

*Planning and Environment Act 1987*

**Panel Report**

**Moorabool Planning Scheme Amendment C81  
Bacchus Marsh District Urban Growth Framework**

**9 August 2018**

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Moorabool Planning Scheme Amendment C81

Bacchus Marsh District Urban Growth Framework

9 August 2018



William O'Neil, Chair



John Roney, Member



Colin McIntosh, Member

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## List of Abbreviations

BMITS	Bacchus Marsh Integrated Transport Strategy, 2015
BMO	Bushfire Management Overlay
BMRWP	Bacchus Marsh Recycled Water Plant
CFA	Country Fire Authority
CHRG	Central Highlands Regional Growth Plan
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
ELR	Eastern Link Road
EP Act	<i>Environment Protection Act 1970</i>
EPA	Environment Protection Authority
GRZ	General Residential Zone
LDRZ	Low Density Residential Zone
LPPF	Local Planning Policy Framework
MBC	Maddingley Brown Coal
MSS	Municipal Strategic Statement
MWRRH	Maddingley Waste and Resource Recovery Hub
PSP	Precinct Structure Plan
SPPF	State Planning Policy Framework
SWRRIP	Statewide Waste Resource Recovery Infrastructure Plan
TfV	Transport for Victoria
UGF	Bacchus Marsh Urban Growth Framework, October 2017
VPA	Victorian Planning Authority

# Overview

## Amendment summary

<b>The Amendment</b>	Moorabool Planning Scheme Amendment C81
<b>Common name</b>	Bacchus Marsh District Urban Growth Framework
<b>Brief description</b>	The Amendment seeks to implement the ' <i>Bacchus Marsh District Urban Growth Framework, 2017</i> ' by updating the Municipal Strategic Statement in the Scheme. It also seeks to delete references to outdated strategies and implement relevant elements of a number of background strategies.
<b>Subject land</b>	The Amendment applies to approximately 140 square kilometres of land in the Bacchus Marsh district including 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).
<b>Planning Authority</b>	Moorabool Shire Council
<b>Authorisation</b>	Number A03644 on 22 September 2017
<b>Exhibition</b>	A six week period from 2 November and 15 December 2017
<b>Submissions</b>	Fifty-six submissions (56) were received in response to the exhibition of the Amendment, including a late submission. Council referred all submissions to the Panel.

## Panel process

<b>The Panel</b>	William O'Neil (Chairperson), John Roney (Member), Colin McIntosh (Member)
<b>Directions Hearing</b>	A Directions Hearing was held at Bacchus Marsh on 30 April 2018
<b>Panel Hearing</b>	The Panel Hearing was held at Bacchus Marsh on 31 May and 1, 4, 8, 12, 13, 14 June 2018
<b>Site inspections</b>	An accompanied site inspection occurred on 24 May 2018 and unaccompanied site inspections occurred before and after various days of the Hearing.
<b>Appearances</b>	A list of submitters that appeared at the Hearing is provided in Appendix B of this Report.
<b>Citation</b>	Moorabool PSA C81 [2018] PPV
<b>Date of this Report</b>	9 August 2018

## Executive summary

### (i) Summary

Moorabool Planning Scheme Amendment C81 (the Amendment) seeks to implement the *'Bacchus Marsh District Urban Growth Framework, 2017'* (UGF) by updating the Municipal Strategic Statement in the Scheme. It also seeks to delete references to outdated strategies and implement relevant elements of a number of background strategies. It does not seek to rezone any land.

Key issues raised in submissions can be categorised as follows:

- implementation issues and proposed timing of development
- extent and protection of buffers around waste management facilities, wastewater treatment plant, sand quarries and actual and proposed industrial facilities
- traffic / transport network issues
- the future development of growth investigation areas – Merrimu, Parwan Station, and Hopetoun Park
- managing sand and stone resources
- hydraulic infrastructure including water, sewer and gas
- environmental considerations
- bushfire issues.

The Panel has considered all submissions and concludes:

- The officers of Moorabool Shire Council, its Advocate at the Panel hearing and the staff of the VPA have done an exceptional job of preparing the UGF and its implementation through Amendment C81.
- The Council's proposed post hearing changes to the UGF and the Municipal Strategic Statement documentation are strategically justified, responsive to submissions and will substantially improve the future utility of the documentation.

### (ii) Recommendations

#### **Amendment C81**

Based on the reasons set out in this Report, the Panel recommends that Moorabool Planning Scheme Amendment C81 be adopted as exhibited subject to the following:

#### **Municipal Strategic Statement**

1. **Replace the exhibited version of the Municipal Strategic Statement with the Panel Recommended Version contained in Appendix E.**
2. **Amend the plan in Clause 21.07 to clarify that the 'Eastern Link Road Planning Study' notation on these plans relates to land on the north and south side of the Western Freeway.**

#### **Bacchus Marsh Urban Growth Framework**

3. **Replace the exhibited version of the *'Bacchus Marsh Urban Growth Framework'*, including its Plans, with the post exhibition version of the Document and Plans**

**prepared by Moorabool Shire Council (Documents 44 and 45), with all changes accepted unless otherwise recommended.**

- 4. Amend Plans 1, 6, 7 and 8 in the Urban Growth Framework to clarify that the 'Eastern Link Road Planning Study' notation on these plans relates to land on the north and south side of the Western Freeway.**



# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The Amendment makes the following changes to the Municipal Strategic Statement (MSS) – it 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’
- Clause 21.02 ‘Natural Environment’, by updating the strategies relating to the objective of ‘Non-urban landscapes’
- Clause 21.03, ‘Settlement and Housing’, to provide context and strategic direction for managing future urban growth in Bacchus Marsh
- 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’
- 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’
- Clause 21.07 ‘Bacchus Marsh’, by inserting a new Bacchus Marsh Urban Growth Framework plan and updating the text to provide context and strategic direction for managing future urban growth
- Clause 21.11, by updating the list of reference documents.

### (ii) Purpose of the Amendment

The Amendment updates the MSS in the Scheme to articulate the key principles and directions contained in the ‘*Bacchus Marsh Urban Growth Framework, 2017*’ (the UGF). The updated MSS 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.

As succinctly outlined in Council’s submission<sup>1</sup>, the Amendment:

- *Adjusts the provisions of the MSS to reflect Plan Melbourne and the Central Highlands Regional Growth Plan;*
- *Includes the UGF as a reference document;*
- *Updates the list of reference documents by deleting outdated strategies and adding current Council adopted strategies, including the Bacchus Marsh Integrated Transport Strategy (2015), Moorabool Industrial Areas Strategy (2015), Moorabool Shire Council Retail Strategy 2041 (2016) and Moorabool Shire Economic Development Strategy (2015);*

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<sup>1</sup> Part B submission, P7.

- *Makes changes to the MSS to bring the Amendment into line with the UGF.*

The Amendment does not rezone any land. It seeks to provide a strategic framework for determining the location of future urban growth precincts and employment growth precincts. As acknowledged in Council's Part A submission, future, separate planning scheme amendments will be required to identify exact boundaries for these precincts and to rezone land to facilitate master-planned urban development.

### **(iii) The subject land**

The Amendment applies to land shown in Figure 1.

## **1.2 Procedural issues**

The Panel appointed under delegation from the Minister for Planning on 10 April 2018 to consider the Amendment comprised William O'Neil (Chair) and John Roney (Member). At the Directions Hearing, the Panel advised parties that it intended to augment the membership of the Panel to include expertise in environmental matters concerning noise and air emission buffers. All parties present agreed with this proposal. Under delegation from the Minister for Planning on 2 May 2018 Mr Colin McIntosh was appointed to the Panel.

The Panel Hearing for Amendment C81 was held in conjunction with (but separate to) the Hearing for Amendment C79 to the Moorabool Planning Scheme. Amendment C79 deals with the implementation of Council Housing Strategy for Bacchus Marsh – Housing Bacchus Marsh to 2041.

The closing submission from Council regarding Amendment C81 was held in conjunction with (but separate to) the closing submission from Council regarding Amendment C79.

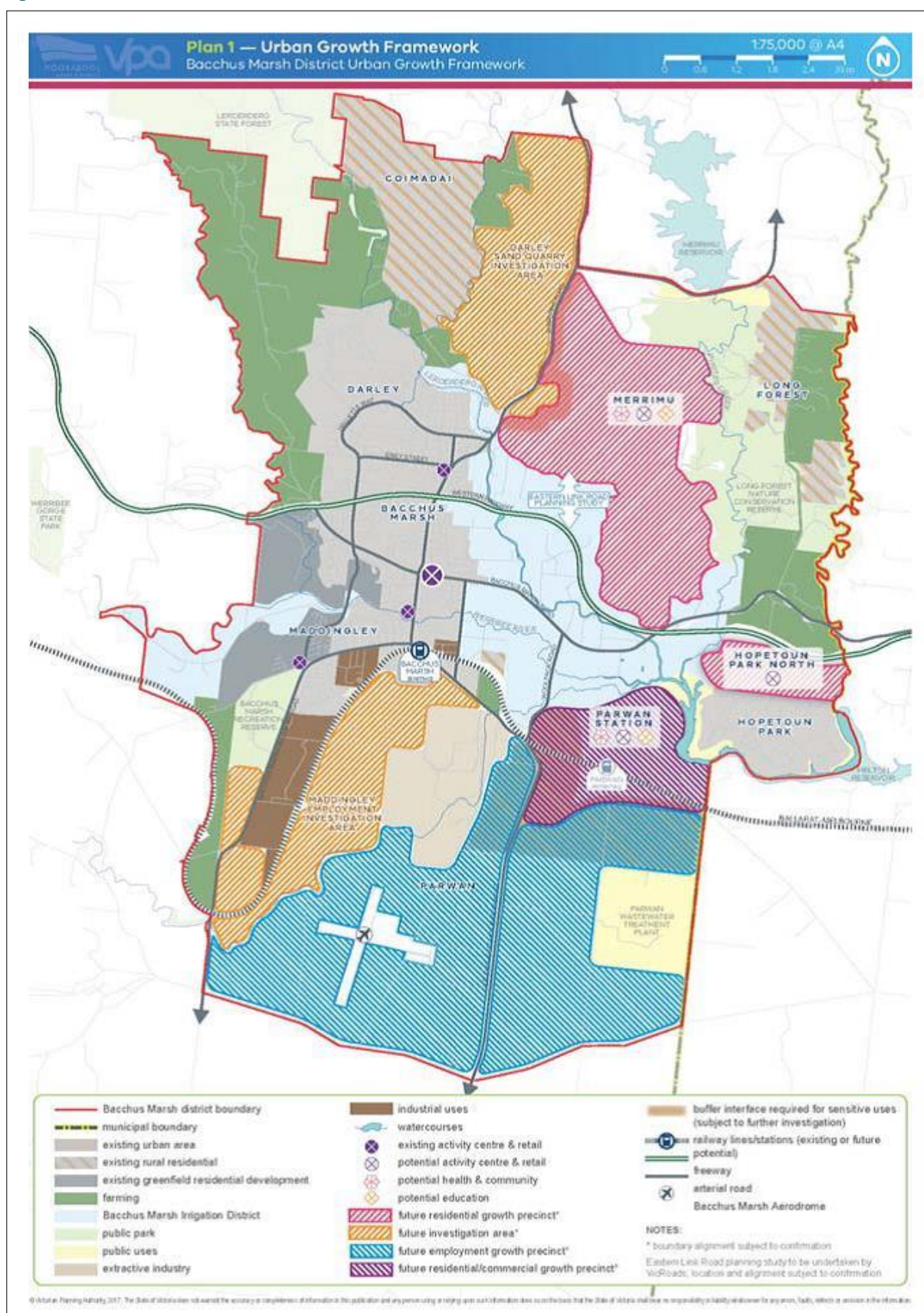
The Panel for Amendment C81 notes that both Amendments contain proposed changes to Clause 21 of the planning scheme. Any recommendations from the Panel regarding changes to Clause 21 should be carefully checked against any similar clauses in Amendment C79 to ensure consistency of approach.

## **1.3 Background to the proposal**

Council's submission notes that State policy identifies Bacchus Marsh for significant growth and that it is already experiencing unprecedented rates of residential growth. To ensure growth is planned and managed appropriately, Council explained that it has prepared an Urban Growth Framework document that will provide the 'blueprint for the future growth of Bacchus Marsh'.

The Document was prepared with support and assistance from the Victorian Planning Authority (VPA). The Minister for Planning advised Council by letter dated 13 December 2015 that *'I am authorising the MPA's (now the VPA) involvement in planning for growth in Bacchus Marsh'*. The Minister outlined his expectation that a comprehensive community engagement process would be undertaken and that any change to the current extent of land in the Farming Zone or the Bacchus Marsh Irrigation District must be strategically justified.

Figure 1 The exhibited version of Plan 1 of the Urban Growth Framework



Council submitted that the timeline for the Framework is 2041 and beyond. Further, it submitted<sup>2</sup>:

*The document earmarks land for growth and coordinates and sequences required infrastructure. Additionally, it seeks to enhance the character that makes Bacchus Marsh an amenable place to live.*

*The land use plan is the central plan in the UGF, guiding growth by identifying the location of new growth and the nature of new growth that can occur. It also identifies existing residential neighbourhoods, employment areas and parklands.*

*Other plans and text within the UGF identify infrastructure needs, natural and built environment values and transport needs.*

*The Amendment will insert the UGF into the Scheme as a reference document.*

*Work on the UGF began in 2014, when community workshops set the vision for Bacchus Marsh. That work formed part of the Council Plan 2013-17 under Moorabool 2041. The vision and principles from the workshops, as well as state and local government input, form the basis of the UGF.*

*Council and the VPA undertook informal consultation with land owners and the community in early 2017, to seek feedback on a draft Urban Growth Framework Plan. Forty-one submissions were received, identifying a number of matters that were further assessed during the preparation of the formal UGF documentation.*

*The UGF takes a district-wide approach, incorporating existing township areas and potential future growth areas. The VPA and RDV have contributed funding and other resources towards preparing the UGF and planning for the Parwan Employment Precinct (PEP).*

*The UGF identifies future growth precincts in appropriate locations. However, it needs to be emphasised that these are essentially investigation areas. Future Precinct Structure Plans (PSPs) will need to identify urban zone boundaries that respond appropriately to the Scheme, the precinct planning principles expressed in the UGF, and any additional constraints identified in the further detailed technical investigations (e.g. environmental values/risks, heritage values, infrastructure).*

*An unusual feature of the UGF, due to the topography of the area, is that the Bacchus Marsh Irrigation Area will likely be enclosed within existing and future urban areas (i.e. Merrimu, Parwan Station and Hopetoun Park North growth investigation areas).*

*The Parwan Employment Precinct (PEP) is identified in the UGF as a potential 'greenfield, regional-scale employment development'. The PEP is contiguous*

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<sup>2</sup> Council Part A submission, P16

*with Bacchus Marsh's existing and potential future urban areas identified in the UGF.*

Further discussion regarding the UGF and other strategic documents relevant to the Amendment is provided in Section 2.1 of this report.

## **1.4 Summary of issues raised in submissions**

The key issues raised in submissions include matters concerning:

- the future development of growth investigation areas – Merrimu, Parwan Station, and Hopetoun Park
- the Parwan Employment Precinct
- traffic / transport network issues
- the Maddingley Waste and Resource Recovery Hub (incorporating brown coal resources) and surrounds, buffer issues and sensitive uses
- the irrigation district/green break
- managing sand and stone resources
- hydraulic infrastructure including water, sewer and gas
- environmental considerations
- bushfire issues.

## **1.5 Revisions to the Amendment and the Urban Growth Framework**

Council proposed various changes to the Amendment and the UGF in response to submissions and evidence. Council documented its final changes in its revised:

- updated UGF Plan: 1, 3, 4, 5, 6, 7, and 8 (Hearing Document 45)
- final Tracked Changes Version of the LPPF (Document 46)
- *'Proposed Post-Panel Hearing Changes to the Urban Growth Framework (UGF) and Municipal Strategic Statement (MSS)'* (Document 47).

The Panel notes that it is required to consider the exhibited version of the Amendment and the submissions made to the Amendment. In doing so, the Panel has had regard to all submissions (including Council's responses to those submissions) with respect to possible variations to the documentation.

That said, the Panel has generally adopted Council's above versions of the various documents when considering unresolved submissions. These submissions are discussed in sections 3 to 9 of this report. The Panel accepts the changes reflected in these documents unless otherwise recommended. This finding is reflected in the Panels over-arching recommendations contained in the Executive Summary.

## **1.6 Amendment VC148**

Amendment VC148 was gazetted on 31 July 2018 and made various reforms to the Victoria Planning Provisions including a new integrated Planning Policy Framework.

The exhibition, submissions and Hearing for Amendment C81 predated Amendment VC148. To avoid confusion, the Panel has retained references in this Report to the Moorabool Planning Scheme prior to VC148.

The Council should ensure that the final form of the Amendment is consistent with the changes resulting from Amendment VC148.

## **1.7 Issues dealt with in this Report**

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- UGF implementation
- Buffers
- Transport and movement
- Merrimu residential growth precinct
- Parwan Station residential and commercial growth precinct
- Hopetoun Park North residential growth precinct.

## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

Council's submission<sup>3</sup> provides a comprehensive overview of the applicable policy framework that supports the Amendment. The Panel does not repeat it here, but rather highlights the following:

#### (i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the State Planning Policy Framework:

##### **Clause 11: Settlement**

The Amendment anticipates and responds to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Further, Council noted that the Amendment promotes the sustainable growth and development of Victoria by supporting the sustainable development of the regional centre of Bacchus Marsh and that it facilitates the orderly development of urban areas, by inserting a new Bacchus Marsh UGF into Clause 21.07 of the Moorabool Planning Scheme. Council noted that through the introduction of the UGF as a Reference Document, future development will be guided by precinct structure plans or development plans.

##### **Clause 12: Environmental and Landscape Values**

The Amendment assists the protection and conservation of Victoria's biodiversity, by requiring that planning for all growth precincts will be guided by future precinct structure plans or development plans. The Amendment also identifies the need to prepare an Open Space Framework for the Bacchus Marsh district.

##### **Clause 13: Environmental Risks**

The Amendment assists the protection and improvement of air quality by: integrating transport corridors with urban growth investigation areas; ensuring, wherever possible, that there is suitable separation between sensitive land uses and uses with adverse amenity potential; and requiring the provision of an integrated transport network between any urban growth precincts and the existing urban area.

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<sup>3</sup> Part A submission, P26-37

In relation to Bushfire Planning, the Amendment strengthens the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. It does this by identifying (in Clause 21.07-8) the need for a detailed assessment of bushfire risk, in accordance with Clause 13.05, prior to the preparation of PSPs or development plans. The updated UGF (in Section 9) will require that this work be undertaken prior to the preparation of any future planning scheme amendment for growth precincts.

#### **Clause 14: Natural Resource Management**

The Amendment protects productive farmland which is of strategic significance in the regional context, by directing urban growth away from the Bacchus Marsh Irrigation District. In relation to Water Conservation, the Amendment identifies the need to prepare an Integrated Water Management Plan for all growth areas.

The Amendment also encourages exploration and extraction of natural resources in accordance with acceptable environmental standards, by ensuring that adequate separation distances are provided between mining/extractive industries and future sensitive uses in new urban growth precincts.

#### **Clause 17: Economic Development**

The Amendment identifies potential activity centres within future residential growth precincts, thereby encouraging commercial development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit.

#### **Clause 18: Transport**

The Amendment creates a safe and sustainable transport system by integrating land-use in future growth precincts with the proposed Eastern Link Road and the existing Ballarat-Melbourne railway line.

#### **Clause 19: Infrastructure**

The Amendment facilitates the timely provision of planned infrastructure to future growth precincts, by identifying the need for development contributions plans or infrastructure contributions plans to be prepared in conjunction with precinct structure plans or development plans for such precincts.

The Amendment facilitates the reduction of waste and maximisation of resource recovery, by ensuring that adequate separation distance is provided between the Maddingley Waste and Resource Recovery Hub and future sensitive uses in new urban growth precincts; and by identifying (in Clause 21.07-8) the need for a planning study for the Maddingley Waste Recovery and Recycling Hub site and surrounds, to determine appropriate zone and overlay controls. The updated UGF (in Section 9) will require that this work be undertaken prior to the preparation of any future planning scheme amendment for the Parwan Station growth precinct.

The Panel agrees that the Amendment generally supports the implementation of the State Planning Policy Framework, including the specified clauses referred to above.



**(ii) Local Planning Policy Framework**

Council's submission<sup>4</sup> provided a comprehensive overview of how it considers that the Amendment supports the local planning policy framework. Key objectives identified by Council which it considers are directly supported by the Amendment were identified as follows:

- Clause 21.03-2 – Settlement and Housing – Urban growth management
- Clause 21.03-3 – Settlement and Housing – Residential development
- Clause 21.03-4 – Settlement and Housing – Landscape and neighbourhood character
- Clause 21.04-2 – Economic Development and Employment – Agriculture
- Clause 21.04-3 – Economic Development and Employment – Commerce
- Clause 21.04-4 – Economic Development and Employment – Industry
- Clause 21.04-5 – Economic Development and Employment – Local employment
- Clause 21.05-2 – Development and Community Infrastructure – Open Space
- Clause 21.05-3 – Development and Community Infrastructure – Road Network and Infrastructure
- Clause 21.05-4 – Development and Community Infrastructure – Social Infrastructure
- Clause 21.07-3 – Bacchus Marsh – Accommodating township growth
- Clause 21.07-6 – Bacchus Marsh – Urban Design

The Panel agrees that the Amendment generally supports the implementation of the Local Planning Policy Framework, including the specified clauses referred to above. In particular, the Panel accepts Council's submission that the proposed inclusion of the UGF into Clause 21.07 the Amendment, and requiring that future developments in growth precincts be guided by precinct structure plans or development plans, as well as Development Contributions or Infrastructure Contributions Plans, will facilitate the co-ordinated development and growth of Bacchus Marsh. Further, the Panel accepts that the UGF and Amendment protects the Shire's agricultural sustainability by directing urban growth away from the Bacchus Marsh Irrigation District, which is consistent with the policy ambitions articulated in Clause 21.04.

**(iii) Other planning strategies or policies used in formulating the Amendment**

Council submitted that a number of other strategic planning documents were considered in preparing the Amendment including:

- Bacchus Marsh Integrated Transport Strategy, 2015
- Moorabool Shire Economic Development Strategy, 2015
- Moorabool Council Retail Strategy 2041 (2016)
- Moorabool Industrial Areas Strategy, 2015
- Agribusiness Analysis – Proposed Parwan Employment Precinct 2015.

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<sup>4</sup> Part A submission, P32-36.

The above Council adopted documents are summarised in Council's submission<sup>5</sup>. The Panel accepts Council's assessment regarding how the UGF and the Amendment seek to advance the outcomes outlined in these key strategic directions. The Panel's review of the documents found a very high degree of synergy and clarity of strategic direction and purpose between the individual reports and the UGF.

There are a number of higher order strategies and guidelines that the Panel has also identified as being particularly relevant to the consideration of the Amendment and the UGF. These are summarised below.

### **Airborne emissions (dust and odour)**

The EPA publication *Recommended separation distances for industrial residual air emissions (Publication number 1518) 1990, updated March 2013* is the appropriate guide for amenity interface and buffer issues relating to dust and odour emissions. It is referenced in the Planning Scheme at Clause 17.02 *Industrial Land Development* as a policy guideline that must be considered in planning.

### **Other relevant EPA documents**

The EPA has also published *Separation distances for large composting facilities*, 2012 which set out how to determine and measure buffer distances from a variety of composting operations. The EPA was also a co-author of the *Victorian Code for Broiler Farms* 2009 which is incorporated into Victorian Planning Provisions. This Code uses a formula to determine the appropriate buffer distance and prescribes a risk assessment approach if buffer distances are not satisfied.

### **Environment Protection Act 1970 (EP Act)**

The EP Act establishes the Victorian Waste and Resource Recovery Infrastructure Planning Framework (the State Waste Framework). The objectives of the State Waste Framework include:

- ensuring long term strategic planning for waste and resource recovery infrastructure at state and regional levels
- enabling waste and resource recovery infrastructure planning to be effectively integrated with land use and development planning and policy.

The State Waste Framework comprises:

- the Statewide Waste and Resource Recovery Infrastructure Plan 2015 (SWRRIP)
- seven Regional Waste and Resource Recovery Implementation Plans
- any guidelines or processes made under the EP Act for facilitating and implementing the SWRRIP and the regional plans.

The SWRRIP adopts the concept of waste and resource recovery hubs and spokes. A 'hub' is a facility, or group of facilities, that manage recovery of waste or material streams. 'Spokes' are networks that move materials from generators to the hubs. There are three levels of hub: state, regional and local.

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<sup>5</sup> Part A submission, P17-20.

The Maddingley Brown Coal landfill site is a state significant hub identified in the SWRRIP. The criteria for a state significant hub includes (among other things):

- managing or processing significant proportions of one or more waste streams for the state
- it is an integral component of the supply or processing chain across multiple regions or the state
- if the functionality of the hub was compromised, it would put pressure on the viability of upstream or downstream industries
- it has access to generators, markets, ports or transport infrastructure
- it has capacity for future waste management and resource recovery activities.

With respect to existing hubs of state significance, the SWRRIP notes:

*Any impact on the functionality of these sites is likely to affect the waste and resource recovery system at the state level, which needs to be recognised when making local and regional planning decisions.*

Matters concerning the Maddingley Brown Coal landfill site are discussed in Section 4 of this report.

## **2.2 Planning scheme provisions**

The Amendment does not rezone any land nor does it introduce any new overlay controls or other provisions.

## **2.3 Ministerial Directions and Practice Notes**

### **Ministerial Directions**

Council submitted, and the Panel agrees, that the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

### **Planning Practice Notes**

Council submitted, and the Panel agrees, that the Amendment is consistent with:

- Planning Practice Note 64 (PPN64) Planning for Bushfire Protection.

Matters concerning bushfire are discussed in Section 6 of this report.

## **2.4 Discussion and conclusion**

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. In reaching this conclusion the Panel accepts Council's submission that the UGF and the Amendment seek to respond to the SPPF and LPPF and provide for growth of Bacchus Marsh and district in a logical and orderly manner. The Panel agrees with Council that adoption of the Amendment will provide:

- *a range of dwellings, jobs and convenience for a growing population in locations capable of change and away from constraints;*
- *preservation and protection of significant elements of the district, including the escarpments, significant waterways and the agricultural valley and Avenue of Honour;*
- *maintaining and protecting existing infrastructure and employment providing businesses and assets;*
- *identifying high level infrastructure requirements associated with and/or necessary to allow for growth, such as the Eastern Link Road, a station at Parwan, schools and community centre needs associated with new urban centres<sup>6</sup>.*

The Panel considers the Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

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<sup>6</sup> Council Part B submission, Para 4.1

## 3 UGF implementation

### 3.1 The issues

The UGF is a high-level planning document that identifies a range of further studies and investigations as part of the on-going strategic planning for the Bacchus Marsh district. The issue is whether the implementation of the UGF has been appropriately addressed having regard to issues such as:

- the timing and sequencing of actions
- the available supply of residential land and the imperative to bring land to the market
- the need to balance the future planning of the district in a co-ordinated way against the reasonable development expectations of landowners
- the translation of the UGF into the LPPF.

### 3.2 Evidence and submissions

Council submitted that the UGF identifies four 'strategic outcome areas' to provide for growth to 2041. These areas are subject to further investigation and planning scheme amendments and include:

- Merrimu Growth Precinct (Merrimu)
- Parwan Station Residential and Commercial Growth Precinct (Parwan Station)
- Hopetoun Park North
- Parwan Employment Precinct (PEP).

Council submitted:

*By its very nature, the UGF and the Amendment do not make any changes to zoning and are, purposefully, high level documents, making recommendations of identified opportunities for urban growth. It must be recognised that as a long term vision, there is an expectation that sequencing of new growth fronts will be continuously reviewed by Council and the VPA based equally on supply and demand analysis and on the ability to deliver necessary infrastructure, particularly the Eastern Link Road.<sup>7</sup>*

The UGF outlines a description of the precincts and the manner in which each is envisaged to be developed, preconditions for work to be completed, a set of precinct planning principles and detailed planning considerations.

Two other areas are identified for future investigation, including:

- Darley Sands Quarries Investigation Area
- Maddingley Employment Investigation Area.

Council submitted that preparation of the UGF had regard to the requirements of Clause 11.02 of the planning scheme, which states it is an objective:

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<sup>7</sup> Council Part B submission, para 4.3

*To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Strategies to meet this objective include:

- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
- *Ensure that sufficient land is available to meet forecast demand.*
- *Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.*
- *Planning for urban growth should consider:*
  - *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
  - *Neighbourhood character and landscape considerations.*
  - *The limits of land capability and natural hazards and environmental quality.*
  - *Service limitations and the costs of providing infrastructure.*

The Amendment proposes to introduce a new 'Strategy' in Clause 21.03-2 (Settlement and Housing – Urban growth management) that states:

*Ensure at least 15 years of appropriately zoned land is always available in Bacchus Marsh and Ballan to provide for a range of housing options.*

Council completed extensive housing supply and demand analysis as part of the preparation of the UGF, including comprehensive reports from Spatial Economics Pty Ltd. Mr Stokes, from Spatial Economics, gave evidence that the housing supply and demand assessments included testing several different growth scenarios. He said an initial report was completed in 2015 and concluded that based on four growth scenarios it was estimated that the Bacchus Marsh district had between 16 and 27 years supply of broad hectare residential land. In 2018, based on these scenarios, there was approximately 13 to 24 years supply of residential land, with around 17 years most likely.

In 2017, Spatial Economics was commissioned by Council to update the 2015 report by adopting the VIF2016 figures as well as other work completed by id consultants on behalf of Council. Alternative dwelling demand scenarios were also examined.

The 2017 report concluded that:

*In terms of zoned broad hectare / major landfill residential and stocks, it is estimated based on the identified supply and projected demand scenarios, there are sufficient land stocks to satisfy between 14 and 26 years of demand across Bacchus Marsh.*

*Spatial Economics consider that between 14 and 18 years of broad hectare / major infill supply is the most likely outcome.<sup>8</sup>*

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<sup>8</sup> Stokes Evidence Statement, Appendix B, page 43

Mr Stokes updated the 2017 report in his evidence statement. This work included further revisions to the growth scenarios and concluded that, having regard to all scenarios tested, there was between 8 and 14 years supply of zoned residential land and between 26 and 37 years supply of zoned and unzoned supply of residential land, including the proposed residential growth precincts to 2041. He said the most likely scenario was between 11 and 14 years supply of zoned residential land and 27 to 37 years supply of zoned and unzoned land.

Mr Stokes said his extensive work demonstrated that there is a reasonable supply of residential land currently available and the proposed Amendment provides a satisfactory supply of land in the future.

Mr Morris, on behalf of Bacchus Marsh Developments, called Mr McNeill to provide expert evidence in land supply and demand economics. Mr McNeill reviewed the work of Spatial Economics and completed his own analysis of the supply of residential land in the Bacchus Marsh district and concluded that there was approximately 12 to 15 years supply of residential land, depending on what growth scenario was adopted. Mr McNeill agreed this was broadly in line with the conclusions of Mr Stokes.

Mr McNeill concluded:

*... it is my opinion that broad hectare land supply in Bacchus Marsh is now at a point where detailed planning for future broad hectare supply should be undertaken to ensure the release of that land occurs sooner rather than later. Doing so will avoid supply constraints and unnecessary upward pressure on land prices.<sup>9</sup>*

Mr McNeill gave evidence that, in his opinion, the “medium to long term” (5 to 10 years) annotation on the Merrimu growth precinct should be removed and detailed planning for the area should commence as soon as possible.

In response to questions from the Panel, Mr McNeill noted that Clause 11.02-1 required plans to accommodate projected population growth over at least a 15 year period. He said this included zoned and unzoned residential land, although he said it was “good practice” to ensure about 10 years supply of zoned land was available.

Mr McNeill acknowledged that Clause 11.02-1 requires residential land supply to be considered on a municipal basis rather than a town-by-town basis, however, he said that in this case, Bacchus Marsh is a growth area and it is appropriate to plan for supply of land on a town basis.

Council did not support Mr McNeill’s view that the timing of the Merrimu precinct should be brought forward. It said there was an adequate supply of residential land and it would also take several years to complete the necessary strategic planning studies listed as ‘preconditions’ for the Merrimu precinct.

In its Part A submission, Council proposed changes to the UGF to ensure that each precinct has a series of ‘preconditions’ that list a range of strategic work to be completed for the

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<sup>9</sup> McNeill evidence statement, para 6.9

whole of the Bacchus Marsh district prior to the preparation of any future planning scheme amendment for a particular precinct or area.

Council submitted that the UGF provides a robust, high-level framework for the future growth of the Bacchus Marsh district, however it has never been expected that it will provide all the necessary detail to launch directly into detailed planning for individual Strategic Outcome Areas. It was therefore necessary for the UGF to set out a series of projects and investigations that needed to be completed to inform more detailed planning.

Council submitted that this approach was not unlike the Melbourne Growth Corridor Plans, insofar as these identify a series of further studies and investigations that will be required prior to the preparation of a PSP. In these cases, preliminary planning for future PSPs can only go so far before these broader issues have been resolved.

Various parties queried the detail of the preconditions and sought clarification of specific studies, their timing, and relevance to their precinct and who should be responsible for the study.

Mr Black submitted that the Parwan Employment Precinct and the Parwan Station precinct were *“inherently linked and thus should be planned concurrently through a PSP process that covers both precincts ...”*.<sup>10</sup> He said that the UGF should be amended so that the timing of the Parwan Station precinct (proposed in the Amendment as 5 to 10 years) is consistent with that of the Parwan Employment precinct (1 to 5 years).

Sutton and Lanecove Pty Ltd (submission 31) own land within the Parwan Station precinct, near the location of the future rail station. It generally supported the Amendment, however stated that the phasing of development as set out in the UGF will result in *“prohibiting the delivery of important development that has the potential for significant net community benefit”*.

Bacchus Marsh Property Group (submission 19) submitted that the Hopetoun Park North growth precinct should be designated to proceed in the *“medium term”* (5 to 10 years) rather than *“medium to long term”* (5 to 10+ years).

Ms Brennan, who represented Bacchus Marsh Property Group, called Mr McGurn, a town planner, to give evidence. Mr McGurn said that although the proposed pre-conditions:

*“generally appear to ‘fit in’ with the projections for ‘medium to long term’ redevelopment, ... they should be flexible enough so as not to be unreasonably tied to resolving the entire Growth Framework area (as appropriate).”*<sup>11</sup>

Human Habitats (submission 22) submitted that Hopetoun Park North should proceed in the *“short term”* (1 to 5 years).

In its closing submission, Council recognised that the preconditions and tables 1, 3, 4 and 5 in the UGF required further refinement to:

- provide clarity as to who is to carry out the preconditions work

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<sup>10</sup> Document 27, para 26

<sup>11</sup> McGurn evidence statement, para 51



- detail the order in which that work ought be done as well as indicative timing (noting that securing funding from agencies, Departments and other stakeholders may enable earlier delivery in some circumstances)
- ensure that there is sufficient flexibility in the preconditions, to enable precincts to proceed in an orderly and efficient manner.

Council submitted that:

*It will not necessarily be critical in all instances that the full set of pre-conditions are completed prior to the commencement of a PSP or development plan for a Strategic Outcome Area. Indeed, it is reasonable to expect that there may be some overlap, or the critical questions requiring resolution can be answered within the scope of a sufficiently broad piece of technical work undertaken as a PSP or development plan input. What is more important is that the principles developed within pre-conditioned strategic initiatives flow into the PSPs that deliver the growth.*

*It will be important, however, that the critical matters requiring further investigation associated with the pre-conditions are satisfactorily resolved prior to preparation of any scheme amendment to give effect to a PSP or development plan.<sup>12</sup>*

Council noted that the preconditions related to district wide issues. It said it was important that investigations into these issues address holistic responses to matters that extend beyond individual PSP areas.

Council submitted that there were five key issues to be addressed as preconditions, including:

- **Integrated Infrastructure Delivery Framework** (addressing all higher order infrastructure needs and means of delivery, including integrated water management principles) to be undertaken by Council and the VPA in the short term (1-5 years), or subject to a funding agreement could be brought forward to the immediate term.
- **District Open Space Framework**, to address key principles to ensure an integrated network of parks, open space and trails, protect escarpments, achieve biolinks, integrate open space outcomes with waterways management, to be undertaken by Council in the immediate term (next 12 months).
- update of the **Bacchus Marsh Integrated Transport Strategy** to include consideration of the UGF to be undertaken by Council and VicRoads in the short term (1-5 years), or subject to a funding agreement could be brought forward to the immediate term.
- **Bacchus Marsh Irrigation District (BMID)** planning study to review zones, overlays, policy statements and buffers to inform a set of principles to protect and facilitate investment in the agricultural sector and address opportunities to facilitate value adding enterprises, to be undertaken by the Council/VPA in the short term (1-5

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<sup>12</sup> Document 41a, paras 4-5

years), or subject to a funding agreement could be brought forward to the immediate term.

- **Eastern Link Road** corridor alignment study to ensure integration of transport networks and land use planning, currently being undertaken by VicRoads in the short term (up to three years).

A critical issue is the extent to which the preconditions work can be brought forward to facilitate detailed planning on a precinct-by-precinct basis.

Council submitted the indicative timeframes set out above were based on its understanding of work already underway by Council and agencies and expectations in relation to timing of other work not yet commenced, if such work is to be funded by Council and/or government in the course of usual business.

In its closing submission, Council acknowledged that some stakeholders appeared keen to initiate detailed planning for their precinct sooner rather than later. In response to this, Council submitted it was open to utilising a funding model similar to that used by the VPA to bring forward detailed background studies for PSP processes. It said this would be on the basis that:

- it is the role of Council to co-ordinate, prepare and provide the district wide background studies nominated
- to facilitate the orderly future urban development of the district and individual precincts, this background work must be completed before planning scheme amendments are commenced in relation to individual precincts
- in order to advance this work, land owners or a group of land owners in a precinct can enter into an agreement with Council and/or the VPA to make funds available to Council and/or the VPA to undertake this strategic planning work on a district wide basis
- such an agreement would be entered into on the basis that Council and/or the VPA have an absolute discretion as to whether or not to proceed with a Planning Scheme Amendment and that entering into this kind of agreement does not create any entitlement for a refund of costs already expended if a Planning Scheme Amendment does not proceed.

Council also acknowledged that not all precincts required all of the five preconditions to be addressed and that:

*If the preconditions work is not finalised, it may be that planning scheme amendments could proceed at a point where key adopted principles from such pre-conditions work inform the PSPs.<sup>13</sup>*

In response to queries from the Panel regarding the intent and meaning of some parts of the 'Implementation' section of the UGF, the Council agreed to:

- amend the UGF Table 1 and section 11 (including Tables 3, 4 and 5 as appropriate), to clarify the intent that the timing refers to the commencement of a planning

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<sup>13</sup> Document 41a, para 12

‘project’ or, in the case of a planning scheme amendment, a formal ‘request for authorisation’ of the amendment

- amend notes 2, 3 and 4 to UGF Tables 1 and 3 to say ‘Timing can be brought forward if the preconditions specified in Section 10 are met and if the precinct can demonstrably deliver (... a range of matters)’
- delete Table 5 because this table largely duplicates content in Tables 1, 3 and 4.

### **3.3 Discussion**

The Panel considers that the UGF is a well-researched and appropriate document to provide a high level framework for growth in the Bacchus Marsh district. The Panel congratulates the VPA and Council on preparing a robust and comprehensive document that identifies a wide range of further issues to be addressed in a logical and co-ordinated plan for the area.

The Panel accepts that the UGF is the starting point of the planning of Bacchus Marsh; there is significant more strategic planning to be completed and Council should not underestimate the scope of further work required and the significant resources needed to complete these tasks.

The Bacchus Marsh district has multiple planning issues that require careful assessment and consideration to balance the needs of various stakeholders. The planning of Bacchus Marsh needs to fulfil multiple objectives and the UGF clearly articulates the issues and challenges to be addressed and balanced.

The Panel accepts the submissions from Council that there is an adequate supply of residential land currently available and that the UGF will provide sufficient land in the long term. Both expert witnesses who gave evidence on this matter supported this assessment. The Panel agrees that Council has planned for growth in accordance with Clause 11.02 of the planning scheme.

The Panel notes that Clause 11.02 requires planning “*to accommodate projected population growth over at least a 15 year period*”; it does not specify that there must be a 15 year supply of zoned residential land available. These are quite different things. To that end, the Panel does not support the inclusion of the proposed strategy in Clause 21.03-2 that states:

*Ensure at least 15 years of appropriately zoned land is always available in Bacchus Marsh and Ballan to provide for a range of housing options.*

This clause is inconsistent with Clause 11.02 and has the potential to cause confusion and misunderstanding. The Panel believes that, in this instance, the provision in the SPPF is sufficient. It is also unclear why the clause refers to Ballan when that town did not form part of this Amendment.

The Panel supports the proposed timing in the UGF of each of the growth areas. The proposed timing and sequencing is a sensible and logical approach given the reasonable supply of residential land currently available and the need to complete several key strategic planning studies before finalisation of more detailed plans for the growth areas (PSP/Development Plan).

That said, the Panel also supports the approach of Council to provide some flexibility into the timing of the future planning of the growth areas. It is acknowledged that there are many

variables and assumptions in land supply and demand analysis and these are frequently subject to change. External factors such as global economic circumstances, international and interstate migration rates and the supply of land in other western metropolitan Melbourne locations all could have significant implications for the demand for housing in Bacchus Marsh. This needs to be continually monitored.

The Panel is satisfied with the assurances from Council that the UGF provides sufficient flexibility in the timing of the future planning of the Bacchus Marsh district. As Council noted, however, this needs to be within the context of ensuring that the important district wide overarching strategic planning issues will be addressed.

The Panel supports the idea of landowners 'bringing forward' the timing of the precondition investigations subject to an appropriate funding arrangement with Council and any other relevant agencies. This approach provides reasonable flexibility for landowners.

The Panel also agrees with Council that each of the five 'preconditions' is not necessarily relevant to all growth areas. To that end, the Panel supports the differentiation proposed in the UGF and also notes the comments from Council that it may be possible to proceed to the preparation of a PSP before the finalisation of some of these matters provided that the 'key adopted principles' from a 'precondition study' informs a PSP or Development Plan. This would seem a sensible approach.

The Panel supports the inclusion of the UGF as a reference document in the planning scheme and updating Clause 21.11 to include the other background reports associated with the preparation of the UGF.

The key issues from the UGF have been appropriately translated into the LPPF and the Panel supports these proposed changes to the planning scheme. The various alterations and additions to the Amendment suggested by the Council in its closing submission have helped improve the clarity and intent of the UGF and the LPPF.

The Council is commended for the comprehensive way in which it responded to submissions in the updates of the Amendment documentation. The thorough tracking of changes and cross-referencing against submissions greatly assisted the Panel in understanding the context of the changes and the intent of Council.

### **3.4 Conclusions**

The Panel concludes:

- The post hearing version of the UGF is a comprehensive document that will assist in guiding the future strategic planning for the Bacchus Marsh district and the Panel supports its inclusion as a reference document in the planning scheme.
- The timing and sequencing of the actions in the UGF as per Council's post hearing version of the Document are appropriate and balances the need for comprehensive planning of the district with the expectations of landowners.
- The UGF has been appropriately translated into Council post hearing version the LPPF.

- The various modifications proposed to the UGF by Council and submitted post-Hearing (as expressed in Document 44 and Appendix D) with respect to the implementation issues are appropriate.
- The various modifications proposed to the LPPF by Council and submitted post-Hearing (as expressed in Appendix E) with respect to implementation issues are appropriate except that in Clause 21.03-2 the second dot point under the heading 'Strategies' should be deleted.
- The above conclusions are reflected in the Panel's overarching Recommendations in the Executive Summary of this Report that the Council's proposed post hearing versions of the UGF (including its Plans as contained in Appendix D) and the post hearing version of LPPF Clauses as contained in Appendix E, be adopted.

### **3.5 Recommendation**

The Panel recommends:

**Delete the second dot point in Clause 21.03-2 under the heading 'Strategies' that states "Ensure at least 15 years of appropriately zoned land is always available in Bacchus Marsh and Ballan to provide for a range of housing options."**

## 4 Buffers

### 4.1 Background

Issues associated with buffers to sensitive land uses were a threshold issue at the Hearing. Council's Part A submission (and Hearing Document 5) includes a modified version of Plan 4 from the UDF that identifies the following nine sensitive uses within the District (Refer Figure 2):

- Lerderderg State Park
- Sand Quarries
- Bushfire Management Overlay
- Abattoir (existing)
- Maddingley composting and coal mine
- Mushroom farm
- Bacchus Marsh Recycled Water Plant
- Abattoir (proposed)
- Brooklyn-Ballan gas pipeline.

The four Strategic Outcome Areas shown on the Plan 1 of the UGF are shaped to varying degrees by the need to provide buffers to these sensitive uses. The buffers (or threshold distances/separation distances) enable the land use planning system to perform several key functions, including separating incompatible land uses, protecting essential infrastructure from encroachment by sensitive uses that may compromise its operation, and protecting surrounding areas from off-site amenity impacts of particular land uses.

A number of submissions raised issues with respect to buffers and how they are reflected in the Urban Growth Framework and how they have and potentially will influence future development in the Strategic Outcome Areas.

Council summarised its overarching position in relation to buffers in its closing submission<sup>14</sup> as follows:

*There are a range of "buffers" provided for in the UGF to acknowledge and protect existing land use, development and constraints. These include (but are not limited to):*

- *Buffers for Western Water's recycled water treatment plant;*
- *Buffers for the Maddingley WRR Hub;*
- *Buffers for the Darley sand quarries;*
- *"Buffers" for BMO areas.*

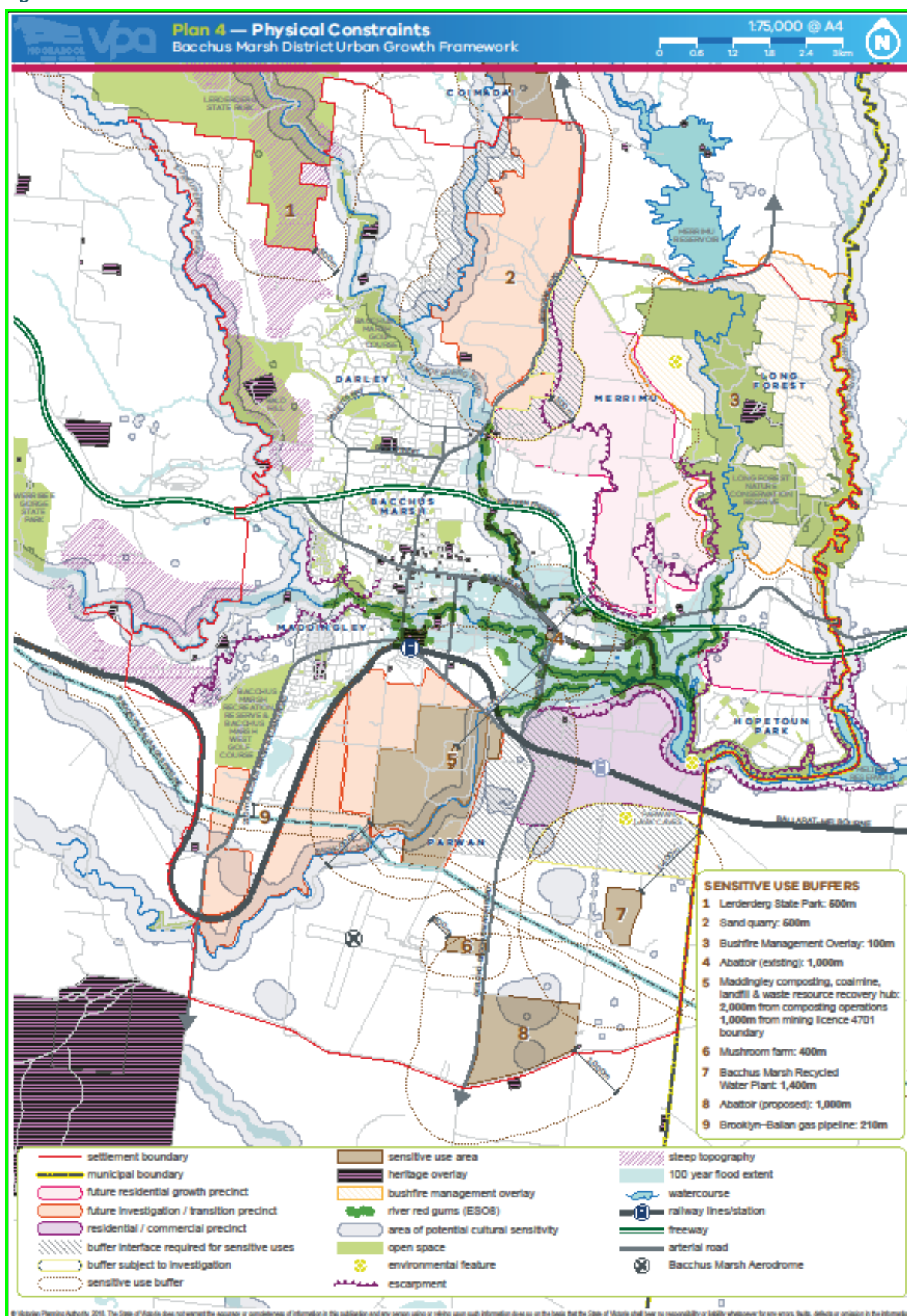
*In relation to these buffer issues, Council has had:*

- *the benefit of understanding the nature of land uses occurring on these sites;*

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<sup>14</sup> Hearing Document 41 A, Para 23 - 28

Figure 2 Sensitive Use Buffers



- *the opportunity to undertake a first pass assessment undertaken and described in Mr Meline's evidence;*
- *the benefit of Mr Ramsey's evidence in relation to buffers;*
- *submissions and further input in relation to buffers from relevant statutory authorities including the EPA, the CFA, DEDJTR and Western Water.*

*As a consequence of these inputs, Council is able to fairly definitively express a position in relation to this group of buffers which builds on the position reflected in the Part A and Part B Submissions, the expert evidence and the expert conclave, as set out below and which reflects:*

- *Known and currently approved land uses requiring buffers;*
- *Known and currently approved sensitive land uses, in such a way as to not further impact on such uses;*
- *Procedural fairness concerns regarding a change to Council's position.*

*Ultimately, Council is content to advance buffers to protect existing approved uses from encroachment associated with urban growth. Council wants to avoid the Amendment becoming a vehicle which imposes significant new buffers on existing land uses or where those buffers haven't been previously foreshadowed by the Amendment process.*

*The first category of buffers referred to relate to land uses/risks that have already been identified or are reasonably capable of being mapped and delineated based on information currently to hand (comprising computer modelling, field investigation and/or use of EPA guidelines).*

*In relation to those buffers, Council's position is that:*

- *They ought to be shown on plan 4, in a way which is:*
  - *as accurate as possible and based on the best currently available information;*
  - *provide for a degree of flexibility, to recognise that over the forward period for the plan, better information/technology or the like may mean that buffers can be modified from that contemplated by current guidelines or statutory requirements or as usage changes (eg clause 52.10 or EPA Guideline 1518);*
- *They ought to be shown on plan 1 with care to ensure that:*
  - *The plan does not become overly complex or difficult to interpret;*
  - *The buffers do not impact upon existing zoned land and/or land uses which are currently in existence.*<sup>15</sup>

The Panel discusses the buffer and physical constraints issues by the employment / activity precincts in this section of the report as follows:

- Maddingley Brown Coal and surrounds
- Bacchus Marsh Recycled Water Plant

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<sup>15</sup> Document 41A, paras 23-28



- Darley Sand Quarries
- Other sensitive use buffers.

Related issues are further discussed in the Panel's consideration of submissions relating to each Strategic Outcome Area (Refer Chapters 5.0 – 8.0 of this report).

## **4.2 Maddingley Brown Coal and surrounds**

### **4.2.1 The issues**

Maddingley Brown Coal Pty Ltd (MBC) operates a coal mine, a solid inert landfill receiving prescribed industrial waste in the form of Category C contaminated soil, a material recycling facility and a composting facility on its premises. Each of these activities is identified in '*Recommended separation distances for residual air emissions*', EPA Publication 1518 with an associated buffer distance.

JBD Industrial Park Pty Ltd own land on the western side of the MBC site. A number of active industrial uses have established within the land or propose to establish on adjoining land that is zoned Industrial Zone – Schedule 2 (IN2Z).

The buffer issues relevant to this area are:

- buffer extent required to protect existing industries, resources and infrastructure
- the effect of an approved relocation of the composting operations on the extent of current and future buffers
- buffers that may arise from the future establishment of a large fertiliser manufacturer.

### **4.2.2 Evidence and submissions**

Two expert witness statements were provided, one by Mr Johan Meline of Pacific Environment (now ERM) called by Moorabool City Council and the second by Mr Peter Ramsay of Peter J Ramsay and Associates called by Maddingley Brown Coal and JBD Industrial Park entities. Both prepared buffer assessments reports. The two experts on industrial residual air emission buffers attended an expert conclave on 29 May 2018 to identify areas of agreement and disagreement. Representatives from EPA (x3), Sustainability Victoria, Metropolitan Waste and Resource Recovery Group and Western Water had observer status at the conclave. The joint statement<sup>16</sup> of the two buffer experts identified the following points of agreement:

- *The 1400 metre buffer for the current plant operations at the Bacchus Marsh Recycled Water Plant*
- *The 500 metre buffer for Westside Meats Abattoir on the corner of Woolpack Road and Bacchus Marsh Road. It was noted that the distances to the Merrimu and Parwan Station Growth Precincts are 900 metres and 1,100 metres respectively and as such there is minimal to no risk of the abattoir causing odour nuisance at the proposed residential/sensitive receptor areas*

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<sup>16</sup> Hearing Document 1

- *The distance from the Mushroom Farm and the Parwan Station Growth Precinct is such that there should be no risk of odour impacts in residual/sensitive receptor areas*
- *The 200 metres buffer for the Maddingley Brown Coal solid inert landfill which sits within the composting buffer*
- *The 2,000 metres buffer for the composting operations should apply to the east of the Maddingley site*
- *The composting buffer should be determined from the current composting site and not from the future relocated plant as the planning permit for the relocation specifies that a report to the satisfaction of the responsible authority and EPA demonstrating that no additional impact beyond the bounds of the odour impact from the current site*
- *From his review of the Peter J Ramsay Report, Mr Meline agreed that the buffer distances for industries in the JBD Industrial Park Area (Maddingley Investigation Area B and C) are consistent with those identified by Moorabool Council and that there were no residential/sensitive receptor areas proposed within the identified buffers for these industries.<sup>17</sup>*

The Panel acknowledges the above areas of agreement. They were not contested at the hearing. The remaining issues of focus at the Hearing concerned identifying industries and their associated buffers which could impact on sensitive uses. To this end, the expert reports were most helpful.

Maddingley Brown Coal Pty Ltd and JBD Industrial Park Pty Ltd made a joint submission to the Panel<sup>18</sup> and both relied upon the expert evidence of Mr Peter Ramsay in regard to environmental buffer distances. This submission described:

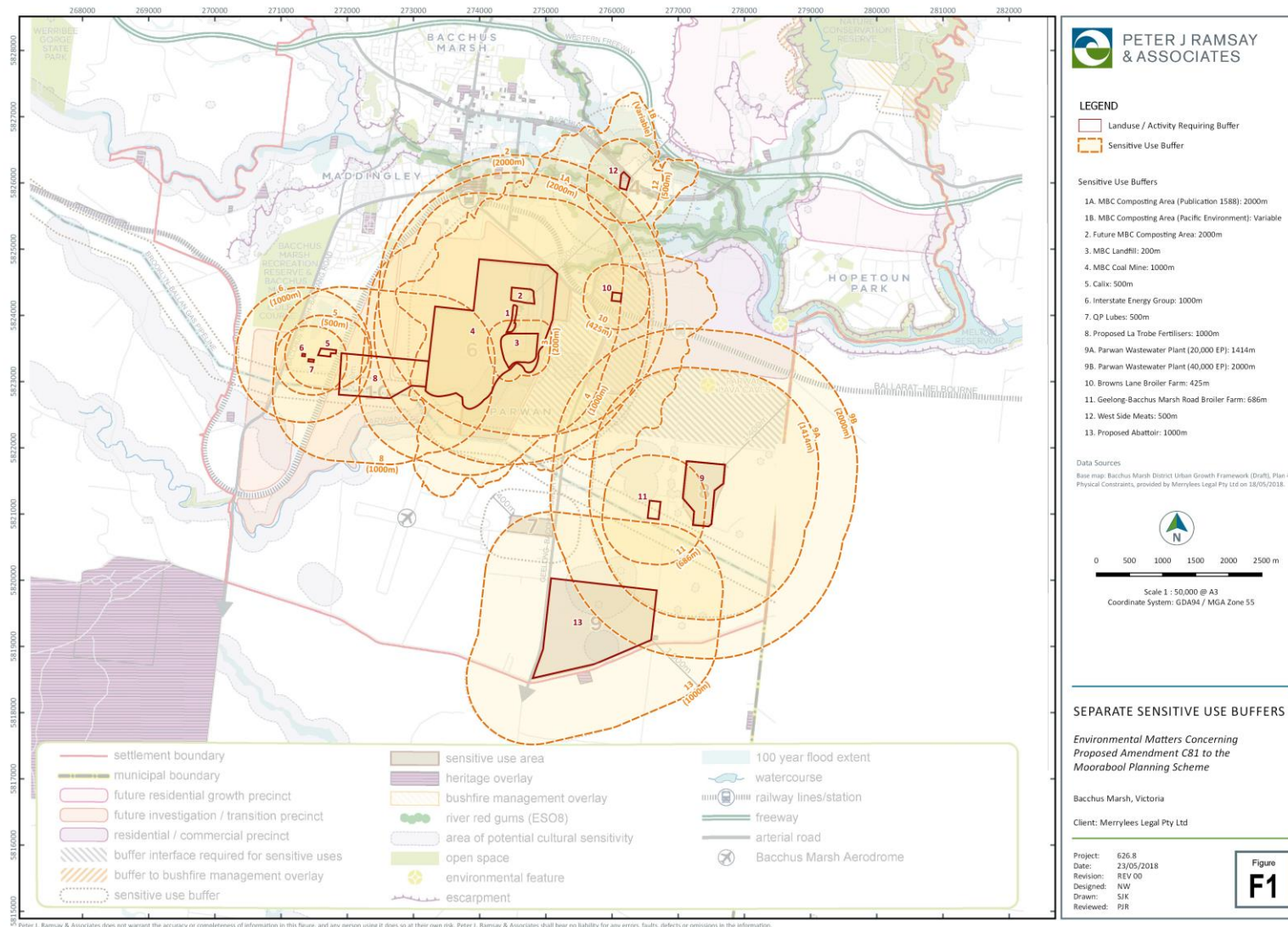
- the history of buffer planning issues at MBC and JBD sites
- the existing statutory approvals held at the site including the Mining Licence (4701) together with an approved Work Plan as well as a planning permit for the relocation of its composting facility
- MBC is a Waste and Resource Recovery Hub of State Significance
- buffers for the current industries in the JBD Industrial Park including:
  - 'Calix', a manufacturer of magnesium oxide (Refer reference 5 in Figure 3)
  - 'QP Lubes', a business that mixes and packages mechanical lubricants (Refer reference 7 in Figure 4)
  - 'Interstate Energy Group' a manufacturer of fertiliser (Refer reference 6 in Figure 3)
- a proposal to establish a urea manufacturing plant.

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<sup>17</sup> Document 1

<sup>18</sup> Hearing Document 21A

**Figure 3** Buffer delineation taken from Figure 1 of Peter J Ramsay report



MBC and JBD submitted that they support the majority of the proposed changes to Clauses 21.04 and 21.06 of the Moorabool Planning Scheme and to the revised UGF document as shown in the Shire of Moorabool's Part A submission. A further change sought an amendment to the buffer on Plan 4 of the UGF to reflect an amalgam of the 2,000 metre composting buffer and the 1,000 metre coal mining buffer.

Moorabool Shire Council in its submission to the Panel<sup>19</sup> on the matter of buffer distances relied upon the expert evidence of Mr Meline. Council's exhibited plans show a 2,000 metre buffer from the existing composting operations at MBC. Mr Meline identified in his report that the appropriate buffer is 2,000 metres, based on EPA Publication 1588 '*Designing, constructing and operating composting facilities*' March 2015.

Council acknowledged that its expert had not been asked to specifically consider the buffer required for coal mining. Council accepted the evidence of Mr Ramsay in regard to the coal mining buffer and was agreeable to updating the buffer to show an amalgam of the composting buffer and the coal mining buffer.

In regard to any buffers from industrial activities currently undertaken at JBD Industrial Park, Council submitted that these buffers were inconsequential as the UGF does not propose any new sensitive uses within the vicinity of this industrial precinct.

EPA's submission to the Panel<sup>20</sup> described its rationale for determining the 2,000 metre buffer for composting at MBC. Based on the technology used to produce the compost and the absence of any volume limit, EPA determined that EPA Publication 1588.1 '*Designing, constructing and operating composting facilities*' 2017 recommended a 2,000 metre buffer from sensitive uses.

In responding to a series of questions from the Panel, EPA provided an addendum to its submission<sup>21</sup>. The addendum advised that the EPA supports an update to Plan 4 of the Urban Growth Framework to show the amalgam of the composting and coal mining separation distance (in accordance with the evidence prepared by Mr Ramsay), which will result in an additional separation distance area to the south of the Maddingley Waste and Resource Recovery Hub.

EPA also advocated that as the MBC landfill received prescribed industrial waste (category C contaminated soil) that a 500 metre buffer was appropriate and not the 200 metre buffer usually prescribed for a solid inert landfill.

The importance of the MBC as a 'hub of state importance' for managing waste and resource recovery was noted in submissions to the Panel by the Grampians Central West Waste and Resource Recovery Group (submission 13), Sustainability Victoria<sup>22</sup> and the Metropolitan Waste and Resource Recovery Group<sup>23</sup>. Sustainability Victoria stated that essential

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<sup>19</sup> Hearing Document 3

<sup>20</sup> Hearing Documents 16 and 17

<sup>21</sup> Hearing Document 33

<sup>22</sup> Hearing Document 19

<sup>23</sup> Hearing Document 20

infrastructure should be protected and referenced Clause 19.03-5 of the State Planning Policy Framework of the Moorabool Planning Scheme which states:

*Protect waste and resource recovery infrastructure against encroachment from incompatible land uses by ensuring buffer areas are defined, protected and maintained.*

Sustainability Victoria supported Plan 1 of the UGF showing the buffer and identifying no sensitive uses within the buffer.

These matters were also supported in the Metropolitan Waste and Resource Recovery Group submission that in the opinion of the Group:

- Amendment C81 acknowledges the need to manage and avoid sensitive land uses within recommended buffer distances
- There is clear delineation and articulation of buffers to guide and protect existing and future communities from the risks that may be posed from the Maddingley Hub.

The Metropolitan Group did not seek any additional changes or modification to the Amendment.

Mr Allan Blood, founder and advisor to the Board of Latrobe Fertilisers Limited, submitted<sup>24</sup> that:

- Latrobe Fertilisers is in the advanced planning stages of developing a large manufacturing facility producing four products:
  - Urea (nitrogenous fertilizer)
  - Adblue (used to reduce vehicle emissions from diesel exhaust systems)
  - Ammonia
  - Food quality carbon dioxide
- Lignite coal from the Maddingley mine is a key ingredient
- Facility is proposed to be located within the Maddingley Investigation Area B on the western side of the Maddingley landfill site
- Supports the UGF and the buffers described within it.

A submission from a local resident, Mrs Christine Levy<sup>25</sup>, identified concerns about buffers impacting on land to the north and west of the Maddingley site including from current and proposed industries in the JBD Industrial Park. Mrs Levy also provided an extract from a report apparently by Mantle Mining indicating that coal reserves were thicker in areas to the south and east of the MBC Mine site extending under the proposed Parwan Employment Precinct.

Mr Graeme Dickson provided a submission on behalf of Oupan Resources Pty Ltd (Oupan)<sup>26</sup>. This submission related to 28 hectares of land generally located to the west of the South Maddingley Road adjacent to the Bacchus Marsh Grammar Campus. The land is within the area annotated 'Maddingley Investigation Area' in UGF plans.

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<sup>24</sup> Hearing Document 37

<sup>25</sup> Hearing Document 42

<sup>26</sup> Hearing Document 26

Oupan contended that a lesser buffer could apply to the west of the MBC site based on Mr Meline's Buffer Study where meteorological conditions reduce the risk of impacts to the west of the MBC site. Oupan supported a planning study for the Maddingley Waste Recovery and Recycling Hub site and surrounds, to determine appropriate zone and overlay controls.

Mr Jason Black of Insight Planning Consultants Pty Ltd provided three submissions on behalf of different property owners. In his submission on behalf of land owners in Parwan-Exford Road and Parwan South Road<sup>27</sup>, he contended that there was ambiguity on who would undertake the Maddingley Waste Resource Hub Planning Study and advocated the removal of this study from the proposed list of preconditions for the Parwan Station Precinct.

A further submission by Mr Black on behalf of the three land owners of two properties on the Parwan-Exford Road and one on Whelans Road<sup>28</sup>, also advocated the removal of the requirement for the Maddingley Planning Study as a precondition for the Parwan Station Precinct.

In its closing submission Council stated that it has revisited the preconditions attached to each precinct and identified that the work either is or will be required to be undertaken by either Council or a state agency.

#### **4.2.3 Discussion**

The Panel recognises that the Maddingley Brown Coal Waste and Resource Recovery Hub is of state significance and as such requires a high level of protection from inappropriate development encroaching within its buffers. MBC is permitted to compost material within an area delineated as 'Area B' in its EPA licence. Both experts agreed, and EPA confirmed, that a 2,000 metre buffer was appropriate for the existing composting facility on the Maddingley site. There was agreement between both experts that the buffer distance should be determined from the current area on the Maddingley site where composting takes place.

Maddingley has a planning permit to relocate the composting facility to the north of its current location but still within the Maddingley site. Both experts agreed that the current compost buffer would not be transposed further to the north if the composting area is relocated to the north. They said that conditions in the planning permit allowing relocation of the composting facility required any off-site odour amenity impacts from the relocated facility to be limited to the buffer of the existing area. EPA, when questioned by the Panel, said that any relocation of the compost facility would be subject to an EPA assessment as to whether it was appropriate.

Mr Meline did not specifically assess the coal mine buffer as he felt that it would fall within the compost buffer. Where the two experts disagreed was that Mr Meline considered that as the prevalent winds were westerly, and as evident from the odour contour plots in his report, that a reduced buffer "could" apply to the west of the MBC site. The submission by

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<sup>27</sup> Hearing Document 27

<sup>28</sup> Hearing Document 29

Oupan Resources also advocated a reduced buffer on the western side of the MBC site. EPA, however, did not support any reduction of the composting buffer.

Mr Ramsay identified in his report that a 1,000 metre separation distance from coal mining activities is recommended in EPA Publication 1518. As coal mining activities may be permitted within the entire Plan of Area on the Mining Licence, Mr Ramsay considered that the buffer from the MBC Coal Mine should be established from the boundary of the Plan of Area. DEDJTR in its submission (submission 54) and oral presentation to the Panel by Mr Hancock supported a 1,000 metre buffer around the licensed coal mining area.

In regard to the coal mine buffer, EPA noted that this was a matter for Department of Economic Development, Jobs, Transport and Resources (DEDJTR) but made the observation that the coal mine buffer fell mainly within the composting buffer with the exception of a small area to the south of the Maddingley site as noted in the Ramsay Report.

The Panel accepts the evidence of Mr Ramsay on this point that the Maddingley buffer should be an amalgam of the 2,000 metre buffer from the existing composting area (Reference 1A in Figure 3) and extend on the southern and western sides to include the coal mine buffer (reference 4 in Figure 3). The extension of the buffer further south and west from Maddingley into the Maddingley Investigation Area and into the Parwan Employment Precinct is not a limiting factor as sensitive uses are not envisaged in these areas.

In closing submissions, Council advised that it agrees to amend UGF Plan 4 ('physical constraints'), to show the amalgam of the 2,000 metre (composting) and 1,000 metre (coal mining) buffers around the Maddingley WRR Hub, as depicted in Figure F1 (buffers 1A and 4) of Mr Ramsay's expert evidence report. Council, however, does not see a need for any changes to Plan 1 of the UGF to reflect this. Council purport that the purpose of Plan 1 is to provide a growth framework plan for insertion into the planning scheme under Clause 21.07 and, thus, it only needs to identify buffer interfaces to future sensitive uses. Council considers that it would be inappropriate to clutter the plan with buffers, particularly when further work will be required to refine some buffers as part of future PSP or planning study processes. The Panel agrees that Plan 1 does not need to delineate every buffer.

In regard to industries located in the JBD Industrial Park, Mr Ramsay identified three industries, Calix, QP Lubes and Interstate Energy Group with recommended buffers of 500 metres other than Interstate Energy Group with a recommended 1,000 metre buffer. Mr Ramsay determined the larger buffer for Interstate Energy Group as he assumed that it was an inorganic fertiliser manufacturer. On questioning by the Panel, Mr Ramsay admitted that the raw ingredients used by Interstate Energy Group to manufacture fertiliser were organic such as brown coal and therefore may not be classified as an inorganic fertiliser.

The Panel notes, irrespective of whether Interstate Energy Group had a 1,000 metre buffer, the buffer from these industries do not extend into any of the four Strategic Outcome Areas where sensitive uses may be permitted. The Panel therefore sees no merit in defining what may be imprecise buffers on any plans to show these buffers.

The Panel was asked to consider the application of a buffer from an industry that is yet to be established and has not lodged any planning or environmental applications. Latrobe Fertilisers submission (submission 56) and Mr Allan Blood, the founder of Latrobe Fertilisers,

presented to the Panel regarding its intent to establish a chemical manufacturing works based on sourcing brown coal from the MBC mine. The location of the proposed chemical manufacturing site, as explained by Mr Allan Blood, was on the western side of the MBC site. As noted by Mr Ramsay in his Report, the proposed chemical manufacturing process is identified in EPA Buffer Guidelines with a recommended buffer of 1,000 metres. The extent of this buffer is shown by buffer line 8 in Figure 3. The area covered by the buffer that would arise from the actual chemical manufacturing plant predominantly lies within the MBC buffer with only a small portion falling within the Parwan Employment Precinct with the remainder in the Maddingley Investigation Area. The Parwan Employment Precinct is mooted to become a future agribusiness and industrial precinct. Sensitive uses are not envisaged in either of these areas. The Panel therefore does not need to determine the merit of whether to allow for the potential development of this mooted chemical manufacturing plant as it would impose no further restrictions on where sensitive uses may develop.

In its closing submission, Council stated its commitment to undertake a planning study to determine appropriate zones and overlay controls in the Maddingley Investigation Area. This is one of the key actions identified Plan 8 of the Bacchus Marsh Urban Growth Framework. Table 3 of the UGF has been amended to identify Moorabool Shire Council as the responsible party for undertaking this study which is to commence within the short term. The Panel considers that this study is an appropriate way to determine appropriate land uses in the area and what, if any, overlays are required to protect existing industries and resources in the area.

#### **4.2.4 Conclusions**

The Panel concludes:

- The extent of the Maddingley Investigation Area as reflected on the post exhibition version of UGF Plan 1 is appropriate.
- The delineation of the buffer around the Maddingley Waste and Resource Recovery Hub and coal mine shown in post exhibition version of UGF Plan 8 is appropriate.
- The legend description of the investigation that reads *“investigation area (no sensitive uses)”* on the post exhibition version of UGF Plan 1 is appropriate.
- The legend description *“buffer: no new uses requiring buffers to sensitive uses”* on the post exhibition version of UGF Plan 1 is appropriate.
- As circumstances change the buffer areas may also change.
- The above conclusions are reflected in the Panel’s overarching Recommendations in the Executive Summary of this Report that the Council’s proposed post hearing versions of the UGF (including its Plans as contained in Appendix D) and the post hearing version of LPPF Clauses as contained in Appendix E, be adopted.

### **4.3 Bacchus Marsh Recycled Water Plant**

#### **4.3.1 The Issues**

Western Region Water Corporation is responsible for the provision of essential services, including reticulated water supply (both rural water and town water supply) and sewerage services (sewerage agreements and trade waste). It is one of 16 water corporations



established under the *Water Act 1989*. Western Water operates the Bacchus Marsh Recycled Water Plant (BMRWP).

The issues are:

- On what basis should the size of the buffer be determined for the recycled water plant
- The balance between buffers required for the future operation of the recycled water plant and the availability of land surrounding for the viable development of the Parwan Station Precinct.

#### **4.3.2 Evidence and submissions**

Western Water lodged a written submission dated 13 December 2017 (submission 26) and presented to the Panel<sup>29</sup>. They were represented by Mr Matthew Gilbertson of Glossop Town Planning. The submission by Western Water acknowledged that it has a statutory obligation to identify community needs relating to reticulated water and sewer services and to plan for the future needs of the community relating to sewerage services<sup>30</sup>. In its submission, Western Water made no comment on the size of any buffer required for the Bacchus Marsh Recycled Water Plant (BMRWP) but indicated it needed to carry out an investigation to determine the likely impact of any upgraded treatment plant. In relation to capacity, Western Water submitted:

*The Urban Water Strategy identifies the capacity of the Bacchus Marsh RWP is sufficient to treat the forecast wastewater generated from the Bacchus Marsh area in the short to medium term up to 2028.*<sup>31</sup>

On the issue of future upgrades of the BMRWP, Mr Gilbertson stated that:

*Western Water assumes that the plant will most likely continue to rely on facultative ponds as the primary treatment mechanism, rather than mechanical treatment.*<sup>32</sup>

Mr Gilbertson confirmed that Western Water is currently undertaking an odour dispersion modelling study to determine the extent of the land that will be impacted by the operations of the BMRWP.

Mr Gilbertson argued that the buffer should, as suggested by Mr Ramsay, be 2,000 metres based on a population of 40,000 people utilising the same treatment technique, facultative ponds, as in the current BMRWP.

Council in its closing submission contend that the current buffer required under the Guidelines for the existing facility to accommodate the existing population of Bacchus Marsh is 1,400 metres. In regard to consequences of extending the buffer to 2,000 metres, Council's closing submission stated:

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<sup>29</sup> Hearing Documents 24 & 25

<sup>30</sup> Hearing Document 24, Para 13

<sup>31</sup> *ibid*, Para 26

<sup>32</sup> *Ibid*, Para 30

*The notion that a buffer of 2 km needs to be provided in a northerly direction has the potential to significantly jeopardise the delivery of the UGF because of the effects of such an expanded buffer would have on the Parwan Station Precinct, the provision of a station, reasonable expectations of increased housing density around such a station and the Eastern Link Road.<sup>33</sup>*

Further, Council contended that:

*there needs to be a balance between applying guideline buffer distances and the integration of land use and transport, in the full knowledge that the work that Western Water is currently doing (modelling and a potential ESO control) will define buffers and future plans for the treatment facility and that work will then feed into the work of the PSP in determining the shape and form of Parwan Station Precinct which can, in turn, deliver a more refined buffer distance and an appropriate suite of planning controls.<sup>34</sup>*

Both experts, Mr Meline and Mr Ramsay, concurred that a 1,400 metre buffer was appropriate for the current BMRWP treating an equivalent population of 20,000 people. Mr Meline in his statement provided a number of scenarios examining different sizes and treatment technologies at the BMRWP and their associated buffers. These scenarios are shown in the following Table.

**Table 1 Projected buffers for Bacchus Marsh Water Recycling Plant**

Treatment Technology	Nominal Population	Buffer (metres)
Current technology (facultative ponds)	20,000	1,414
Expanded but as per current technology	40,000	2,000
Expanded but with current technology	60,000	2,449
Mechanical/biological treatment	40,000	342
Mechanical/biological treatment	60,000	391

Mr Ramsay in his statement suggested that as the population of Bacchus Marsh is expected to grow by another 20,000 people and as Western Water has not committed to upgrade the plant, the recommended buffer of 2,000 metres should apply.

The EPA submission by Ms Francis<sup>35</sup> was that:

- The recommended buffer for the present capacity of the BMRWP to service a population of 20,000 population equivalent is 1,400 metres
- In the absence of any plant upgrades, the buffer for a plant servicing the future population of 40,000 people equivalent is 2,000 metres
- EPA supported the recommendation of Mr Peter Ramsay of a 2,000 metre buffer in the absence of any confirmed treatment plant upgrades
- Clear notation that no sensitive uses permitted in buffer zone.

<sup>33</sup> Hearing Document 41 A, para 31

<sup>34</sup> Ibid, para 37

<sup>35</sup> Hearing Document 16, Para's 78 - 82

In relation to the submission for the owners of land at Parwan-Exford Road and Parwan South Road<sup>36</sup>, on the issue of BMRWP buffers Mr Black contended:

- no sensitive use should be permitted within the buffer for the Bacchus Marsh Recycled Water Plant
- that the boundary alignment be noted as ‘subject to further investigation’
- that a precinct structure plan be developed for the Parwan Station Precinct to include a development/infrastructure contributions plan.

A further submission by Mr Black on behalf of the land owners of a property on the Geelong-Bacchus Marsh Road<sup>37</sup> pertained to a parcel of land located in the Parwan Employment Precinct Buffer area. This submission supported the actions by Council to prevent uses with adverse amenity impacts in this area that may impact on sensitive uses in the Parwan Station Precinct.

#### **4.3.3 Discussion**

Western Water provides essential services of water and sewerage to the area. Western Water identified in its *Urban Water Strategy 2017*, that the existing BMRWP has sufficient capacity for the short to medium term but forecasted that by 2028 it will need to be upgraded to cope with expected growth of Bacchus Marsh.

The consequence of a 2,000 metre buffer on the viability of the Parwan Precinct was commented on by Mr Black acting on behalf of property owners in Parwan who told that Panel that “*it would kill off the Parwan Station precinct.*” Mr Black also identified waste water treatments plants at Wallan and Sunbury that have improved treatment plant technology with significantly smaller buffers.

The Panel notes that while there are no immediate plans to upgrade the BMRWP, it ultimately needs to be expanded or modernised in some fashion to be able to cope with future demands. The evidence of Mr Meline was very clear that the application of improved technology at the BMRWP could lead to a very significant reduction in buffers.

As identified in the submission to the Panel by Moorabool Shire Council (D3), the Victorian *State Environment Protection Policy (Air Quality Management)*, generators of odorous emissions are required to ‘be controlled by the application of best practice’.

The Panel considers that a 2,000 metre buffer is not appropriate as the current capacity of the plant does not merit a buffer of that magnitude nor has any allowance been made for any subsequent improvement in treatment technology in future upgrades of the plant. Similarly, the Panel does not consider that there should be any relaxation of the nominated 1,400 metre buffer until a more detailed odour study has been completed demonstrating that the buffer can be safely reduced.

#### **4.3.4 Conclusions**

The Panel concludes:

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<sup>36</sup> Hearing Document 27

<sup>37</sup> Hearing Document 28

- The extent of the Parwan Employment Buffer as shown in the post exhibition version of UGF Plan 1 and Plan 4 is appropriate.
- The legend description of the buffer interface area for the Parwan Employment Precinct as 'buffer subject to further investigation' is appropriate.
- The legend description of the buffer interface areas shown in the post exhibition version of UGF Plan 1 is appropriate.
- The revised scope of Project No 10 in Section 11 of the UGF is appropriate.
- The above conclusions are reflected in the Panel's overarching Recommendations in the Executive Summary of this Report that the Council's proposed post hearing versions of the UGF (including its Plans as contained in Appendix D) and the post hearing version of LPPF Clauses as contained in Appendix E, be adopted.

## **4.4 Darley Sand Quarry area**

### **4.4.1 The issues**

The Darley sand quarries are located to the north-west of the Merrimu Strategic Outcome Area and are identified within the Darley Sand Quarry Investigation Area. There are a number of quarry operators and the sand quarries are at various stages of their life.

The issues are:

- the extent of the buffer surrounding the sand quarries
- how the buffers are delineated on Plans
- should the buffers recognise that some of the sand quarries are almost depleted.

### **4.4.2 Evidence and submissions**

The submissions by the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) (submissions 54 and 55) noted that the size of extractive industry interest areas are gradually being impacted by the growth of urban areas. DEDJTR submitted that the Darley Sand Quarries are an important source of sand for the building industry in Melbourne.

At the Hearing, Mr Hancock for DEDJTR noted that blasting is conducted at the quarries to remove overburden and therefore the Department recommends that a 500 metre buffer be applied. In response to questions from the Panel, he advised that subject to a more detailed study, the buffer may be reduced. In noting this he advised that he was not certain on when sand would be depleted in the southern area of the Darley Sand Area, but did not believe there were significant sand reserves left, unlike the northern area.

In regard to Hopetoun Park North, Mr Hancock advised that the area was not suitable for developing extractive industries due to fragmented land holdings, existing sensitive rural land uses, access constraints and topographical limitations. The same constraints do not apply to the area north of Hopetoun Park and the Western Highway. The area north of the Western Freeway adjacent to Hopetoun Park is not included in the C81 Strategic Outcome Areas.

In its closing submission, Council advised that it would be comfortable with a 500 metre wide buffer area being shown on the UGF plans, with appropriate annotations/text to the

effect that the buffer distance will be subject to further detailed investigation at the PSP stage to take account of changes to operations at the sand quarries.

EPA submitted that:

- it does not approve or licence sand quarries as they are not a scheduled activity
- DEDJTR regulates sand quarries
- the Buffer Guidelines set out the following buffers for sand quarries
  - 250 metres for quarry of material without blasting
  - 500 metres for quarrying of material with blasting
  - 500 metres for quarry with respirable crystalline silica
- in the absence of any site specific information, EPA recommends a 500 metre buffer which could be modified based on the findings of any additional research which could be undertaken.

The Cement Concrete & Aggregates Australia submission (submission 25) advised that:

- sand sourced from the Darley Sand Quarry Investigation Area provides about 20 percent of Melbourne's sand supply
- buffers are needed on the western and eastern side of the Darley Sand Quarry Investigation Areas to prevent the encroachment of sensitive uses
- it does not object to Extractive Industry Interest Areas in the Parwan Station, Hopetoun Park North and the southern part of Merrimu being sterilised as these are potential rather than proved sand reserved and the Darley Sand Investigation Area is fully utilised.

Melton City Council submission (submission 6) commented on:

- sensitive uses restrictions applicable to whole buffer area and not just the interface area
- completing a buffer study working with DEDJTR to define appropriate buffers for extractive industries.

The submission by Bacchus Marsh Development Pty Ltd<sup>38</sup> suggested that:

- it would be appropriate to retain the exhibited version of Plan 1 – Urban Growth Framework
- buffer areas should be “fuzzy” and not clearly marked or identified in the map legend as “no sensitive uses within the buffer.”

Submission 22 and supporting presentation<sup>39</sup> from Human Habitats advocated for the inclusion of the land between the Western Freeway and Bacchus Marsh Road into the Hopetoun Park Precinct. This area of land was not included in the exhibited C81 amendment and the western half is potentially impacted by a sand reserve which DEDJTR recommended in its submission should be protected.

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<sup>38</sup> Hearing Document 34

<sup>39</sup> Hearing Document 23

#### 4.4.3 Discussion

The Panel accepts that the Darley sand reserves are a significant resource and merit protection. All experts and authorities agreed that a 500 metre buffer was appropriate to protect these quarries. The Panel also recognises that sand reserves in some of the quarries may be close to depletion and as such it may be appropriate in the future to allow sensitive uses closer to these areas.

The Urban Growth Plan (Plan 1) as originally exhibited identified a 200 metre buffer interface to the east and southeast of the Darley Sand Quarry, identified as '*buffer interface required for sensitive uses (subject to further investigation)*'.

The post-exhibition documents were updated to show a 500 metre buffer identified as having no sensitive uses permitted.

The Panel sought EPA's opinion on re-introducing a notation to the plan to identify the buffer area as being '*subject to further investigation*'. The Panel particularly queried whether this approach could include a smaller buffer with any increase considered at Precinct Structure Plan stage.

In its addendum<sup>40</sup> (Doc 33), EPA advised the Panel that:

*EPA confirms our recommendation that the separation distance remains a minimum 500 metres as recommended for the quarrying of material with blasting and for quarrying with respirable crystalline silica, in EPA publication 1518 (Recommended Separation Distances for Industrial Residual Air Emissions). In this case EPA would support a note to identify that the area may be subject to further investigation.*

*Any reduction should occur at Precinct Structure Plan stage (through a combined amendment) based on future assessment.*

Based on the advice of the two lead agencies, EPA and DEDJTR, and the expert Buffer Assessment Report by Mr Meline, the Panel is satisfied that 500 metres is the appropriate buffer. It is also appropriate that the buffer is delineated along those boundaries, east and west of the Darley Sand Quarry Investigation Area, where there is or the potential exists for the development of sensitive uses.

The Panel considers that a degree of certainty is required so maps should clearly show the buffers and identify that sensitive uses should not be developed in the buffers unless a study endorsed by the relevant authorities demonstrates that sensitive uses may occur within the buffers. The Panel therefore accepts the position advocated by Council in its closing submission in relation to these matters that a 500 metre wide buffer area be shown on the UGF plans, with appropriate annotations to the effect that the buffer distance will be subject to further detailed investigation at the PSP stage to take account of changes to the operations at the sand quarries<sup>41</sup>.

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<sup>40</sup> Hearing Document 33, para's 17 and 18

<sup>41</sup> Hearing Document 41A, Para 47

The Panel does not accept that the Amendment area should include the land north of Hopetoun Park as advocated by Human Habitats as this land was not included in the exhibited Amendment and DEDJTR note that it could potentially be developed as a future sand quarry.

#### **4.4.4 Conclusions**

The Panel concludes:

- The extent of the buffer areas to the east and west of the Darley Sand Quarry Investigation Area as shown on the post exhibition version of UGF Plan 1 are appropriate.
- The legend description of the buffer areas to the east and west of the Darley Sand Quarry Investigation Area that reads “*buffer: no sensitive uses*” is appropriate.
- As circumstances change the buffer areas may also change.
- The above conclusions are reflected in the Panel’s overarching Recommendations in the Executive Summary of this Report that the Council’s proposed post hearing versions of the UGF (including its Plans as contained in Appendix D) be adopted.

### **4.5 Other sensitive use buffers**

#### **4.5.1 The issues**

There are other existing and proposed industries and infrastructure that also have recommended buffer distances. These include:

- Broiler Farms
- A Mushroom Farm
- Westside Meats
- A proposed Abattoir
- A Gas Transmission Pipeline.

The Issues include:

- The impact of buffers arising from established industries within and adjacent to the Maddingley site on the extent of the Maddingley Composting and Coal Mining buffer
- The impact of buffers arising from established industries, infrastructure and a proposed abattoir within and adjacent to the Parwan Employment Precinct on the extent of the buffer arising from the Bacchus Marsh Recycled Water Plant
- Whether the buffer for an abattoir located within Bacchus Marsh has any impact on shaping the Strategic Outcome Areas.

#### **4.5.2 Evidence and submissions**

##### **(i) Broiler Farms**

Both Mr Ramsay and Mr Meline identified a broiler farm located in Browns Lane as a potential odour source that could have off-site amenity impacts. Both experts concurred that the separation distanced specified in the relevant guideline, ‘*Victorian Code of Broiler*

*Farms' 2009*, for a four shed farm as per the one in Browns Lane is 425 metres. This separation distance sits within the MBC buffer.

There is another broiler farm on the Geelong Bacchus Marsh Road, identified as site 11 in Mr Ramsay's statement (Refer Figure 3). Both experts concur that the separation distance for this broiler farms is 686 metres. The buffer for this broiler farms sits within the 1,400 metre buffer for the BMRWP.

The EPA agrees with both of these buffer distances.

#### **(ii) Mushroom Farm**

Mr Meline identified a mushroom farm located about 1.5 km west of the BMRWP. He observed that buffers were determined on a case by case basis for mushroom farms. The mushroom farm is over 2.5 kilometres from the proposed border of the Parwan Station Precinct. His report concludes that odour from the mushroom farm does not have any potential to impact on the Parwan Station Precinct.

Mr Ramsay concluded in his report that a more detailed assessment needed to be undertaken before determining a buffer distance.

The EPA did not raise any concerns regarding the amenity impacts arising from the mushroom farm.

#### **(iii) Westside Meats**

The expert statement of Mr Ramsay identified an abattoir, West Side Meats (site 12 on Figure 3), with a recommended buffer as per EPA Buffer Guidelines 1518 of 500 metres.

Mr Meline stated that the appropriate buffer for this abattoir was 500 metres. He concluded that as the site is about 1,200 metres north of the Parwan Station Precinct that it *'should as such not have the potential to have any impact.'*

#### **(iv) Proposed Abattoir**

Mr Ramsay's expert statement identified the location of a proposed abattoir noted as buffer 13 in Figure 3. He advocated a buffer of 1,000 metres to accommodate the potential for rendering works at the proposed abattoir.

Mr Meline agreed at the expert conclave with this buffer distance and that there are no residential/sensitive receptor areas proposed within the identified buffer distance.

#### **(v) Gas Transmission Pipeline**

The submission by APA VTS Australia (Operational) Pty Ltd (submission 36) noted that the Brooklyn to Ballan Gas Transmission Pipeline runs through the Maddingley Investigation Area and the Parwan Employment Strategic Outcome Area. APA sought to limit sensitive uses from establishing within the 210 metre buffer from either side of the pipeline in order to reduce the risk to people should the pipeline suffer a complete rupture. APA requested:

- Listing the gas transmission infrastructure within the list of physical constraints
- Ensuring land use within the Parwan Employment Precinct is compatible with the continued use of the Brooklyn to Ballan Gas Transmission Pipeline.



In relation to the above five matters, Moorabool in its closing submission<sup>42</sup> noted that there are a range of buffers provided for in the UGF to acknowledge and protect existing land use, development and constraints. Council's position is that:

*Ultimately, Council is content to advance buffers to protect existing approved uses from encroachment associated with urban growth. Council wants to avoid the Amendment becoming a vehicle which imposes significant new buffers on existing land uses or where those buffers haven't been previously foreshadowed by the Amendment process.*<sup>43</sup>

In relation to the above categories of buffer Council submitted:

*They ought to be shown on plan 4, in a way which is:*

- *as accurate as possible and based on the best currently available information;*
- *provide for a degree of flexibility, to recognise that over the forward period for the plan, better information/technology or the like may mean that buffers can be modified from that contemplated by current guidelines or statutory requirements or as usage changes (eg clause 52.10 or EPA Guideline 1518);*

*They ought to be shown on plan 1 with care to ensure that:*

- *The plan does not become overly complex or difficult to interpret;*
- *The buffers do not impact upon existing zoned land and/or land uses which are currently in existence.*<sup>44</sup>

### **4.5.3 Discussion**

#### **(i) Broiler Farms**

Mr Meline's Report identified industries with buffers capable of shaping the Strategic Outcome Areas and contained odour modelling examining potential odour impacts. He produced a number of odour dispersion contour maps showing predicted levels of odour impact. The Panel has reviewed the various model outputs, and finds it difficult to reconcile the outputs with the recommended buffer distances particularly in regard to the existing broiler farms. The Panel specifically requested EPA advice on the apparent discrepancy on the extent of modelled odour impact and the recommended buffer distance. EPA advised in an addendum (Doc 33) to its statement that:

*As to why in this case the modelling predicts a larger difference, in some cases it is related to the local meteorology which is used in the modelling, and sometimes it is related to the local topography. It is likely to be a mixture of the two in this case.*

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<sup>42</sup> Hearing Document 41A

<sup>43</sup> Ibid, Para 26

<sup>44</sup> Ibid, Para 28

The Panel accepts the advice of the two experts and EPA that the buffers arising from the two broiler farms are not a determinant to shaping the Strategic Outcome Areas shown in Plans 1 and 4 of the UGF.

**(ii) Mushroom Farm**

The Panel notes that any buffer arising from the Mushroom Farm will not extend into the Parwan Station Precinct shown on Plan 1 of the UGF so does not need any further consideration. The Panel also notes that the buffer for the Mushroom Farm is delineated in post exhibition Plan 4 of the UGF.

**(iii) Westside Meats**

The Panel notes that the 500 metre buffer identified in Mr Ramsay's Report for Westside Meats does not fall within any of the Strategic Outcome Areas subject to the C81 amendment. The Panel also notes that the buffer for Westside Meats is delineated in post exhibition Plan 4 of the UGF.

**(iv) Proposed Abattoir**

The buffer of this proposed abattoir does not impinge on any Strategic Outcome Area where sensitive uses may be permitted such as the Parwan Station Precinct. The Panel notes that the buffer is delineated in post exhibition Plan 4 of the UGF.

**(v) Gas Transmission Pipeline**

The Panel notes that the buffer for Brooklyn to Ballan Gas Transmission Pipeline is delineated in post exhibition Plan 4 of the UGF. The Panel also notes and supports the changes to the UGF proposed by Council in its closing submission to define and restrict sensitive uses within the gas transmission pipeline buffer.

#### **4.5.4 Conclusion**

The Panel concludes:

- The post exhibited version of UGF Plan 4 – Physical Constraints has been appropriately modified to identify and label the buffers surrounding the high pressure Ballan to Wallan Gas Transmission Pipeline, Westside meats, Mushroom Farm and a proposed abattoir
- The post exhibition version of the UGF and MSS address the requests by APA.
- The above conclusions are reflected in the Panel's overarching Recommendations in the Executive Summary of this Report that the Council's proposed post hearing versions of the UGF (including its Plans as contained in Appendix D) be adopted.

## 5 Transport and movement

A number of submissions dealt with transport related issues. These were broadly included under three main headings:

- planning for growth
- the Eastern Link Road (ELR)
- railway issues.

This chapter deals with each of these main issues.

### 5.1 Planning for growth

#### (i) The issue

The UGF proposes significant new growth for the Bacchus Marsh district. The issue is whether the planning for the area has adequately addressed future transport needs based on the expected level of growth.

#### (ii) Evidence and submissions

Council submitted that the scale of growth proposed under the UGF requires a significant expansion of the transport network across the broader township. It said much of the growth proposed under the UGF is in areas beyond a reasonable walking distance from the regional services and infrastructure currently provided within the Bacchus Marsh town centre. These areas will need strong links to key destinations within the greater township, served by a variety of transport modes.

Bacchus Marsh is a peri-urban community, with strong connections to metropolitan Melbourne for employment, education and services. Ballarat, to the west of Bacchus Marsh, also serves as an important destination for these uses for some Bacchus Marsh residents.

Council submitted that the new growth areas would necessitate:

- providing a connected, integrated and multi modal transport network for local trips within Strategic Outcome Areas
- improving intra-regional connections to allow new residents to access higher order services in Bacchus Marsh, as well as other regional destinations within the broader township
- regional connections to Melbourne, Ballarat and other towns in the region, principally via the freeway and arterial road network, as well as an upgraded Melbourne-Ballarat rail line.

Key components of the transport network in the exhibited Amendment which seek to address these three levels of transport include:

- improvements to the arterial and local road network within Bacchus Marsh, including Halletts Way (eastern interchange with the Western Freeway, currently nearing completion) and the proposed ELR including an additional north-south freeway crossing and interchange

- planning for the delivery of the ELR as an alternative to Grant Street / Gisborne Road, particularly for regional freight movements, as well as servicing new growth at Merrimu, Parwan Station and Parwan Employment Precinct
- realisation of an effective 'ring-road' network around Bacchus Marsh, comprising Western Freeway, the Halletts Way connection (currently nearing completion) as well as the ELR
- upgrades to the Melbourne-Ballarat rail line (currently underway) to remove existing bottlenecks and improve service frequency and efficiency
- improved connections to the Western Freeway from the existing higher-order road network
- the opportunity to deliver a future railway station at Parwan to service new growth in the east of Bacchus Marsh, in particular at Parwan Station and Merrimu
- a series of other high level transport objectives, including the expansion of the local bus network to provide better coverage for existing and future residents, and the improvement of walking/cycling networks to encourage active transport.

Council acknowledged that traffic and road network capacity are critical issues in planning for growth in Bacchus Marsh. Council has completed a number of traffic studies and these have been important in providing background information to help inform the UGF and the Amendment. In particular, Council noted:

- the Bacchus Marsh Integrated Transport Strategy - Technical Findings (2015), which was based on a smaller study area than the UGF boundary and relied on population growth data from 2014 (which has shown to have underestimated the pace of growth)
- the Bacchus Marsh Integrated Transport Strategy (BMITS) (2015), which outlined a series of road and other transport works with priorities for action
- the evidence of Mr Ballard, a traffic engineer from Cardno, at the Hearing
- further technical work prepared by Cardno with respect to the capacity of the existing road network to support further development prior to the construction of the Eastern link Road.

Mr Ballard gave evidence that:

- the BMITS needs to be updated to include the proposed Merrimu, Parwan Station and Hopetoun Park growth areas as shown on the UGF and should be based on updated population and traffic growth data
- Council, VicRoads and the VPA intend to commission a new study to update the modelling that formed part of the BMITS in late 2018, once various current key road works have been completed and new survey data has been compiled
- an updated strategic traffic model for the Bacchus Marsh district would provide a more informed position for determining the necessary timing of transport infrastructure improvements for Bacchus Marsh
- Integrated Transport Plans and Precinct Structure Plans should be prepared to the satisfaction of Council and VicRoads as part of the future development in the Bacchus Marsh growth areas

- subject to the outcomes of the Integrated Transport Plans, development in the Bacchus Marsh growth areas should contribute to any road network improvements required to accommodate traffic generated by new development.

Council submitted that various changes to the exhibited documents have been made in response to the evidence of Mr Ballard and submissions. These were submitted in the Council Part A submission and were supported by Mr Ballard.

No parties challenged the evidence of Mr Ballard other than to clarify minor aspects of his statement.

Transport for Victoria (TfV) (submission 44) raised a number of issues. Although it generally supported the Amendment, it said the ELR should be acknowledged as having the potential as a “*multi-modal corridor*” that could operate as a high speed bus and bicycle link servicing the area and that there should be a stronger emphasis on the integration of transport and land uses, particularly activity centres.

Following its initial submission to the exhibited Amendment, Council had further discussions with TfV and agreed to modify various aspects of the UGF and the LPPF. In response, Council identified a suite of specific changes to the Amendment, including:

- the acknowledgement that whilst the future ELR will provide a key regional freight and private vehicle connection within the Bacchus Marsh township, it represents an excellent opportunity to function as a truly multi-modal corridor, by also providing for strong public transport, cycling and pedestrian connections.
- highlighting that whilst the delivery of the ELR is a key strategic transport priority to address existing constraints in the transport network and to service new growth, future growth will also need to be serviced by a series of upgrades to the existing road network (with the potential for development in new growth areas to make a contribution towards these upgrades).
- reaffirming that the UGF is the primary mechanism to identify the match between land use and transport integration in future strategic planning for the Bacchus Marsh district.
- Identification of the role of existing and planned activity centres as key bus hubs/interchanges on the intra-regional network as well as the interim role of a key bus interchange within the Parwan Station precinct prior to the delivery of a new train station.
- the need for upgrades to the walking and cycling network to provide connections to key destinations within the established urban areas of Bacchus Marsh, including the Bacchus Marsh town centre (this also involved defining an indicative trail network on the Transport and Movement Plan within the UGF).

TfV advised the Panel that the proposed changes to the Amendment documents addressed the issues raised in its submission.

A number of submissions noted that Bacchus Marsh is currently subject to significant traffic congestion and the proposed growth areas will make conditions worse. For example, Ms Taylor (submission 2) submitted that the town “*already gridlocks because of an inadequate road system*”.

### **(iii) Discussion**

The Panel accepts that Council and the VPA has completed extensive analysis of transport related issues regarding the future growth of the Bacchus Marsh District. This work has generally been comprehensive, however the Panel agrees with the evidence of Mr Ballard that it is necessary to update the BMITS to reflect contemporary growth data, the completion of recent road works and intersection upgrades, as well as consideration of the new growth precincts. Although it might have been preferable to complete this work before the exhibition of the Amendment, the Panel accepts that planning is not always linear.

The Panel is satisfied that the content of the UGF provides sufficient direction to program the update of the BMITS. It accepts the assurances from Council and TfV that the BMITS will be updated as a priority and the Panel encourages the completion of this work at the earliest possible opportunity.

The Panel has reviewed the post-exhibition and post-Hearing changes proposed by Council in response to the various submissions dealing with transport and growth<sup>45</sup>. These changes are related to the LPPF as well as the UGF and, although numerous, have not materially changed the overall thrust of the Amendment or the main requirements. The Panel considers the modifications are an appropriate response to enhance, clarify and reinforce good planning principles dealing with integrated transport and land use planning.

The Panel acknowledges that some submitters are concerned about the existing level of congestion in Bacchus Marsh. A number expressed the view that there should be no further growth until the existing problems have been solved. The Panel does not share this view and agrees with Council that the UGF provides a sound basis upon which to tackle existing challenges and plan for the future growth of the area. The Panel agrees with Council that:

- working in collaboration with State agencies to plan for growth will achieve the best possible outcomes for existing and future communities
- 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 plan is an appropriate method for providing clear direction on how growth should occur, under what conditions, identifying critical infrastructure that is needed and the role of agencies in delivering investment
- the UGF has potential to assist in positioning Council to secure delivery of the ELR, a train station at Parwan and other community facilities.

The UGF does not of itself 'solve' the transport issues in the Bacchus Marsh district, however it provides an excellent starting point. The Panel accepts that the UGF is a high-level planning document. Many more investigations and plans are called for under the UGF which will help put the 'flesh on the bones'. This is a sound and logical approach to the strategic planning for the area. The Panel supports the breadth and scope of the range of transport issues that are flagged in the Amendment to be addressed as future planning actions.

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<sup>45</sup> Hearing Documents 44, 45 & 46

#### **(iv) Conclusions**

The Panel concludes:

- The Amendment provides a comprehensive framework to address a wide range of transport related issues in the planning of the Bacchus Marsh district.
- The BMITS should be updated as a high priority by Council (with the assistance of VicRoads) to assist in the co-ordination of the future planning of the various growth precincts.
- The various modifications proposed to the UGF by Council and submitted post-Hearing (as expressed in Document 44 and Appendix D) with respect to transport planning for growth are appropriate.
- The various modifications proposed to the LPPF by Council and submitted post-Hearing (as expressed in Appendix E) with respect to transport planning for growth are appropriate.
- The above conclusions are reflected in the Panel's overarching Recommendations in the Executive Summary of this Report that the Council's proposed post hearing versions of the UGF (including its Plans as contained in Appendix D) and the post hearing version of LPPF Clauses as contained in Appendix E, be adopted.

## **5.2 Eastern Link Road**

#### **(i) The issue**

The Eastern Link Road (ELR) is a key future road that is likely to impact multiple growth precincts in the Bacchus Marsh district. The alignment of the ELR has not been finalised and the UGF notes that this will be determined by a separate planning study. Construction of the road is not expected for several years. The issue is whether the Amendment deals with the planning for the ELR in a satisfactory way.

#### **(ii) Evidence and submissions**

Council submitted that the ELR has been identified in the planning scheme (Clause 21.07) for the past 9 years (through Amendment C34). A 'Road network Investigation Area' is currently shown on the Bacchus Marsh Framework Plan in the planning scheme. This shows a dotted line linking Gisborne Road (north of Bacchus Marsh) to the Geelong–Bacchus Marsh Road in the south.

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 Scheme to enable its construction. However, the road was not built due to concerns regarding the impact of the road on the Avenue of Honour.

Council submitted that the need for the road remains, and this has been confirmed in:

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

The UGF notes that the ELR *"is vital to the future of Bacchus Marsh"*. It states:

*There is a strong need for the road to service existing residents and businesses. It is also needed by industries located outside the Bacchus Marsh District, many of which require road freight access to Geelong Port, through the Bacchus Marsh District to agricultural areas further north.*

*The delivery of this road is fundamental to the success of future growth, particularly the potential PEP, which will rely on freight connections. Further development of the Bacchus Marsh town centre also depends on it, as negative congestion impacts are already a concern here.<sup>46</sup>*

The UGF and the plan to be included in Clause 21.07 shows an annotation on the north side of the Western Freeway that states “Eastern Link Road Planning Study”. The annotation includes arrows pointing to the north and to the Western Freeway in the south. There is no annotation on the plans south of the Western Freeway.

Council submitted that the annotation is meant to imply that the ELR extends north and south of the freeway. It said that, as an alignment of the road is contentious and unknown, Council has not attempted to show a route or road corridor on the plan.

Council submitted that, in mid-2017, VicRoads secured \$3 Million funding to conduct an ELR alignment study. The VicRoads study will determine the 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 and cultural heritage.

At the Hearing, TfV confirmed that the ELR study has commenced and expected that it might be complete by mid 2020. The study will involve extensive technical investigations, consultation and consideration of the optimal road alignment. TfV confirmed that the study is investigating the alignment of the ELR on the north and south side of the Western Freeway. The Panel was unable to obtain a copy of the VicRoads study brief.

Council submitted that the timing of construction of the road 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).

Council submitted that it was critical that the growth areas of Merrimu, Parwan Station and the Parwan Employment Precinct are integrated with the ELR delivery. It said it was crucial that the road alignment is confirmed prior to the preparation of any future PSP or planning scheme amendment for these areas. The finalisation of the ELR alignment was said to be “one the highest priorities for Council and VicRoads”.<sup>47</sup>

Mr Ballard gave evidence that preliminary modelling work completed by Cardno suggested that approximately 500-550 residential lots could be developed across the Parwan Station and Merrimu precincts (in total) prior to the construction of the ELR. He noted that this analysis relied on specified intersection upgrades and out-dated population growth data

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<sup>46</sup> UGF, page 46

<sup>47</sup> Council Part A submission, para 188



from 2014. He said an updated strategic traffic model for the Bacchus Marsh district would provide a more accurate assessment of the level of growth that could be achieved in the Merrimu and Parwan Station precincts and any mitigation works required prior to the construction of the Eastern Link Road.

Council acknowledged that further work was needed to determine the extent of any development that could occur within the Parwan Station and Merrimu precincts prior to the construction of the ELR. To that end, it proposed to include additional wording in the LPPF and the UGF to provide some flexibility for the development of these precincts.

For example, Clause 21.05-3 is proposed to include a provision that states:

- *Require that precinct structure plans for Parwan Station and Merrimu urban growth precincts:*
  - *identify the maximum number of lots which can be developed in each growth precinct prior to the Eastern Link Road being constructed, and the local road network improvements necessary to facilitate such development; ...*

Council also proposed to add wording to chapter 11 in the UGF (Implementation) to provide opportunities for the timing of the Merrimu and Parwan Station growth precincts to be brought forward if the ‘preconditions’ specified in chapter 10 of the UGF are met, and if the Merrimu precinct can “*demonstrably deliver*” the northern section of the ELR and the Parwan Station precinct can “*demonstrably deliver*” the southern section of the ELR.

Bacchus Marsh Developments (BMD) controls approximately 486 hectares of land within the Merrimu precinct. Mr Morris, on behalf of BMD, supported the overall approach of Council with respect to the ELR and in particular supported Council’s proposed modification to Clause 21.05-3. He noted that the timing of the alignment of the ELR may coincide with, or is dealt with as part of, a future PSP for Merrimu and/or Parwan Station.

Mr Morris submitted a two-page letter from Mr Turnbull, a traffic engineer from Traffix Group, providing commentary on the ELR route options<sup>48</sup>. The letter indicated that “*realistically, there is only one route concept for the section between Gisborne Road and the Western Freeway*”, however south of the freeway there were multiple options. The letter concluded that determination of the most appropriate route would be the subject of the VicRoads study. Mr Turnbull was not called to give evidence.

Mr Black represented a number of different land owners in the Parwan Station Precinct and the Parwan Employment Precinct. Mr Black supported the modification to Clause 21.05-3 requiring a PSP for Parwan Station to identify the maximum number of lots that can be developed prior to the ELR being constructed, and the local road network improvements necessary to facilitate such development.

However, Mr Black submitted that the alignment of the ELR should be determined via the PSP process. He stated that:

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<sup>48</sup> Hearing Document 35

*...there is no need to know the alignment of the ELR prior to the preparation of any future PSP. Instead, land use and transport planning should be integrated and influence each other rather than a road project setting a parameter (and likely constraint) for land use planning. The ELR should be planned through the PSP process for the relevant areas.”<sup>49</sup>*

Mr Black also submitted that the condition to bring forward the timing of the Parwan Station precinct to “*demonstrably deliver*” the southern portion of the ELR was “*somewhat ambiguous*” and the funding of the southern section of the ELR should be collected by an Infrastructure Contributions scheme relating to land owners in the Parwan Employment Precinct as well as the Parwan Station precinct.

Council submitted that many of the issues raised in submissions regarding the ELR would be addressed more appropriately as part of VicRoads’ community consultation process for the ELR study.

### **(iii) Discussion**

The Panel agrees that the ELR is an important piece of road infrastructure that will serve existing and future residents and businesses. Critically, it will also play a major role in removing truck traffic that is currently driving through central Bacchus Marsh. This will enhance efficiencies for freight movement as well as improve the amenity for the town centre.

The Panel agrees with TfV that the ELR is, however, not a ‘silver bullet’ that will solve all of the traffic problems of Bacchus Marsh. The ELR needs to be supplemented with a range of complementary strategies and infrastructure to support alternative modes of transport as well as other road and intersection improvements. The Council acknowledged this observation and has responded with a range of appropriate minor but worthwhile modifications to the UGF and LPPF as referred to in Section 4.1 of this report.

The Panel acknowledges that VicRoads has commenced the ELR planning study. The Panel does not underestimate the challenges associated with this project given the physical constraints in the area and the history of the planning for this road. It appreciates the lengthy (indicative) time frame for the completion of this work and the extent of planning and consultation that will be required to resolve the optimal alignment of the ELR. In this context, the Panel found the two-page letter from Mr Turnbull to be of little utility.

The Panel does not agree with Mr Black that the alignment of the ELR is something that can or should be left to each PSP to resolve. The finalisation of the alignment of the ELR requires a broader perspective and a co-ordinated and integrated approach across multiple growth precincts. This is best achieved by a separate planning study like the one currently underway.

That said, the UGF provides a useful context for the consideration of the alignment so as to optimise land use planning outcomes associated with the ELR. In this regard, the Panel anticipates that the various landowners within the growth precincts will have opportunities

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<sup>49</sup> Document 29, para 36

to provide input to the VicRoads study. Given the expected timing of the Merrimu and Parwan Station growth precincts outlined in the UGF, the ELR study is not likely to 'hold up' the planning for these areas to any significant extent.

Council proposes that precinct structure plans for Parwan Station and Merrimu urban growth precincts identify the maximum number of lots that can be developed in each growth precinct prior to the Eastern Link Road being constructed, and the local road network improvements necessary to facilitate such development. This is a suitable approach to enable development of some of these areas prior to the construction of the ELR.

The Panel agrees with Mr Ballard that the 500-550 lots that Cardno has estimated could be developed prior to the construction of the ELR is very indicative and that more work is needed to determine a more accurate lot yield based on updated data and assumptions.

The Panel accepts Council's revised wording in chapter 11 of the UGF regarding the earlier timing of the Merrimu and Parwan Station precincts may be considered conditional that each precinct can "*demonstrably deliver*" the relevant section of the ELR. This approach would seem to be consistent with the importance placed on the ELR while providing a degree of flexibility for developers to pursue development earlier than would otherwise be expected. Ultimately, this may become a commercial decision or may require external funding sources (for example, State or Commonwealth road funding) to be secured.

The Panel considers that the various plans in the UGF and in Clause 21.07 would benefit from an additional notation on the south side of the Western Freeway to make it clear that the ELR planning study relates to land north and south of the freeway. Alternatively, the existing notation could be reconfigured to achieve the same result.

#### **(iv) Conclusions**

The Panel concludes:

- That the ELR is an important future road and the optimal alignment should be determined before the detailed planning of the proposed growth precincts.
- The determination of the alignment of the ELR requires a co-ordinated approach across the various growth precincts and it should not be left to each PSP to determine the alignment of the ELR.
- The alignment of the ELR should have regard to the proposed growth precincts as shown in the UGF to maximise the opportunities to integrate transport infrastructure and land use planning.
- The UGF and LPPF should provide opportunities for development within the growth precincts of Merrimu and Parwan Station before construction of the ELR subject to a traffic study that identifies the maximum number of lots that can be developed and the need for any other local road network improvements necessary to facilitate such development.
- It is appropriate to provide an opportunity for the timing of the Merrimu and Parwan Station precincts to be brought forward if, amongst other things specified in the UGF, each precinct is able to demonstrate delivery of the northern or southern section of the ELR respectively.

- The plan in Clause 21.07 and a range of plans in the UGF should be modified to clarify that the ELR planning study relates to land on the north and south side of the Western Freeway.
- The above conclusions are reflected in the Panel's overarching Recommendations in the Executive Summary of this Report that the Council's proposed post hearing versions of the UGF (including its Plans as contained in Appendix D) and the post hearing version of LPPF Clauses as contained in Appendix E, be adopted.

**(v) Recommendation**

The Panel recommends:

**Amend the plan in Clause 21.07 and Plans 1, 6, 7 and 8 in the UGF to clarify that the 'Eastern Link Road Planning Study' notation on these plans relates to land on the north and south side of the Western Freeway.**

### **5.3 Railway issues**

**(i) The issue**

The Melbourne-Ballarat railway line runs through the southern portion of the Bacchus Marsh district and the UGF proposes a new railway station in the Parwan Station growth precinct. The issue is whether the proposed railway station is in the right location and whether the UGF deals with the interface with the existing rail line appropriately.

**(ii) Submissions**

The UGF states:

*The district is currently serviced by one train station in Bacchus Marsh on the Melbourne–Ballarat railway line. The primary movement from Bacchus Marsh is to Melbourne City, travelling on a single track to the lines at Melton (duplication of lines is currently under construction from Melton to Deer Park). The line is currently serviced by V/Line trains.*

*Growing patronage has led to plans for a second platform at Bacchus Marsh for 2018/19. In time, it is anticipated that the existing stabling at Bacchus Marsh will be relocated to Rowsley. Increased population and subsequent increased patronage, particularly within the potential Parwan Station Residential Precinct, will likely create demand for a future second station at Parwan. This second station would aim to service the overall district. Long-term plans could include track duplication. Future development around Bacchus Marsh Train Station needs to allow for good walking and cycling connections and ensure easy accessibility for bus services. This would reduce the need for increased park and ride facilities.<sup>50</sup>*

It is a strategy in the UGF to:

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<sup>50</sup> UGF, page 46

- *Plan Bacchus Marsh as the key train station for settlement in the short term and the (potential future) station at Parwan as a second station in the medium to long-term.*
- *Actively seek improved rail services.*
- *Investigate the need and plan for the potential need to upgrade rail crossings.*
- *Work with Public Transport Victoria on the following actions:*
  - *Finalise and construct the proposed upgrades include a second platform, pedestrian links, additional car parking and removal of stabling (short term) at Bacchus Marsh.*
  - *Plan for the potential future stabling for three (short term) to six trains (long-term) at Rowsley.*
- *Plan for the potential future 'Park and Ride' station (long-term) at Parwan.*
- *Plan and protect potential for rail improvement projects of track duplication and service electrification (long-term).*

The UGF shows a railway station in the Parwan Station precinct. It is identified on Plan 1 (Urban Growth Framework) as 'Parwan (potential)'. The Parwan Station growth precinct is underpinned by the notion of being a transit-oriented development. This is mentioned throughout the UGF.

TfV (submission 44) supported a station in the longer term at Parwan. It noted maps in the UGF indicated the future station might be located on the site of the old station that previously existed in this area. While not ruling out this location, it said detailed engineering work would need to determine the optimum site for a new station. This could result in the station located slightly to the east of the Whelans Road level crossing rather than on the west side, as shown on the UGF. TfV wanted to ensure that there was sufficient flexibility to refine the location of the Parwan Station during the PSP process.

Mr Black submitted a report prepared by GM Project Management and McLeod Rail<sup>51</sup>. This was a high level assessment of a location for the Parwan train station. The report concluded that land to the west of the Cowans Lane crossing and east of the Whelans Road crossing adjacent to 235 Parwan Exford Road is suitable for a new rail station.

Fucheng Investments Australia (FIA) (submission 27) owns substantial land holdings in Melbourne's west, including land within the existing Eynesbury Township. FIA submitted that the Parwan station should be moved further to the east, at the junction of Telephone Road. It said this location would serve a broader catchment and be roughly equidistant between the growth areas of Bacchus Marsh, Eynesbury Township and Melton South.

In response, Council submitted that:

- 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.

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<sup>51</sup> Hearing Document 31

One submission, (submission 43) opined that a station at Parwan was very unlikely and that there were other (unspecified) places along the Ballarat line that would be better located for a new station.

V/Line (submission 16) made a number of detailed comments regarding the interface with the existing rail line corridor, including:

- the proximity of community and social infrastructure to existing rail lines
- the potential need to upgrade level crossings
- pedestrian and shared pathway crossings
- ensuring vegetation and lighting near rail lines does not impact on the visibility of train drivers or impact on the safety of the rail services.

### **(iii) Discussion**

The Panel notes there is substantial support for a train station in the Parwan growth precinct. This includes support from TfV. Although construction might be in the 'long term', it is appropriate to plan for significant infrastructure in framework plans such as in this Amendment.

The location of the Parwan Station on the UGF is intended to be indicative. The Panel accepts that further detailed engineering work will be required to determine the optimal location of the station and this is expected to occur during the PSP process. It is not necessary for the UGF to be any more precise about the location of the station than it currently shows.

That said, the Panel does not support the submission from FIA to locate the station at Telephone Road. The proposed location in the UGF provides superior connectivity to the Parwan precinct and has the support of TfV. If the station was sited at Telephone Road it would undermine the strategic intent of the UGF to create a transit oriented development at Parwan. The Panel supports the provision of a station in the long term in the general location shown on the UGF.

The Panel acknowledges the concerns of V/Line, but does not believe it is necessary to amend the UGF or LPPF. The Panel considers the issues raised by V/Line are matters that should be addressed at a more detailed planning stage. Some of these issues can be dealt with at the PSP stage and others may be more appropriately dealt with in response to specific planning permit applications.

### **(iv) Conclusions**

The Panel concludes:

- It is appropriate to show a future potential train station at Parwan.
- Although the location of the station on the UGF is indicative and requires further detailed engineering assessment at a later stage, the general location on the plans is appropriate.
- The final location of the station will be determined as part of the PSP process for the Parwan Station precinct.
- Detailed design issues along the rail corridor should be dealt with as part of the preparation of the PSP for the Parwan Station precinct.

## **6 Merrimu residential growth precinct**

### **6.1 The issues**

The Country Fire Authority (CFA) raised concerns in its original submission regarding the extent to which the Amendment had considered bushfire risk. Council responded to this issue as part of the Hearing process. A variety of other detailed issues relating to the Merrimu residential growth precinct (Merrimu) were raised in submissions. The issue is whether Council has responded appropriately to the issues raised in submissions concerning the Merrimu growth precinct.

The Panel notes that other issues in the Merrimu precinct such as buffers, the ELR and timing are dealt with in separate chapters to this report.

### **6.2 Submissions**

The Merrimu growth precinct is the largest of the areas identified in the UGF. It is capable of accommodating growth out to 2041 and is expected to include a number of activity centres and housing at a range of densities. All five 'preconditions' (referred to in chapter 3 of this report) including the ELR alignment are proposed to apply to the Merrimu precinct.

The CFA originally objected to the Amendment and requested changes to better reflect the requirements of Clause 10 and Clause 13.05 of the planning scheme. In response, Council proposed to delete two small areas of land on the east side of the Merrimu precinct from the growth area. This land was on the east side of Bences Road and Flanagans Drive and Council submitted this land was steep, heavily vegetated and highly bushfire prone. The land was affected by a Bushfire Management Overlay (BMO) and abutted the Long Forest Nature Reserve.

In addition, Council proposed to include a 100 metre wide buffer area at the interface with the BMO land. This buffer was to exclude sensitive uses, but it could include a road reserve.

Between the Directions Hearing the main Hearing, Council commissioned Mr Sean O'Keeffe of Southern Cross Town Planning to complete a bushfire risk assessment of the UGF area in general, including the Merrimu precinct. Mr O'Keeffe has specialist bushfire assessment training and experience and although his report was submitted by Council as part of its submission to the Panel, he was not called as an expert witness. Never the less, Mr O'Keeffe attended the Hearing and made himself available to questions from the Panel and other parties.

Mr O'Keeffe's report noted that the Long Forest Nature Reserve posed the primary bushfire hazard to the Merrimu precinct. He supported the deletion of the two areas affected by the BMO from the Merrimu growth area on the basis that these areas presented a bushfire risk.

Mr O'Keeffe noted that the BMO already provides for a 150 metre wide buffer to the fire hazard and that an additional 100 metres wide buffer may not be necessary. He recommended further more detailed investigations to explore whether the additional 100 metre wide buffer outside of the BMO was required.

Mr Boatman, Manager Community Safety at the CFA, represented the CFA and noted that he had inspected the land in question with Mr O’Keeffe and Council officers and the CFA supported the deletion of the land affected by the BMO from the growth precinct. He agreed with the assessment of Mr O’Keeffe that the deletion of these areas would reduce the bushfire risk to future residents of this area. He also said it was “*likely*” that development within the BMO would have more than a BAL-12.5 rating under AS3959-2009. Mr Boatman agreed with Mr O’Keeffe that the additional 100 metre buffer outside the BMO was not necessary on bushfire grounds.

In its closing submission, Council agreed that the 100 metre buffer outside of the BMO should be deleted on the basis that the BMO mapping already contains a 150 metre buffer.

Council affirmed its preference to delete the areas within the BMO from the Merrimu precinct because of the high bushfire risk in these areas and also noted that these areas are heavily vegetated and very steep. Council submitted that it was unlikely that the BMO land has any potential for urban development.

Council submitted that desktop assessments completed by Council by Practical Ecology in 2016 showed this land is also known to contain endangered native vegetation including Grassy Woodland (EVC 175) and Plains Grassland vegetation (EVC 132). It said other assessments published by DSE in 2006 indicated that the south west corner of 289 Bences Road contained the Spiny Rice Flower.

At the Hearing, Mr Reid (submission 3) also noted that the area east of Flanagans Drive contained multiple recordings of the Golden Sun Moth, a critically endangered species.

Council provided the Panel with further information regarding the Golden Sun Moth. A desktop review of existing data sources included:

- Bacchus Marsh Environmental Assessment (Practical Ecology, September 2016)
- NatureKit (the current biodiversity web mapping and reporting tool by DELWP that has been developed to replace the Biodiversity Interactive Map).

Council submitted that the Practical Ecology report concluded the likelihood of occurrence of Golden Sun Moth to be “low-medium”, although 8 records of the species within the study area were noted. On the other hand, NatureKit revealed 78 records of Golden Sun Moth located on land to the east of Flanagans Drive, generally consistent with the submission from Mr Reid. These sightings were recorded in December 2012. Council noted that the NatureKit data was not available to Practical Ecology when it completed its assessment.

Council acknowledged that further work was required to complete a full biodiversity assessment for the area and that this was most appropriate at the PSP stage.

Council submitted that if the land within the BMO was retained within the Merrimu growth precinct then the UGF plans and precinct planning principles should be amended to highlight the topographic, bushfire and environmental constraints affecting the land.

Bacchus Marsh Developments (BMD) owns some of the land within the BMO and acknowledged that some of its land holding has environmental values and bushfire management issues. It submitted that it was “*too early to precisely define these matters*” on a plan and that this should be left to the PSP stage to resolve. BMD submitted that the



exhibited version of Plan 1 in the UGF in relation to the eastern portion of the Merrimu precinct should be reinstated.

Long Forrest Estate Pty Ltd (submission 10) owns approximately 107 hectares of land in the southern portion of Merrimu and generally supported the Amendment. At the Hearing, however, Mr Matthews on behalf of the submitter, noted that:

- the exhibited documents envisaged development staging to extend from the existing urban areas generally south to north and east to west
- Council had changed this sequence in its Part A submission and instead preferred staging generally north to south and west to east.

Mr Matthews objected to the change in sequencing. He said that there should be no referencing of where development should start until after more detailed planning had been completed as part of the PSP process. He said it was premature to prescribe the direction of development in the UGF.

Council agreed to add words to the UGF that noted the direction of development would be *“ultimately guided by a precinct structure plan”*.

The Watsons (submission 40) own land at 249 Long Forest Road in the Merrimu precinct and submitted that their land was incorrectly shown as a public park on the UGF plans. They said it should be identified as ‘existing rural residential’. Council acknowledged this was a mapping error and agreed to correct Plans 1, 3, 4, 6 and 8 as well as Plan 1 in Clause 21.07 to show the land as ‘existing rural residential’.

The Waltons (submission 48) own land in Possumtail Run in Merrimu. They did not object to the Amendment, but wanted assurances that development adjacent to Possumtail Run will be sympathetic to the existing lot sizes and environmental values of the area. Council responded with modifications to the detailed planning considerations in the UGF regarding the eastern interface with the Long Forest Nature Conservation Reserve.

Several submissions supported the proposed Merrimu growth precinct including Nordic Pty Ltd (submission 1), the Tassones (submission 5) and the Carboons (submission 30).

Mr Reid<sup>52</sup> submitted that development, including roads, should have appropriate setbacks from the top of the escarpment. Council agreed to several changes to the UGF to address this issue, including a new precinct planning principle to:

*Ensure that development is setback from the top of the escapement, to minimise impacts on landscape based on appropriate landscape sensitivity analysis as well as to limit interface issues with agricultural land use (to avoid land use conflict).*

The Panel notes that this principle is in addition to several other planning principles in the UGF that relate to the sensitive treatment of the escapement in the Merrimu growth precinct.

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<sup>52</sup> Hearing Document 39

In response to submissions and discussions at the Hearing, Council submitted that several additional 'planning principles' should be added to section 10.1.3 of the UGF, including:

- *Undertake traffic modelling to identify the maximum number of lots which can be developed in the precinct prior to the Eastern Link Road being constructed and the local road network improvements necessary to facilitate such development until the Eastern Link Road is constructed*
- *Prepare a precinct staging plan to demonstrate how the maximum number of lots can be developed in the precinct prior to the Eastern Link Road being constructed.*
- *Ensure protection and appropriate management of any significant habitat values*
- *Identify new public open space networks (incorporating environmental values / features, biolinks and cycling/walking trail networks, and show how these integrate with existing/proposed networks beyond the precinct.*
- *Avoid new sensitive land uses from establishing within relevant buffers to the Darley Sands Quarries.*
- *Respond to bushfire risk by undertaking a detailed assessment of bushfire risk, in Bushfire Prone Areas and Bushfire Management Overlay Areas in accordance with SPPF Clause 13.05;*
- *Provide for sustainable water management in accordance with an Integrated Water Management Plan*
- *Undertake, as part of a land capability study, an assessment of land that has an interface with the BMID to determine if there are potential impacts on land within strategic outcome areas associated with the ongoing operations in the BMID and the impact of this future development on land within the BMID.* <sup>53</sup>

Council proposed a smaller range of changes to the 'detailed planning considerations' section (10.1.4) in the UGF to respond to issues raised in submissions and to clarify the intent of the provisions.

### **6.3 Discussion**

The Panel generally supports the Amendment with respect to the Merrimu growth precinct and acknowledges that the extensive revisions proposed by Council prior to and during the Hearing process has significantly improved the content of the UGF and the LPPF. These changes have clarified and enhanced the proposed provisions without transforming the Amendment and have been made in direct response to submissions. The modifications made in response to submissions from Long Forest Estate, the Watsons, Waltons and Mr Reid are examples of the improvements to the Amendment as a result of the Hearing process.

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<sup>53</sup> Document 44

The key issue for the Merrimu precinct (other than the issues dealt with elsewhere in separate chapters in this report) is whether the land within the BMO should be included within the Merrimu growth precinct.

The Panel considers it is appropriate to exclude the two areas currently within a BMO on the eastern side of Merrimu based on a variety of factors, including:

- the topography of the sites
- the extensive vegetation on the sites
- the potential for the sites to include habitat for threatened flora and fauna
- the bushfire risk, including that the land is affected by a BMO
- the advice of a bushfire risk assessment expert
- the recommendations of the CFA
- the requirements of Clause 13.05, including the recent Amendment VC140.

On balance, the Panel believes it is prudent at this stage to exclude this land from the growth precinct. In accordance with Clause 10.01, the Panel prioritises the protection of human life over all other policy considerations.

If evidence can be provided in the future that demonstrates the land within the BMO (or some significant portion of it) can be developed, then a modification to the eastern boundary of the precinct could be considered at that time. The Panel notes that the Urban Growth Framework Plan (Plan 1) states the boundary of all Strategic Outcome Areas (including Merrimu) are “*subject to confirmation*”. Alternatively, a separate planning scheme amendment could be pursued to facilitate that outcome. At present, the Panel does not believe there is sufficient evidence to include the land within the BMO in the growth precinct.

The Panel does not accept the view of BMD that the exhibited version of Plan 1 in the UGF in relation to the eastern portion of the Merrimu precinct should prevail. It is clear to the Panel that this area is subject to significant constraints and the Panel supports the approach preferred by Council in its closing submission.

The Panel also agrees with the final position of Council that there is no need for an additional 100 metre buffer outside the BMO area. As the CFA and Mr O’Keeffe pointed out, the BMO already includes a 150 metre buffer and this is adequate.

Finally, the Panel appreciates the submission of Mr Reid regarding the Golden Sun Moth in the Merrimu precinct. This is a significant issue that, up until the Hearing, appears to have escaped the attention of Council and the VPA. The Panel notes that this is another good example of the benefit of the Amendment process.

The Panel agrees with Council that a more detailed assessment of the Golden Sun Moth is an issue that should be dealt with as part of the PSP process for the Merrimu precinct and this approach is consistent with the Melbourne Growth Corridor Plans. A biodiversity assessment for the Merrimu area would be a typical part of the PSP process and the Panel notes that it is a precinct planning principle in the UGF to:

- *Ensure protection and appropriate management of any significant habitat values.*

## 6.4 Conclusions

The Panel concludes:

- Land within the BMO on the eastern side of the Merrimu growth precinct should not at this stage be included within the Strategic Outcome Area and should be identified as shown on the plans in Appendix D to this report.
- There is no need to include any additional buffer along the eastern edge of the Merrimu precinct within the Strategic Outcome Area.
- It is appropriate to complete a detailed biodiversity assessment, including the Golden Sun Moth, as part of the PSP process for the Merrimu growth precinct.
- The various modifications proposed to the UGF by Council and submitted post-Hearing (as expressed in Document 44 and Appendix D) with respect to the Merrimu growth precinct are appropriate.
- The various modifications proposed to the LPPF by Council and submitted post-Hearing (as expressed in Appendix E) with respect to Merrimu growth precinct are appropriate.
- The above conclusions are reflected in the Panel's overarching Recommendations in the Executive Summary of this Report that Council's proposed post hearing versions of the UGF (including its Plans as contained in Appendix D) and the post hearing version of LPPF Clauses as contained in Appendix E, be adopted.

## 7 Parwan Station residential and commercial growth precinct

### 7.1 The issues

The main issues in the Parwan Station residential and commercial growth precinct (Parwan Station precinct) related to buffers, the ELR and timing. These issues are dealt with in separate chapters to this report.

This chapter deals with a range of other detailed issues raised in submissions relating to the Parwan Station precinct.

### 7.2 Submissions

The Parwan Station precinct is identified as a mixed use precinct with the opportunity for a transit-oriented residential and employment community based around a potential future rail station. All five 'preconditions' (referred to in chapter 5 of this report) including the ELR alignment, are proposed to apply to the Parwan Station precinct.

The Shire of Melton (submission 6) submitted that development should be setback beyond the upper break of the slope of the escarpment and no development should occur on the alluvial plains or on the slopes.

In response, Council submitted that there was no intention for any development to occur either on the edge or slope of an escarpment. It said the investigation area includes this land only for the purposes of future consideration of pedestrian and cycle ways, open space and appropriate planning controls. Council agreed to amend the precinct planning principles in the UGF to reinforce this intent and proposed to add the principle:

*Ensure that development is setback from the top of the escarpment, to minimise impacts on landscape based on appropriate landscape sensitivity analysis as well as to limit interface issues with agricultural land use (to avoid land use conflict).*

Mr Black represented a number of landowners in the Parwan Station precinct. The main issues of concern to his clients related to timing and sequencing, the ELR and buffers. These issues have been dealt with in separate chapters to this report.

Mr Black's original submissions included a range of other detailed issues. At the hearing, Mr Black indicated that Council had addressed a number of these matters through a series of modifications to the UGF and the LPPF as expressed in Council's Part A submission. He agreed that these changes generally addressed many of his initial concerns.

In his submissions at the Hearing regarding the Parwan Station precinct, Mr Black requested that:

- the Maddingley WRR Hub Planning Study be removed from the proposed list of preconditions in the UGF for the Parwan Station precinct because that study relies on the significant input of landowners beyond the precinct and introduces a high level of uncertainty for the Parwan Station area

- a note in the legend associated with the designation of the Strategic Outcome Areas should, on all relevant plans within the UGF, be amended to read *“Boundary alignment subject to further investigation”*
- Clause 21.03-2 should include a Strategy to facilitate the development of the Parwan Station precinct by preparing a PSP, a development /infrastructure contributions plan and a clear funding strategy for the delivery of the ELR
- Clause 21.03-6 should be amended to include the specific application of the Urban Growth Zone to land within the Parwan Station (and Merrimu and Parwan Employment) precinct.

In response, Council agreed to amend the UGF as requested. It did not propose any further changes to Clause 21.03.

Throughout the Hearing, Council submitted an extensive update of the Parwan Station ‘precinct planning principles’. The exhibited version of the UGF included only two planning principles for this precinct. Additional planning principles proposed by Council include:

- *Undertake traffic modelling to identify the maximum number of lots which can be developed prior to the Eastern Link Road being constructed, and the local road network improvements necessary to facilitate such development.*
- *Prepare a precinct staging plan, to demonstrate how the maximum number of lots can be developed in the precinct prior to the ELR being constructed.*
- *Ensure that development is set back from the top of the escarpment, to minimise impacts on landscape based on appropriate landscape sensitivity analysis as well as to limit interface issues with agricultural land use (i.e. to avoid land use conflict).*
- *Ensure protection and appropriate management of any significant habitat values.*
- *Locate activity centres based on walkable catchments, with the main activity centre located in close proximity to the future railway station, in consultation with TfV and V/Line.*
- *Identify appropriate locations for railway crossings, to cater for efficient movement of vehicles, cyclists and pedestrians, in consultation with Transport for Victoria and V/Line.*
- *Ensure that land zoned for sensitive uses is located beyond the buffer distance to Bacchus Marsh Recycled Water Plant as determined in Western Water’s odour dispersion modelling project; or 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 km and will be subject to the proponents committing to a substantial financial contribution towards treatment plant upgrades.*
- *Avoid new sensitive land uses from establishing within relevant buffers to the Maddingley Waste Resource and Recovery Hub.*
- *Consider interfaces between development and escarpments, to ensure views are not lost to and from escarpments, and to protect and enhance biodiversity values.*

- *Consider interfaces with environmental assets such as Werribee River, Parwan Gorge and BMID, to protect and enhance biodiversity values and agricultural land uses, and to achieve attractive development for local residents.*
- *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.*
- *Identify new public open space networks (incorporating environmental values/features, biolinks and cycling/walking trail networks), and show how these integrate with existing/proposed networks beyond the precinct.*
- *Respond to bushfire risk by undertaking a detailed assessment of bushfire risk, in Bushfire Prone Areas and Bushfire Management Overlay areas, in accordance with State Planning Policy Framework Clause 13.05.*
- *Provide for sustainable water management in accordance with an Integrated Water Management Plan.*
- *Undertake, as part of a land capability study, an assessment of land that has an interface with the Bacchus Marsh Irrigation District (BMID) to determine if there are any potential impacts on land within strategic outcome areas associated with the ongoing operations within the BMID, and likewise the impact of this future development on land within the BMID.<sup>54</sup>*

A number of specific provisions regarding 'Amenity buffer interface areas' in the UGF were also modified by Council.

### **7.3 Discussion**

The Panel notes the extensive revisions to the precinct planning principles for the Parwan Station growth area and agrees that these modifications address a wide range of issues raised in submissions and during the Hearing process. The Panel considers that Council has improved the quality of the UGF through these changes and supports all of the amendments.

The Panel does not support the proposed changes by Mr Black regarding Clause 21.03-2 or Clause 21.03-6. The substantive issues referred to by Mr Black are already provided for in the proposed provisions in the LPPF. For example:

- Clause 21.05-3 (Integrated transport - Strategies) provides opportunities for financial contributions for transport infrastructure and also references the ELR
- Clause 21.07-2 (Managing urban growth – Strategies) requires the preparation of a PSP for the Parwan Station growth area
- Clause 21.07-7 (Implementation – Zones and overlays) identifies the Urban Growth Zone for the Parwan Station (and Merrimu) precinct.

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<sup>54</sup> Document 44

- Clause 21.07-8 (Further strategic work) relates to the further planning associated with the PEP.

## **7.4 Conclusions**

The Panel concludes:

- The various modifications proposed to the UGF by Council and submitted post-Hearing (as expressed in Document 44 and Appendix D) with respect to the Parwan Station precinct are appropriate.
- The various modifications proposed to the LPPF by Council and submitted post-Hearing (as expressed in Appendix E) with respect to Parwan Station precinct are appropriate.
- The above conclusions are reflected in the Panel's overarching Recommendations in the Executive Summary of this Report that Council's proposed post hearing versions of the UGF (including its Plans as contained in Appendix D) and the post hearing version of LPPF Clauses as contained in Appendix E, be adopted.



## 8 Hopetoun Park North residential growth precinct

### 8.1 The issues

The Hopetoun Park North residential growth precinct (Hopetoun Park North) attracted a wide range of submissions. Many existing residents in Hopetoun Park were concerned about the impact of future development on the character of the area. On the other hand, land owners in Hopetoun Park North were supportive of the UGF and one land owner wanted the growth precinct to extend even further. These issues are discussed in this chapter.

### 8.2 Evidence and submissions

Hopetoun Park North is located to the north of an existing low density residential community, with the potential for smaller lot sizes than the land to the south. Plan 1 in the UGF describes Hopetoun Park North as a *“future lower density residential precinct”*.

The existing Hopetoun Park community is located at the eastern edge of the Bacchus Marsh district in a relatively isolated area with limited local community facilities.

Council submitted that the development of the Hopetoun Park North precinct is expected to deliver local level community infrastructure, including a small activity centre. It said the isolated location of the area meant that development of Hopetoun Park North was not subject to all of the ‘preconditions’ prescribed for the Merrimu and Parwan Station growth precincts. Council submitted that Hopetoun Park North was subject to three preconditions relating to the preparation of the:

- Integrated Infrastructure Delivery Framework
- District Open Space Framework
- Bacchus Marsh Irrigation District Planning Study.

As the size of the Hopetoun Park North area is significantly smaller than Merrimu or Parwan Station precincts, the Amendment proposes that future development would be planned through the preparation of a Development Plan resulting from a future Development Plan Overlay (DPO), rather than a PSP.

Transport for Victoria (TfV) (submission 44) initially objected to the inclusion of Hopetoun Park North for residential development, however at the Hearing it advised the Panel that subsequent discussions with Council officers clarified the type of development envisaged for the area. TfV said it was now comfortable with the proposed Amendment and supported the various modifications to the UGF and LPPF proposed by Council in response to submissions.

The Shire of Melton (submission 6) submitted that development should be setback beyond the upper break of the slope of the escarpment and no development should occur on the slopes.

In response, Council submitted that there was no intention for any development to occur either on the edge or slope of an escarpment. It said the investigation area includes this land only for the purposes of future consideration of pedestrian and cycle ways, open space

and appropriate planning controls. Council agreed to amend the precinct planning principles in the UGF to reinforce this intent and proposed to add the principle:

*Ensure that development is setback from the top of the escapement, to minimise impacts on landscape based on appropriate landscape sensitivity analysis as well as to limit interface issues with agricultural land use (to avoid land use conflict).*

Bacchus Marsh Property Group (BMPG) owns approximately 60 hectares of land in Hopetoun Park North. It generally supported the Amendment, but requested a number of relatively minor changes to the documentation.

First, BMPG submitted that one of the implementation actions in Clause 21.07-7, as exhibited, states:

*Apply either the Low Density Residential Zone or the Neighbourhood Residential Zone to any urban growth precinct at Hopetoun Park.*

BMPG submitted that this provision should be modified to read:

*Apply the Neighbourhood Residential Zone to any urban growth precinct at Hopetoun Park.*

BMPG submitted that:

- the intention expressed in the UGF is for lower density residential development, not low density residential development in the sense of 2000 to 4000 square metres lots that are commonly associated with the Low Density Residential Zone (LDRZ)
- the Neighbourhood Residential Zone (NRZ) is an appropriate zone for the area having regard to other similar areas in Bacchus Marsh and the approach adopted in Amendment C79 by the Shire of Moorabool
- lot sizes can be readily regulated through a DPO, which can specify minimum and average lot sizes as well as specifying particular interfaces where larger lot sizes are required
- the ultimate zoning for the area should be determined following the detailed planning for the area and be determined at the rezoning stage.

In response to this issue, Council proposed to amend the clause to state:

*Consider applying either the Low Density Residential Zone or the Neighbourhood Residential Zone to any urban growth precinct at Hopetoun Park.*

Council also added the requirement to:

*Apply the Development Plan Overlay to any urban growth precinct at Hopetoun Park.*

Second, BMPG objected to the proposed post exhibition additions to the text in section 10.4.4 of the UGF (as expressed in Council's Part A submission) that stated:

*Apply the Low Density Residential Zone to the periphery of the precinct, at the interface with the existing LDRZ and the surrounding rural landscape and freeway.*

*Apply the Neighbourhood Residential Zone to the inner core of the precinct, in order to support a small activity centre or community facilities.*

BMPG submitted that this wording was premature and prejudged the most suitable zone. It said the specific zone type was best left to a later planning scheme amendment and the UGF should not be prescriptive about the future zoning of the land. BMPG supported the strategic intent of Council and suggested alternative wording:

*Apply appropriate zone or overlay controls to achieve lower density residential development at the fringes, having regard to the interface with the existing LDRZ land, the surrounding rural landscape and the freeway, and the need to support a small local activity centre and community facilities.*

In response, Council proposed to add the words “Consider applying...” to the beginning of each of the two points referred to in the UGF.

Third, BMPG requested that Clause 21.07-2 be modified to clarify that Hopetoun Park is a “medium term” growth area.

In response, Council agreed to modify Clause 21.07-2 appropriately.

Finally, BMPG requested changes to Clause 21.05-7 to ensure the Hopetoun Park precinct did not need to complete any further studies or investigations regarding the ELR or the number of lots that could be developed prior to the ELR, as the ELR was not directly relevant to Hopetoun Park.

Council agreed to this request.

Ms Brennan, on behalf of BMPG, called Mr McGurn, who gave town planning evidence regarding the Hopetoun Park North area. Mr McGurn concluded:

- there was strong policy support for further significant growth in Bacchus Marsh
- the VPA had completed a comprehensive review of the Bacchus Marsh district as part of the preparation of the UGF
- the Hopetoun Park North precinct meets the relevant criteria for a residential growth precinct
- more detailed planning in the future will determine the appropriate zoning, overlays and urban form for Hopetoun Park North
- it is premature at this stage to identify the particular zoning without having a detailed understanding of the constraints of the land.

Human Habitats represented the owner of land at 30 Kyle Lane, which includes land in the north east corner of the Hopetoun Park North precinct as well as land on the north side of the Western Freeway. Human Habitats submitted that:

- the land on the north side of the Western Freeway through to Bacchus Marsh Road should be included in the Hopetoun Park North precinct
- the Hopetoun Park North precinct should include conventional and medium density residential development.
- the Hopetoun Park North precinct (north and south of the Western freeway) and the existing Hopetoun Park low density area in the south should be within the General Residential Zone (GRZ) with a DPO.

Council did not support urban growth north of the Western Freeway because:

- there is “*more than ample land*” already identified at Hopetoun Park to deliver community benefits in new infrastructure
- land on the north side of the freeway is visually exposed from a number of vantage points and will undermine the “*green break*” separating Bacchus Marsh from Melton
- there is limited road access to and from the site
- there are sites north of the freeway with potential sand and gravel resources and DEDJTR did not support development in this area.

Council did not support the application of the GRZ at Hopetoun Park and TfV did not support the development of Hopetoun Park North at other than a relatively low density.

A number of submitters expressed concerns about the development of Hopetoun Park North. For example, Jaensch, (submission 11), Diacono (submission 33) and a large group of residents in Hopetoun Park (submission 34) did not support the NRZ and submitted that development of the land would:

- impact on the character of Hopetoun Park and the sense of community
- increase traffic and congestion
- increase threats to safety and possible increased crime.

The submitters said Hopetoun Park North should have a minimum lot size of 4000 square metres and be within the LDRZ.

In response, Council submitted that a mix of densities was appropriate in this area and suggested that the LDRZ was most likely to be applied to any interface boundaries with the existing Hopetoun Park development, Western Freeway and escarpments. It said the balance of the site was most likely to be within the NRZ. Council submitted:

- lots in Hopetoun Park to the south are typically 8,000 square metres
- abrupt differences in density between existing and new areas should be avoided
- densities should be lower than for other poorly serviced parts of Bacchus Marsh (lots larger than 700 square metres)
- there is a need for sufficient lot yield to ensure the provision of basic retail and community facilities
- TfV does not support growth of this area at conventional or higher densities due to poor transport connectivity.

Through the course of the Hearing, Council submitted an extensive update of the Hopetoun Park North ‘precinct planning principles’ in section 10.4.3 in the UGF. Modified or additional planning principles proposed by Council include:

- *Consider opportunities to improve road connectivity with the Western Freeway to and from the west, and with the Old Western Highway from Hopetoun Park Road.*
- *Ensure that development is set back from the top of the escarpment, to minimise impacts on landscape based on appropriate landscape sensitivity analysis as well as to limit interface issues with agricultural land use (i.e. to avoid land use conflict).*

- *Ensure protection and appropriate management of any significant habitat values.*
- *Identify new public open space networks (incorporating environmental values/features, biolinks and cycling/walking trail networks), and show how these integrate with existing/proposed networks beyond the precinct.*
- *Respond to bushfire risk by undertaking a detailed assessment of bushfire risk, in Bushfire Prone Areas and Bushfire Management Overlay areas, in accordance with State Planning Policy Framework Clause 13.05.*
- *Provide for sustainable water management in accordance with an Integrated Water Management Plan.*
- *Undertake, as part of a land capability study, an assessment of land that has an interface with the Bacchus Marsh Irrigation District (BMID) to determine if there are any potential impacts on land within strategic outcome areas associated with the ongoing operations within the BMID, and likewise the impact of this future development on land within the BMID.*

Council also proposed a number of new ‘detailed planning considerations’ in section 10.4.4 of the UGF:

- *Consider applying the Low Density Residential Zone to the periphery of the precinct, at the interface with the existing LDRZ and the surrounding rural landscape and freeway*
- *Consider applying the Neighbourhood Residential Zone to the inner core of the precinct, in order to support a small activity centre or community facilities.*
- *Ensure that development is set back from the top of the escarpment, to minimise landscape and environmental impacts.*
- *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.*
- *Consider interfaces with environmental assets such as Djerriwarrh Creek and BMID, to protect and enhance biodiversity values and agricultural land uses, and to achieve attractive development for local residents.*

Council made a number of minor changes to the LPPF to reflect the various changes to the UGF.

### **8.3 Discussion**

The Panel generally supports the Amendment with respect to the Hopetoun Park North growth precinct and acknowledges that the extensive revisions proposed by Council prior to and during the Hearing process has significantly improved the content of the UGF and the LPPF. These changes have clarified and enhanced the proposed provisions without transforming the Amendment and have been made in direct response to submissions.

The Panel agrees with Mr McGurn that there is sound strategic justification for the extension of Hopetoun Park as proposed and that this is expected to result in a net community benefit through the provision of local community facilities to existing and future residents. The Panel believes that many of the concerns expressed by existing residents in Hopetoun Park can be managed through good planning and design of the future development area.

The Panel notes that many of the submissions were concerned about the future zoning of the land. The Amendment does not rezone any land; this is a matter that will be dealt with at a later stage.

The Panel agrees with BMPG and Mr McGurn that the detailed planning for the Hopetoun Park North area will help determine the appropriate planning controls for the area. The DPO has potential to play a significant role in the control of lot sizes and ensuring appropriate interface treatments. In this respect, the DPO may be of more importance than the zoning of the land. In any event, what is most important is getting the overall form of urban development right and then organising the specific planning controls to achieve that outcome.

The Panel considers that the UGF and LPPF provide sufficient guidance and direction regarding the intent of development in Hopetoun Park North without being overly prescriptive about the precise future zones. The Panel appreciates the concerns expressed by BMPG, however it believes that the modifications to the UGF and LPPF proposed by Council should provide appropriate flexibility for the future zoning of Hopetoun Park North.

The Panel does not support the extension of the Hopetoun Park North precinct north of the Western Freeway. This land was not identified in the UGF for further development and has significant constraints that would need to be investigated in further detail if this land was to be considered for development. The Panel is also concerned that the land north of the freeway is separated from Hopetoun Park by a wide freeway reserve, and this would create a significant physical barrier that would undermine the integration of the two areas. The land north of the freeway is relatively small and, if developed, would not have sufficient size or scale to justify its own community facilities and services and would be isolated from the main Hopetoun Park precinct. The Panel believes the proposition advanced at the hearing by Human Habitats is fundamentally flawed and should not proceed.

## **8.4 Conclusions**

The Panel concludes:

- The extension of Hopetoun Park as proposed in the Amendment is supported.
- The future zoning of the Hopetoun Park North precinct should be determined following more detailed planning for the area, however it is appropriate *to consider* use of the LDRZ and NRZ.
- A DPO is an appropriate tool to guide the future urban form of the area and will be able to address a range of lot size and interface issues.
- Land north of the Western Freeway should not be included within the Hopetoun Park North urban growth precinct in the UGF.

- The various modifications proposed to the UGF by Council and submitted post-Hearing (as expressed in Document 44 and Appendix D) with respect to the Hopetoun Park North precinct are appropriate.
- The various modifications proposed to the LPPF by Council and submitted post-Hearing (as expressed in Appendix E) with respect to Hopetoun Park North precinct are appropriate.
- The above conclusions are reflected in the Panel's overarching Recommendations in the Executive Summary of this Report that Council's proposed post hearing versions of the UGF (including its Plans as contained in Appendix D) and the post hearing version of LPPF Clauses as contained in Appendix E, be adopted.

## Appendix A Submitters to the Amendment

No.	Submitter
1	K Mondous on behalf of Nordic Pty Ltd
2	J Taylor
3	R Reid
4	J and K Laws
5	B, JM, MA and IN Tassone
6	Shire of Melton
7	Sustainability Victoria
8	Civil Aviation Safety Authority
9	Catholic Education Melbourne
10	B and L Matthews on behalf of Long Forest Estate
11	K and M Jaensch
12	P Wong on behalf of Gentle Riviera Pty Ltd, Peter I H Wong Pty Ltd and WIM Corporation Pty Ltd
13	Grampians Central West Waste and Resource Recovery Group
14	Graeme Dickson Partners Pty Ltd on behalf of Oupan Resources
15	Metropolitan Waste and Resource Recovery Group
16	V/Line
17	EPA South West Region
18	Department of Education and Training, Resources Strategy Division
19	Bacchus Marsh Property Group Pty Ltd
20	Insight Planning Consultants Pty Ltd on behalf of GM Project Management Pty Ltd
21	Maddingley Brown Coal Pty Ltd
22	Human Habitats Pty Ltd on behalf of owner of 30 Kyle Lane, Hopetoun Park
23	B Griffith
24	R Reid (additional submission to submission Number 3)
25	Cement Concrete and Aggregates Australia
26	Western Water
27	Fucheng Investment Australia Pty Ltd
28	Insight Planning Consultants Pty Ltd on behalf of owners of 239 Parwan- Exford Road and 65 Parwan South Road, Parwan
29	Insight Planning Consultants Pty Ltd on behalf of owners of 4164 Geelong-Bacchus Marsh Road, Parwan



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30	N and J Carboon
31	Hellier McFarland on behalf of Sutton and Lanecove Pty Ltd
32	R Levy
33	B Diacono
34	Group of Hopetoun Park property owners
35	Hellier McFarland on behalf of JBD Industrial Park Pty Ltd
36	APA Group
37	10 Consulting Group Pty Ltd on behalf of Merrimu Investments Pty Ltd
38	Cue Design on behalf of Velardo Trading Pty Ltd and Champions IGA Group
39	C Sujecki
40	D and B Watson
41	J Armitage and K Garner
42	C Evans
43	G Ley
44	Transport for Victoria, Grampians Region
45	A Almenara on behalf of a group of property owners in Swans Road, Darley
46	Victorian Planning Authority
47	DELWP, Grampians Region
48	B and A Walton
49	Country Fire Authority
50	Bacchus Marsh Grammar
51	Mecone on behalf of Big River Turf Farm
52	Urban Ethos on behalf of Bacchus Marsh Developments Pty Ltd
53	Southern Rural Water
54	Department of Economic Development, Jobs, Transport and Resources
55	Mecone on behalf of New Southern Capital Pty Ltd
56	Latrobe Fertilisers Limited (late submission)

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## Appendix B Parties to the Panel Hearing

Submitter	Represented by
Moorabool Shire Council	<p>Ms M Marshall of Maddocks Lawyers who called the following expert witnesses:</p> <ul style="list-style-type: none"> <li>- Matthew Ballard, Traffic Engineer, Cardno Pty Ltd</li> <li>- John Meline, Air Quality Consultant, ERM</li> <li>- Dale Stokes, Urban Economist, Essential Economics</li> </ul> <p>At the request of the Panel, Mr S O’Keefe of Southern Cross Town Planning as the author of ‘Response to Bushfire Risk’ attended the hearing on behalf of Council to answer questions.</p> <p>Ms Marshall was assisted by Mr R Davison, Senior Strategic Planner, Shire of Moorabool.</p>
Country Fire Authority	Mr Boatman
DEDJTR	Mr R Handcock
Environment Protection Authority	Ms C Francis
Metropolitan Waste and Resource Recovery Group	Ms M Lee
Sustainability Victoria	Mr S Trowse
Transport for Victoria	Ms A Daraxoglou
Western Water	Mr M Gilbertson of Glossop Town Planning
Bacchus Marsh Property Group Pty Ltd	<p>Ms S Brennan SC assisted by Mr P O’Farrell and instructed by Norton Rose Fulbright called the following expert witness:</p> <ul style="list-style-type: none"> <li>- Stuart McGurn, Town Planner, Urbis Pty Ltd</li> </ul>
Maddingley Brown Coal Pty Ltd and JBD Industrial Park Pty Ltd	<p>Mr C Wren QC assisted by Ms M Foley and instructed by Merrylees Legal called the following expert witnesses:</p> <ul style="list-style-type: none"> <li>- Mark Woodland, Town Planner, Echelon Planning Pty Ltd</li> <li>- Peter Ramsay, Environmental Engineer, Peter J Ramsay and Associates Pty Ltd</li> </ul>
Bacchus Marsh Developments Pty Ltd	<p>Mr S Morris QC assisted by Mr P O’Farrell and instructed by Rigby Cooke Lawyers called the following expert witness:</p> <ul style="list-style-type: none"> <li>- Chris McNeill, Urban Economist, Essential Economics Pty Ltd</li> </ul>
Human Habitats Pty Ltd	Mr J Lukjanov of Human Habitats Pty Ltd
Oupan Resources Pty Ltd	Mr G Dickson of Graeme Dickson Partners Pty Ltd

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Bruce McDonald, Neil McDonald and Brett Nicholson	Mr J Black of Insight Planning Consultants Pty Ltd
Latrobe Fertilisers Limited	Mr A Blood
Long Forest Estate Pty Ltd	Mr B Matthews
C and R Levy	Ms C Levy
R Reid	

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## Appendix C Document list

No.	Date	Description	Provided by
1	31/5/18	Expert conclave report regarding odour related buffers	Ms Marshall
2	31/5/18	Sean O’Keeffe statement of expertise	Ms Marshall
3	31/5/18	Part B submission on behalf of Moorabool Shire Council	Ms Marshall
4	31/5/18	Extracts from Moorabool Planning Scheme	Ms Marshall
5	31/5/18	Revised Plans 1, 3, 4, 5, 6, 7 and 8 from UGF (A3)	Ms Marshall
6	31/5/18	Letter and Scope of Work for Bacchus Marsh Framework Plan from Minister for Planning to MPA, dated 13/12/15	Ms Marshall
7	1/6/18	Correction to map on page 29 of Evidence Statement	Mr Stokes
8	1/6/18	Amendment VC140 Explanatory Report	Ms Marshall
9	1/6/18	CFA submission	Mr Boatman
10	1/6/18	Bacchus Marsh Property Group submission	Ms Brennan SC
11	1/6/18	Email dated 2/3/17 from R Closter to R Davison and attachment letter dated 9/11/15 from M McNeilly (DEDJTR)	Ms Brennan SC
12	1/6/18	Photos of ‘Lomandra’ development	Ms Brennan SC
13	1/6/18	Extracts from Moorabool Amendment C79	Ms Brennan SC
14	1/6/18	Bacchus Marsh Property Group - Summary of recommendations sought	Ms Brennan SC
15	1/6/18	Bushfire Risk Assessment Response to Clause 13.05 – Hopetoun Park, South Coast Bushfire Consultants, 26/4/18	Ms Brennan SC
16	4/6/18	EPA submission	Ms Francis
17	4/6/18	EPA submission PowerPoint summary	Ms Francis
18	4/6/18	A3 Plan: Merged Sensitive Use Buffers 1A and 4, Figure F3, prepared by Peter J Ramsay and Associates, dated 1/6/18	Mr Wren QC
19	4/6/18	Sustainability Victoria submission	Mr Trowse
20	4/6/18	Metropolitan Waste and Resource Recovery Group submission	Ms Lee
21A	8/6/18	Maddingley Brown Coal Pty Ltd and JBD Industrial Park Pty Ltd submission	Mr Wren QC
21B	8/6/18	24 <sup>th</sup> Klinton Pty Ltd & Ors v Shire of Bacchus Marsh & Ors, 11 AATR 227	Mr Wren QC
21C	8/6/18	Waste to Energy summary	Mr Wren QC

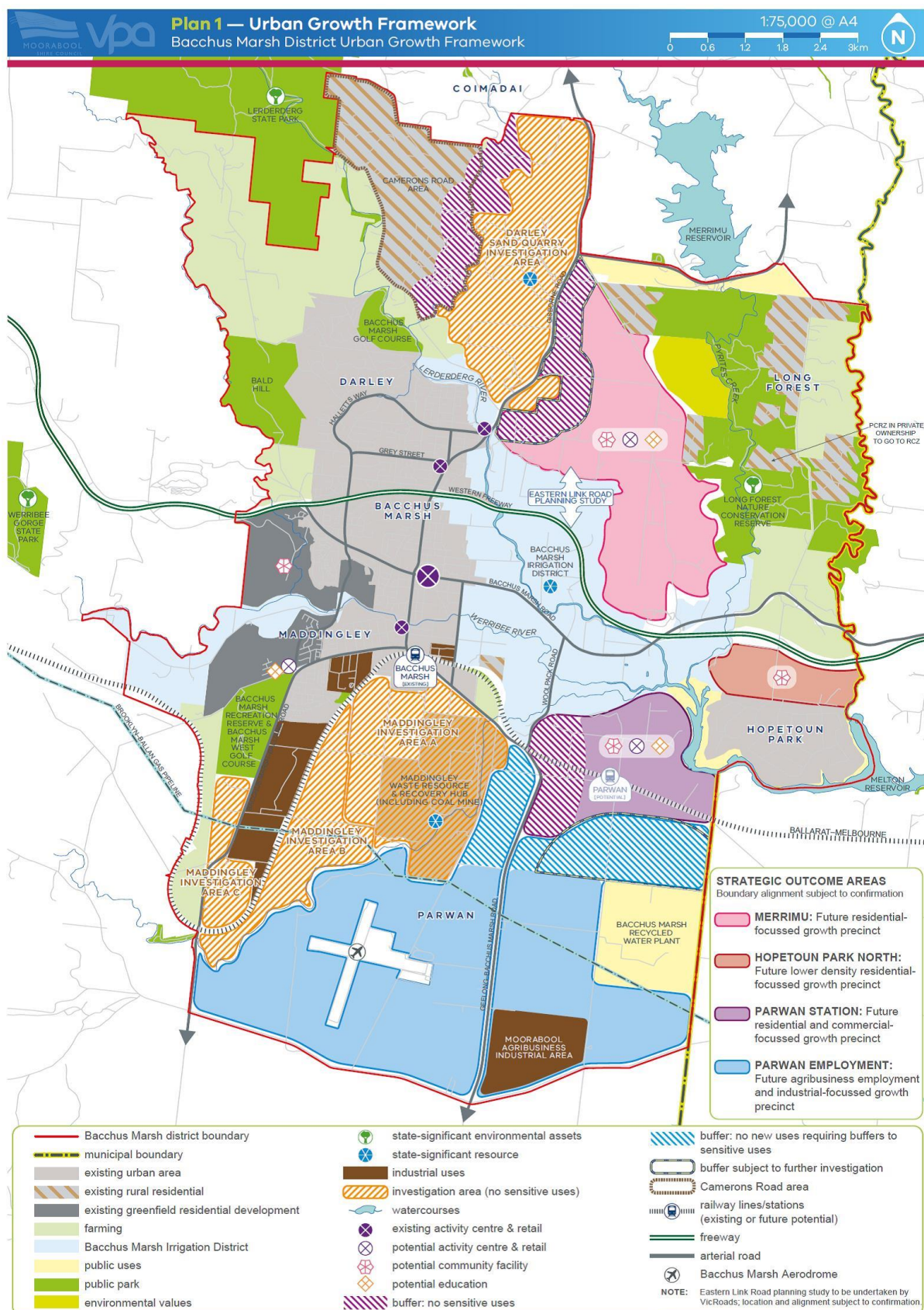
No.	Date	Description	Provided by
22	8/6/18	MBC and JBD Aerial Photo and Existing Conditions Plan	Mr Wren QC
23	12/6/18	Human Habitats submission	Mr J Lukjanov
24	12/6/18	Western Water submission	Mr Gilbertson
25	12/6/18	Urban Water Strategy, Western Water, 31/3/17	Mr Gilbertson
26	12/6/18	Oupan Resources Pty Ltd submission	Mr Dickson
27	13/6/18	Submission on behalf of owners of 239 Parwan-Exford Road (part) and 65 Parwan South Road, Parwan	Mr Black
28	13/6/18	Submission on behalf of owners of 4164 Geelong-Bacchus Marsh Road, Parwan	Mr Black
29	13/6/18	Submission on behalf of owners of 239 Parwan-Exford Road (part) and 71 Whelans Road and 235 Parwan-Exford Road, Parwan	Mr Black
30	13/6/18	Parwan-Bacchus Marsh Residential Development Strategic Presentation, 28/5/18	Mr Black
31	13/6/18	Proposed Station Location Overview, Parwan Station Precinct, GM Project Management and McLeod Rail, 10/6/18	Mr Black
32A	13/6/18	C and R Levy submission	Ms Levy
32B	13/6/18	C and R Levy PowerPoint presentation	Ms Levy
33	13/6/18	Addendum to EPA submission, 12/6/18	Ms Protyniak
34	14/6/18	Bacchus Marsh Developments Pty Ltd submission	Mr Morris QC
35	14/6/18	Letter from H Turnbull, Traffix Group, 19/3/18	Mr Morris QC
36	14/6/18	Bacchus Marsh Housing Demand and Supply Background Paper, Spatial Economics, April 2016	Mr Morris QC
37	14/6/18	Latrobe Fertilisers Limited submission	Mr Blood
38	14/6/18	Long Forest Estate Pty Ltd submission	Mr Matthews
39	14/6/18	Reid submission	Mr Reid
40	14/6/18	Birds of the Long Forest 1889-2005, (Hewish, Ward, Bugg and Munday) 2006	Mr Reid
41A	14/6/18	Closing submission on behalf of Moorabool Shire Council	Ms Marshall
41B	14/6/18	Closing submission – Table of changes to UGF and MSS	Ms Marshall
42	19/6/18	Addendum to C and R Levy presentation	Ms Levy
43	27/6/18	Addendum to Human Habitat submission	Mr R Williams
44	28/6/18	Post-Hearing version of UGF text including changes proposed by Council based on Document 41B	Mr Davison

No.	Date	Description	Provided by
45	28/6/18	Post–Hearing version of UGF Plans 1, 3, 4, 5, 6, 7, and 8 including changes proposed by Council based on Document 41B	Mr Davison
46	28/6/18	Post-hearing version of LPPF including changes proposed by Council based on Document 41B	Mr Davison
47	28/6/18	Summary Table of all changes to Amendment documents	Mr Davison
48	28/6/18	Council’s response to submission relating to the Golden Sun Moth	Mr Davison

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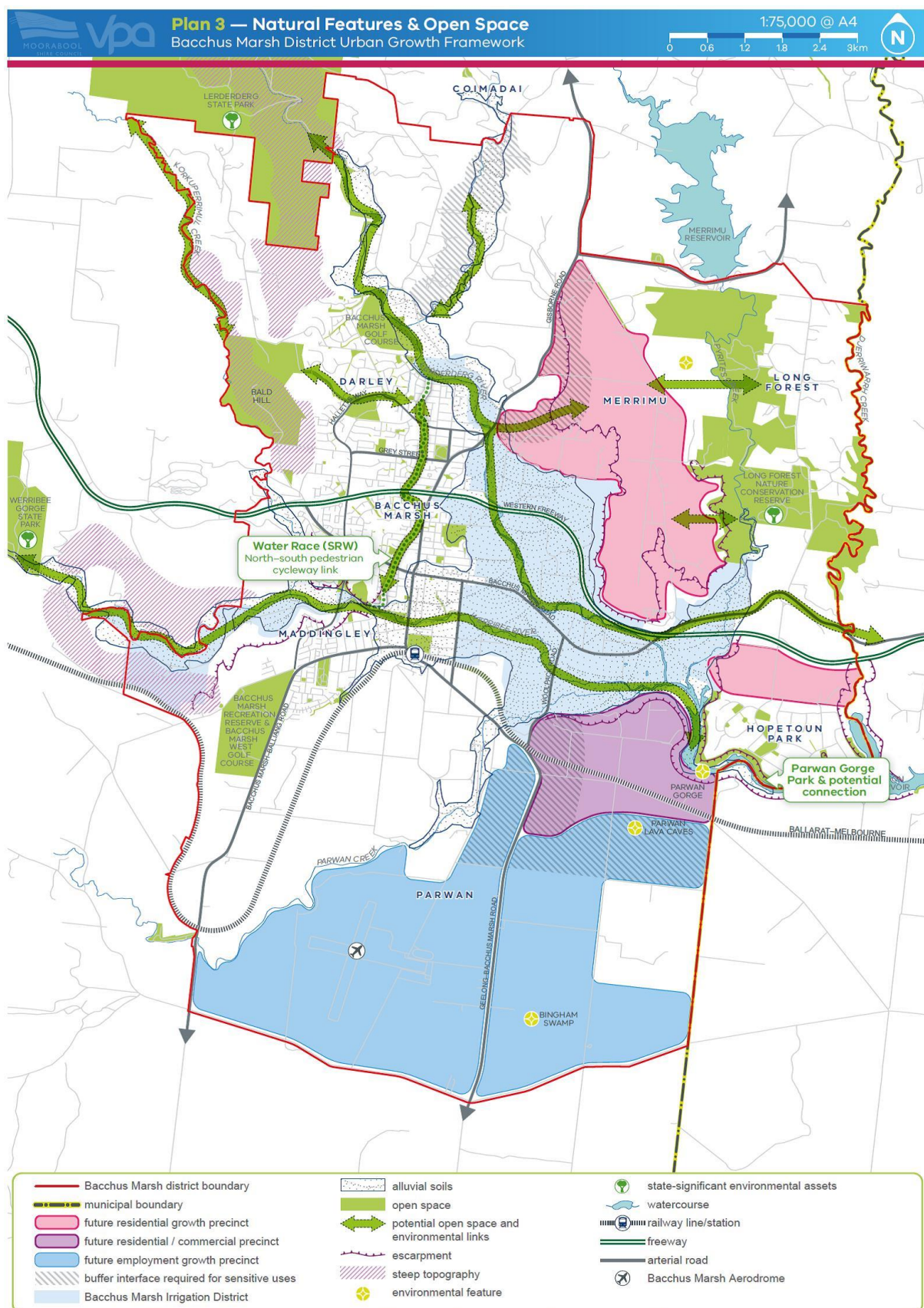
## **Appendix D Council's post hearing version of UGF Plans**





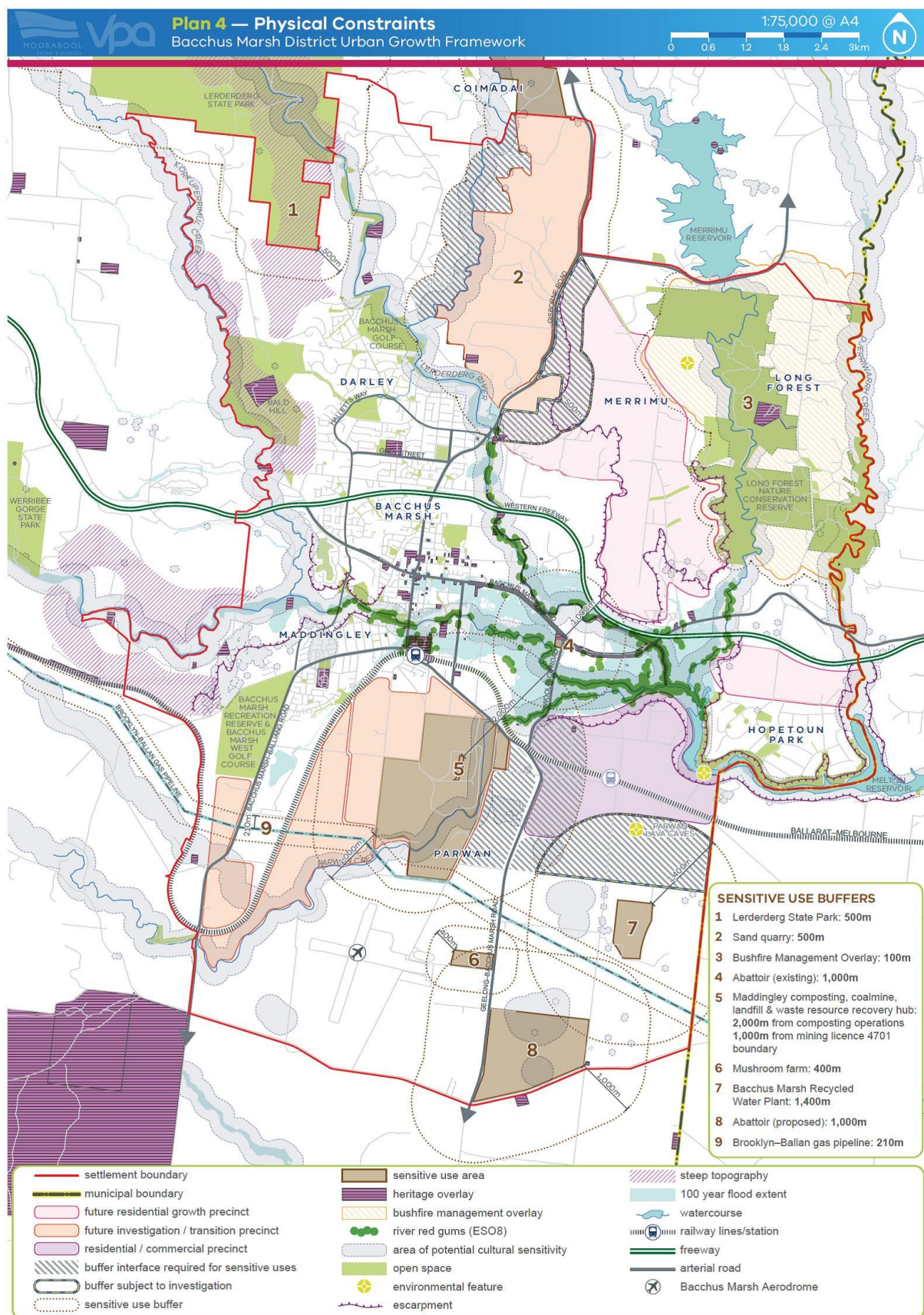
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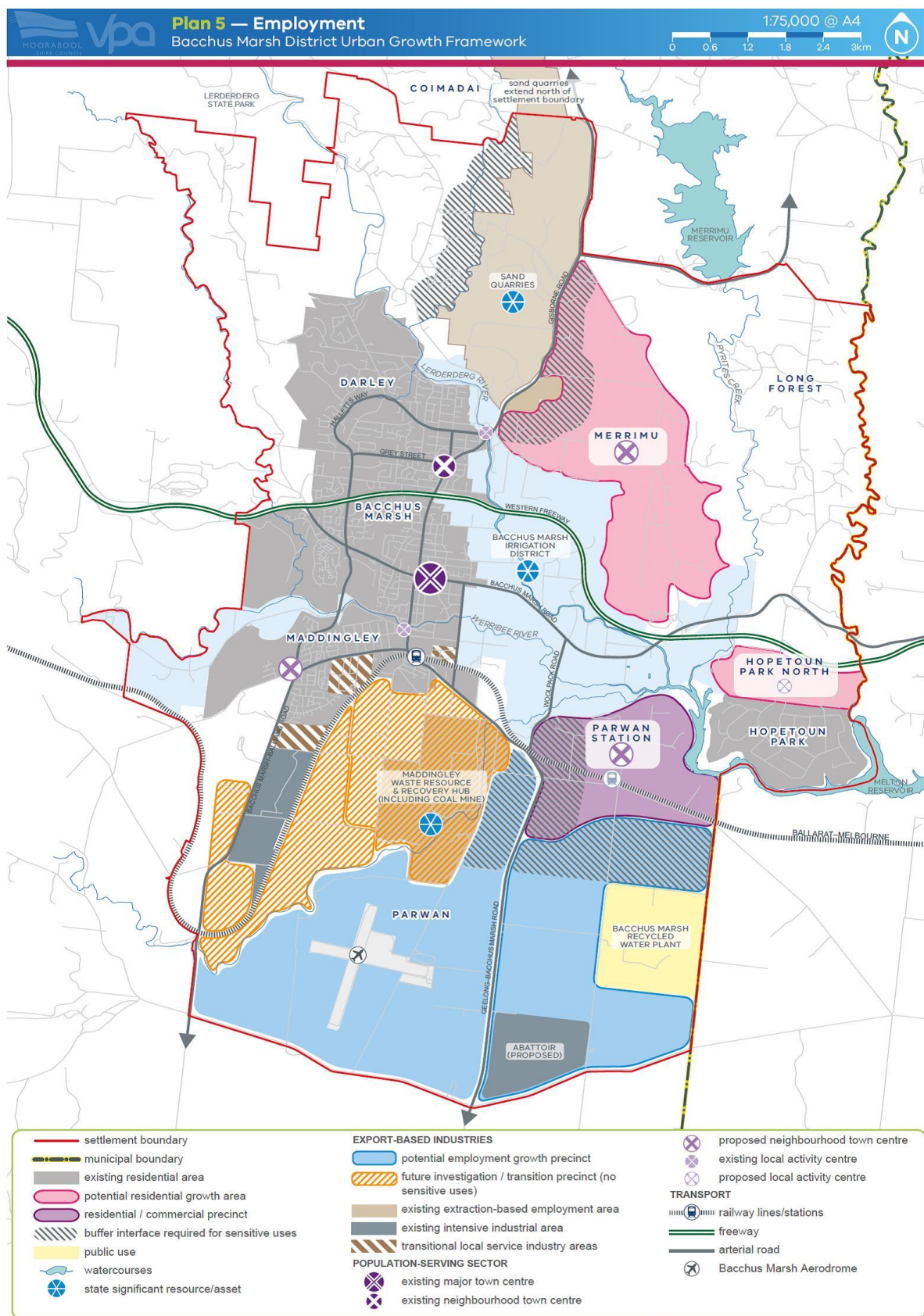
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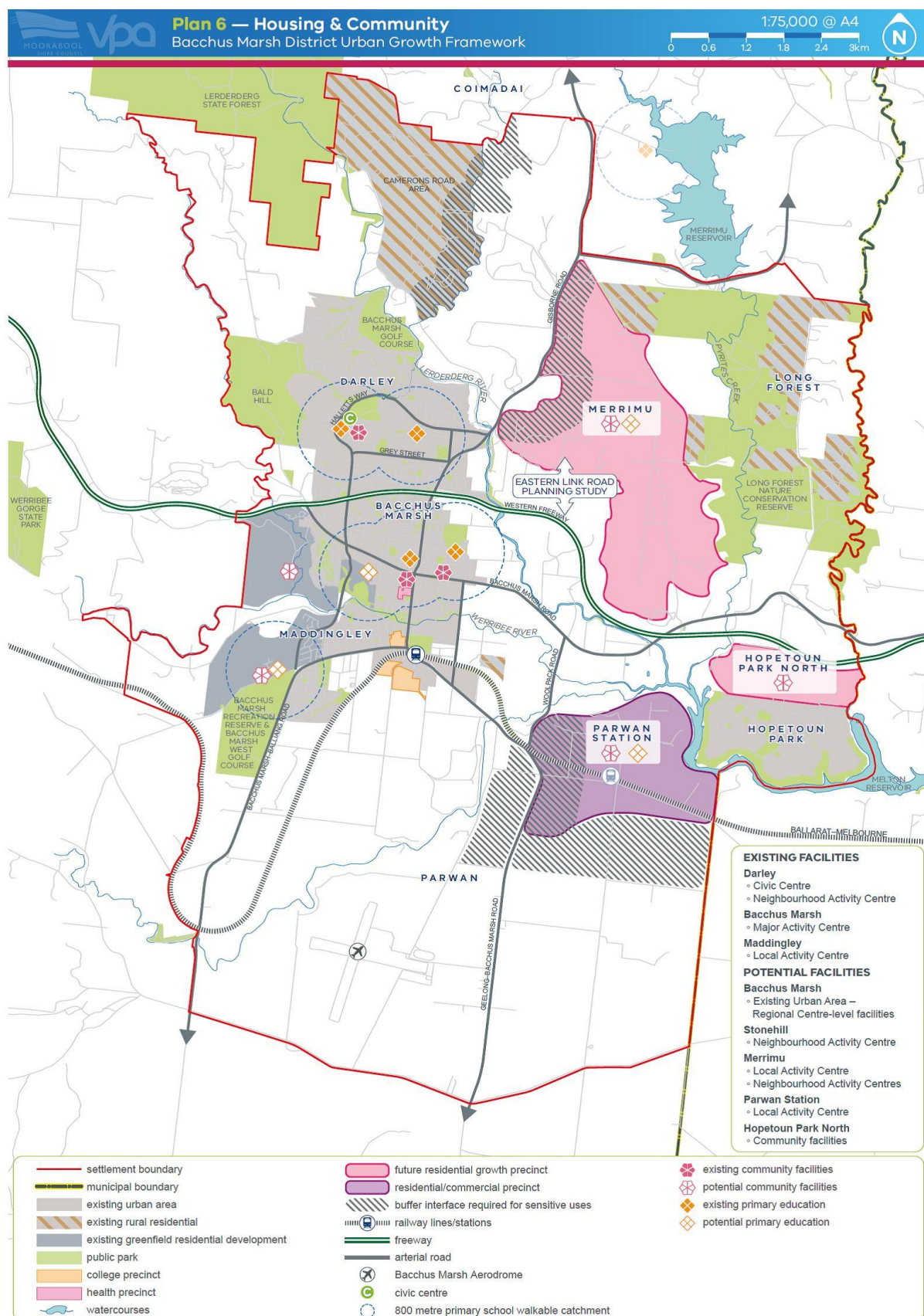


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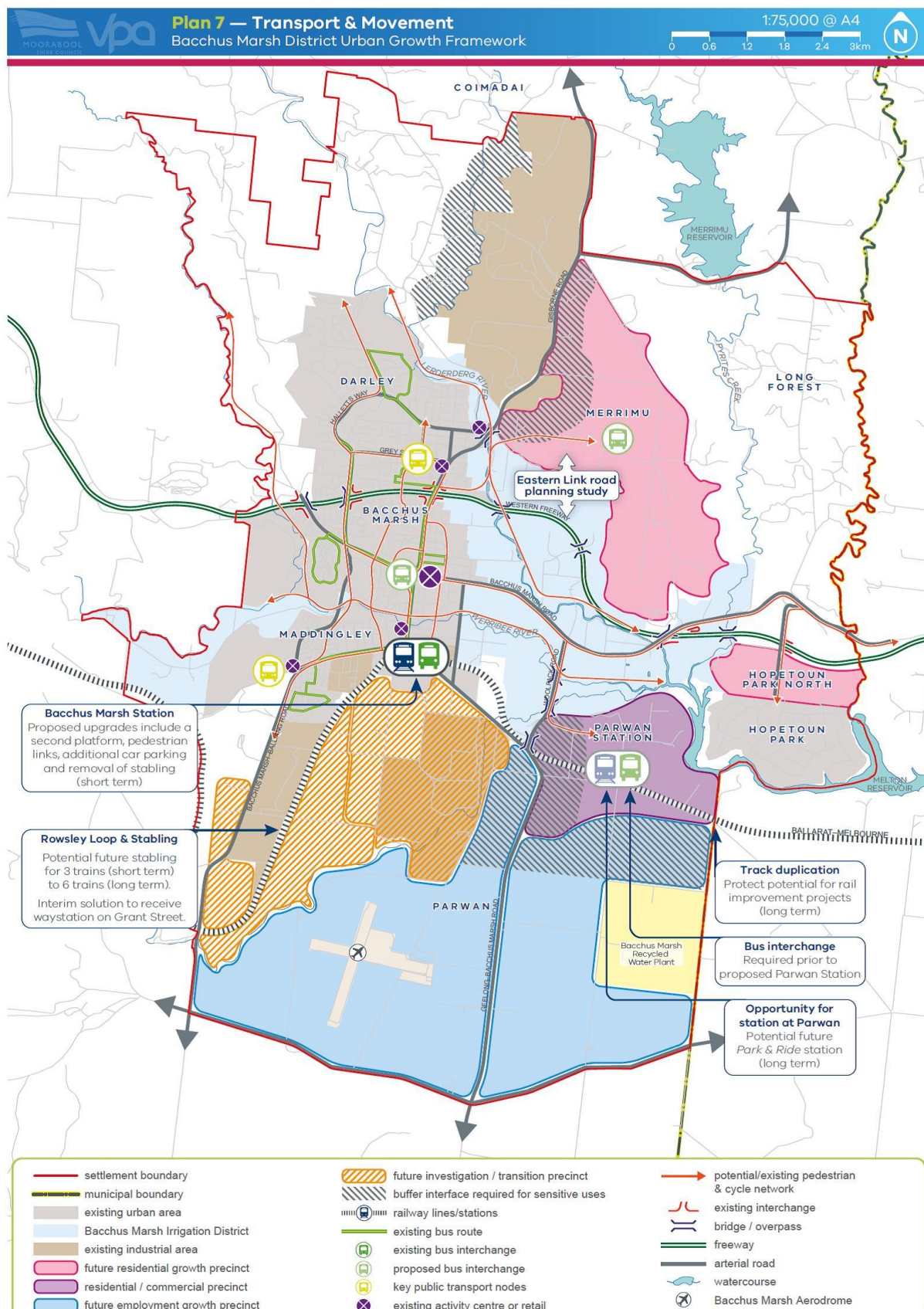


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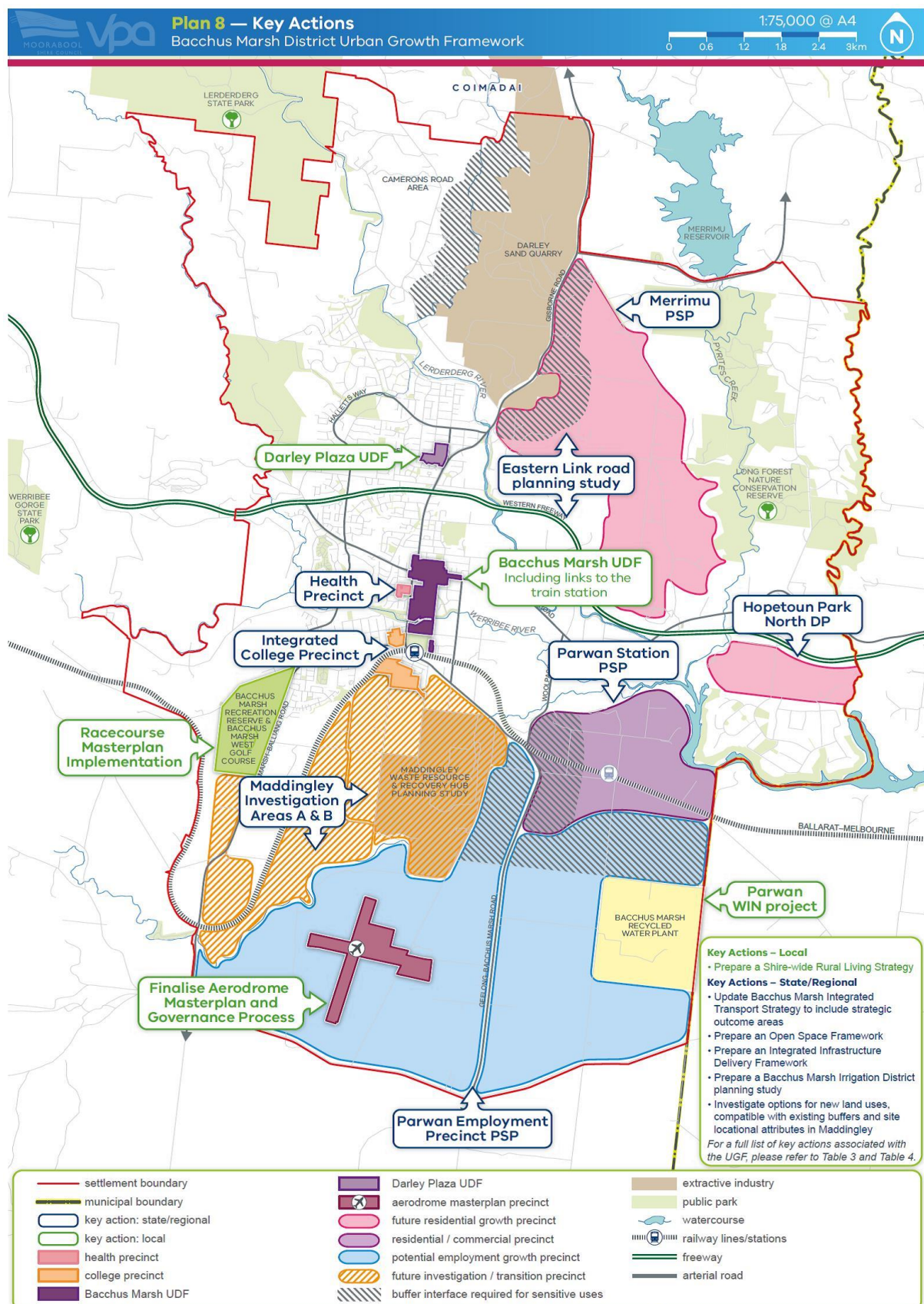
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## Appendix E Panel recommended version of various LPPF Clauses

### Panel Version of Documents

The Panel's recommended edits to the Local Planning Policy Framework documents are provided within this Appendix.

The Panel notes that the base document utilised is Council's Post Hearing Version of the various Clauses (Hearing Document 46), distributed to Parties on 28 June 2018, with all changes accepted.

The Panel's recommended further changes to the various Clauses are shown as follows:

Recommended Addition: [Tracked Added](#)

Recommended Deletion: ~~Tracked Deleted~~

## 21.01 MUNICIPAL CONTEXT

26/02/2009  
Proposed C81

Moorabool Shire is located on the western urban/rural fringe of the Melbourne metropolitan area and extends to the outskirts of Ballarat to the west, along the major rail and road transport corridor between the two cities. This location within the Ballarat Transport corridor has seen an increase in commuting to both cities from towns within the Shire.

### 21.01-1 Municipal profile

Proposed C81

Bacchus Marsh is the municipality's main centre for retail, service, and employment activities. Bacchus Marsh has the most comprehensive community infrastructure in the Shire but there are shortfalls in infrastructure and service provision that require a larger population base for cost effective responses. Bacchus Marsh is the focus for economic and residential growth, with Ballan and potentially Gordon providing complementary roles.

*Plan Melbourne* and the *Central Highlands Regional Growth Plan* refer to Bacchus Marsh as a regional centre in recognition of its historical service centre role. Bacchus Marsh also has the potential to play a role in relieving population pressure on metropolitan Melbourne by absorbing a share of the projected housing growth.

There are planning challenges in accommodating and servicing residential growth and demand for lifestyle housing while protecting agricultural productivity, and environmental values and significant landscapes.

Moorabool Shire is characterised by its townships in rural settings and its distinctive rural landscapes which comprise a diversity of vast ranges, plains, ancient gorges, and areas of intensive horticulture. The varied and rich topographical features are integral environmental, agricultural, and recreational resources for the Shire.

These environmental assets, as well as existing built form, historic buildings and landscapes, contribute to the Shire's numerous places of natural and cultural heritage significance.

Much of the Shire is in Special Water Supply Catchments, which has a significant impact on the development potential of land in the west and north of the Shire. This combined with large areas of National or State Park or State Forest that traverse the Shire limit development opportunities and pose significant land management issues, particularly relating to sediment control and land clearing.

Agriculture is the major sector in Moorabool's economy and also contributes to the rural landscape setting that typifies the Shire. Agricultural production is predominantly broad acre cropping and grazing with intensive horticulture on irrigated land around Bacchus Marsh. Council's economic development strategies encourage new and innovative sustainable agricultural industries and the promotion of value adding industries that can capitalise the agricultural and resource base.

### 21.01-2 Key issues

26/02/2009  
Proposed C81

Key issues that direct land use planning in Moorabool Shire are:

#### Settlement

There is increasing pressure to balance residential growth objectives with the protection of environmental, landscape and lifestyle values across the Shire.

Significant population growth in consolidated urban areas over the next 25 years is expected which will need to provide cost effective delivery of appropriate infrastructure and services.

Bacchus Marsh is one of a number of important peri-urban towns or settlements that *Plan Melbourne* has identified as being suitable for increased development and offers an alternative housing destination within easy reach of Melbourne. The growth potential of Ballan is also recognised in both *Plan Melbourne* and the *Central Highlands Regional Growth Plan*.



Moorabool Shire's capacity to accommodate future urban development is physically and environmentally constrained. Approximately two-thirds of the Shire is located in Special Water Supply Catchments, which includes privately owned land, mainly used for agricultural purposes, or National or State Park or State Forest. Steep land, areas subject to flooding, and resources capable of economic extraction are also significant development constraints. These constraints are shown in the Moorabool Corridor Framework Plan (Clause 21.03-2).

Development of both townships and rural land within Special Water Supply Catchments needs to be managed to protect water quality and quantity.

Future population growth needs to be balanced with protection and sustainable use of the Shire's environmental assets which contribute significantly to the lifestyle and attraction of Moorabool Shire as a place to live, invest and visit.

Urban growth, residential development, and lifestyle housing need to be managed to maintain the attractive rural setting and lifestyle, and to provide adequate services and facilities in a cost effective manner.

Urban growth has the potential to develop up to the LGA boundary and therefore reduce the existing rural buffer between Moorabool Shire and the Shire of Melton

## **Housing**

A range of residential choices is needed to attract residents and to meet the changing needs and preferences of an ageing population.

## **Transport**

There is a need to improve vehicle and freight links between communities within the municipality and links to destinations outside the Shire. There is a need for links to address physical division created by the Ballarat Freeway and Ballarat Rail line, particularly in Bacchus Marsh.

Improved public transport levels of service and integration throughout the municipality and particularly along the Melbourne – Ballarat rail corridor are needed to support sustainable growth.

## **Environment**

The varied and rich topographical features of Moorabool Shire (including ranges, plains, and ancient gorges) need to be conserved not only for their intrinsic environmental and landscape values but also as a recreational resource to the Shire.

The environmental assets (including the Brisbane Ranges National Park, Lerderderg State Park, Werribee Gorge State Park, the Wombat State Forest, and Long Forest Nature Conservation Reserve), as well significant waterways, historic buildings, rural townscapes, and landscapes contribute to the Shire's numerous places of natural and cultural heritage significance. These features inter-twine to form the character and lifestyle opportunities that attract people to Moorabool Shire.

Moorabool River, Werribee River, and Lerderderg River supply water for domestic and agricultural purposes. Inappropriate development, land clearing and sediment deposition from erosion can threaten riparian environments and water quality within the catchments.

## **Economic Development**

Continued productive and sustainable agricultural and horticultural land use, which is critical to the Shire's economy and its ongoing economic development, requires protection from residential encroachment.

It is important to ensure planning to accommodate demand for rural living opportunities produces enhanced environmental outcomes and also protects agricultural production, particularly highly productive areas in the west of the Shire and irrigated land around Bacchus Marsh.

There is an ongoing need to manage existing and potential conflict between residential, rural residential and agricultural and horticultural production.

There is a need to strengthen the local economy to improve local employment opportunities and reduce the leakage of retail spending.

Bacchus Marsh and Ballan provide areas of important industrial and mineral resource. These include large sites zoned Industrial 2, the Maddingley Brown Coal Mine and quarries in Bacchus Marsh. Planning to manage off-site impacts and avoid conflict with sensitive uses is required to realise economic development opportunities.

### **21.01-3 Vision and strategic framework plan**

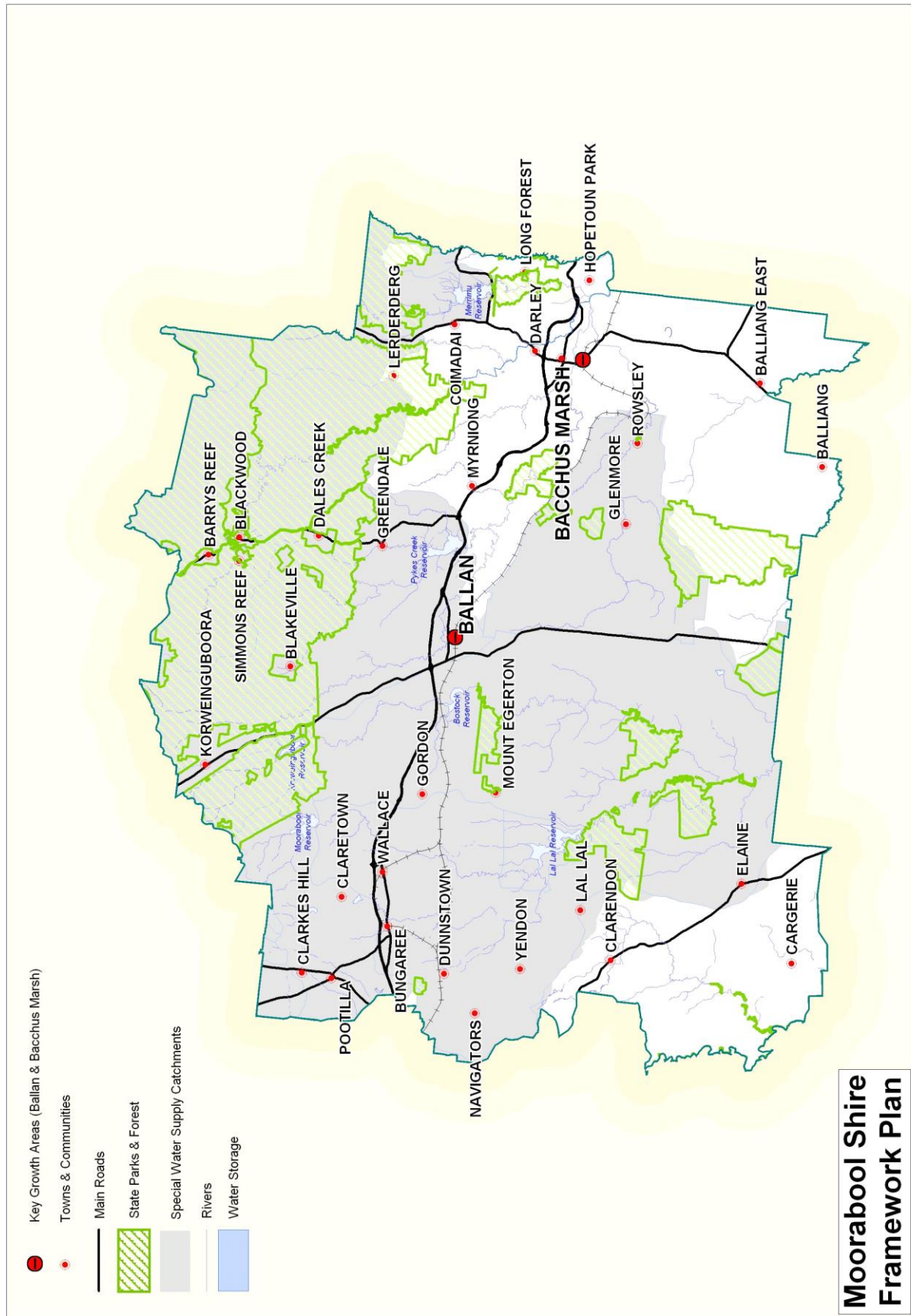
26/02/2009  
Proposed C81

Council's key strategic planning directions are illustrated on the Strategic Land Use Framework Plan. The framework plan identifies overall direction to guide specific land use outcomes. It identifies potential 'development opportunity areas' where significant land use change may be expected, and areas where land use constraints are likely to restrict future development.

Separate land use framework plans in Clauses 21.07 and 21.08 provide more detailed guidance for major townships.

The major strategic directions identified on the Municipal Framework Plan include:

- The location of Special Water Supply Catchments, parks and forests which have limited development potential;
- Designation of key towns in the municipality, with Bacchus March identified as the key centre for economic and residential growth and Ballan fulfilling a complementary role; and
- Identification of the Ballarat Rail line as part of the Ballarat-Melbourne transport corridor.



## **21.02 NATURAL ENVIRONMENT**

10/11/2011

### **21.02-1 Key Issues and Influences**

26/02/2009  
Proposed C81

#### **Non Urban Landscapes**

Moorabool Shire's natural environment, towns, rural landscapes, and forested areas are important elements of the Shire's character.

#### **Water and Catchment Management**

Large areas of Moorabool Shire are in Special Water Supply Catchments providing potable water for local and regional populations.

Much of the Special Water Supply Catchment areas contain towns, communities, and productive farms that have a legitimate expectation to grow and prosper.

There is a combined responsibility for water quality by the Shire, Water Authorities and Catchment Management Authorities.

#### **Biodiversity**

Lerderderg State Park, the Brisbane Ranges National Park, Wombat State Forest, Werribee Gorge State Park, Long Forrest Nature Conservation Reserve and other bushland areas in the Shire are highly significant natural resources with nationally important flora, fauna habitat values. These values are also valuable attractors of recreation and tourism.

Human activity particularly the impacts of population growth, urban growth, and agricultural activity have contributed to the decline in biodiversity, quality and quantity of native vegetation and waterway condition.

Roadside vegetation is of great value to the Moorabool Shire as it provides for flora and fauna movement corridors between State and National Parks or Forests and supports the rural character of the area.

Pest and environmental weed control are important issues within the Shire as is the revegetation of native flora along waterways.

#### **Wildfire**

Large areas of the Shire are at risk of wildfire particularly forested areas on steep inclines.

#### **Environmentally Sustainable Development**

Planning for development in Moorabool Shire must give deliberate consideration to environmentally sustainable development principals that will maintain and enhance the quality of the environment and natural resource base.

#### **Flood Management**

Large areas of the Moorabool Shire are prone to flooding as the Moorabool, Werribee, and Lerderderg Rivers flow through the Shire.

### **21.02-2 Objective—Non Urban Landscapes**

26/02/2009  
Proposed C81

To maintain and enhance the natural environment and the Shire's rural identity and character.

#### **Strategies**

- Maintain the open rural landscape between the Shire's eastern boundary and Bacchus Marsh as a visual buffer.
- Recognise and protect the national, state and regional values of Werribee George State Park, Bungal State Forest, Long Forest nature Reserve, Lal Lal State Forest, Lal Lal Falls, Brisbane Ranges Lerderderg State Park, and Wombat State Forest.
- Protect the landscape and scenic qualities of forested hill slopes, rural landscapes, and bushland setting of the Shire's rural and urban areas.
- Minimise visual impacts on high quality landscapes by only supporting well designed appropriate development on hilltops and ridgelines.

### **21.02-3 Objective—Water and Catchment Management**

26/02/2009  
C34

To protect the quality and quantity of water within the Moorabool Shire.

#### **Strategies**

- Where reasonable, promote the installation of reticulated sewerage within all areas of Moorabool Shire.
- Promote land use and development compatible with the Shire's natural environment, native vegetation, and places of environmental significance.
- Ensure that the removal of all stormwater and effluent associated with new development is undertaken in a way which is not to the detriment of the quality or quantity of water in local watercourses and limits downstream effects.
- Ensure the retention, protection, and revegetation of the riparian area along watercourses.

### **21.02-4 Objective—Biodiversity**

10/11/2011  
C57

To positively enhance biodiversity in the Moorabool Shire.

#### **Strategies**

- Support the implementation of the appropriate Regional Catchment Management Strategy
- Require land use change and development to retain native vegetation and to minimise topsoil disturbance.
- Require an increase in sustainable rural land management practices (in particular weed and pest management) when supporting land use change or development within rural areas.
- Maintain protect, and enhance the biodiversity values of important roadsides, particularly those within the surrounds of the state and national parks or forests.
- Maintain, protect and enhance the River Red Gum (*Eucalyptus Camaldulensis*) Population within the Bacchus Marsh Valley.

### **21.02-5 Objective—Wildfire**

26/02/2009  
C34

To minimise risk of wildfire damage.

#### **Strategies**

- Develop and apply the annual Moorabool Municipal Fire Prevention Plan.

### **21.02-6 Objective—Environmentally Sustainable Development**

26/02/2009  
C34

To manage land use in an environmentally sustainable manner, to assist in reducing the ecological footprint of land within Moorabool Shire.

## Strategies

- Ensure that the natural drainage functions are retained in the development of land for residential purposes.
- Ensure that new dams in the rural zones consider stream flow, catchment, landscape, environmental and land degradation issues.
- Encourage the principals of energy efficient building design and site layout to be considered for new developments, to reduce reliance on artificial heating and cooling and therefore subsequently reducing green house gas emissions.
- Ensure Best Practice Water Sensitive Urban Design principals are applied to all new development within the Moorabool Shire.

21.02-7

## Implementation

26/02/2009  
C34

## Zones and Overlays

Specific application of zones and overlays to achieve the strategic objectives includes:

- Apply relevant overlays (VPO or ESO) to reflect biodiversity mapping of the Shire when completed;
- Apply Erosion Management Overlay (EMO) and Salinity Management Overlays (SMO) to reflect land capability across the Shire;
- Apply Floodway Overlay (FO) and Land Subject to Inundation Overlays (LSIO) to reflect relevant Council flood studies;
- Apply Significant Landscape Overlay (SLO) to ridgelines, escarpments, and hilltops; and
- Apply Wildfire Management Overlay to areas of fire risk.

21.02-8

## Further Strategic Work

10/11/2011  
C57

- Complete the biodiversity mapping project.
- Undertake studies to further identify areas subject to flooding and areas subject to poor drainage.
- Undertake erosion studies to inform the incorporation of the Erosion Management Overlay.
- Undertake salinity mapping to inform the incorporation of the Salinity Management Overlay.
- Investigate an appropriate buffer zone around the Ballan and Parwan Waste Water Plants in conjunction with the relevant Water Authorities, and develop ESO's within these buffers in conjunction with the Water Authorities and the EPA.
- Revise Environmental Significance Overlay Schedule 2 (ESO2 Waterway Protection) to incorporate floodway management.
- Extend and update the Wildfire Management Overlay (WMO) based on CFA mapping for bushfire prone areas.
- Review, update, and implement the Moorabool Shire Council Roadside Management Plan, 2001, including the application of a Vegetation Protection Overlay along roadsides with vegetation of significance.

21.02-9

## Other Actions

26/02/2009  
C34

- Work with and encourage other land managers and authorities to ensure a consistent and proactive approach to land and biodiversity conservation and enhancement.
- Encourage greater land owner awareness, involvement, and responsibility towards protecting their land and property from the threat of wildfire and flooding.

- Support the introduction of Stream Flow Management Plans.
- Work with the State Government to monitor the impact of domestic and stock dams on river flows and ground water quality and quantity.
- Work with Water Authorities to review planning controls relating to development in Special Water Supply Catchments.

## 21.03 SETTLEMENT AND HOUSING

09/10/2014  
Proposed C81

### 21.03-1 Key Issues and Influences

26/02/2009  
Proposed C81

It is expected that outward pressure from the Melbourne metropolitan area, the location of the Shire on one of the State's major regional transport corridors and proximity to the regional centres of Ballarat and Geelong will continue to reinforce the advantages of the Shire as a place to live and invest.

Bacchus Marsh has been identified in *Plan Melbourne* and the *Central Highlands Regional Growth Plan* as a suitable location to accommodate growth due to its regional service centre role, its relative accessibility to Melbourne, Geelong and Ballarat, its well established town centre and the availability of greenfield and infill development opportunities.

The growth potential of Ballan is also recognised in both *Plan Melbourne* and the *Central Highlands Regional Growth Plan*.

Population growth is also influenced by people choosing to live in rural areas and small towns particularly where they are serviced by the regional transport corridor. In particular, plans to sewer Gordon may enable development of the township, which has scenic qualities and is close to Ballarat, without unacceptable environmental impact on the Moorabool River water catchment.

The communities and towns of Moorabool Shire have a very strong rural setting and character that is defined by the local agricultural base, spectacular scenic landscapes and diverse vegetation. There is a need to ensure that these values, which draw people to the area, are protected.

Planning for residential and other urban growth must recognise the range of physical and infrastructure constraints particularly in relation to resource management and environmental values.

While there is an existing 'pool' of small, vacant lots in the rural areas, potential development on many of these lots is constrained because they are within a Special Water Supply Catchments area.

### 21.03-2 Objectives—Urban Growth Management

26/02/2009  
Proposed C81

- To ensure that Bacchus Marsh and Ballan accommodate the most residential growth in the municipality.
- To maintain an adequate long term land supply to accommodate the projected increase in population.
- To improve social and physical infrastructure in the Shire to support the growing population.
- To promote sustainable urban growth, including increasing densities around activity centres and the public transport network.
- To direct growth to preferred locations and away from non-preferred locations.

#### Strategies

- Ensure the supply of residential land is sufficient to accommodate projected rates of growth.
- ~~Ensure at least 15 years of appropriately zoned land is always available in Bacchus Marsh and Ballan to provide for a range of housing options.~~
- Facilitate and promote a range of residential development options, including high quality 'master-planned' developments.
- Direct population and employment growth to Bacchus Marsh with supporting growth in Ballan.
- Consolidate established urban areas by promoting infill development of land zoned for urban purposes.



- Retain the non-urban break between Bacchus Marsh and the metropolitan area.
- Ensure a clear separation between urban development and farming activities is retained.
- Avoid urban development where it is likely to impact on highly productive agricultural land, environmental values and the long-term sustainability of natural resources.
- Ensure planning and management of urban growth in designated towns takes account of existing and proposed infrastructure capacity.
- Discourage development in settlements where reticulated sewerage systems are not available and onsite treatment of effluent cannot be provided.
- Manage urban growth through Development Plans or Precinct Structure Plans and the implementation of Development Contributions Plans where appropriate.
- Discourage large subdivisions unless they are in accordance with an approved Development Plan or Precinct Structure Plan.

### **21.03-3 Objective—Residential Development**

26/02/2009  
Proposed C81

To achieve high quality residential environments which enhance liveability, sustainability, healthy and active neighbourhoods.

#### **Strategies**

- Facilitate the creation of sustainable neighbourhoods that encourage integrated, liveable, walkable neighbourhoods.
- Encourage higher density development close to activity centres.
- Encourage a combination of greenfield and infill opportunities to enhance the diversity of housing choices and affordability.
- Encourage high quality design of dwellings, open space and the public realm as an important contributor to achieving sustainable developments.
- Provide for non residential uses, including convenience shops and medical centres, in locations that are compatible with the scale and character of the area.
- Encourage non residential uses to be located on lots fronting road in a Road Zone.

### **21.03-4 Objective—Landscape and Neighbourhood Character**

26/02/2009  
Proposed C81

To ensure new development in all zones respects the existing character, landscape setting and amenity of the local area.

#### **Strategies**

- Ensure development protects and enhances the existing character, built form, natural environment, country town scale and rural atmosphere of each town.
- Encourage development in growth areas to respect its landscape setting.
- Ensure new development protects the visual, aesthetic, and environmental values of escarpments, ridgelines and views and views from the Bacchus Marsh valley.
- Facilitate community identity of townships through design of new development.
- Retain non-urban breaks between towns and settlements.
- Discourage residential development in the farming areas unless it is required for the agricultural use of the land.
- Protect and reinforce the Shire's built and natural heritage.
- Ensure that new development is appropriately sited, designed and constructed to blend with the significant landscape values, native vegetation and rural settings.

- Discourage inappropriate development on scenic hilltops, ridge lines and areas of visual prominence.

### 21.03-5 Objective—Rural Lifestyle Opportunities

26/02/2009  
Proposed C81

To support development in small towns and rural lifestyle opportunities as an additional residential choice.

#### Strategies

- Prevent the fragmentation of farm land through inappropriate subdivisions.
- Limit residential development in areas without reticulated services where the development would compromise water quality (particularly in Special Water Supply Catchments), adversely affect agricultural production, or impact on native vegetation and habitat values.
- Only consider expansion of existing small towns after land already zoned for urban purposes has been substantially developed.
- Provide for planned rural living development in appropriate locations in recognition of the attractiveness of rural lifestyle options. Identify appropriate opportunities for planned rural residential/rural living development after the Moorabool rural strategy has been completed.
- Provide for limited residential development in areas zoned Rural Living. Preference will be given to subdivision where the following criteria can be met:
  - the overall density of residential development satisfies environmental and physical requirements, including appropriate on-site treatment of effluent and stormwater management;
  - development does not restrict agricultural and horticultural production;
  - sealed access roads service all lots;
  - reticulated water services are provided; and
  - the development leads to an overall enhancement in the condition of the environment.
- Focus rural living development in areas close to urban centres with good access to services and facilities where there is minimal impact on productive agriculture and horticulture or areas with environmental values.

### 21.03-6 Implementation

09/10/2014  
Proposed C81

#### Zones and Overlays

Specific application of zones and overlays to achieve the strategic objectives includes:

- Apply the General Residential Zone Schedule 2 to designated areas within the Bacchus Marsh Activity Centre, Bacchus Marsh Civic and Community Hub, Halletts Way and designated areas surrounding Darley Plaza;
- Apply the General Residential Zone Schedule 3 to designated areas near community and retail facilities in Bacchus Marsh and Darley;
- Apply the Neighbourhood Residential Zone Schedule 1 to Gordon to reflect the landscape character and minimum lot size requirements (infrastructure capacity constraints) within the Gordon Structure Plan;
- Apply Development Plan Overlays to provide for density patterns, road networks, open space networks, staging, and integration between new and existing development, supply of reticulated water and sewerage, drainage, fire prevention, and vegetation and landscape protection to planned residential areas requiring development;
- Review the Restructure Overlay to the old Crown townships of Blakeville, Old Wallace, Elaine North, and Rowsley and other measures necessary to support the implementation of restructure plans.

### Local policy and exercise of discretion

- Provide heavily vegetated buffers of at least 50 metres between industrial and residential land to protect the amenity of the residential areas, and where possible, provide opportunities for pedestrian and cycling links to Council's Tracks and Trails Master Plan.
- Where relevant require a report to accompany planning applications that explains how the siting and design of the proposal has responded to objectives and strategies of this MSS, the topography, environmental constraints, and the landscape significance and character of the area.
- One dwelling may be constructed on each lot created in accordance with an incorporated restructure plan subject to appropriate responses to environmental issues, siting, construction details and effluent disposal.
- Ensure that new buildings and works are sited, designed and constructed to:
  - minimise the removal and disturbance of native vegetation;
  - avoid protruding above ridgelines, hill tops and tree canopies;
  - avoid construction on slopes greater than 20%;
  - minimise soil disturbance and levels of excavation and fill;
  - avoid the use of reflective building materials such as zincalume; and
  - use external colours, materials and finishes of subdued tones that blend with the surrounding landscape and vegetation.
- Prevent the construction of buildings that create an appearance of bulk, scale and size in visually prominent and significant landscape areas.
- Encourage the planting of indigenous native vegetation to assist in screening new development.
- Require the design and construction of all weather access roads and driveways that traverse slopes and minimise visual intrusion and soil erosion.
- Require applications for buildings and works to be accompanied by a report that explains how the proposal has been sited and designed to respond to the topography, landscape significance and character of the surrounding area and achieve the objectives and performance criteria of this policy.

### 21.03-7

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### Further Strategic Work

- Prepare structure plans for Gordon and Blackwood as a high priority in preparation for sewerage of the towns.
- Prepare structure plans for towns including Wallace, Dunnstown, Yendon, Myrniong, and Mt Egerton.
- Undertake a study to identify strengths and development opportunities for Moorabool's small towns with a view to facilitating the better utilisation of existing infrastructure.
- With water authorities develop agreed municipality-specific provisions for the Shire's Special Water Supply Catchments to provide the basis for a revised schedule to ESO1 and review of associated policies.
- Develop protocols for involvement of water authorities in urban growth strategies and rezoning proposals.
- Develop a Local Policy or overlay(s) to manage development to address heritage, landscape, vegetation, and environmental values in Blackwood, Barry's Reef, and Simmons Reef.
- Review absorption and contamination risk of land in existing Rural Living Zones in Special Water Supply Catchments.
- Integrate the Wildfire Management Overlay and the Municipal Fire Prevention Plan.
- Develop a Social Impact Assessment Policy to ensure consideration of the social impacts of major developments proposals.

## **21.03-8 Other Actions**

**26/02/2009**  
Proposed C81

- Advocate and continue support for capital works programs of infrastructure agencies to:
  - to address the issue of future water supply;
  - Sewer Gordon and Blackwood and advocate for sewerage of other townships in water catchment areas;
  - Improve and integrate public transport services, including reopening the Gordon railway station; and
  - Provide other utilities (including natural gas) to small towns.
- Develop a Shire-wide telecommunications strategy to identify current and future telecommunication/broadband needs and provision as part of new development and subdivision applications.
- Facilitate future transport infrastructure planning through local structure plans.
- Develop agreed municipality-specific provisions for the Shire's Special Water Supply Catchments to provide the basis for a revised schedule to ESO1 and review of associated policies.

**21.04**21/12/2017  
Proposed C81**ECONOMIC DEVELOPMENT AND EMPLOYMENT****21.04-1****Key Issues and Influences**26/02/2009  
Proposed C81**Agriculture and horticulture**

The diversity in agricultural production and potential across the Shire is an economically valuable resource. Extensive grazing and cropping dominate large areas of the Shire. Where irrigation water or higher rainfall combines with highly productive soil types, the Shire supports intensive horticultural pursuits. The protection of agricultural and horticultural production is an important planning outcome.

The Shire's agricultural base and attractive rural setting are important drivers in attracting people to live in Moorabool. Council supports rural living development where it does not compromise the long term productive use of rural land for agriculture and horticulture, maintains the Shire's environmental qualities, and provides services and infrastructure to support such development.

Land fragmentation can occur when residential development takes place in rural areas with no link to the rural activities of the area. It is important that planning solutions are implemented that reduce the off-site impacts of rural living on the farming activities within the Shire. Farm businesses need to be able to retain the capacity to operate as agricultural enterprises. Unplanned or ad hoc rural residential development on existing titles is often inappropriate due to the lack of necessary services including sustainable road infrastructure. The Shire's rural setting provides an important social, cultural, and economic resource that needs to be protected.

The Shire's horticultural land resources are important economically in supporting tourism and the lifestyle appeal of the area. The highly productive irrigated horticultural areas adjoining Bacchus Marsh are a major asset for the Shire and the township and are to be protected from the encroachment of residential development.

**Commercial**

There is a need to retain the benefits of a consolidated commercial centre in Bacchus Marsh and Ballan. The relatively high commuter population also results in trade leakage. Council recognises that centrally-located, attractive mixed-use activity centres with a densely developed inner core, will assist in reducing trade leakage and will ensure a vibrant community and cultural hub. Bacchus Marsh has attractive commercial elements such as magnificent approach roads, historic buildings and a village like Main Street.

Further consolidation of the Bacchus Marsh Main Street activity centre will ensure that it develops into a vibrant and regionally competitive commercial centre. It is also important to ensure that the Main Street activity centre, is supported by a network of lower order activity centres sufficient to meet local needs.

There is a need to facilitate bulky goods retail (restricted retail) investment in Bacchus Marsh, to reduce escape expenditure and to fill an identified gap in local retail services.

## Industry

There are a number of state-significant natural resources and export-based industries that make significant employment and economic contributions to Bacchus Marsh, including:

- Bacchus Marsh Irrigation District
- Darley/Coimadai sand quarries
- Maddingley Waste and Resource Recovery Hub (including coal mine)

While these businesses provide a huge opportunity for Bacchus Marsh and the shire more broadly, there are off-site impacts that need to be managed.

Moorabool Shire contains industrial land stocks, in Bacchus Marsh and Ballan that have good access to transport infrastructure and are in close proximity to metropolitan Melbourne and the regional centres of Ballarat and Geelong. In Bacchus Marsh the industrial land is located south of the Werribee River. In Ballan the area to the southeast is zoned for industrial activity. Large tracts of industrial land in Bacchus Marsh remain undeveloped due to the lack of supporting physical infrastructure and, in some cases, due to the encroachment of sensitive residential uses.

Maddingley industrial precincts to the north of Kerrs Road are constrained by residential encroachment. These precincts are therefore best suited to service industries, rather than manufacturing and other heavy industries.

A key requirement is to provide adequate supplies of fully-serviced industrial land to accommodate development opportunities and create local employment.

## Local employment

Moorabool Shire residents are employed in a diverse range of industries that are characterised by its rural environment and proximity to urban centres. The Shire has significant location advantages for business including its proximity to ports and major population centres and access to road and rail infrastructure that provides transport links across Victoria and into South Australia. There is a distinct commuter labour force that travels outside of the municipal boundaries to places of employment. A primary goal is to facilitate economic development that reduces the reliance on employment opportunities outside of Moorabool Shire. The clustering of employment generating land uses is a high priority within the Parwan Employment Precinct to the south of Bacchus Marsh, in order to provide for an increasing level of local employment. This precinct benefits from accessibility to the Western Freeway, the Melbourne-Ballarat rail corridor, significant separation from sensitive uses and larger landholdings. The Parwan Employment Precinct provides a range of opportunities for industrial and agribusiness investment, particularly value adding enterprises that are vertically or horizontally integrated with the local agricultural sector, and which export products beyond the Shire.

A network of master-planned and transport-oriented activity centres throughout Bacchus Marsh will assist in reducing the high rate of escape expenditure currently experienced, enhance the township character and amenity, and will create a critical mass of people living and working in the town.

Tourism is a growing industry and important economic driver in the Shire that presents opportunities for economic development and diversification of the local economy and workforce. The Shire and the Spa Region to the north have tourism links with the Goldfields region to the west and north of the Shire. Tourism development draws on many aspects of the Shire including recreation, leisure activities, environment, wineries, mineral springs, heritage and landscape features. Council recognises that economic prosperity is dependent on its natural resources and seeks to promote economic activity that is consistent with protecting and enhancing the Shire's natural resource assets.

### 21.04-2 Objective—Agriculture

26/02/2009  
Proposed C81

To protect good quality agricultural land and support the productivity and sustainability of existing and future agricultural and horticultural activities.

To increase productivity and investment associated with the Bacchus Marsh Irrigation District.

### Strategies

- Maintain productive farm sizes by discouraging fragmentation of land for non-rural use and development.
- Direct rural residential and rural living developments to strategic growth areas where they will not impact on agricultural and horticultural production.
- Encourage and support best practice water use efficiency, including the use of recycled water use, in existing and planned new agricultural land use and development.
- Require land use changes and new developments in productive agricultural areas to demonstrate that they do not impact detrimentally on existing agricultural activities.
- Encourage the use and development of land for small-scale tourist activities that are associated with, or enhance the use of the land for agricultural purposes.
- Ensure that incompatible land use and development does not encroach upon productive agricultural land, particularly the Bacchus Marsh Irrigation District.
- Facilitate value-adding enterprises associated with the Bacchus Marsh Irrigation District, by working with landowners to achieve vertical or horizontal integration.

### 21.04-3 Objective—Commercial

26/02/2009  
Proposed C81

To reinforce the role of Bacchus Marsh and Ballan as regional centres for employment, shopping, tourism, industry, business, and cultural services.

To provide a diverse range of retail and community services in Bacchus Marsh to meet the needs of Moorabool residents, increase local jobs and limit escape expenditure.

To maintain the primacy of the Bacchus Marsh Main Street Activity Centre, and provide a network of supporting activity centres sufficient to meet local needs.

To facilitate a bulky goods (restricted retail) precinct convenient to the Bacchus Marsh community, to accommodate large footprint retail uses.

### Strategies

- Facilitate appropriate investment attraction and development of the core activity centres shown on the Bacchus Marsh Urban Growth Framework Plan, in accordance with the following hierarchy:
  - Major Activity Centre:
    - Bacchus Marsh (Main Street)
  - Neighbourhood Activity Centres:
    - Darley Plaza
    - West Maddingley
  - Local Activity Centres:
    - Maddingley (Grant Street)
- Require sound economic analysis and strategic justification, to facilitate consideration of potential additional activity centres to service local needs in growth precincts, as shown on the Bacchus Marsh Urban Growth Framework Plan.
- Ensure that growth precinct planning delivers any new activity centres in the early stages, and that new activity centres are co-located with community facilities.
- Encourage and facilitate redevelopment and expansion of Darley Plaza as the basis for a modern, high amenity neighbourhood activity centre for local residents in Darley.

- Plan for an out-of-centre bulky goods retail (restricted retail) precinct in Bacchus Marsh, sufficient to accommodate the long term needs for such uses.
- Enhance the Ballan commercial centre streetscape as well as wider pedestrian movement, signage and landscaping improvements.
- Encourage an appropriate mix of commercial and residential land uses which complement the mixed-use function of activity centres.

#### **21.04-4 Objective—Industry**

21/12/2017  
Proposed C81

To provide for a range of industrial development and activities in proximity to transport networks and existing infrastructure and avoid off-site impacts on residential amenity, environmental quality, or agricultural values.

To provide for service industries on industrial zoned land in Maddingley (north of Kerrs Road) and Ballan.

To provide for manufacturing and other heavy industries on industrial zoned and serviced land, with large separation distances to sensitive uses, in Maddingley (south of Kerrs Road).

To provide for an appropriate mix of agribusiness and industrial uses, which require large separation distances to sensitive uses, on appropriately zoned and serviced land in the Parwan Employment Precinct.

To protect the ongoing extraction of State-significant sand resources located on the border of Darley and Coimadai, and plan for the staged rehabilitation and appropriate reuse of the land.

To protect the ongoing operation of the Maddingley Waste and Resource Recovery Hub (including coal mine, landfill and associated activities).

#### **Strategies**

- Ensure that industrial land supply in the Shire's major urban centres can readily meet the needs of new industries and land use planning identifies suitably located sites for new industries.
- Encourage service industries to establish in Maddingley (north of Kerrs Road) and Ballan.
- Encourage manufacturing and other heavy industries to establish in Maddingley (south of Kerrs Road) or Parwan.
- Facilitate the activation of Parwan Employment Precinct, by preparing a precinct structure plan, a development/infrastructure contributions plan and a clear funding model.
- Support new industries in appropriate locations with the potential to utilize the existing road and rail infrastructure along the Western Highway corridor, or the proposed Eastern Link Road which will provide a north-south bypass to the east of Bacchus Marsh.
- Plan for future transport infrastructure needs of business including roads, rail and air.
- Recognise and protect the long-term potential of stone and mineral resources.
- Avoid sensitive land uses within recommended separation distances from existing industrial uses, such as the Maddingley Waste and Resource Recovery Hub, the Darley/Coimadai sand quarries and the Bacchus Marsh Recycled Water Plant.
- Support best practice management of industrial uses, to minimise offsite amenity impacts.
- Support the development of solutions and systems to increase the recovery of priority materials at Maddingley Waste and Resource Recovery Hub.
- Avoid incompatible land use conflicts by preparing a land use amenity plan for the Parwan Employment Precinct, to ensure that future land uses within the precinct are adequately separated from sensitive uses.
- Manage off-site impacts and avoid conflict with sensitive uses to realise economic development opportunities.
- Discourage any open pit areas to be used as putrescible waste dumps.



- Focus agribusiness related industries in the Moorabool Agribusiness Industrial Area in Parwan.

#### **21.04-5 Objective—Local Employment**

26/02/2009  
Proposed C81

To increase local employment opportunities in activity centres, industrial precincts and the agricultural/agribusiness sector.

##### **Strategies**

- Facilitate development of the tourism sector by protecting the natural environment, heritage and town character.
- Promote tourist-related industries (wineries, art, festivals), and strengthen tourism links with surrounding municipalities.
- Encourage home-based occupations and facilitate relocation for enterprises with a demand for out-of-home business accommodation.
- Facilitate the establishment of a regionally significant Parwan Employment Precinct, incorporating a mix of agribusiness and industrial uses on appropriately zoned land.
- Work with State government and relevant agencies to facilitate and attract potential business and investment to the Parwan Employment Precinct.

#### **21.04-6 Implementation**

26/02/2009  
Proposed C81

##### **Zones and overlays**

Specific application of zones and overlays to achieve the strategic objectives includes:

- Apply the Farming Zone and specification of minimum subdivision sizes in zone schedules that encourage appropriate lot sizes to ensure the productive capacity of agricultural and horticultural land.
- Apply zones to encourage suitable locations for horticultural enterprises and prevent the location of other land uses with the potential to create conflict with adjacent horticultural activities.
- Apply a Development Plan Overlay to the area contained within the Kennedy Place Industrial Estate to address amenity issues and establish buffers to residential areas.
- Apply a Design and Development Overlay to the obstacle limitation surface protection area applicable to the environs of the Bacchus Marsh aerodrome.

#### **21.04-7 Further Strategic Work**

26/02/2009  
Proposed C81

- Prepare a review of zones, overlays and policy statements associated with the Bacchus Marsh Irrigation District, with the aim of protecting and facilitating investment in agricultural sector.
- Undertake a strategic assessment to identify a preferred bulky goods (restricted retail) precinct.
- Prepare a precinct plan to guide growth of a bulky goods retail precinct, including design and landscape guidelines to create a sense of place.
- Investigate rezoning the Park Street, Maddingley industrial precinct from Industrial 2 Zone to Industrial 3 Zone or Mixed Use Zone, to limit manufacturing and facilitate service industry and other compatible uses.
- Investigate rezoning the Griffith Street, Maddingley industrial precinct from Industrial 2 Zone to Industrial 3 Zone.
- Investigate rezoning industrial land to the north of Kerrs Road Maddingley from Industrial 2 Zone to Industrial 3 Zone.

- Undertake a study of the State-significant sand quarries, located on the border of Darley and Coimadai, to identify the sequencing and form of rehabilitation as sand resources are progressively exhausted, and to identify potential future uses, having regard to separation distances required for remaining sand extraction and associated activities.
- Identify the obstacle limitation surface protection area applicable to the environs of the Bacchus Marsh aerodrome.
- Develop a rural strategy including a review of minimum lot sizes.
- Identify potential uses in and around Wallace township, where there is a full diamond interchange on the Western Highway and access to natural gas, to facilitate the growth of agricultural and related industry.

## 21.05 DEVELOPMENT AND COMMUNITY INFRASTRUCTURE

26/02/2009  
Proposed C81

### 21.05-1 KEY ISSUES AND INFLUENCES

26/02/2009  
Proposed C81

#### Open space and recreation

- Open space networks throughout Moorabool Shire's towns are an important element of the Shire's urban character.
- Moorabool Shire has a focus on providing integrated cycling and walking networks to link existing residential development to community facilities, commercial hubs, and parks.
- Moorabool Shire endeavours to support the health and well-being of Moorabool communities through the provision of high quality social and recreation facilities and services underpinned by effective engagement strategies.

#### Integrated transport

- Bacchus Marsh experiences regular traffic congestion, particularly due to the fact that the only north-south arterial road (Grant Street/Gisborne Road) passes through the centre of town and carries a high volume of heavy vehicle movements.
- As a regional centre with a relatively dispersed settlement pattern, Bacchus Marsh will continue to have a relatively high level of vehicle dependence. Neighbourhoods, activity centres and key destinations will need to be accessible by road, which in turn need to support public transport, cycling and walking.
- An efficient road network for Bacchus Marsh would:
  - Facilitate efficient east-west and north-south connections through the district area; and
  - Utilise ring roads to permit internal cross-town movements.
- Moorabool Shire Council is committed to working with VicRoads to alleviate the impact of heavy vehicles on the Bacchus Marsh urban area, improve traffic flow, particularly on the north south axis, and facilitate active commuting by pedestrians and cyclists. There is a need for key infrastructure such as a north-south Eastern Link Road to the east of Bacchus Marsh.
- The road infrastructure in a number of towns and settlements in the Shire and particularly Bacchus Marsh and Ballan have limited capacity to service the growing community without further upgrading and growth of the Shire's financial base.
- As part of state policy for the Ballarat transport corridor, the establishment of a fast train service that services Ballarat (via key towns located within Moorabool Shire) will greatly improve access to metropolitan Melbourne and Ballarat.
- Moorabool's transport infrastructure is structured around the Western Highway and the Melbourne-Ballarat railway line that runs through the centre of the Shire. Its two major towns (Bacchus Marsh and Ballan) are serviced by a fast rail service between Melbourne and Ballarat with timetables designed to facilitate commuting to work from the Shire to Melbourne. The rail service is augmented by linked bus services from the suburbs of Bacchus Marsh and the district around Ballan (in particular the bus line from Daylesford, through Gordon to Ballan).
- The large number of people who live in the western Statistical Local Area (SLA) and travel to Ballarat to work strengthens Moorabool Shire Council's case for the re-opening of Gordon Railway Station and the development of a public transport system in the western parts of the Shire that is oriented towards Ballarat.
- The high number of commuters from Bacchus Marsh to Melbourne also highlights the strategic location of Bacchus Marsh and the significant scope for development supported by the sustainable transport strategies of the State government. Similarly, the large number of people who live outside but work within the Shire strengthens the arguments for improved timetabling

from outlying areas including Melbourne so that employees, travelling from outside the Shire by public transport to Bacchus Marsh and Ballan, can get to work on time.

- Bacchus Marsh has been included in the metropolitan ticketing system.

### **Community facilities and infrastructure**

- Any new urban growth precincts will need to be carefully planned to ensure that they can be provided with appropriate reticulated services, integrated transport and open space.
- It is the aim of the Council to build on the community fabric of the Shire by developing social programs that focus on building community capacity and providing quality and flexible community and social infrastructure for people of all ages and from all areas within the Shire.
- Moorabool Shire acknowledges the pressures that an aging population places on the social infrastructure of the Shire and the need for a diversity of housing options to accommodate demographic change.
- Securing long-term reticulated water supplies for the towns in the Shire is an important issue.

## **21.05-2 Objective—Open space and recreation**

26/02/2009  
Proposed C81

To provide high quality, equitable and integrated open space and recreation facilities.

### **Strategies**

- Provide and locate open space areas and recreation facilities in relation to other major land uses and ensure they are designed to be safe and easily maintained.
- Encourage co-location of community facilities and open space areas that maximise access, surveillance, and safety.
- Provide pedestrian links that connect with existing foot paths and integrate with the Tracks and Trails Master Plan.
- Encourage and facilitate functional open space networks connecting waterways, State parks/reserves and identified growth investigation areas at Parwan Station, Merrimu and Hopetoun Park North.

## **21.05-3 Objective— Integrated transport**

26/02/2009  
Proposed C81

To provide a high quality, sustainable and connected integrated transport network within Moorabool Shire.

To provide for an integrated public transport network with improved coverage, accessibility and capacity.

To develop a north-south Eastern Link Road to the east of Bacchus Marsh, including connections to Gisborne Road, Western Freeway and Geelong-Bacchus Marsh Road.

Strengthen the potential for Bacchus Marsh district road networks to manage local traffic movements.

To facilitate a mode shift from car dependency to active transport and public transport.

To provide a new high quality, high amenity pedestrian and cycle link in Bacchus Marsh, connecting between Main Street and the Railway Station.

To better utilise the Bacchus Marsh Aerodrome.

### **Strategies**

- Require new development to make appropriate financial contributions to the provision of integrated transport infrastructure.

- Work with Vic Roads to undertake improvements to the Bacchus Marsh arterial road network in accordance with the *Bacchus Marsh Integrated Transport Strategy*, 2015, to facilitate multi-modal movements.
- Work with Vic Roads to undertake a road corridor planning study for an Eastern Link Road which includes connections to Gisborne Road, Western Freeway and Geelong-Bacchus Marsh Road.
- Facilitate the construction of a multi-modal Eastern Link Road to cater for expected growth within Bacchus Marsh and surrounding areas and to remove freight movements from the town centre.
- Ensure the provision of a connected integrated and multi-modal transport network within any urban growth precincts, and between any urban growth precincts and the urban areas of Bacchus Marsh, Darley and Maddingley.
- Require that precinct structure plans for Parwan Station and Merrimu urban growth precincts:
- Identify the maximum number of lots which can be developed in each growth precinct prior to the Eastern Link Road being constructed, and the local road network improvements necessary to facilitate such development; and
- Identify appropriately located sites for future 'park and ride' facilities, and ensure that such sites are of adequate area and dimensions to facilitate flexibility in the design of such facilities.
- Improve road and car-parking infrastructure within activity centres.
- Require that land use and development does not prejudice levels of service, safety, and amenity of the Western Freeway and minimise any adverse effects of noise from traffic.
- Limit freight traffic movement through Bacchus Marsh.
- Increase the extent, quality and safety of pedestrian and bicycle networks, particularly linking to and through activity centres, community facilities and public open space, and across the Western Freeway.
- Require the provision of bicycle and pedestrian networks in new residential developments, with appropriate links to existing networks.
- Work with Southern Rural Water to investigate opportunities to use the irrigation channel reserve for a shared path.
- Establish a pedestrian and cycle spine between Main Street, Bacchus Marsh and the Railway Station, including:
- Orientation of new, sensitively designed residential development towards the pedestrian / cycle spine to facilitate an active edge to this spine.
- Location of any active or passive open space adjacent to the pedestrian / cycle spine.
- Support the development and facilitation of integrated public transport provision and services to meet the growing needs of the Shire's communities.
- Maximise public access to the fast rail network.
- Work with Public Transport Victoria to promote improvements to the existing public transport network, infrastructure and facilities within the Shire, including a potential future 'park and ride' station at Parwan in the medium to long term, to support urban growth.
- Work with relevant State government agencies to promote improvements to the existing public transport network, infrastructure and facilities within the Shire, including the following future facilities to support urban growth in the Bacchus Marsh district:
  - A 'park and ride' train and bus station within Parwan Station urban growth precinct, co-located with an activity centre.
  - One or more 'park and ride' bus stations within Merrimu urban growth precinct, co-located with activity centres.
  - A 'park and ride' bus station in close proximity to the Darley Plaza activity centre.

- A bus stop/station at each activity centre, except for lower order centres.
- Investigate and plan for the potential need to upgrade rail crossings.
- Facilitate future transport infrastructure planning through local structure plans or development plans, as appropriate.
- Plan for future transport infrastructure needs of business including roads, rail, and air.
- Prepare a master plan to guide future development of the Bacchus Marsh Aerodrome, with due consideration of:
  - Options to better utilise the aerodrome including attracting new investment and job creation.
  - Improving facilities to encourage new business and development opportunities within the Bacchus Marsh Irrigation District and the Parwan Employment Precinct investigation area.
  - Potential to acquire additional land to expand the aerodrome, if full commercialisation occurs.
- Develop and implement a marketing plan to attract business, including the tourism industry, to the Bacchus Marsh Aerodrome.

#### **21.05-4 Objective—Community facilities and infrastructure**

26/02/2009  
Proposed C81

To provide appropriate levels of community facilities and infrastructure to Moorabool Shire.

To ensure that education services provision matches projected demand.

To ensure that health services provision matches projected demand.

To secure long-term water supplies for urban and agricultural use.

#### **Strategies**

- Require new development to make financial contributions to the provision of community facilities and infrastructure, such as roads, bicycle paths, footpaths, public transport, drainage and open space, via development contribution plans or infrastructure contribution plans.
- Prepare a community infrastructure framework to identify the Shire's priority needs for community services and facilities and to plan how best to meet those needs.
- Prepare a planning study for an integrated education precinct in Maddingley, which caters for the medium/long term needs of Bacchus Marsh Grammar and Bacchus Marsh College.
- Investigate and support opportunities for secondary/tertiary education facilities in Bacchus Marsh.
- Investigate and support opportunities for agricultural education facilities in Bacchus Marsh, to support the agricultural focus of the town.
- Work with State government to review the need for, and to deliver, a fourth government primary school in Bacchus Marsh or Maddingley.
- Prepare a planning study for a medical services precinct in Bacchus Marsh, which caters for the medium/long term needs of the Bacchus Marsh district.
- Ensure new urban development has access to potable water supplies.
- Ensure agricultural uses make efficient use of water resources.
- Ensure that new development in any urban growth precincts or employment growth precincts (as shown on the Bacchus Marsh Urban Growth Framework Plan under Clause 21.07-8) is supported by an Integrated Water Management Strategy that considers alternative water supplies.

**21.05-5 Objective—Implementation**

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Proposed C81

**Zones and overlays**

Specific application of zones and overlays to achieve the strategic objectives includes:

- Apply the Public Acquisition Overlay to land identified for future road reserves in an approved Eastern Link Road corridor planning study.
- Apply the Development Contributions Plan Overlay or the Infrastructure Contributions Plan Overlay where required to support the provision of appropriate social and physical infrastructure.

**21.05-6 Further Strategic Work**

26/02/2009  
Proposed C81

- Develop a policy for open space planning.
- Prepare an Integrated Infrastructure Delivery Framework for the Bacchus Marsh district, to identify all higher order infrastructure needs for new growth precincts and the means of delivery.
- Prepare an Open Space Framework for the Bacchus Marsh district, to identify opportunities to create more functional open space networks connecting waterways, State parks/reserves and identified growth investigation areas at Parwan Station, Merrimu and Hopetoun Park North.
- Review the Bacchus Marsh Integrated Transport Strategy, 2015, to ensure the provision of a connected integrated transport network between any urban growth precincts and the urban areas of Bacchus Marsh, Darley and Maddingley.
- Develop local policies to protect road infrastructure in rural areas and to manage land use and development in areas adjacent to and likely to be impacted by the Western Freeway.
- Review the opportunities for the better utilisation of existing infrastructure within small towns across the various regions within the Shire, taking into account their relative location to each other and regional centres and other factors such as access to transport infrastructure, land capability, and suitability to different economic activities.

**21.05-7 Other Actions**

26/02/2009  
Proposed C81

- Advocate to VicRoads and the State Government to address road network issues affecting industrial development in Bacchus Marsh.
- Advocate and continue support for capital works programs of infrastructure agencies to sewer townships in water catchment areas and to address the issue of future water supply.
- Advocate for the reopening of the Gordon railway station to provide integrated public transport services.
- Promote sustainable neighbourhoods and passive safety.

**21.07**15/02/2018  
Proposed C81**BACCHUS MARSH****21.07-1****Key Issues and Influences**04/05/2017  
Proposed C81

Bacchus Marsh is located midway between Melbourne and Ballarat, and is the largest town in the Shire with some 19,000 residents (2017 est. including Darley, Bacchus Marsh and Maddingley urban areas). Bacchus Marsh currently fulfils a number of important functions as a regional service centre, a peri-urban town and an increasingly popular alternative housing destination to the west of Melbourne.

Despite being located within the Central Highlands Region, Bacchus Marsh is closer to the centre of Melbourne than growth areas within Melbourne's designated urban growth boundary, such as Pakenham. It also borders two of the fastest growing municipalities in Australia, being the City of Melton and the City of Wyndham. Spillover urban growth into the Shire has been largely driven by the westward migration of residents from metropolitan Melbourne and the progressive integration of Bacchus Marsh housing into the metropolitan market.

Bacchus Marsh is identified as a regional growth centre in *Plan Melbourne* as well as the *Central Highlands Regional Growth Plan*. In order to respond to metropolitan growth pressures and to meet the strategic goals set out in these plans, Bacchus Marsh will need to provide for more than 20,000 additional residents by 2041. Some of this growth will be accommodated within the existing urban area, while the balance will be accommodated within the adjoining growth precincts of Merrimu, Hopetoun Park and Parwan Station (as inter-connected, masterplanned urban components of the wider Bacchus Marsh valley).

Bacchus Marsh is characterised by high levels of commuting, especially towards job opportunities in metropolitan Melbourne, significant housing growth and an attractive living environment.

Residents of Bacchus Marsh have been attracted to the town by the combination of its distinctive landscape setting comprising of escarpments and irrigated river valley, combined with attributes found in a metropolitan corridor such as well-established commercial, business, industry and community infrastructure.

The town is defined by the following character elements:

- The rural and natural gateway entries, in particular the entrance from the Western Freeway through the Avenue of Honour;
- An open feel due to the rural and low density surrounds, wider streetscapes, large open space areas, farmlands, orchards and market gardens;
- A natural landscape character and setting with undulating landforms.
- A scenic backdrop that surrounds the town with Lerderderg State Park, Werribee Gorge State Park and Long Forest Nature Conservation Reserve.
- Werribee and Lerderderg Rivers that traverse through the town and in some places include linear walking paths and open space along the waterways.
- Networks of open space throughout residential areas and adjoining forested areas;
- Significant heritage buildings and trees including the Bacchus Marsh Avenue of Honour, Grant Street and Maddingley Park;
- Topography defined by the Lerderderg State Park and sand mines to the north, the Merrimu and Hopetoun Park plateaus to the east, the Pentland Hills to the west and the Parwan Valley and coal mine to the south.
- A strong range of commercial and business enterprises including industrial base business that provide local employment opportunities, particularly in the transport and the agricultural industries; and
- A diversity and range of residential development opportunities (infill and greenfield).

Bacchus Marsh has been designated as the major urban growth centre in the Shire, but expansion is constrained by the surrounding natural landscape, topography, mineral and



agricultural/horticultural resources. The existing settlement boundary contains a substantial amount of residential land supply (infill and greenfield) that is likely to accommodate short-medium term population growth.

However opportunities for long-term growth outside of the existing settlement boundary require further investigation. Urban growth investigation areas are located at Merrimu, Parwan Station and Hopetoun Park, as shown on the Bacchus Marsh Urban Growth Framework Plan. Urban growth at Hopetoun Park will provide potential for a local activity centre which is a key missing element in the existing settlement. Ultimately, it is envisaged that Bacchus Marsh will comprise a multi-nodal settlement with a core area (Bacchus Marsh, Darley and Maddingley) together with new fully integrated and functional high quality ‘master-planned’ precincts which provide for diversity of urban living choices.

The highly productive irrigated horticultural land provides a source of employment and fresh food that needs to be protected from the urban expansion of Bacchus Marsh.

There are a number of strategically important land uses to the south of Bacchus Marsh, such as the Maddingley Brown Coal operations (coal mining, landfill and green waste composting), agribusiness, the airport and the Parwan Waste Water Treatment Plant. Such uses are inherently incompatible with residential development due to their off-site impacts.

Any new urban growth precincts at Merrimu, Parwan Station or Parwan (i.e. Parwan Employment Precinct) will require the provision of an Eastern Link Road, with connections to Gisborne Road, Western Freeway and Geelong-Bacchus Marsh Road. This road would enable new growth precincts to integrate with the local and regional transport network. An Eastern Link Road is a regional priority, as it will enhance existing road network performance and enable the integration of new growth precincts.

Bacchus Marsh currently has an affordable housing supply compared to the outer western region and metropolitan Melbourne, however diversity of the supply is limited. It is important that diversity in housing improves to ensure there are housing options to meet the requirements of existing and future residents. This is particularly important due to the ageing population and decreasing household sizes where there is likely to be increased demand for smaller, affordable and low-maintenance dwellings.

Council also recognises the importance of directing housing to locations that are easily accessible relative to activity centres and public transport. Directing development to appropriate locations will assist building on Council’s vision to create compact and sustainable neighbourhoods. However, new development must complement the defining character elements of the town, including the historic Avenue of Honour and the open and natural landscape while also preserving horticultural land.

The Camerons Road area is designated for limited rural living development to balance the area’s landscape level bushfire risk, significant flora and fauna values, quarry buffer requirements, fragmented ownership and low agricultural value. The land immediately adjoins the Lederderg State Park and state significant quarries.

## **21.07-2 Objective—Managing urban growth**

04/05/2017  
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To accommodate sustainable residential growth within the existing settlement boundary of Bacchus Marsh in the short to medium term.

To accommodate medium to long term residential growth within the investigation areas at Merrimu, Parwan Station and Hopetoun Park.

To facilitate the development of an employment precinct within the Parwan Employment Precinct investigation area.

To protect existing and future industrial and agribusiness land uses (particularly Maddingley Waste and Resource Recovery Hub, Darley/Coimadai sand quarries, South Maddingley industrial precinct south of Kerrs Road, Parwan Employment Precinct, Bacchus Marsh Aerodrome and Bacchus Marsh Recycled Water Plant) from the encroachment of sensitive land uses.

## Strategies

- Contain short term residential development within the existing settlement boundary (infill and greenfield).
- Ensure that Bacchus Marsh maintains an adequate long term residential land supply to accommodate the projected population growth.
- Provide for medium to long term residential growth within the investigation areas at Merrimu and Parwan Station. Medium-term timing may be considered for one or more growth precincts if it can be demonstrated that such precinct/s will facilitate the provision of an Eastern Link Road.
- Provide for medium term residential growth within the investigation area at Hopetoun Park, subject to demonstrating how the precinct will facilitate 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.
- Require the provision of sound strategic justification for any urban growth precincts at Merrimu, Parwan Station, or Hopetoun Park, including detailed technical assessments such as environmental, cultural heritage, landscape, infrastructure, transport and economics.
- Require and implement precinct structure plans for any urban growth precincts at Merrimu and Parwan Station, and a development plan for any growth precinct at Hopetoun Park, and ensure that such plans provide for early delivery of appropriate community and social infrastructure, activity centres, schools, integrated transport, reticulated services and local job opportunities.
- Work with State Government and other relevant servicing authorities towards the servicing of Parwan Employment Precinct, with particular emphasis on the provision of reticulated water (including recycled water) and gas.
- Ensure that land use and development within the Parwan Employment Precinct shown on the Bacchus Marsh Urban Growth Framework Plan is compatible with:
  - Protection of the brown coal resource within the defined mining licence area;
  - Any existing or permissible future activities associated with the Maddingley Brown Coal Mine;
  - The continuation of existing industries and the establishment of new industries in the nearby industrial zones; and
  - Ensuring that separation distances between sensitive uses and uses with off-site amenity impacts comply with Environment Protection Authority Publication 1518 'Recommended Separation Distances for Industrial Residual Air Emissions', or a lesser distance determined by an area-specific environmental study in collaboration with the Environment Protection Authority.
- Encourage agribusiness uses to locate within the Moorabool Agribusiness Industrial Area in Parwan.
- Promote the establishment of sustainable residential neighbourhoods by:
  - Encouraging high quality design of dwellings, open space and the public realm;
  - Encouraging infill development that assists in creating walkable and pedestrian scale environments; and
  - Encouraging quality higher density development close to activity centres and public transport.
  - Ensure that the form and design of new development responds to walkability and neighbourhood design principles.
- Protect escarpments from development impacts.
- Minimise the visual impacts of urban development on ridgelines and hilltops.
- Retain a green belt between Bacchus Marsh and Melton.
- Retain the intrinsic character elements of Bacchus Marsh and surrounds.

- Encourage subdivision patterns that provide a diversity of lot sizes.
- Protect the Bacchus Marsh irrigated horticultural land from residential encroachment and ensure appropriate interface treatments in development abutting these areas.
- Provide appropriate separation between sensitive land uses and land uses with off-site impacts.
- Ensure that land use and development within the Parwan Employment Precinct shown on the Bacchus Marsh Urban Growth Framework Plan is compatible with the continued operation and protection of the Brooklyn to Ballan High Pressure Gas Transmission Pipeline.

### **21.07-3 Objective—Consolidating land uses within the inner areas of Bacchus Marsh**

04/05/2017  
Proposed C81

To encourage the consolidation of a variety of land uses within Bacchus Marsh in areas that are highly accessible to the community.

#### **Strategies**

- Promote a mix of activities throughout the Bacchus Marsh Activity Centre.
- Encourage development of existing agricultural land south of Main Street and south of the Werribee River for a variety of dwelling types sensitively designed to respond to the site context.
- Reinforce the commercial hub role of Main Street through the intensification of a mix of retail, commercial and leisure land uses, within a walkable environment.
- Strengthen Grant Street as the secondary activity core of the Activity Centre and the secondary location for complementary commercial land uses.
- Encourage civic and community uses on land west of Lord Street in the vicinity of the library and public hall.
- Direct housing to locations that are easily accessible to activity centres and public transport as a priority.
- Consider the effect of natural hazard such as fire or flood on development in rezoning requests that intensifies development.

### **21.07-4 Objective—Rural living development**

26/02/2009  
Proposed C81

To provide high amenity rural lifestyle opportunities while protecting irrigated horticultural land and the sustainability of environmental assets.

#### **Strategies**

- Provide planned rural living development in appropriate locations as detailed on the Bacchus Marsh Urban Growth Framework Plan.
- Recognise the importance and attractiveness of rural residential and rural lifestyle living as an alternative living environment in designated areas around Bacchus Marsh.

### **21.07-5 Objective—Cameron's Road Area limited rural living**

04/05/2017  
C58

To provide limited high amenity rural lifestyle opportunities while protecting human life from bushfire risk, avoiding fragmenting agricultural land, protecting extractive industry from accommodation development and protecting significant flora and fauna values.

#### **Strategies**

- To apply a precautionary approach to landscape level fire risk by allowing limited rural living development and specifying alternative approved measures.
- To specify setbacks and direct buildings to appropriate locations to protect the environmental values of the land, a nearby State Park, waterways and extractive industry.
- To specify subdivision requirements to limit development and site buildings appropriate to the environmental constraints of the land.

- To require integrated land management plans to ensure sustainable land management.

#### **Policy**

#### **It is policy:**

- To require all dwellings to be located within a dwelling envelope.
- That a dwelling envelope that requires the clearing of significant vegetation will be discouraged.
- To require a plan of subdivision submitted for certification to show a dwelling envelope that meets the siting requirements in the Design and Development Overlay Schedule 14 and an effluent disposal envelope on each lot.
- That alternative dwelling envelopes other than specified in Design and Development Overlay Schedule 14 will only be considered where:
- All setback requirements for development in Design and Development Overlay Schedule 14 are met.
- An alternative envelope provides a better response to bushfire risk, avoiding native vegetation clearance and environmental outcomes.
- That an application to resubdivide lots to create a lot less than 6 hectares on land zoned Rural Conservation will be considered where:
  - The location of a lot is consistent with the subdivision requirements in Design and Development Overlay Schedule 14.
  - A resubdivided lot has a minimum lot size of two hectares.
  - A smaller lot is required to provide an environmental gain on the balance lot through a larger vegetated lot.
  - An appropriate mechanism is included to ensure that the balance lot may not be further subdivided.
- To require an integrated land management plan for new dwellings and subdivision applications to ensure sustainable land management to protect native vegetation, waterways, stabilisation of soil and pest plant and animal control.

#### **21.07-6 Objective—Urban design**

04/05/2017  
Proposed C81

To improve the quality of urban design throughout Bacchus Marsh.

To enhance the visual amenity of all key gateways to Bacchus Marsh.

#### **Strategies**

- Ensure that new development is consistent with any relevant Council adopted Urban Design Framework, Urban Design Guidelines, or Gateways Strategy.
- Manage built form impacts on escarpments, slopes and other significant landscape features within key views and vistas from the Western Freeway.

#### **21.07-7 Implementation**

04/05/2017  
Proposed C81

#### **Zones and Overlays**

Specific application of zones and overlays to achieve the strategic objectives includes:

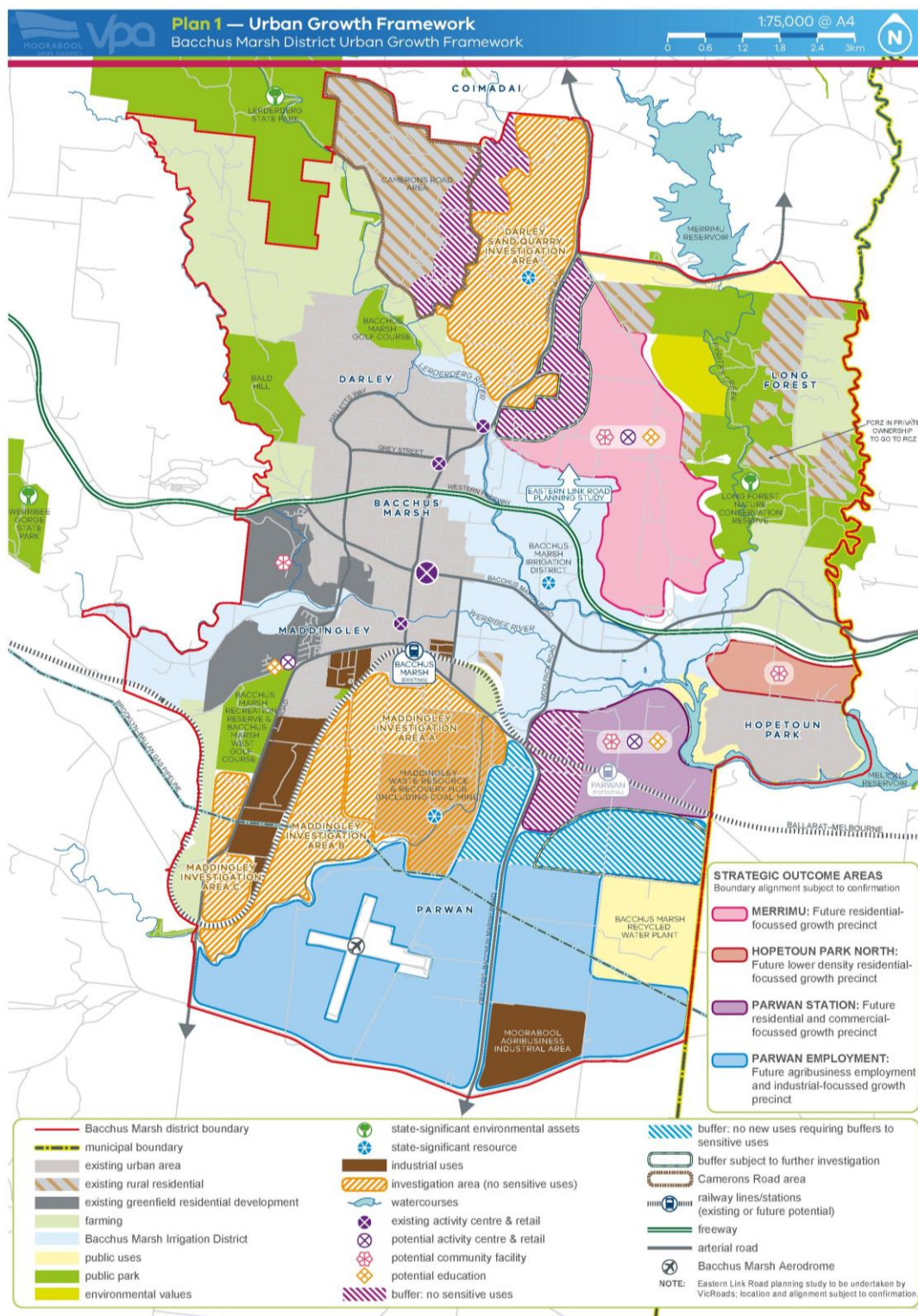
- Apply the Urban Growth Zone to the investigation areas at Merrimu and Parwan Station.
- Consider applying either the Low Density Residential Zone or the Neighbourhood Residential Zone to any urban growth precinct at Hopetoun Park.
- Apply the Development Plan Overlay to any urban growth precinct at Hopetoun Park.
- Apply Design and Development Overlays to each identified key gateway into Bacchus Marsh.

## 21.07-8 Further Strategic Work

04/05/2017  
Proposed C81

- Undertake a detailed assessment of bushfire risk for all growth precincts identified on the Bacchus Marsh Urban Growth Framework Plan in this clause, in accordance with Clause 13.05, prior to the preparation of precinct structure plans or development plans.
- Undertake a planning study for the Maddingley Waste Recovery and Recycling Hub site and surrounds, to determine appropriate zone and overlay controls.
- Prepare and implement a Precinct Structure Plan and a Land Use and Amenity Plan for Parwan Employment Precinct, to address key infrastructure and land use priorities that will deliver value-added and vertically or horizontally integrated agribusiness/industries.
- Prepare and implement an Urban Design Framework for Bacchus Marsh Main Street precinct, addressing car parking, pedestrian and cycling networks, public transport and road networks, civic improvements and a civic square.
- Prepare and implement Urban Design Guidelines, to assist in delivering high quality design outcomes for activity centres, residential, commercial and industrial developments and subdivisions.
- Prepare and implement a new Gateways Strategy for Bacchus Marsh, with the aim of enhancing the design, style and appearance of all key gateways into town.

## Bacchus Marsh Urban Growth Framework Plan



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## 21.11

### Reference Documents

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- Bacchus Marsh District Urban Growth Framework, 2017.
- Bacchus Marsh Heritage Study, 1995.
- Bacchus Marsh Integrated Transport Strategy, 2015.
- Bacchus Marsh Tracks and Trails Master Plan 2004-2005.
- Moorabool Fire Management Plan.
- Moorabool Industrial Areas Strategy, 2015.
- Moorabool Municipal Fire Prevention Plan.
- Moorabool Shire Council Retail Strategy 2041, 2016.
- Moorabool Shire Council Roadside Management Plan, 2001.
- Moorabool Shire Economic Development Strategy, 2015.
- Moorabool Shire Small Towns and Settlements Strategy, 2016.
- Moorabool Social Infrastructure Plan 2007.
- River Red Gums in the Bacchus Marsh Valley, December 2008