sensitive uses (submission 1). Most submissions (7, 13, 15, 17, 21) flag the significance of the Maddingley WRR Hub site as a State-recognised waste hub, requiring appropriately maintained buffers as per EPA guidelines.*

These submitters can be considered in four distinct groups:

Group 1: Those who want sensitive uses inside buffer areas for Maddingley.

Group 2: Those who strongly advocate for buffers as per EPA guidelines for the MBC site.

Group 3: Those who object to application of the Special Use Zone to existing households inside the EPA required buffer for MBC. Group 4: Those who would prefer growth investigation areas to not be impacted by buffer considerations on the basis that the PSP will address exact boundaries later.

Submitter Justification

Group 1: Submission 1 seeks a Mixed Use Zone for a site in Parwan. The basis of concern is that if the Parwan site is not zoned as Mixed Use (MUZ) it will sit for next 40 years as vacant. Submission 14 concerns a 28 ha property directly west of Bacchus Marsh Grammar, which is within the Farming Zone (FZ) which due to locational proximity to existing services should be included for growth investigation.

Group 2: In essence these submissions are largely the same. Sustainability Victoria (submission 7) captures the arguments as follows:

- An integral part of delivering a cohesive and integrated waste and resource recovery system is the concept of non-exclusive waste and resource recovery hubs. The Statewide Plan identifies 22 hubs of state importance, including the Maddingley site. The Statewide Plan (SV 2015), makes the following observations about the hub:
 - Maddingley Brown Coal Landfill, Bacchus Marsh accepts significant amounts of Solid Inert Waste (SIW) from the Metropolitan WRR region.
 - It is the only landfill currently accepting shredder flock. If it ceased to accept shredder flock it would severely affect reprocessing of end-of-life cars and whitegoods.
 - Functionality should be managed by preserving adequate buffers and planning that ensures the establishment of compatible activities conducted in a manner that does not impact on the community, environment and public health of surrounding land users.
- The Maddingley WRR hub holds EPA licence 45288, which permits prescribed industrial waste management, landfilling, and composting.

Various plans within the Urban Growth Framework are sought to be clarified to confirm (a) the purpose of different buffers (see map 4); (b) confirm that buffer areas are not for sensitive uses; (c) only allow uses that do not require buffers that extend into growth investigation areas.

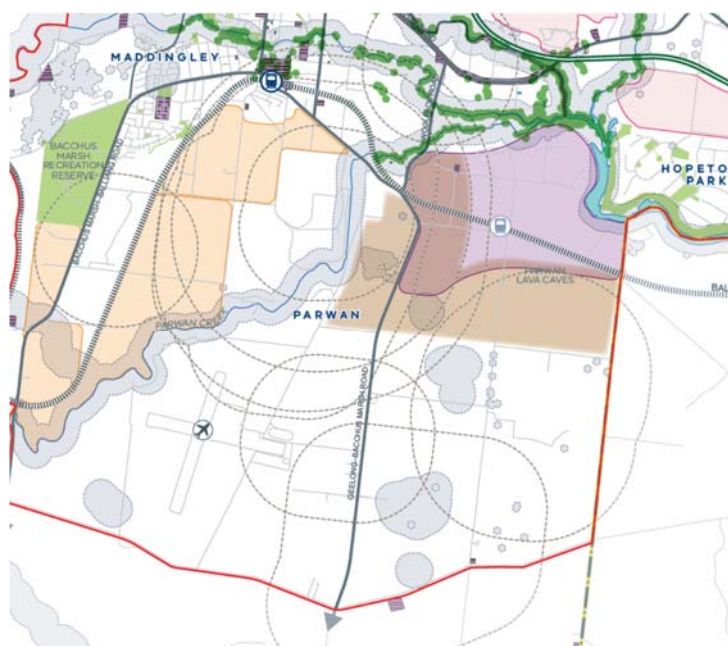


Figure 18 Extract from UGF Plan 4, showing the multiple buffers that apply.

Submission 21 questions aspects of the buffer study completed by Pacific Environment, its methodology and the consultation process (absence of direct involvement by the operator of Maddingley WRR Hub).

Group 3: One submission focuses on the equity of applying the Special Use Zone (SUZ1) to land which contains existing private residences west of the MBC site in South Maddingley Road. The argument likely applies to some half a dozen properties in the immediate area.

Group 4: Relates to how the buffers to the Maddingley WRR Hub site relate to Parwan Station growth investigation area. This matter has already been covered under Theme 1.

Officer Response

Group 1:

New sensitive uses are likely to be prohibited by future zone controls within the PEP.

An officer response to submission 1 has already been provided under Theme 1, Issue 17 (Footprint of PEP). In summary, no MUZ or new sensitive uses should be permitted within the identified buffer area for Maddingley WRR Hub or the Bacchus Marsh Recycled Water Plant (i.e. wastewater treatment plant).

Submission 14 refers to property No. 533150, located to the west of South Maddingley Road, Maddingley (see Figure 19). The land is not presently in an urban zone; it is within the Special Use Zone Schedule 1 (Coal Mining). The land has been the subject of protracted debate in previous Planning Panels about zoning and the current planning scheme (Clause 21.07 9) requires a buffer study to be undertaken.

The Planning Panel for Amendment C34 (MSS review; 2008) concluded the following in relation to this land:

“The enforcement of standard buffers for coal mining, refuse disposal, composting and some industrial uses impose a major constraint on the development of sensitive uses in south western Bacchus Marsh.”

“The proximity of the northern parts of the SUZ1 to the town centre is an important locational advantage that supports investigation of development for a range of urban purposes. This locality has an important strategic focus on employment generation and involves uses with off-site impacts. A range of non-residential uses may well be appropriate in this locality but are not facilitated by existing SUZ1 provisions.”

In 2017, Council commissioned Pacific Environment to undertake a buffer study. This resulted in a report titled *Bacchus Marsh UGF - Bacchus Marsh Buffer Assessment* (22 August 2017). The buffer assessment indicates the following:

- A number of odour complaints around the subject land (map 7).
- The recommended separation (i.e. buffer) distance around the Maddingley WRR Hub (see map 8) would not allow new sensitive uses to be established as proposed by this submission.

The recommended separation (i.e. buffer) distance is based on odour dispersion modelling which has been verified by field odour observations.

There is no evidence as to why Council should vary the buffers below EPA requirements for new greenfield development.

The Maddingley WRR Hub is of State significance and its long term viability is dependent upon the exclusion of new sensitive uses from the recommended amenity buffer areas. This is especially true where new greenfield residential development is proposed; i.e. when it could be delivered elsewhere.

Whilst the land cannot be zoned for residential or sensitive uses it is yet to be determined what the highest and best future use might be. It is recommended that a planning study be undertaken (in the short term) for the Maddingley WRR Hub site and associated amenity buffer area, to determine appropriate planning zone and overlay controls.



Figure 19 Land referred to in submission 14 (delineated in blue)

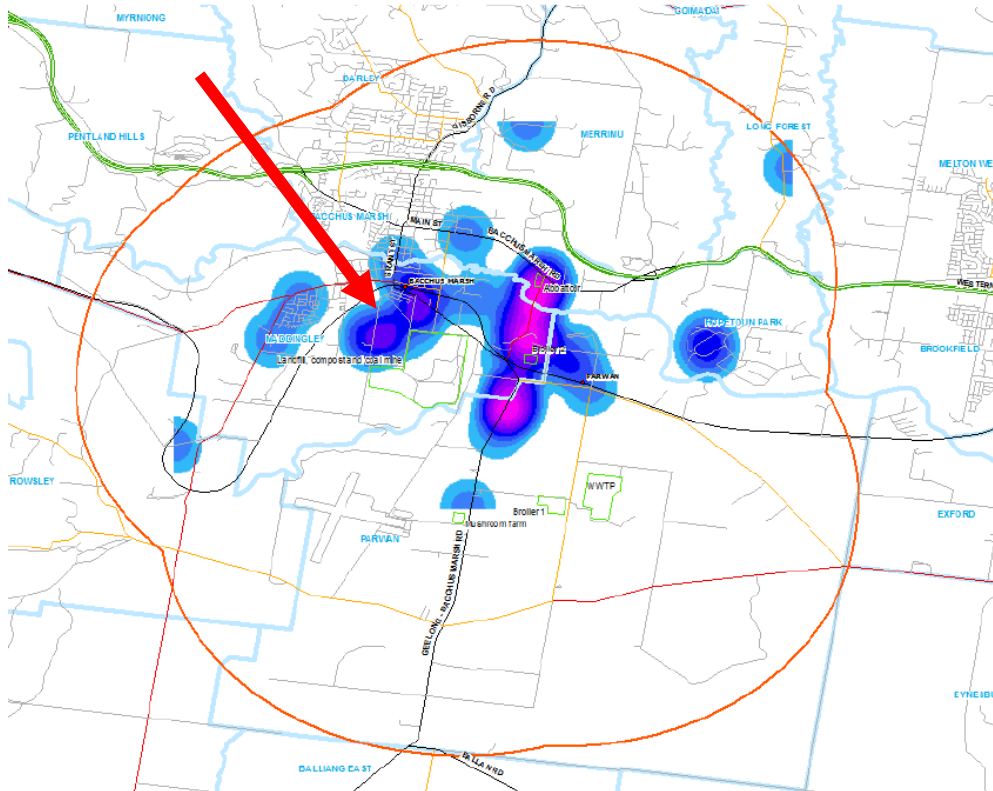


Figure 20 Odour complaints (source: Pacific Environment)

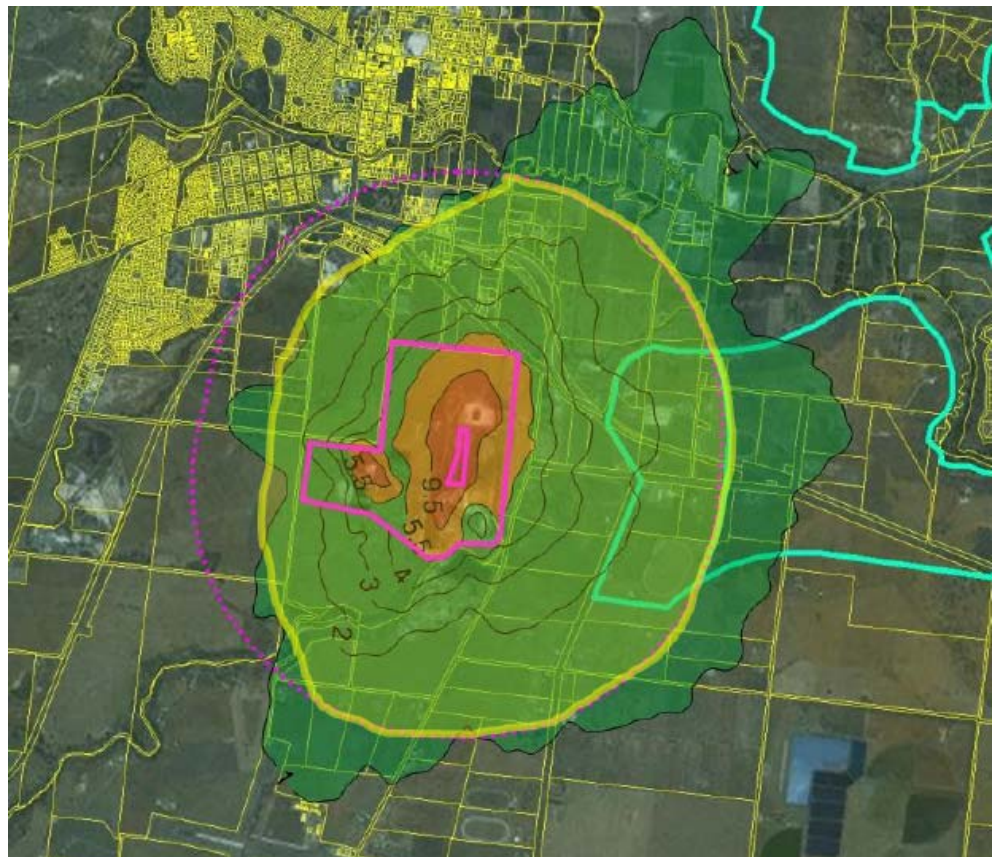


Figure 21 Odour modelling (source: Pacific Environment)

Group 2: There is a clear tension between what the planning scheme says about the Maddingley WRR Hub site and what the State Planning Policy Framework requires. The planning scheme for instance zones the site Special Use Zone (SUZ1) for coal mining. The purpose of the Zone is set out below:

- *'To recognise and provide for the use and development of land for coal mining.*
- *To provide for use of the land compatible with the primary purpose of the zone.*
- *To ensure that mining operations are carried out in an orderly manner and with due regard to the surrounding environment and adjacent land uses.*
- *To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.*
- *To ensure that use and development occurs in accordance with any endorsed Management Plan and Development Plan.'*

The LPPF comments further (cl. 21.07-1):

'There are a number of strategically important land uses to the south of Bacchus Marsh - such as the Maddingley Brown Coal Mine, industrial land, the airport and the Parwan Waste Water Treatment Plant – that are inherently incompatible with residential development due to their off site impacts. The State Government has established the extent of the coal resource to be protected but appropriate buffers and land use management measures to address potential conflicts between uses and opportunities to capitalise on economic development synergies require further investigation.'

However, coal mining is not the primary purpose or activity at the Maddingley WRR Hub site. Major uses include a non-putrescible landfill, shredder flock processing and composting. This has caused concern over the years for Council, in reconciling the SUZ1 controls with multiple other activities (all of which lawfully operate) approved under other legislation including the *Environment Protection Act 1970* and the *Mineral Resources (Sustainable Development) Act 1990*. Absence of an approved development plan to identify future potential uses, supported by appropriate background environmental studies has also concerned the operator of the Maddingley WRR Hub.

Notwithstanding the current zoning and intention to protect coal mining, State Planning Policy confirms the primary value of the Maddingley WRR Hub site is for waste and resource recovery. The State Planning Policy Framework Clause 19.03-5 states as follows:

'19.03-5 Waste and resource recovery

Objective:

To reduce waste and maximise resource recovery so as to minimise environmental, community amenity and public health impacts and reduce reliance on landfills.

Strategies:

- *Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste and maximise opportunities for resource recovery.*
- *Protect waste and resource recovery infrastructure against encroachment from incompatible land uses by ensuring buffer areas are defined, protected and maintained.*
- *Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.*
- *Encourage technologies that increase recovery and treatment of resources to produce energy and other marketable end products.*
- *Enable waste and resource recovery facilities to locate in close proximity in order to share separation distances, reduce the impacts of waste transportation and improve the economic viability of resource recovery.*
- *Site, design, manage and rehabilitate waste disposal facilities in accordance with the Waste Management Policy (Siting, Design and Management of Landfills) (Environmental Protection Authority, 2004).*
- *Integrate waste and resource recovery infrastructure planning with land use and transport planning.'*

Policy guidelines under Clause 19.03-5 further reinforce this position – that is, that the Maddingley site is a waste hub.

Policy guidelines

Planning must consider as relevant:

- *Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015).*
- *Metropolitan Waste and Resource Recovery Implementation Plan (Metropolitan Waste and Resource Recovery Group, 2016)*
- *Any Regional Waste and Resource Recovery Implementation Plan.*
- *Waste Management Policy (Siting, Design and Management of Landfills) (Environmental Protection Authority, 2004).*
- *Environment Protection (Industrial Waste Resource) Regulations 2009.*
- *Best Practice Environmental Management Guideline (Siting, Design Operation and Rehabilitation of Landfills) (Environmental Protection Authority, 2001).*
- *Victorian Organics Resource Recovery Strategy (Sustainability Victoria, 2015).*
- *Designing, Constructing and Operating Composting Facilities (Environmental Protection Authority, 2015).*

The fundamental issue is how to reconcile these positions. Council recognises that the Maddingley WRR Hub site is State significant in a number of respects, as per the agency submissions provided. Given the underlying imperative that the UGF align with SPPF, the UGF will need to be updated and clarified to more clearly reflect the strategic significance of the Maddingley WRR Hub site as a Waste and Resource Recovery Hub.

Beyond this, there is a need for clear principles to guide future planning at the Maddingley WRR Hub site and surrounds. It is evident in discussions with agencies and affected parties that the following matters need to be examined in the immediate/short term:

- What are the appropriate zone and overlay controls to protect the legitimate operation of the Maddingley WRR Hub now and into the future, given its State-significant functions?
- What are the appropriate uses with a synergy to existing operations? Can these be identified for inclusion in a development plan?
- Given that the Maddingley WRR Hub site relies on extensive buffers for composting across land already zoned and developed for sensitive uses (north of the Bacchus Marsh Grammar) to what degree can these be managed to reflect that there is a duty of care for any industry near a regional growth centre to limit impact as best possible.
- What infrastructure is needed eg road, rail, other to facilitate ongoing investment at MBC and surrounds?
- To what degree can the interests of Bacchus Marsh Grammar (BMG) be factored into future planning – such as transitional uses between the Maddingley WRR Hub site and the current campus? What can reasonably occur in these transitional areas?
- What are the appropriate zone and overlay controls to apply to private freehold SUZ1 land to the west and north of the Maddingley WRR Hub site, so as to (a) avoid new sensitive uses, but (b) not preclude reasonable non-sensitive uses?

These are not matters capable of full resolution in the UGF. The UGF has gone well beyond the normal level of assessment by undertaking the Pacific Environment odour study. A planning study which involves input from the VPA, the EPA, the operator of the Maddingley WRR Hub site, the Grampians Central West Waste and Resource Recovery (WRR) Group, the Metropolitan WRR Group and other relevant agencies is the best mechanism to answer the questions posed and this will be included in the updated Tables 1 and 3 to the UGF as a key action. Following this planning study, an amendment to the planning scheme will be needed to implement findings.

Group 3: The primary issue is how to apply the most appropriate zones and overlays under the planning scheme to private freehold SUZ1 land surrounding the Maddingley WRR Hub, including those with houses upon them (see Figure 22). It is considered that the SUZ1 being applied to private freehold land surrounding the WRR Hubsite is unlikely to be the optimal planning approach for the following reasons:

1. If the issue is about protecting the WRR Hub site from new sensitive uses within the EPA recommended buffer, this could be achieved with a different zone (e.g. Farming Zone) and an ESO control. It is worth noting that the SUZ1 doesn't prohibit dwellings or host farms; these are Section 2 (permit required) uses.
2. The SUZ1 is applied unevenly – see Figure 22. It applies to some land inside the EPA recommended buffer but not to other land. This seems inequitable.
3. The SUZ1 unreasonably restricts land uses. For instance, there are a range of non-sensitive uses allowable in the Farming Zone that are not allowed in the SUZ1 (animal boarding, animal training, apiculture, horse stables, and intensive animal husbandry).
4. The SUZ1 impacts valuations and sales of existing dwellings. For instance the deposit required would appear to be much higher in SUZ1 than in Farming Zone, even though the dwelling has existing use rights. This seems inequitable. It is appropriate that sensitive use intensification be avoided near the WRR Hub, but better mechanisms likely exist.

The planning study proposed to resolve future zone and overlay controls at the Maddingley WRR Hub site and surrounds will address the issues raised by Group 3.

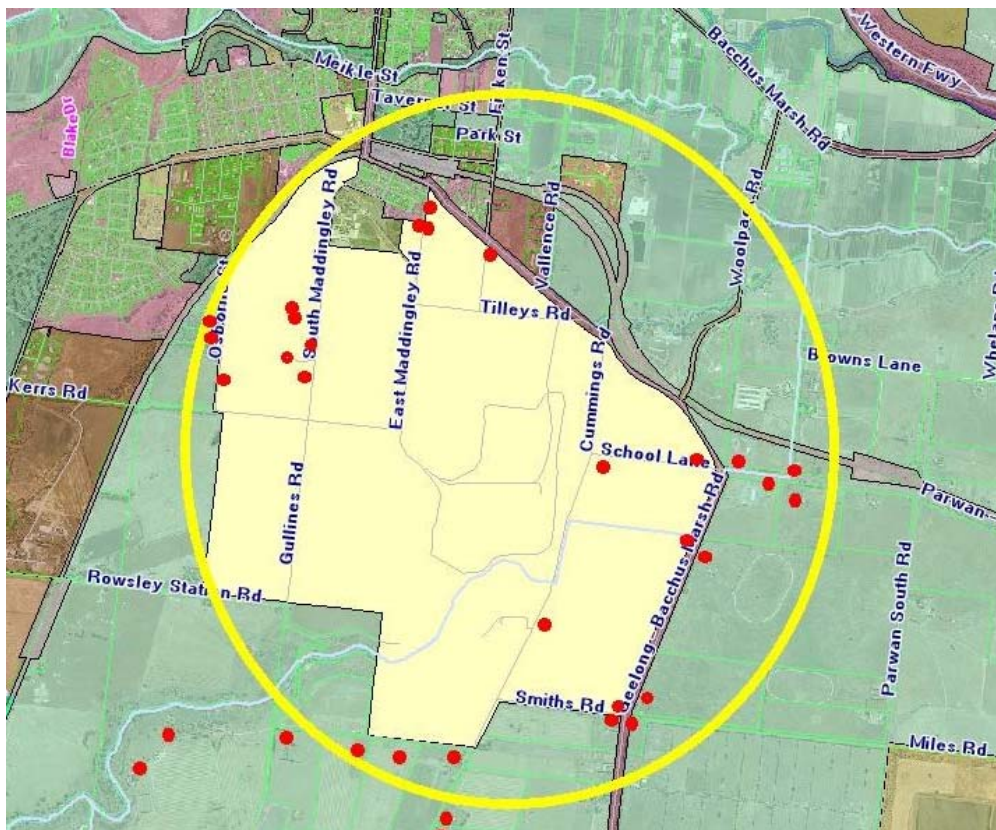


Figure 22 Houses inside and outside the SUZ1 near MBC – 2km yellow line as measured from existing composting facility.

Group 4: Notwithstanding the concession that the Pacific Environment Study is a 'first pass' assessment, it is a significant study and provides the most comprehensive information to date on modelled odour buffers in Bacchus Marsh. Landowner expectations for urban growth need to be managed and the exact final boundaries of buffers shown in the UGF will be verified in the PSP process.

Officer Recommendation

1. Amend the UGF to more clearly show the purpose of buffers, on Plan 4.
2. Amend Table 1 in the UGF to include a new action 'undertake a planning study for the MBC site' as an immediate/short term priority, thus finalising an agreed position on allowable future uses to be addressed in a development plan, appropriate zones and overlays on the MBC site and surrounds.
3. Update all relevant UGF plans to confirm that no new sensitive uses will be allowed in the buffer interface areas.
4. Amend all relevant UGF plans to confirm that no uses requiring their own amenity buffers will be allowed in the buffer interface areas, unless it can be demonstrated that such uses will not impact on sensitive uses at Parwan Station precinct.

Theme 4: Irrigation district/green break related

Overview: *Submissions concerned whether the irrigation district was likely to be adversely impacted by encroaching development (submissions 6, 39), through to whether the UGF should identify land within the Bacchus Marsh Irrigation District (BMID) for urban growth investigation (submission 51). Others (submission) support the UGF as drafted.*

Submitter Justification

One submitter wrote that the UGF proposes to allow residential development to completely encircle the BMID (submission 6). This raises the issue of what sort of buffer should be provided to minimise conflict and to protect the viability of farming. If urban development is permitted as proposed, an Urban Growth Boundary should be applied to it.

Preparation of an agricultural strategy to protect land within the BMID is supported. This work should be undertaken prior to the finalisation of the UGF to safeguard farming activity.

Submission 51 seeks to identify land immediately south of the Western Freeway (the turf farm at 437 Bacchus Marsh Rd) for urban growth investigation (see Figure 24). This land covers an area of 142 ha. Justification for the change relates to the land not being used for high value agriculture, its proximity to Bacchus Marsh, the potential adverse impact of the ELR, its freedom from flood risk and high amenity.



Figure 23 Suggested for urban growth in submission 51

Others (SRW, submission 53) were 'pleased to see the recognition and protection of the Bacchus Marsh Irrigation District (BMID) in the plan – the opposite to submission 6.

They wrote:

'We support the key principle which identifies the need to protect valuable agricultural land, including that of the BMID. To this extent SRW supports the plan to review zones, overlays, policy statements and buffers to protect and facilitate investment in the agricultural sector.'

Officer Response

The urban growth investigation areas are all well clear of the BMID, above the escarpments and the valley floor, with the only exception being land around the former Bacchus Marsh winery. This matter was covered earlier.

There is considered little or no risk of BMID land being fettered by urban growth given the physical separation proposed. The UGF also highlights (in Tables 1 and 3, project reference 5) the need for a Bacchus Marsh Irrigation District Facilitation project, which would include a review of zones, overlays, policy statements and buffers, to protect what is openly recognised as a State significant food bowl. It is agreed that this work (project reference 5) should be completed before any PSP is prepared to facilitate urban growth.

BMID serves a number of purposes. Primarily it is a food bowl, but it is also a key local employer, it attracts visitation and it provides a significant green break between Bacchus Marsh and Melton. Council takes the preservation of the irrigation district seriously and its value is mentioned repeatedly in the UGF.

The support of SRW for the UGF is considered a significant point, noting its role as manager of the irrigation district.

The suggested addition of the turf farm to the growth investigation areas (submission 51) has no merit and is contrary to planning scheme Clauses 14.01, 21.04 and 21.07-3. The southern half of the subject land is subject to flooding in a 1%AEP storm event. The land is highly exposed visually, constitutes a large area of the BMID and would genuinely erode the irrigation district as a functional whole. There are far more appropriate areas for growth investigation elsewhere and the proposal is at odds not just with the UGF but the Ministerial terms of reference for the UGF. Notwithstanding that the current use of the land is for turf farming, this is the choice of the landowner. There is no evidence that higher value agriculture could not be conducted on the site.

Officer Recommendation

1. Amend Tables 1 and 3 in the UGF, such that the timing for project reference 5 is short term, before any PSP is prepared to facilitate urban growth.
2. Amend Plan 8 in the UGF to include an annotation regarding project reference 5.
3. Undertake minor changes to UGF limiting any land below the escarpment near Flanagans Drive being identified for urban growth investigation due to visual impact and proximity to the BMID.

Theme 5: Managing sand and stone resources

Overview: *Submissions 25 and 54 both seek to protect the Darley sand quarries from future sensitive uses such as the Merrimu growth investigation area.*

Submitter Justification

Submission 25 (CCAA) is primarily focused on the sand quarries sites in Darley. These sand quarries provide 20% of Melbourne's sand and the resource extends 2km north of Russell's Road, Coimadai. Provided this resource is protected, the submitter has no objection to the UGF.

Submission 54 (DEDJTR, Resources Division) makes similar comments, but expands to comment on extractive industry investigation areas (EIIA) at Merrimu, Hopetoun Park, Maddingley/Parwan and other matters. The Hopetoun Park North growth investigation area covers the southern section of EIIA 884023, which contains sand and gravel resources. The southern section of EIIA 884023 is affected by fragmented landholdings and existing sensitive uses in close proximity, rendering it unsuitable for extraction. However north of the Western Freeway, DEDJTR urges caution, as this area also contains sand and gravel resources which may be extractable.

EIIA 884017 extends from the employment investigation area shown on the UGF directly west of MBC, onto the Maddingley Brown Coal site and finishes at Geelong Bacchus Marsh Road. Future planning is to protect this resource.

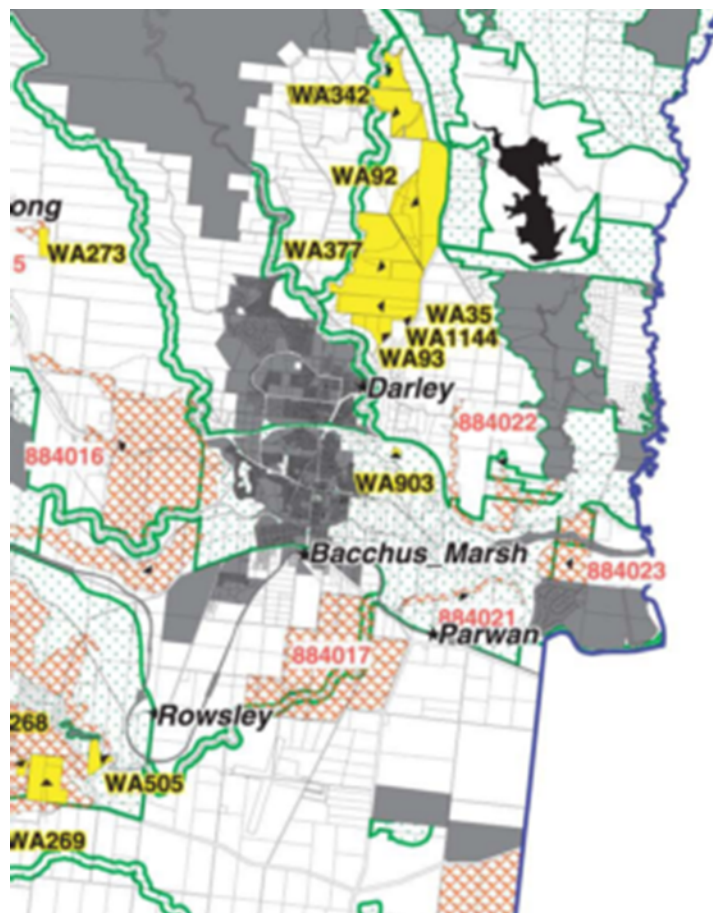


Figure 24 Extractive Industry Resource Areas (source: DEDJTR)
Officer Response

The Darley sand quarries are State significant and some clarification is warranted on the UGF plans, to show a 500m buffer (due to blasting activities) interface with no sensitive uses. In addition, the UGF plans should show that the sand resource extends further north of existing operations.

At Hopetoun Park North, growth north of the Western Freeway is not strategically justified. Planning for the Hopetoun Park North precinct should include an investigation of the extractive industry potential of the sand and gravel resources located to the north of the Western Freeway, including consideration of an appropriate non-sensitive use buffer to protect the resources.

Officer Recommendation

1. Amend the buffer interface for Darley sand quarries, as shown on the UGF plans, from 250m to 500m with no sensitive uses.
2. Amend Element 9 (Strategic Outcome Areas) of the UGF, by strengthening the precinct planning principles for Merrimu growth precinct to better respond to protecting the Darley sand quarries.
3. Amend Element 2 (Employment) and Element 9 (Strategic Outcome Areas) of the UGF, so as to not predetermine future uses of the Darley sand quarries. Page 43 of the UGF, for instance, refers to potential future uses such as recycled water storage and residential. This is premature, as the future Darley Sand Quarries Investigation (UGF Table 4, Ref. 24) will determine optimal uses.

4. Strengthen Element 2 (Employment) of the UGF on the State significance of the Darley sand quarries.
5. Amend Element 9 (Strategic Outcome Areas) of the UGF, by adding the following precinct planning principle for Hopetoun Park North growth precinct:
 - *Investigate the extractive industry potential of the sand and gravel resources located within Extractive Industry Interest Area 884023 to the north of the Western Freeway, in consultation with the Resources Division of DEDJTR, and establish an appropriate non-sensitive use buffer to protect the resources.*

Theme 6: Hydraulic Infrastructure related – water, sewer, gas

Overview: *Submission 24 suggests that integrated water management (IWM) will be a higher priority in the future due to climate change. Submission 26 (Western Water) provides a utility perspective on sewer and water capacity, raising some questions and seeking to inform itself of the quantum of growth envisaged. Some feedback on buffer controls for the Bacchus Marsh Recycled Water Plant (RWP) -is also given. Submission 36 (APA) concerns gas supplies and managing uses near the Brooklyn-Ballan high pressure gas transmission pipeline.*

Submitter Justification

Western Water (submission 26) specifies that Bacchus Marsh is currently being fed from Merrimu Reservoir with minimal demand from the Melbourne Water system. As Bacchus Marsh grows, alternative sources of water will be needed.

The RWP treats sewage to a standard that is acceptable for re-use for recreation and farming activities. Western Water is looking at maintaining the RWP within the existing site and expanding it as appropriate to service the future growth of the Shire. To determine the buffer zone, Western Water is about to commence an odour dispersion modelling project. This will determine the extent of the land that will be impacted by the operations of the RWP. It is intended to provide clarity for landowners and Western Water alike and enable future planning for appropriate uses. Western Water is separately reviewing re-use schemes in the Parwan area.

Once the modelling exercise has been completed, Western Water intends to begin a planning scheme amendment process to create an Environmental Significant Overlay (ESO) over the buffer zone.

With respect to gas supplies (submission 36), the APA-managed Brooklyn-Ballan high pressure gas transmission pipeline is plotted in Figure 25.

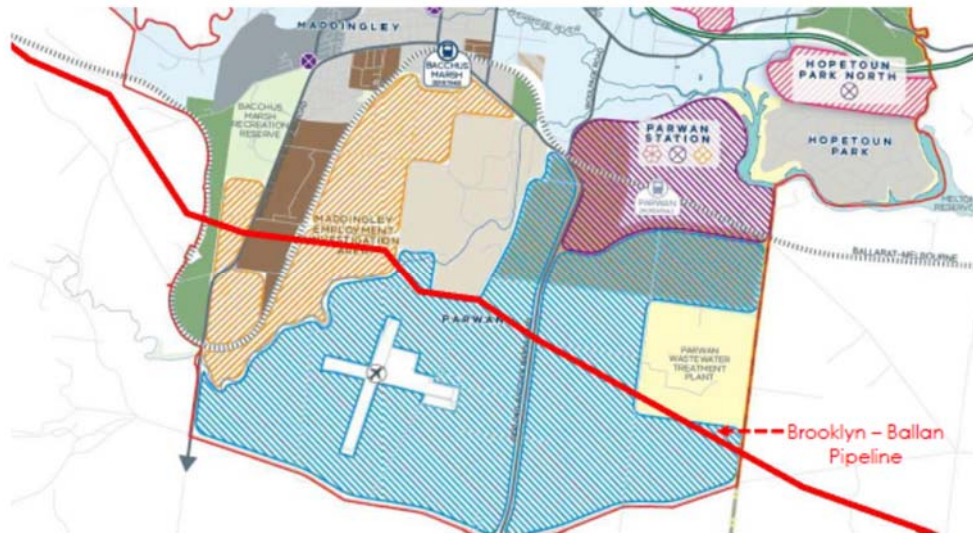


Figure 25 Brooklyn-Ballan gas transmission pipeline location

APA seeks to manage and limit sensitive uses near the gas transmission pipeline and see it acknowledged as a constraint in cl. 21.07-2.

Officer Response

In response to submission 24, IWM will become a greater priority as growth occurs in future. IWM will need to be further addressed prior to PSPs or development plans being developed under the UGF.

Submission 26 raises the question of growth scenarios as this impacts utility demand.

The theoretical/assumed growth projections for the growth investigation areas are set out at Table 2.

	Area (ha)	Estimated Dwellings	Estimated Population		Estimated Population
MERRIMU		10d/ha		15d/ha	
Residential	478.387	4,784	13,395	7,176	20,092
PARWAN STATION		15d/ha		22d/ha	
Residential	213.486	3,202	8,966	4,697	13,151
HOPETOUN PARK NORTH		6d/ha		10d/ha	
Residential	112.9565	678	1,898	1,130	3,163

Table 2 Growth Projections

Submission 36 is supported.

Officer Recommendation

1. Add IWM to the scope of tasks in the UGF as a precondition prior to the preparation of any future PSP or planning scheme amendment.
2. Amend all UGF plans (as appropriate) to refer to Bacchus Marsh Recycled Water Plant (RWP).
3. Insert residential lot yields and population figures into the UGF, with appropriate qualifications and assumptions, to assist agencies in forward planning service delivery.
4. Amend all UGF plans (as appropriate) to recognise the location of the Brooklyn-Ballan gas transmission pipeline as significant infrastructure.
5. Amend MSS Clause 21.07-2 as necessary to recognise the significance of the Brooklyn-Ballan gas transmission pipeline.
6. Amend the UGF to include “gas transmission infrastructure” within the list of physical constraints on page 65.
7. Amend Element 9 (Strategic Outcome Areas) of the UGF, by adding the following precinct planning principles for the PEP:
 - Consider the need for a Safety Management Study in relation to the Brooklyn to Ballan high pressure gas transmission pipeline, in consultation with APA.
 - Determine any land uses which should be prohibited within 210m either side of the Brooklyn to Ballan high pressure gas transmission pipeline, in consultation with APA.

Theme 7: Provision of Education Facilities

Overview: *Issues raised in regards to education concern levels of engagement, acknowledgement within the UGF and their investment priorities (submission 9 - Catholic Education Melbourne [CEM]), agencies monitoring growth before delivering new State schools (submission 18 – Department of Education and Training [DET]) and the ongoing expansion of Bacchus Marsh Grammar (submission 50 – BM Grammar). One submission (submission 24) questions proposed project reference 6 (Maddingley Integrated College Precinct) in Tables 1 and 3 of the UGF.*

Submitter Justification

Submission 9 confirms that St Bernard's Primary has a student capacity that will be exhausted around 2021. Without the new release areas (i.e. only the growth likely within Bacchus Marsh) there will be some 650 more students living in Bacchus Marsh by 2041. At that point it is likely a Catholic Primary School will be delivered adjoining the Stonehill Neighbourhood Activity Centre.

It is noted that the UGF does not explicitly refer to Catholic Education as an education provider. Bacchus Marsh Grammar is however referenced. The Catholic and independent sector are distinctly separate educational providers. Combining independent and Catholic education into the same category will see under-provision of Catholic education and it undermines CEM planning.

The DET (submission 18) references the process of how schools are delivered but does not make any specific comments on future planning.

Submitter 24 is opposed to the consolidation of Bacchus Marsh Grammar and Bacchus Marsh College (project reference 6 in Tables 1 and 3 of the UGF).

Bacchus Marsh Grammar (submission 50) confirms there will be 2300 students on site in 2018 and another 100 students at Woodlea when it first opens (in 2018). By 2019, the Woodlea site will be at capacity with 600 students. The submitter would like to work with Council, MBC and others to confirm what options it has for providing facilities at its current campus. The submitter supports Council's proposed future actions around a college precinct in South Maddingley to better address access and other school needs between the Grammar and college campuses.

A school camp is also proposed to be established at Sunnystones, Merrimu for Grammar students, with Prep to Year 4 day use.

Officer Response

The VPA and Council will consider further the optimal consultation process with Catholic Education Melbourne, noting that Council has already held a number of meetings with this submitter.

The background report and the UGF examine the need for Catholic education being delivered. However, it is acknowledged that the independent sector is distinct from CEM.

Submission 18 (DET) raises no issues. Beyond explaining the methodology applied in delivering schools, it does not address any timing of primary school provision in Maddingley. Nor does it address likely locations for such schools. It is appropriate that Council flag the ongoing need for a State primary school in the short/medium term to address this need, taking into consideration the rapid growth occurring in Stonehill and Underbank.

Submission 24 misinterprets project reference 6 of the UGF. This action seeks to ensure that Council works with Bacchus Marsh Grammar and Bacchus Marsh College to examine access, parking, pedestrian and cycle networks for students and the scope for orderly future development near the railway corridor, whilst being within the buffer of the Maddingley WRR Hubsite.

The Bacchus Marsh Grammar submission (submission 50) flags a number of matters, of which the only one requiring Council direct action is the need for a study at the Maddingley WRR Hub to address how the waste hub and surrounding uses co-exist.

Officer Recommendation

1. Strengthen Element 3 of the UGF on community facilities and education to mention the role of CEM as a key education provider.
2. Amend action 27 concerning expanded independent schools provision in Bacchus Marsh to separately acknowledge the role of CEM.
3. Include reference to Bacchus Marsh Grammar as a key stakeholder in the planning study for the Maddingley Waste and Resource Recovery Hub site and surrounds, including application of zones, tools and uses around the periphery of the WRR Hub site.

Theme 8: Environmental considerations, tracks and trails

Overview: *Matters raised covered landscape protection and protecting significant woodland adjoining Long Forest (submission 6). One detailed submission (submission 24) concerned articulating clearer strategies for managing urban growth to protect sensitive landscapes such as Long Forest. Others (submissions 42, 43) note the need for wildlife corridors to be shown in the UGF along with integration with the tracks and trails linkages (submission 42). A broader perspective on finding a balance between new growth and conserving key environments is also articulated in submission 28.*

Submitter Justification

Protection of ridgeline edges and escarpments in growth investigation areas are a consistent theme in submission 6.

Key arguments from submission 24 (and submissions 42 and 43) concern providing strong planning controls and strategic planning for future development. The UGF addresses the complex task of meeting competing expectations for the future. As well as issues of housing and employment, parts of the document address the need for protection of the environment, maintaining sustainability, establishing bio-links and preserving open space. These are vital ambitions and deserve full support, however the Framework would benefit from a range of refinements relating to vision and principles, clearer identification of environmental values and objectives.

Submission 28 provides feedback on the importance of finding a balance between urban growth and a coherent conservation strategy, including open space.

Officer Response

Submission 24 raises a number of environmental details and it will be the primary focus hereunder as other submissions largely repeat it. Notwithstanding the UGF is a high level document, there is room to further articulate some high level principles on conservation objectives. The exact wording can be determined prior to a Panel hearing. It is agreed that UGF principles could be strengthened with more specific examples of actions.

It is concurred that there would be benefit in singling out in the UGF specific matters for further attention, such as the interface between Merrimu growth precinct and Long Forest Nature Conservation Reserve– fire risk, biodiversity and weed management. ESO controls could be strengthened in places. Offsets for biodiversity protection are likely important in all growth precincts.

Specific actions will be addressed in the PSP process. There will need to be significant further investment by proponents in background natural values/habitat assessments prior to any PSP or planning scheme amendment. A specific task in the UGF is to complete a more comprehensive open space strategy, before PSPs or development plans are fully developed, thus confirming priorities and opportunities.

UGF Plan 3 should be updated to address some anomalies e.g. missing golf course at Links Road, Darley and incorrect information on Underbank.

Plan 4 needs some simplification e.g. buffers and their purpose but it also needs to more clearly show flood risk, BMO issues, and escarpments. Escarpments are addressed on page 35 of the UGF. This could be strengthened to address integration into open space framework. Details on restoration go beyond the scope of the UGF.

There are significant reserves on the door step of Bacchus Marsh – Lerderderg State Park, Long Forest Nature Conservation Reserve, Werribee Gorge State Park etc. It is not within the scope of the UGF to discuss in detail threats to any of these environmental assets, however, the open space framework plan could assist in strengthening networks – as discussed elsewhere.

Much of the submission is a matter of opinion. However, minor changes to the precinct planning principles are appropriate to clarify the importance of effective management of specific grasslands and native veg. Offsets in some cases will be needed to enable development to occur. It should, however, be acknowledged that much of the PEP land is cleared, has a history of agricultural use and is appropriate for an agribusiness precinct.

Overall, officers concur with many of the comments made. The issue is the balance between details in the UGF versus the role of PSPs or development plans. Where appropriate, refinements should be made to the UGF and MSS clauses to address specific matters.

Submission 28 is supported with respect to its suggestions on the importance of a Parwan Gorge Park, the Parwan Lava Caves and a host of other environmental values. These will be further addressed in the open space framework proposed for the UGF area.

Officer Recommendation

1. Amend the UGF plans as suggested in the officer response (Attachment 3).
2. Amend the precinct planning principles in Element 9 (Strategic Outcome Areas) of the UGF, to further articulate constraints to be managed such as the interface between Merrimu growth precinct and Long Forest Nature Conservation Reserve, native habitat management and so forth.
3. Strengthen UGF commentary on IWM being incorporated into the open space framework. This is the logical place to address biolinks, habitat management, connectivity for wildlife and broad water management.

Theme 9: Bushfire Issues

Overview: *CFA objected to the Amendment on the basis that it does not address the recent changes to cl.13.05-1 on bushfire planning (which came into effect during the exhibition period via VC140).*

Submitter Justification

Much of the land designated as 'future residential growth precinct' and 'future investigation area' is within a bushfire prone area (BPA) and some parts may be subject to a Bushfire Management Overlay (BMO).

The Amendment comments on how it addresses bushfire risk but does not include any mention of how it will support amended Clause 13.05-1 (Bushfire Planning), in relation to prioritising the protection of human life.

Detailed assessment of bushfire risk, in both bushfire prone and bushfire management overlay areas, will be required as part of future work for precinct structure plans or development plans for urban growth investigation areas.

Officer Response

Most of regional Victoria is within a bushfire prone area. The BMO only affects the eastern portion of the Merrimu growth precinct.

As per the response to submission number 24, it is recommended that the Merrimu residential growth precinct be amended to exclude steep and heavily vegetated land to the east of Bences Road, north of Possumtail Run estate and south of Dodemaide Circuit estate. This land represents most of the area affected by the BMO.

Officer Recommendation

Amend the UGF by adding the following precinct planning principle for each growth investigation area, to more specifically address bushfire risk during the preparation of future PSPs or development plans:

- Undertake a detailed assessment of bushfire risk, in Bushfire Prone Areas and Bushfire Management Overlay areas, and respond to State Planning Policy Framework Clause 13.05.

Theme 10: Bacchus Marsh Aerodrome Planning Issues

***Overview:** Submissions range from those who would prefer to see the Aerodrome closed and relocated (submission 12) through to those more focused on updating the planning scheme map to reference Obstacle Limitation Surface provisions (submission 8).*

Submitter Justification

Submission 12 focuses primarily on Bacchus Marsh Aerodrome (BMA) and its relationship with the UGF. The submitter argues that the BMA probably hinders development of PEP. It is too small to provide any significant benefit while it creates a detrimental effect due to possible restrictions. The airport should either fully develop to complement growth of the area or relocate to a different site in the next 2-3 decades.

In submission 8 (Civil Aviation Safety Authority [CASA]) advises that it has no formal comment on the UGF, but requests that Obstacle Limitation Surface (OLS) provisions be referred to in the Planning Scheme.

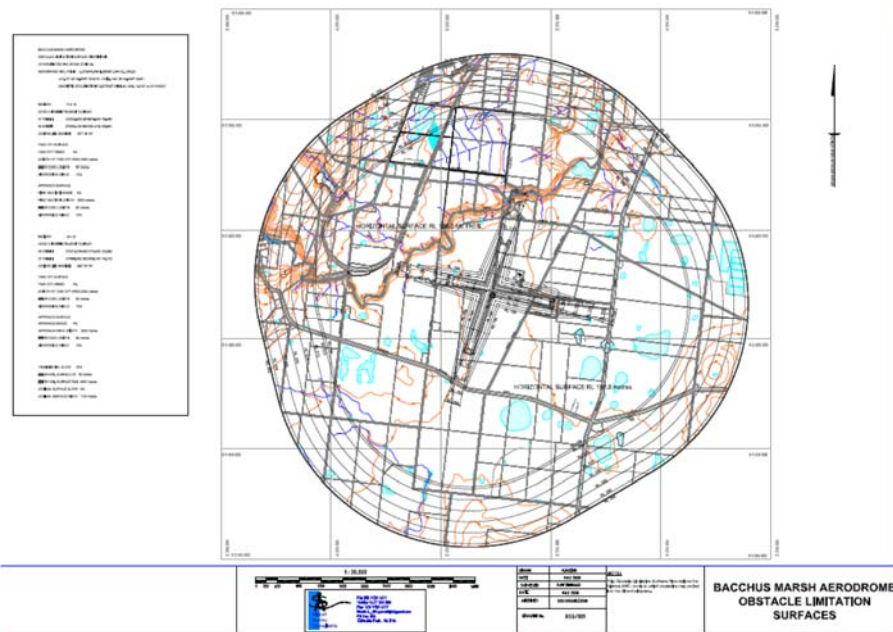


Figure 26 OLS Map – but it may change once the future usage and investment at BMA is finalised

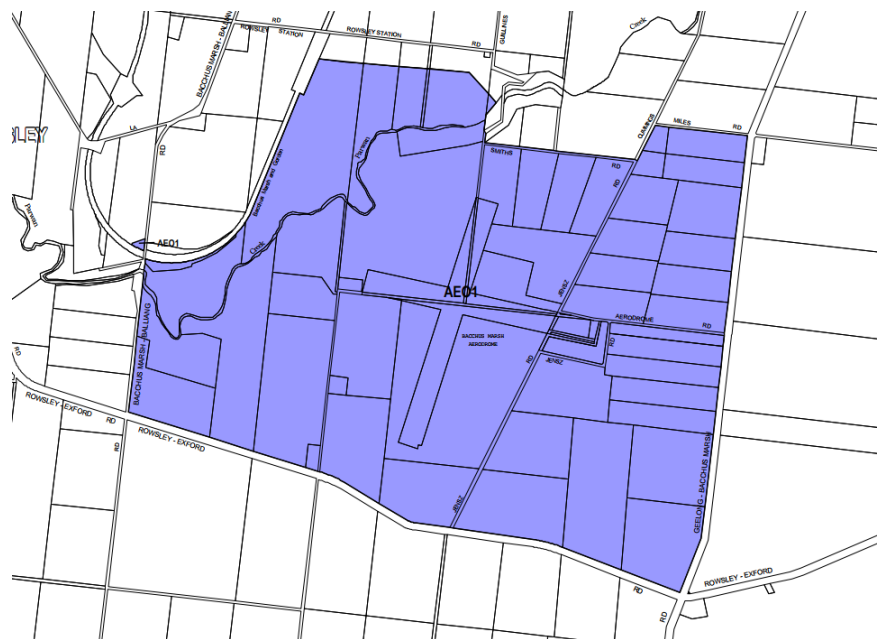


Figure 27 Airport Environs Overlay – the current controls in the planning scheme

Officer Response

Submission 12 is not supported. Whilst it is acknowledged that Council is still in negotiation with the committee of management at Bacchus Marsh Aerodrome (namely BMAM), considerable effort is being made to identify benchmarks on level of service, governance and finalising an agreed masterplan. That masterplan will guide infrastructure delivery timelines and see potentially significant future investment in the site, to the benefit of users and the wider community.

Under the terms of the Commonwealth dedication of the BMA site to Council, the likely future management and ownership of the BMA can be canvassed (Council does not need to own the site), but to close it down would require Commonwealth approval and negotiation with over 20 valid sublease holders. Accordingly, the submission cannot be supported.

Submission 8 is noted. The UGF and MSS Clause 21.04 should be amended to ensure that an appropriate OLSPA is identified and ultimately protected via a Development Plan Overlay. This issue will be further considered as the BMA masterplan is further advanced in 2018/19.

Officer Recommendation

It is recommended that the UGF be amended as follows:

- Add the following to the precinct planning principles for the Parwan Employment Growth Precinct:
 - Identify the obstacle limitation surface protection area (OLSPA) applicable to the environs of the Bacchus Marsh aerodrome.
- Amend Table 4 – Key growth actions – local – Ref. No. 13 as follows:
 - Bacchus Marsh Aerodrome Masterplan, and governance process, and identification of obstacle limitation surface protection area.

It is recommended that the exhibited MSS Clause 21.04 (Economic Development and Employment) be amended as follows:

Clause 21.04-7 – Further Strategic Work:

- Identify the obstacle limitation surface protection area applicable to the environs of the Bacchus Marsh aerodrome.

Clause 21.04-7 – Implementation:

- Apply a Design and Development Overlay to the obstacle limitation surface protection area applicable to the environs of the Bacchus Marsh aerodrome.

Theme 11: Miscellaneous/site specific zone requests/other – not covered above

Overview: A wide range of requests have been made, some likely within the scope of the UGF, many not.

Submitter Justification

Submission 23 relates to land located at Long Forest Rd, Merrimu. Farming is no longer viable in this area due to farm size, lack of water, safety of roads with farming equipment, and rezoning of other farming land nearby. Rural Residential may be a better fit.

Submission 35 concerns the JBD Industrial Park and seeks clarity that the precinct is suitable for large scale industrial development.

The submitter objects to the UGF as it applies to the JBD site on the basis that:

- The existing operations at JBD Industrial Park should be recognised and protected and are concerned that the current wording and form of the UGF does not adequately provide for this.
- Insufficient detail is provided as to what “service industries” are proposed to be located north of Kerrs Road. JBD Industrial Park Pty Ltd object to the encroachment of sensitive uses into the buffer areas required to allow for the continued operations and future growth of JBD Industrial Park.
- Plan 5 indicates that JBD Industrial Park will be designated as transitional local services industry areas. We strongly object to this change in designation which could prejudice the viability and growth of the park, particularly its ability to interact with the Maddingley Coal Mine operations.

Clause 21.07-2 Objective – Managing Urban Growth should be amended to include reference to the importance of the uses with the IN2Z land particularly the importance of JBD Industrial Park and the significant role operators within the park play in providing significant employment opportunities for the area.

The UGF and MSS should be redrafted to place greater emphasis on the importance of existing employment uses such as JBD Industrial Park. Existing facilities should also be considered as part of the growth plans for the south of the town.

In relation to the balance of the JBD Industrial Park Pty Ltd land currently zoned as FZ, whilst we support the consideration of this land for future development. It is unclear from the UGF and proposed MSS documents exactly how this land is to be development and the supporting documents should clearly state (preferably within Plan 1 and Plan 5) that the future uses must be compatible with the buffer distances required by the existing uses at JBD Industrial Park.

Submission 38 supports the UGF and the intention of Council working with the private sector to see upgrades of the Darley Activity Centre site.

Submission 40 seeks rezoning of 249 Long Forest Road from Public Conservation to RLZ. The zoning is identified as an anomaly and the submitter argues this must be fixed.

Submission 41 seeks Possum Tail Run, Merrimu to be rezoned from RCZ to UGZ i.e. be included in the Merrimu growth investigation area.

Submission 45 seeks to have Swans Road included in the study area of the UGF, presumably for urban growth.

Submission 46 is a submission from VPA requesting to be heard at the Panel.

Submission 47 is a submission from DELWP and it acknowledges the role and scope of the UGF without making any specific requests for change.

Submission 55 is a late submission which seeks to have 101 Gisborne Road, Bacchus Marsh identified as a key development site, noting a new landowner wishes to develop for medium density housing and supporting uses.

Officer Response

Submission 23 relates to land at 32 Long Forest Road, Long Forest which is within the Farming Zone and comprises an area of approximately 60 ha (Figure 28). There appear to be a number of factors which impact use considerations of this land including topographic constraints, access, water for farming. However, it is not within the terms of reference of the UGF to identify future rural residential development opportunities. The UGF (Table 4) should be amended to list a future project proposes that a study be undertaken to consider a range of sites which may fit into a rural living strategy including Swans Road, properties in Rowsley, land north of Ballan etc.

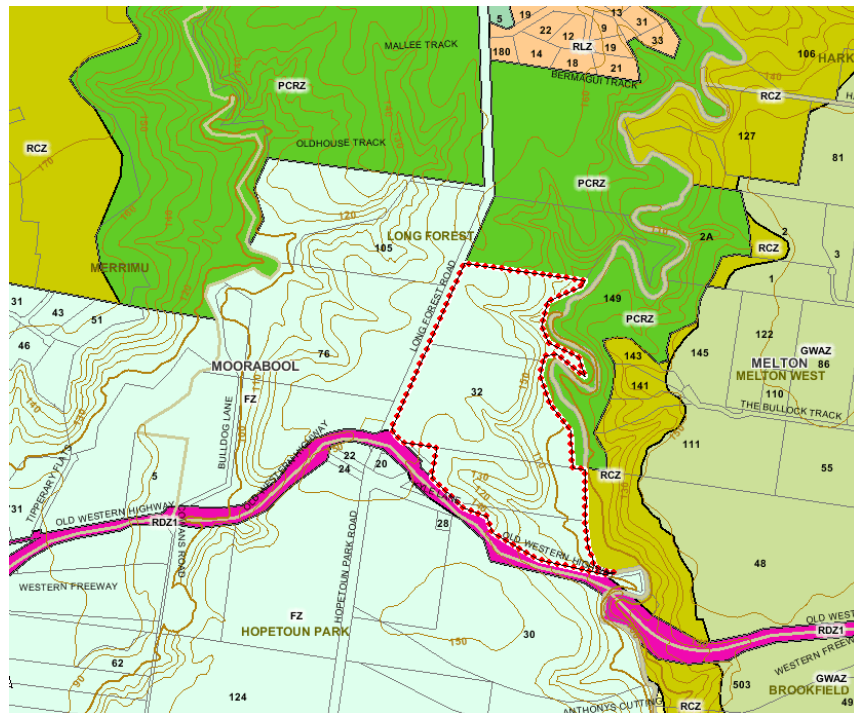


Figure 28 Zoning Map for 32 Long Forest Road (submission 23)

The issues raised in submission 35 can be addressed. Refinements to the UGF relating to employment should be made to confirm the existing role of the JBD site. The land to the immediate east can be further examined for future use as an immediate/short term priority, thus allowing greater consensus as to the future of the SUZ1, how best to apply overlays and recognise existing land uses.

The MSS review scheduled for 2018 will also further address the implementation of the Moorabool Industrial Areas Strategy 2015. It is already identified as action 20 within the UGF (Table 4).

Submission 40 concerns a property at 249 Long Forest Road, Long Forest, which has an extensive history. The Bacchus Marsh Framework Plan in Clause 21.07 of the planning scheme notes that the property is incorrectly zoned Public Conservation and Resource Zone (PCRZ) and should be rezoned to Rural Conservation Zone (RCZ). Given that the property is heavily vegetated, RCZ is considered the most appropriate zone.

It is acknowledged that the subject property is incorrectly depicted as public land on Plans 1, 3, 4, 6 and 8. The land status on these plans was derived from the planning zone maps.

Council wrote to the owners in 2014, asking if they wished to have their property rezoned to RCZ, as part of an anomalies/corrections amendment (C70) to the planning scheme. However, the owners responded in writing, requesting that the property be removed from any process that would rezone the land to other than Rural Living Zone. Consequently, the property was excluded from amendment C70.

Noting that the Amendment C34 Planning Panel (in 2008) recommended the RCZ, Council cannot agree to the request made. However, as discussed with the submitter's solicitor, the property is again identified in the next anomalies amendment (C86) for rezoning to RCZ.

Submission 41 cannot be supported as it has been previously determined post informal exhibition in Feb/March 2017 that the land in question was better left in the RCZ and outside the growth investigation area (due to covenants, house locations, extensive interface with Long Forest). No other landowners in Possum Tail Run made this request and therefore the request, whilst understandable, is not likely a view shared by other landowners in the subdivision

Submission 45 regarding Swans Road is outside the scope of the UGF, and is entirely inappropriate for urban growth due to access and lack of infrastructure and is better reviewed for potential future rural living. This is foreshadowed in action 23 of the UGF. That project is dependent on Council funding.

Submission 46 is noted as is submission 47, neither of which generate a need for response.

Submission 55 is a late submission which, whilst it has merit, is better addressed under Amendment C79.

Officer Recommendation

1. Amend the UGF plans to remove reference to the JBD site as transitional/service industrial (Plan 5).
2. Amend UGF Table 4 (Key growth actions – local) as follows:
Ref No. 23:
 - *Rural Residential Strategy – Investigate supply, demand and opportunities for rural residential land uses within Bacchus Marsh district, and in proximity to other towns within the shire.*
3. Amend UGF Plans 1, 3, 4, 6 and 8, to show 249 Long Forest Road, Long Forest as 'existing rural residential'.
4. Amend the exhibited MSS Clause 21.07, by inserting the updated Plan 1 Urban Growth Framework map on page 11.

Options

Section 22 of the *Planning and Environment Act 1987* (the Act) requires that Council consider all submissions to a planning scheme amendment.

Section 23 of the Act mandates that after considering a submission which requests a change to an amendment, Council must either:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a panel; or
- (c) abandon the amendment or part of the amendment.

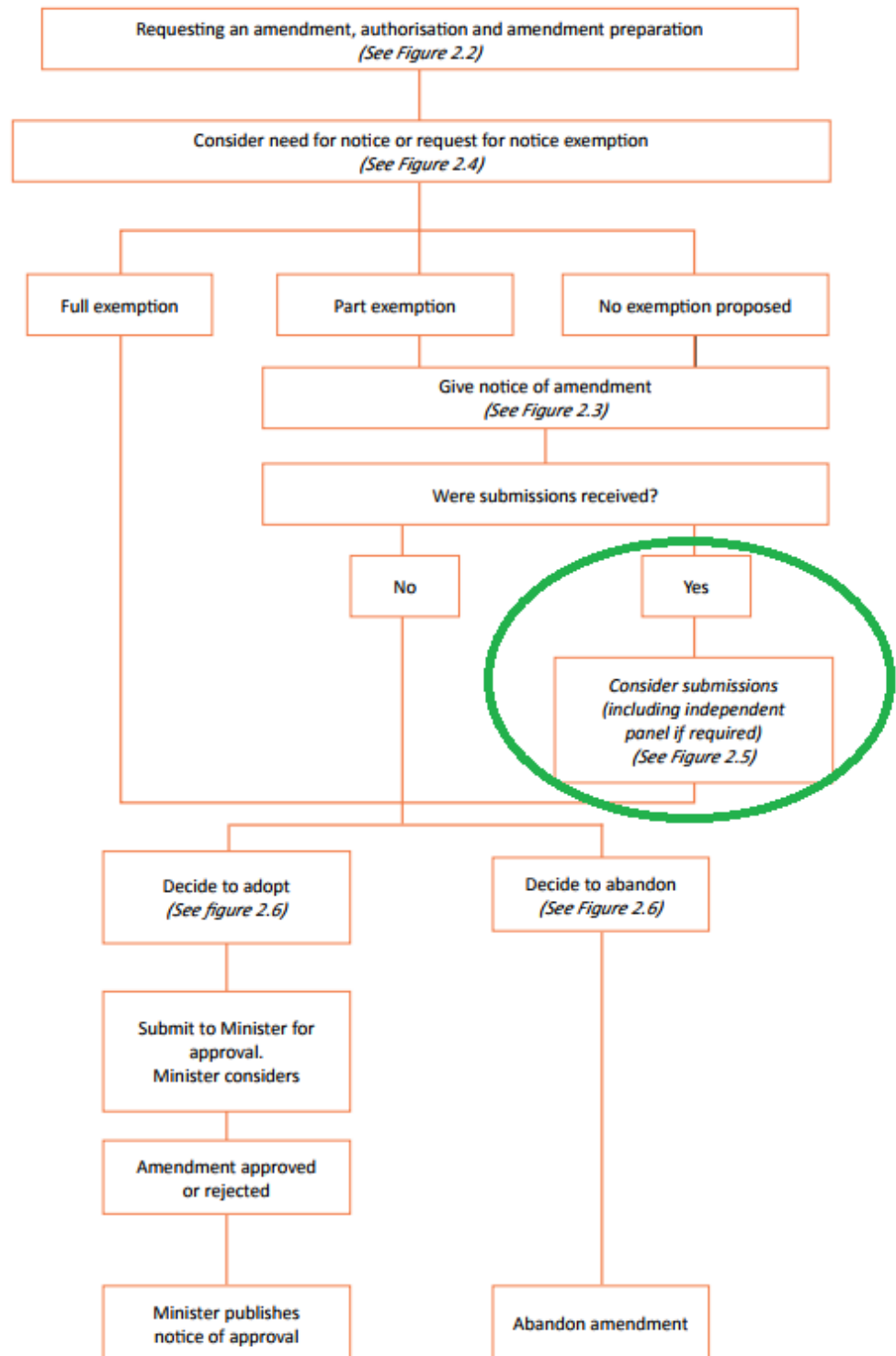
As submissions remain unresolved and officers believe the content of the submissions will not benefit the amendment, this report will recommend that Council pursues option (b) and refers the submissions to a Panel.

Should Council resolve to request the appointment of a Panel, the Minister for Planning will appoint an independent Planning Panel to consider all submissions received. The Panel will be made up of independent person/s with skills considered by the Minister to be relevant to the amendment.

Stage in the Amendment Process

The Flow Charts below are from the DELWP guide “Using Victoria’s Planning System 2015” and depict where the amendment is at in terms of the amendment approval process (circled in green).

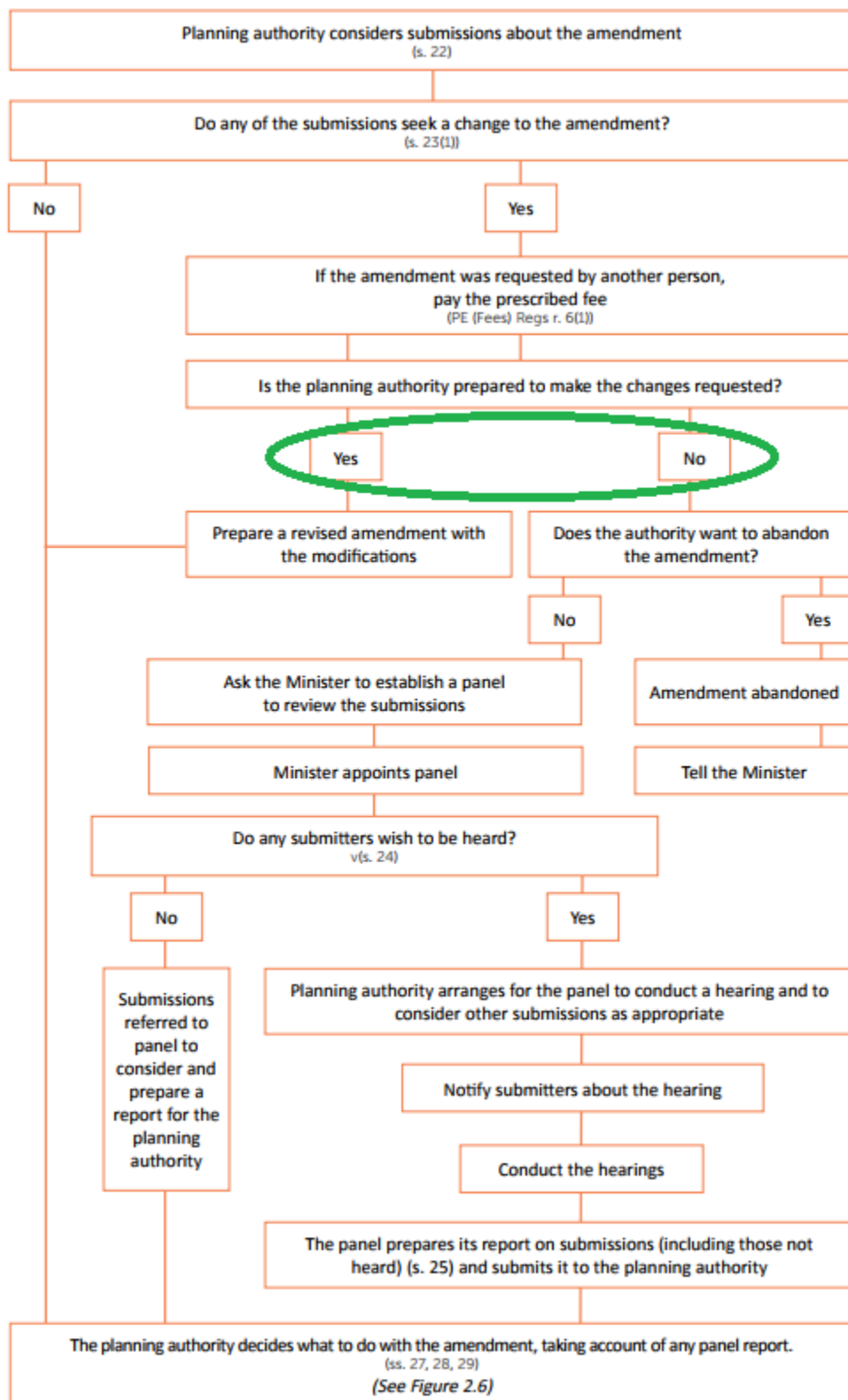
Figure 2.1: Outline of the planning scheme amendment process



Should Council decide to request a Planning Panel it is likely one could be initiated in mid 2018 (subject to Planning Panels Victoria’s availability).

Following receipt of the Panel’s report, Council would then be in a position to adopt the amendment or not. Should Council adopt the amendment, it could then refer the amendment to the Minister for Planning for approval.

Figure 2.5: Considering submissions about an amendment



Policy Implications

The Council Plan 2017 – 2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development.

Context 3A: Land Use Planning.

The proposal is consistent with the Council Plan 2017 – 2021.

Key Result Area Enhanced Infrastructure and Natural and Built Environment.

Objective Effective and integrated strategic planning in place to create sustainable communities.

Strategy Development of Urban and Rural Growth Strategies in conjunction with other related plans.

The Amendment reflects a part of the implementation phase of a key Urban Growth Strategy.

The proposal is consistent with the 2017 – 2021 Council Plan.

Financial Implications

The continued processing of the Amendment has been undertaken in partnership between Council in-house staff and VPA staff with costs budgeted for in the 2017/18 financial year.

Costs for the Amendment progressing hereafter, including any Planning Panel hearing, are already provided for within the Council 2017/18 budget. Should Council proceed with the Amendment, it is anticipated that the Panel for Amendment C81 would be combined with the Panel for Amendment C79 (Bacchus Marsh Housing strategy) for cost saving purposes and to provide a more integrated set of recommendations for growth in Bacchus Marsh.

Risk & Occupational Health & Safety Issues

There are no identified risks associated with the amendment.

Communications and Consultation Strategy

All affected property owners/occupiers and agencies were notified in writing at the commencement of a six week exhibition period, in accordance with the requirements of the *Planning and Environment Act 1987*. In addition, Council and VPA officers held four drop-in/information sessions at the Lerderberg Library, which attracted approximately 150 attendees.

Following completion of the exhibition period, Council officers also conducted a number of workshops/meetings with key submitters, to clarify and resolve issues as appropriate (including TfV, EPA, Western Water, CFA, Metropolitan and Grampians Regional Waste and Resource Recovery Groups).

Should Council resolve to request the appointment of an independent Planning Panel, all submitters will have the opportunity to present their case to the Panel.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

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

Author – Andrew Goodsell

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

Conclusion

Amendment C81 seeks to implement the Bacchus Marsh UGF, which is a key component of Moorabool 2041. The UGF is the first example of a significant strategic partnership being established between Council and the VPA.

Having completed the exhibition process which included direct notification to over 11,000 households in the Bacchus Marsh district, a total of 55 submissions were received, including 15 from State government agencies or public authorities.

Having considered the submissions in detail, officers believe that many of the issues raised can be addressed by making relatively minor changes to Amendment C81, including the draft UGF and the exhibited MSS clauses.

In accordance with section 23(1) of the *Planning and Environment Act 1987*, Council must now decide whether to abandon the amendment, make the changes requested in the submissions, or refer the submissions to a Planning Panel. As Council is not able to resolve all of the issues raised in submissions by changing the Amendment, it is recommended that Council refer Amendment C81 to a Planning Panel. A Planning Panel will provide all submitters an opportunity to request to be heard.


Resolution:**Crs. Edwards/Bingham**

That Council, having considered all submissions to Moorabool Planning Scheme Amendment C81 and the Bacchus Marsh Urban Growth Framework, resolves to:

- 1. Request the Minister for Planning to appoint a Planning Panel under Part 8 of the Planning and Environment Act 1987.***
- 2. Refer the submissions to an independent Planning Panel pursuant to section 23(1)(b) of the Planning and Environment Act 1987.***
- 3. Authorise Officers to make changes generally in accordance with Council officer recommendations under the Submissions section in this report and as per Attachment 3.***
- 4. Make the Victorian Planning Authority the Planning Authority for future PSPs in Merrimu, Parwan Station and Parwan Employment Precinct.***

CARRIED.

Report Authorisation**Authorised by:**


Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday, 23 March 2018

Consideration of Presentations

Mr. Bob Reid addressed Council and spoke to his submission in relation to the Planning Scheme Amendment C79 – Bacchus Marsh Housing Strategy.

With the consent of the Mayor, Mr. David Marnie addressed Council as a supporter of the recommendation in relation to the Planning Scheme Amendment C79 – Bacchus Marsh Housing Strategy.

The business of the meeting then returned to the agenda.

8.2 Planning Scheme Amendment C79 – Bacchus Marsh Housing Strategy

File No: 13/06/083
Author: Geoff Alexander
General Manager: Satwinder Sandhu

Executive Summary

This report considers the submissions received in relation to Amendment C79 and proposes that Council request a Planning Panel in order to hear from all submitters and resolve outstanding submissions.

Amendment C79 is a Council initiated amendment designed to implement the adopted Council Strategy *Housing Bacchus Marsh to 2041*. It affects the existing, residential zoned areas of Bacchus Marsh (and its suburbs). The amendment nominates areas for minimal, natural or increased growth depending on an assessment in relation to the land. The amendment promotes good design that is specific to 32 preferred neighbourhood character precincts.

The Amendment was exhibited for a period of six (6) weeks in November and December, 2017 and 15 objections were received. Officers propose one change on the basis of the submissions, to change a largely vacant infill site in Darley to “Increased Growth” from “Natural Growth”. This report recommends that a Planning Panel be appointed to resolve outstanding submissions.

Introduction

This report presents the results of exhibition for Planning Scheme Amendment C79, implementation of *Housing Bacchus Marsh to 2041*.

Background

Housing Bacchus Marsh to 2041 was adopted by Council at its Ordinary Meeting on 3 August 2016. The Strategy provides a framework for housing development in the existing urban areas of Bacchus Marsh. This includes directing growth to appropriate locations convenient to services, reducing densities for less accessible sites and ensuring new development is undertaken in accordance with preferred character as identified in the Strategy.

Amendment C79 implements the recommendations of *Housing Bacchus Marsh to 2041*.

Amendment C79 was exhibited between 2 November and 15 December 2017 concurrent with Amendment C81 (Bacchus Marsh Urban Growth Framework). A total of 25 submissions were received including a number of joint submissions to C79 and C81 and one late submission. Six (6) submissions refer to both C79 and C81 but include content that is exclusively relevant to C81. There were 19 submissions of relevance to C79 with 15 considered objections.

Amendment C79 is distinct from Amendment C81 as it exclusively applies to the existing residential zoned areas of Bacchus Marsh, as opposed to C81 which proposes new urban areas. Both projects are part of growth area planning under the wider *Moorabool 2041* initiative.

The Amendment

There are two key elements to the amendment.

1. Guiding the extent of future growth on an area basis:

The amendment seeks to identify the optimal locations for medium density development and encourages growth within these areas – generally focussed around central Bacchus Marsh and Darley Plaza. Simultaneously, the amendment identifies areas that are more constrained for growth.

A methodology to determine appropriate zone controls (including density) has been applied which incorporates slope and orientation, walkability, landscape and vegetation, public transport, retail and services and development opportunities. The methodology for identification is contained at Annexure 2 to the Housing Strategy. Areas have been identified for either “minimal”, “natural” or “increased” growth settlement types, depending on the circumstances.

The Amendment includes a Settlement Framework Plan and policy support to align with proposed settlement types. In addition, the proposed zone schedules have been adjusted accordingly, to support varying levels of growth.

2. Guiding the form of future growth on an area basis:

Amendment C79 includes 32 character precincts for Bacchus Marsh. Precincts have been identified as part of *Housing Bacchus Marsh to 2041* based on neighbourhood character (such as lot sizes, housing typologies, landscape quality and street tree pattern).

Planning proposals for new developments will be encouraged to be designed in accordance with the identified preferred character of the relevant neighbourhood precinct.

Figure 1 shows the various different settlement types proposed under the housing strategy is shown below, as well as the neighbourhood character areas which have been numbered.

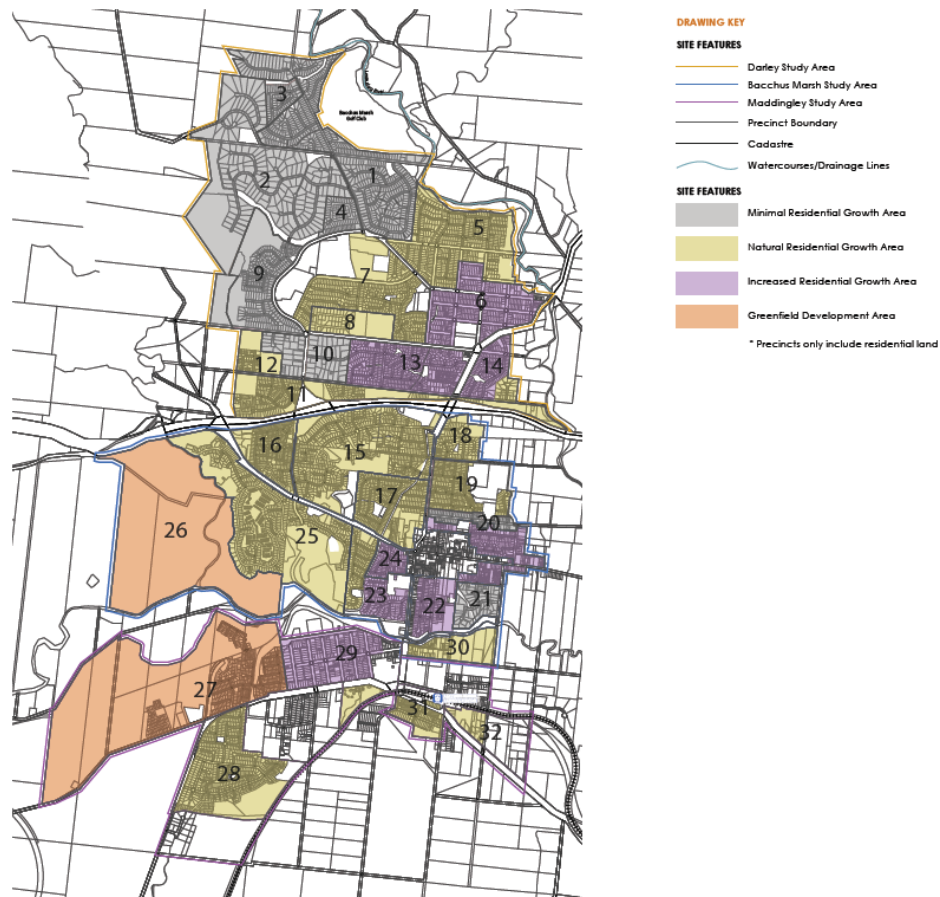


Figure 9 - Settlement Framework Plan

Figure 1 Proposed Settlement Types

Specifically the amendment:

- Amends the Municipal Strategic Statement by updating Clause 21.01 (Municipal Context), Clause 21.03 (Settlement & Housing), Clause 21.07 (Bacchus Marsh) and Clause 21.11 (Reference Documents).
- Introduces a Residential Settlement Framework Plan and updates the Bacchus Marsh Framework Plan at Clause 21.07 of the Municipal Strategic Statement as per the recommendation of Housing Bacchus Marsh to 2041.
- Includes Housing Bacchus Marsh to 2041 as a Reference Document in Clause 21.11.
- Removes the Low Density Residential Zone, Schedule 1 and General Residential Zone Schedule 1 from residential land within Bacchus Marsh.
- Deletes the General Residential Zone Schedule 2 and Schedule 3.
- Introduces a new Schedule 2, Schedule 3, Schedule 4 and Schedule 5 to the Neighbourhood Residential Zone.
- Introduces a new Schedule 2 and Schedule 3 to the General Residential Zone.
- Introduces a new Schedule 2 to the Low Density Residential Zone.

Submissions:

There were a number of themes identified within the submissions received. In addition a range of other issues have been raised. This report provides a response to a number of key issues raised in submissions. A complete list of submissions and officer responses to issues raised is contained at **Appendix 1** to this report.

Key issues raised by submitters are as follows:

1. Manor Street should not be identified for increased residential growth and should have the same protections as Lerderderg Street.

Submitter Justification Included:

- Manor Street includes highly significant heritage buildings, increased growth in this area would erode the integrity of the heritage buildings.
- Manor Street would suffer badly from additional traffic, has limited parking and drainage capacity.
- Manor Street should have the same Zone that is proposed for Lerderderg Street (NRZ3).

Officer Response

Manor Street contains two heritage buildings that are currently protected under the Heritage Overlay.

It is of note that the neighbourhood character brochure for precinct 22 (in which Manor Street is proposed to reside) does have regard to the heritage significance of the two existing buildings.

The General Residential Zone currently applying to Manor Street already allows medium density redevelopment and the introduction of the General Residential Zone Schedule 3 (GRZ3) as proposed under C79 is likely to represent only a modest change from the status quo, over a long time period. The GRZ3 lends itself to limited additional redevelopment potential relative to current planning controls. It does not provide for significant residential growth opportunities.

The Neighbourhood Residential Zone 3 (which includes an intention to largely preserve the streetscape) as proposed for Lerderderg Street, would not be warranted in the case of Manor Street. Lerderderg Street is considered to be more intact with stronger neighbourhood character values.

Manor Street would not suffer excessively from local congestion, parking or drainage issues under Amendment C79, as only incremental change is expected within this area due to its existing pattern of development. Traffic, drainage and parking data attained from Council's engineering area for Manor Street can be seen at **Appendix 2**. Council's engineering area indicates the environmental capacity of the street to be 2000 vehicles per day. The traffic data at appendix 2 indicates an average of 361 vehicles on weekdays and 278 vehicles per day on weekends as derived from a 2013 study. Manor Street also has parking controls in place to ensure sufficient parking capacity. This includes 10 minute parking during school pickup/drop off time, 2 hour non-resident parking and unrestricted parking for residents (by permit). Should the street experience further redevelopment it is notable that there is a standard planning permit condition is for stormwater discharge to be controlled to predevelopment levels.

Officer Recommendation: No change is proposed.

2. Some precincts should have a different settlement type or be in a different precinct and zone or zone schedule

Three submitters sought different zone/settlement type/precincts for three individual properties.

Justification – Submitter 22

- The submitter preferred for their land, along Holts Lane, Darley to be situated within the GRZ2 (natural growth) as opposed to the Neighbourhood Residential Zone Schedule 5 (NRZ5 - minimal growth) on the basis that the development potential would be compromised under the proposed zoning. The submitters land is also on the edge of a precinct proposed for the GRZ2.

The submitters land is within the area shown in **Figure 2** below (red star). It is within precinct 10, but on the border of precinct 12.

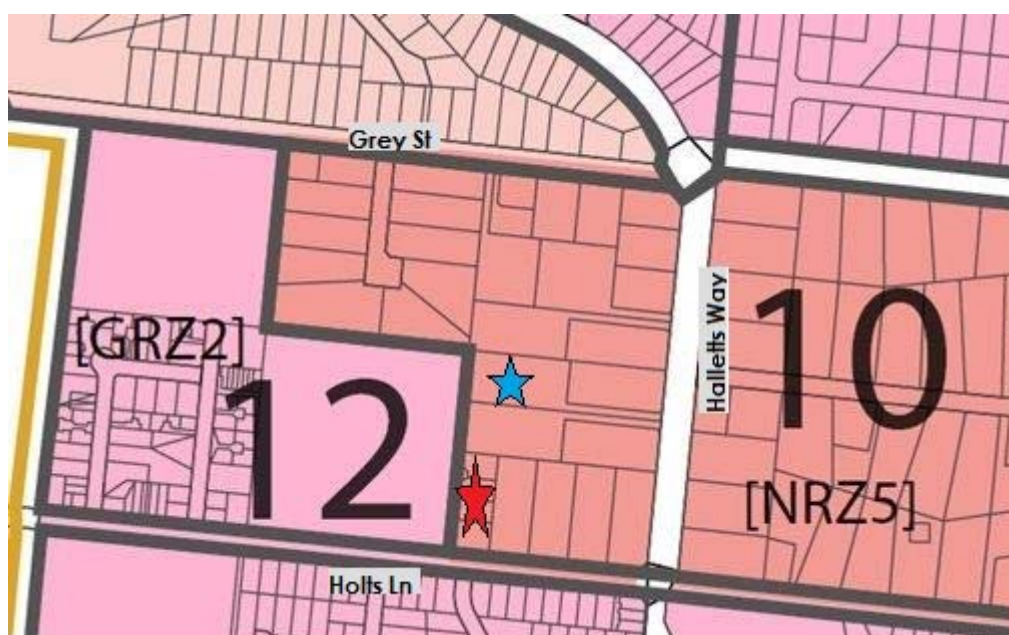


Figure 2

Officer Response

The proposed amendment would remove the possibility of further subdivision of the submitters' land, which is comprised of two lots being 1122 sq.m and 2778 sq.m in size. This is because the proposed NRZ5 has a 1500sqm minimum lot size. The current GRZ1 zoning of the land has no minimum lot size.

The Housing Strategy recognises that blocks in this area are substantial in size (3,881 sq.m on average) and seeks to preserve this neighbourhood character. Whilst it is worth recognising that the submitters property is on the edge of the precinct and is abutting an area proposed for "natural residential growth" (GRZ2), it is not considered desirable to include the submitters property into the GRZ2 area given that the methodology applied supports the zone as exhibited.

Officer Recommendation: No change is proposed.

Justification – Submitter 24

- The submitter does not want to be situated near to an area designated as "natural growth" (GRZ2) on the basis that the submitter is of the belief that this will result in high density housing in the area and cause social and environmental problems. The submitter argues for this area to have a 2000sqm minimum lot size.

The submitters land is also within precinct 10 and is shown within **Figure 2** (blue star), but is along Halletts Way, Darley.

Officer Response

Whilst the submitter resides in precinct 10, the land in question is located in precinct 12. This area is presently zoned as GRZ1, under which medium density housing is already possible. The GRZ2 proposes "natural growth". The amendment is not anticipated to increase the likelihood of the land being developed at a higher density compared with the current zoning. In particular there is no change to subdivision or height controls proposed under the GRZ2 compared with the GRZ1.

The submitter has not provided a valid justification to support the change proposed. The link between the development potential of the GRZ2 and social and environmental problems alluded to by the submitter are not clear.

Officer Recommendation: No change is proposed.

Justification – Submitter 20

- The submitter argues that a large parcel of vacant land should be in the "increased growth" (corresponding to GRZ3) settlement type instead of "natural growth" (corresponding to GRZ2) and has attempted to demonstrate that this is justified under the methodology of the Housing Strategy which underpins Amendment C79. In addition the submitter has argued that the site should be within its own precinct.

The submitters land is depicted outlined in red in **Figure 3**, close to the intersection of Halletts Way and the Western Freeway.



Figure 3

Officer Response

Using the methodology applied in the housing strategy, areas are allocated points based on their 'strength' for development under certain criteria including slope and orientation, walkability, landscape and vegetation, public transport, proximity to retail and services and development opportunities. This helps to determine whether an area should be defined as minimal, natural or increased residential growth. A points score of 11-14 has been defined as natural growth whilst a points score of 15 or more is defined as increased residential growth.

The submitter has done their own assessment against the methodology of the Housing Strategy. The assessment narrowly (by one point) reaches the minimum threshold for 15 points for the area to be defined as "increased residential growth". The submitter's assessment against the methodology is debatable (but likely to be largely correct when looked at in terms of their site alone rather than the wider precinct of which the site forms a part). Notably though only the eastern part of the site is within 700m of Darley Plaza (considered a walkable distance) and this is only the case when measured in a straight line. It is acknowledged that it will be further by car/walking routes. This area, when looked at by itself, is considered marginal in terms of meeting the methodology for increased growth.

It is understood the developer is interested in bringing more housing diversity (medium density housing) to Darley, which is currently severely lacking in spite of recent demographic shifts showing the average amount of people per household has been declining for many years. The Housing Strategy indicated on page 68 that "92% (1350) of the housing stock in Bacchus Marsh since 2001 has been separate dwellings". Proximity to the freeway ramps will also be advantageous to many future residents.

As only the eastern part of the site is in a reasonable walking distance to Darley Plaza, it is recommended that only the eastern portion, shown in Figure 4 in red outline, be identified for “increased growth”. This portion of the site could remain in precinct 11 as future medium density housing would then conform to a consistent pattern with the wider area.

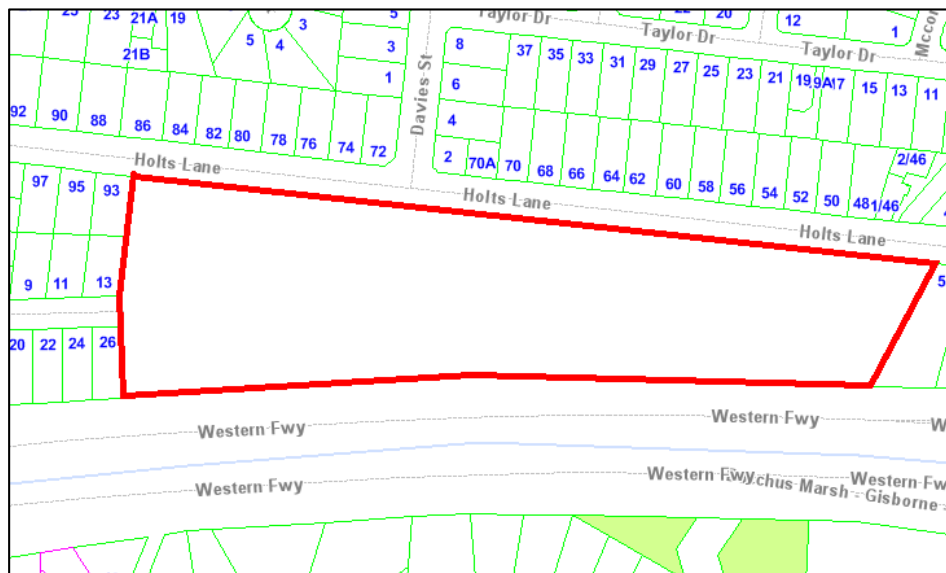


Figure 4

Officer Recommendation: Change Proposed.

Redesignate the area outlined in red in Figure 4 from the GR22 to the GR33 and from “Natural Growth” to “Increased Growth”. Any future development of this site will be required to provide for lots with a direct interface and access to Holts Lane.

3. A 12 hectare block towards the back of Durham Street should be entirely rezoned to the Neighbourhood Residential 2 Zone instead of the NR22 and the LDRZ (as proposed under the exhibited version of the amendment). Additional controls should be applied to manage, in part, the density of the land.

The site is west (upslope) of Council’s Darley offices in Halletts Way and is depicted in **Figure 5** below.

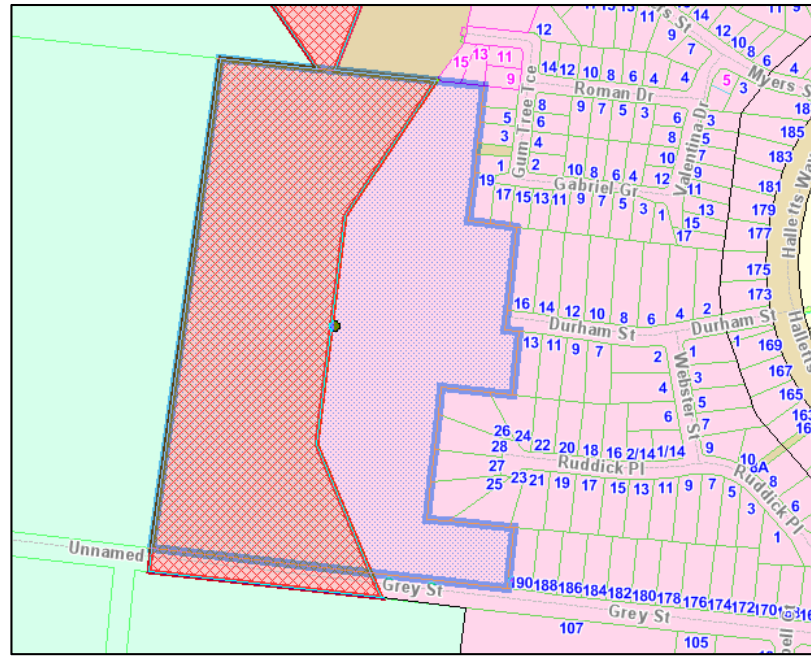


Figure 5

Justification – Submitter 6

The land is currently in two zones. The submitter argues that the site would benefit from a specific site responsive development solution, which in general terms “averages” the subdivision controls of the proposed zones, to provide enhanced design flexibility that can best account for the physical characteristics of the land. The solution could be in the form of a Development Plan Overlay or a Design and Development Overlay.

Officer Response

The site includes some areas that are quite steep and would be unusable for development. A control which “averages” the lot sizes across the two zones (so that overall development potential is not increased) appears reasonable at face value and would allow unusable parts of the land to become part of large back yards. The submitter has not provided the detail of their proposal (including the DPO schedule) and therefore Council officers are not in a position to offer a recommendation on this proposal at the current time.

The proposal may represent a significant change to the amendment as to warrant a new amendment. This is likely to depend on the exact proposal, the Panel’s review of the submission and any further detail provided by the submitter.

It is likely more appropriate for this proposed zoning change to be a proponent driven amendment, developed with direct Council input on DPO controls.

Officer Recommendation: No change is proposed.

4. There should be more land near the train station zoned to facilitate growth

Justification – Submitter 16

Submitter 16 supports the emphasis Amendment C79 places on directing infill development towards areas within a walking catchment of key activity centres and public transport nodes but argues that there should be greater potential for development in the vicinity of the train station as well as in precincts 17, 19 and 20 (see Figure 6).

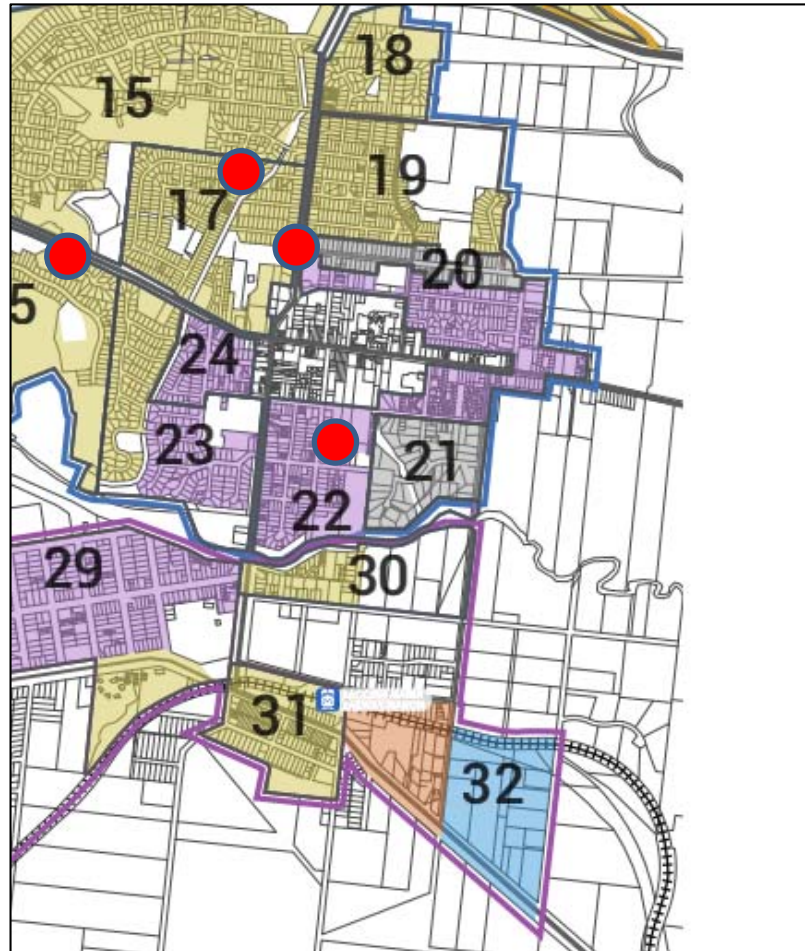


Figure 6 Extract from precinct map (source: Mesh) Red dots denote TfV suggested increased growth areas.

Officer Response

There are a range of reasons for selecting areas of increased residential growth – public transport accessibility is an important reason but it is not the sole reason. The criteria applied for selection of areas is contained within annexure 2 to the housing strategy.

It is also worth appreciating that some of the land the submitter refers to as an opportunity for increased residential growth, is flood prone, especially around precinct 21.

Precinct 17 is identified as a natural growth area (zoning to remain General Residential) meaning applications for infill development will be assessed on merit. It does not target the area for growth but neither does it limit good development from obtaining a permit.

Precinct 19 is difficult to support for increased housing growth as an increased residential growth area because it lies to the north of Lerderberg Street precinct (Precinct 20) which has a strong local streetscape and number of heritage significant buildings. Average lot size is 707sq.m and site coverage is 34%. Front setback average is 6m. Natural growth is the optimal outcome.

Precinct 20 comprises Lerderberg Street which is widely considered within Bacchus Marsh to be one of the more intact and coherent residential streetscapes in the town. St Bernard's Church is a key heritage building within Lederberg Street. Typical lot size is 840 sq,m and site coverage is 39%. Front setbacks average 8m and dwellings are modest and typically single storey.

Whilst Precinct 20 is within walking distance of the commercial centre of Main Street the overarching view is that the streetscape character lends itself to protection and conservation. Neighbourhood Residential Zone Schedule 2 will therefore apply in this area with a minimum lot size of 500 sq.m.

Precinct 21 is centred on McGrath Street and Lord Street. Average lot size is 2333 sq.m and site coverage is 20%. Front setback averages are 27m. Houses are located often in the centre of lots with large side and rear setbacks. Landscaping is a significant feature, often exotic. This area was established as a garden estate and remains largely intact. Scope for infill is feasible but it would detract significantly from the clear neighbourhood character apparent. If the strategy is to retain the idea of different housing offers and opportunities areas such as Precinct 21 should be retained.

Officer Recommendation: No change is proposed.

Options

Section 22 of the *Planning and Environment Act 1987* (the Act) requires that Council consider all submissions to a planning scheme amendment.

Section 23 of the Act mandates that after considering a submission which requests a change to an amendment, Council must either:

- (d) change the amendment in the manner requested; or
- (e) refer the submission to a panel; or
- (c) abandon the amendment or part of the amendment.

As objections remain unresolved and officers believe the content of the objections will not benefit the amendment, this report will recommend that Council pursues option (b) and refers the submissions to a Panel.

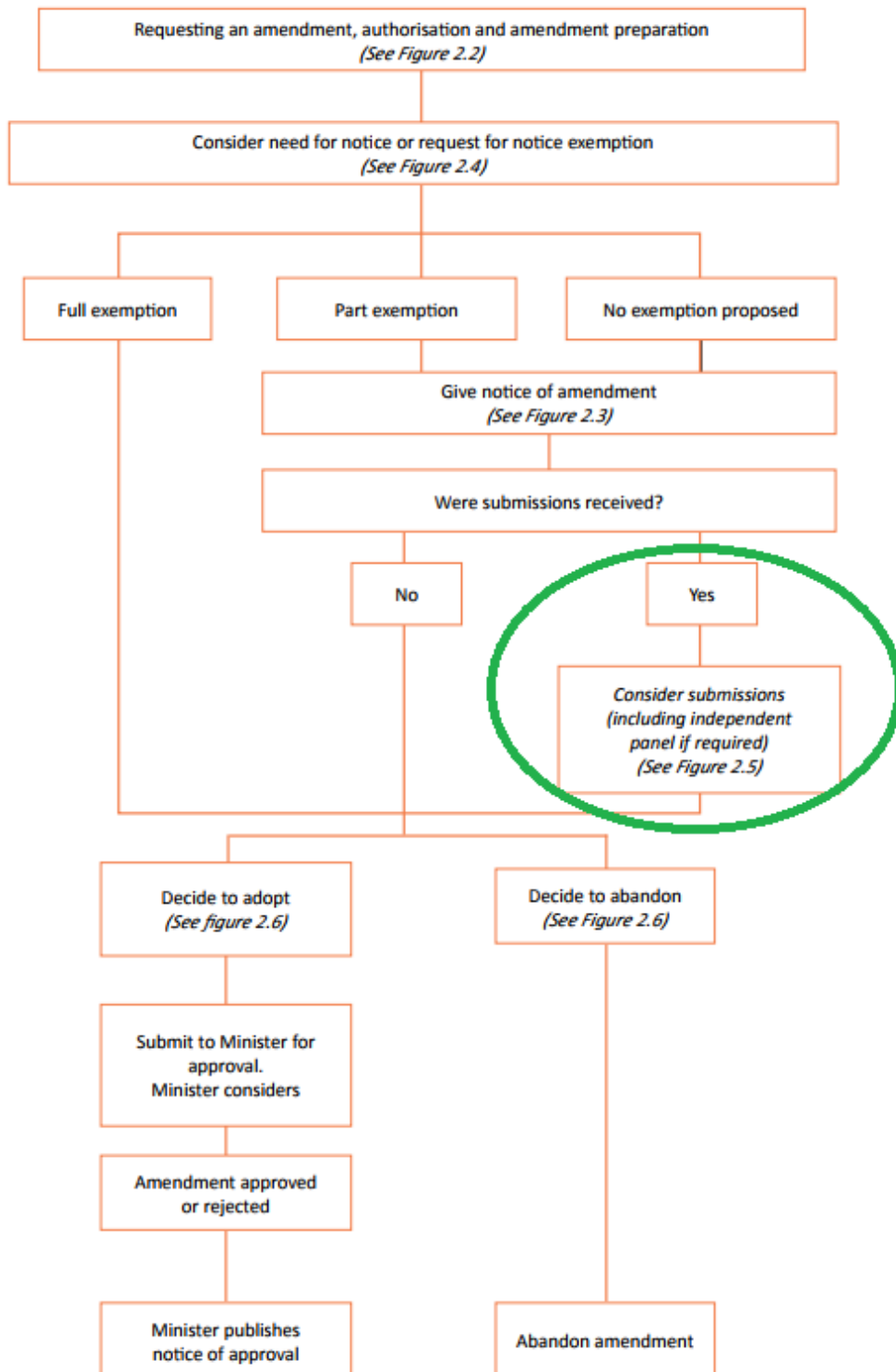
Should Council resolve to request the appointment of a Panel, the Minister for Planning will appoint an independent Planning Panel to consider all submissions received. The Panel will be made up of independent person/s with skills considered by the Minister to be relevant to the amendment.

Stage in the Amendment Process

The Flow Charts below are from the DELWP guide "Using Victoria's Planning System 2015" and depict where the amendment is at in terms of the amendment approval process (circled in green).

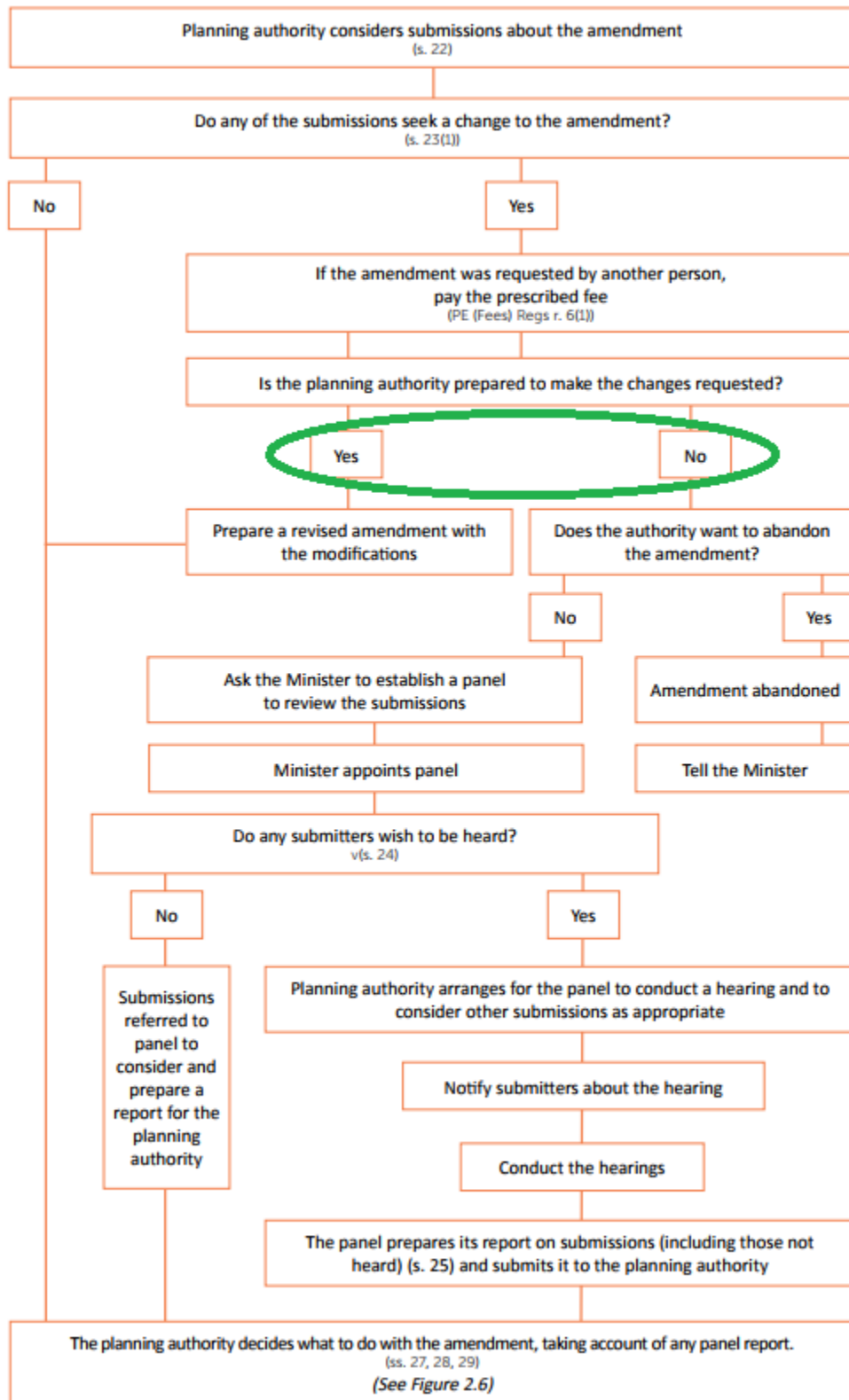
Should Council decide to pursue a Planning Panel it is likely one could be initiated in late 2017 (subject to Planning Panels Victoria’s availability).

Figure 2.1: Outline of the planning scheme amendment process



Following receipt of the Panel’s report Council would then be in a position to adopt the amendment or not. Should Council adopt the amendment, it could then refer the amendment to the Minister for Planning for approval.

Figure 2.5: Considering submissions about an amendment



Policy Implications

The Council Plan 2017 – 2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development.

Context 3A: Land Use Planning.

The proposal is consistent with the Council Plan 2017 – 2021.

Key Result Area Enhanced Infrastructure and Natural and Built Environment.

Objective Effective and integrated strategic planning in place to create sustainable communities.

Strategy Development of Urban and Rural Growth Strategies in conjunction with other related plans.

The Amendment reflects a part of the implementation phase of a key Urban Growth Strategy.

The proposal is consistent with the 2017 – 2021 Council Plan.

Financial Implications

The continued processing of the amendment has being undertaken in-house by Council and therefore generated only limited costs to date.

Costs for the amendment progressing hereafter, including any planning panel hearing is already provided for within the Council 2017/18 budget. Should Council proceed with the amendment it is anticipated that the Panel for Amendment C79 would be combined with the Panel for Amendment C81 (the Urban Growth Framework) for cost saving purposes and to provide a more integrated set of recommendations for growth in Bacchus Marsh.

Risk & Occupational Health & Safety Issues

There are no identified risks associated with the amendment.

Community Engagement Strategy

Implementation of the amendment has included statutory notification processes including a mail out to all households in Bacchus Marsh. That notification period ran for six (6) weeks, not the mandated minimum of four (4) weeks.

In addition officers held four drop in sessions/information nights at the library (combined with amendment C81) which attracted approximately 150 attendees. Should Council resolve to request the appointment of a Panel, submitters to the Planning Scheme Amendment will have the opportunity to present their case at a Planning Panel to be appointed by the Minister for Planning.

Communications and Consultation Strategy

Implementation of the amendment has included statutory notification processes. Should Council resolve to request the appointment of a Panel, submitters to the Planning Scheme Amendment will now have the opportunity to present their case at a Planning Panel to be appointed by the Minister for Planning.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

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

Author – Geoff Alexander

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

Conclusion

Amendment C79 is a key component of Moorabool 2041. It seeks to implement Council's adopted housing strategy and provides a substantial update to the Moorabool Planning Scheme relating to neighbourhood character and housing growth in the existing areas Bacchus Marsh.

Having been through the exhibition process including direct notification to over 11,000 households in Bacchus Marsh and surrounds, a total of 18 submissions with relevance to C79 have been received including 14 objections. Having considered the objections in detail, officers do not believe the vast majority of objector content would benefit the amendment with the exception of the one change as discussed under key issue number 2.

As per the *Planning and Environment Act 1987*, Council must now decide whether to abandon the amendment, refer the amendment to a planning panel to resolve submissions or make the changes requested by submissions. It is recommended that Council refers Amendment C79 to a Planning Panel, who would provide the opportunity to hear from all parties who lodged a submission.

Resolution:

Crs. Bingham/Dudzik

That Council:

1. ***Request the Minister for Planning to appoint a Planning Panel under Part 8 of the Planning and Environment Act 1987.***
2. ***Refers the submissions to an independent Planning Panel pursuant to section 23(1)(b) of the Planning and Environment Act 1987.***
3. ***Authorise Officers to make changes general in accordance with Council officer recommendations under the Submissions section in this report.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday, 23 March 2018



9. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL

Nil.

10. CLOSED SESSION OF THE MEETING TO THE PUBLIC

Nil.

11. MEETING CLOSURE

The Mayor commented on the significance of the strategic work that the Council had considered at this meeting and thanked officers and the community for their contributions to the process.

The meeting closed at 6.51pm.

Confirmed.....Mayor.