in the matter of
Moorabool Planning Scheme Amendment C51
on behalf of
Moorabool Shire Council
to be heard by
Planning Panels Victoria
on
29 January 2014

Max Walton
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1.0 **Introduction**

[1] I am a Senior Urban Planner at town planning and urban design consultants David Lock Associates (Australia) Pty Ltd. I have qualifications in town planning and urban design. I have nine years professional experience in planning and design projects in Australia and the United Kingdom. Further details of my qualifications and experience are outlined in Appendix A.

[2] In April 2008, David Lock Associates (DLA) was engaged by Moorabool Shire Council to prepare a Structure Plan for the Bacchus Marsh Activity Centre. I was part of the team responsible for that work.

[3] DLA was also joined in the project by the following consultant team:

- **Essential Economics** – economists who provided economic and land use recommendations for the Structure Plan.
- **GTA Consultants** – traffic and transport experts who prepared a transport and parking strategy to inform the Structure Plan.

[4] In November 2013, I was engaged by Moorabool Shire Council to provide expert evidence regarding Amendment C51 of the Moorabool Planning Scheme for the purpose of its review at Panel.
2.0 Amendment C51

[5] Amendment C51 seeks to implement the findings and recommendations of the Bacchus Marsh Activity Centre Structure Plan (November 2011) (the ‘Structure Plan’).

[6] The Amendment proposes to:

- Amend the Municipal Strategic Statement (Clause 21.07 Bacchus Marsh) to align the objectives and strategies with the recommendations of the Structure Plan.
- To insert a local policy that provides direction for the objectives and policies relating to the Activity Centre.
- To insert the Bacchus Marsh Activity Centre Structure Plan into Clause 21.11 as a reference document.
- To insert eight (8) new Design and Development Overlays into the Moorabool Planning Scheme.
- To rezone one area of land in Taverner Street Development Area which is currently zoned Farming to Residential 1.
- To apply a Development Plan Overlay (DPO4) and Environmental Audit Overlay (EAO) to the Taverner Street Development Area.
- To apply a Development Plan Overlay (DPO5) over the land described as ‘The Greenway’ within the Bacchus Marsh Activity Centre Structure Plan.
3.0 The Structure Plan

3.1 Bacchus Marsh Strategic Planning


Prepare an innovative Structure Plan for the area identified in Figure 13, with the aim of establishing a major, concentrated centre of activity for Bacchus Marsh that can accommodate additional core retailing, bulky goods retailing, government and private sector office development, professional and medical suites, service industry and medium to high density residential, including aged persons accommodation and nursing homes plus recreation, leisure, entertainment and cultural facilities.

[8] Council’s Municipal Strategic Statement (MSS) identifies opportunities for consolidated activity in the town centre. It also identifies the requirement for further strategic work including the need to:

Prepare and adopt a Local Area Structure Plan for the land between the railway station and Main Street and between Fisken and Grant Streets as shown in the Growing Moorabool Economic Development Strategy.

3.2 The Study Brief

[9] In February 2008, the project team responded to Council’s tender to prepare a Structure Plan for the Bacchus Marsh Activity Centre. The project team was subsequently awarded the project in April 2008.

[10] The objectives of the Study Brief included:
The preferred locations for different land uses will be a key product of the structure plan

- The location, layout and style of commercial development needs to be designed to stimulate/facilitate economic activity.

- Along with retail and commercial, the role of existing public and civic uses such as the hospital, secondary college, municipal offices and other community facilities needs to be recognised.

- To guide the future form of the town, preferred built form outcomes including setbacks, height and bulk should be developed as part of the plan.

To celebrate the cultural and heritage identity of the town centre.

- The renovation, re-use or adaptation of vacant buildings for new uses should be encouraged to ensure the ongoing viability of the built fabric.

- The structure plan will investigate and provide guidance on redevelopment potential of existing vacant buildings or sites.

- The structure plan will also provide guidance on the style and scale of built form that is sympathetic to the existing country-town character.

To improve access and mobility for all, through building upon and integrating with the existing grid-based street network

Commercial

- Economic activity is a key consideration for the development of this Structure Plan.
Accessibility to adequate parking should be considered for the long term whilst protecting the commercial areas from excessive traffic.

Traffic permeability needs to be improved to create a safe and friendly place to shop and socialise.

Built form needs to be established that supports the types of industry and economic activity envisaged as part of the Growing Moorabool Economic Development Strategy.

Social

Pedestrian and cycling activity throughout the study area, with access to the schools and other public facilities is a priority.

Specific reference to the railway station, the role it plays in sustainable, transport oriented development is required.

New land development sites to the south should provide safe, convenient and attractive connections particularly for pedestrians and cyclists.

To create a high quality public environment including streets, public spaces, parks and reserves.

Bacchus Marsh’s town centre has some very positive aspects including its leafy, green character. Existing landscape assets such as streetscapes, waterways, public open spaces and significant vegetation should be protected, celebrated and improved.

The structure plan will include design proposals for key public spaces, including streets, within the town centre that will foster and support activity by a wide range of users. Quality open spaces which focus on community interaction and
enhancement of the natural assets of the town need to be identified and considered in relation to other uses, pedestrian and road networks.

To facilitate access to public transport in and around Bacchus Marsh and to other locations, in particular Melbourne and Ballarat.

- Bacchus Marsh is spread out divided by the Western Hwy and with limited public transport accessibility. It has a much higher rate of car ownership than most other areas (almost an average of three cars per household).

- The Shire of Moorabool has a high commuting population with approximately 70% of employed persons travelling outside the Shire to work and 30% of jobs in the Shire being filled by people who live outside the Shire.

- A faster rail service between Ballarat and Melbourne has been developed with Bacchus Marsh the largest town on the route. Bacchus Marsh commuters have recently been incorporated into Melbourne’s metropolitan ticketing system which has resulted in a sharp increase in public transport usage to Melbourne. This has created increased demand for parking spaces and other facilities around the heritage railway station.

- The structure plan will be cognisant of this reliance on motor vehicles and develop strategies that provide a focus on encouraging public transport usage and active commuting to public transport nodes such as the railway station, particularly for commuters who travel to large centres outside the Shire.
3.3 Structure Plan Methodology

[11] The preparation of the Structure Plan was undertaken in the following stages:

STAGE ONE - ISSUES IDENTIFICATION AND VISIONING


[13] The review of baseline material was supplemented by a detailed site survey and infrastructure audit undertaken by members of the project team.

[14] This stage included key stakeholder and community engagement exercises to obtain a greater level of understanding as to how people view, work and live in the Bacchus Marsh area and what their hopes and concerns were.

[15] The findings of this stage were documented in the Context and Issues Paper which formed the basis for future stages of the preparation of the Structure Plan. This work was supported by technical background reports prepared by Essential Economics and GTA Consultants copies of which are attached as appendices to this statement.

STAGE TWO - DIRECTIONS AND OPTIONS FOR LAND USE DEVELOPMENT

[16] Stage Two utilised the key recommendations of the Context and Issues Paper to identify the land use and design aspirations for each of the identified precincts to the north and south of the Werribee River.
These aspirations in turn informed the development of the Structure Plan Concepts which included a further stage of stakeholder and community engagement. These were documented in a *Structure Plan Concepts Brochure* (attached as an appendix to this statement).

**STAGE THREE - DRAFT STRUCTURE PLAN**

- The *Structure Plan Concepts* were refined and expanded upon within this Draft Structure Plan document.

- The *Draft Structure Plan* was placed on public exhibition to enable further opportunities for the local community to comment.

**STAGE FOUR - FINAL STRUCTURE PLAN**

- Following a period of public exhibition Council and DLA considered all submissions to the draft Structure Plan and identified how best to respond to any issues that were raised. The draft was then revised accordingly.

- Our contract also included the drafting of all planning scheme amendment documentation.
3.4 The Structure Plan

KEY PRINCIPLES

The following key principles were identified in partnership with Council as a direct response to the objectives of the Study Brief and to form the basis for fulfilling the vision for the Bacchus Marsh Central Activity Centre. The key principles guiding the preparation of the Structure Plan aimed to:

- Guide the future of Bacchus Marsh town centre that supports economic development and improves liveability and social amenity;
- Consider community aspirations, the market, available Shire resources and relevant state planning strategies;
- Outline preferred locations for development within the Central Area;
- Retain and enhance the cultural and heritage identity of Bacchus Marsh;
- Improve access and mobility for all;
- Create high quality public environment; and
- Facilitate public transport and traffic permeability in and around Bacchus Marsh.

STRATEGIC FRAMEWORK

Objectives and strategies contained within the Structure Plan are structured around four key themes including:

- Land Use and Urban Structure;
- Economic Development;
- Transport and Movement; and
- Public Space and Natural Environment.


[25] In order to deliver the key principles and strategic vision outlined above the following objectives were identified:

**Land Use and Urban Structure**

[26] The Structure Plan Objectives for Land Use and Urban Structure are:

*To consolidate a mix of land use activities within the Bacchus Marsh Central Activity Centre;*

*To provide a variety of housing in and around the Activity Centre to accommodate some of the future population growth in a managed and sustainable manner;*

*To accommodate the existing and future needs of the Bacchus Marsh community through the provision of appropriate and accessible community and civic services;*

*To ensure that new development is of an appropriate scale and form that has regard to the prevailing built form character and structure of Bacchus Marsh and creates highly active and vibrant streets;*

*Where appropriate, conserve the sites of identified architectural and cultural significance;*
To improve access and mobility for all, through enhancing and integrating new development with the existing grid-based street network; and

To create a more sustainable Bacchus Marsh.

[27] The Structure Plan’s objectives for Economic Development are:

To reinforce the commercial hub role of Main Street through the intensification of a mix of retail, commercial and leisure related land uses within a walkable environment;

Continue to encourage the Activity Centre as the focus for employment and commercial development;

To strengthen Grant Street as the secondary activity core of the Activity Centre and the secondary location for complimentary commercial land uses; and

To strengthen the role of the tourism industry within the Activity Centre and the region as a whole.

[28] The Structure Plan’s objectives in relation to Transport and Movement are:

To promote safe walking and cycling access to and through the Activity Centre;

To promote efficient traffic movement and minimise potential conflicts;

To facilitate better connections to public transport within the Activity Centre; and

To maximise the efficiency of existing vehicular access and car parking facilities to supplement sustainable transport to and through the centre.
The Structure Plan’s objectives in relation to Open Space and Natural Environment are:

To create a network of safe, interesting and pleasant spaces throughout the Activity Centre and the surrounding neighbourhood.

Built Form and Urban Design Guidelines

The Structure Plan identified a series of sub-precincts within the Activity Centre that are the subject of specific built form and design guidelines. A map of the sub-precincts is attached below:
The Structure Plan design objectives for residential development on land south of the river include:
To encourage residential development that is in accordance with the Moorabool Shire Planning Scheme and Residential Development Strategy.

To encourage the development which provides for and maintains a country town character.

To ensure new residential development is oriented towards the River to promote opportunities for natural surveillance of the riverside footpaths.

To ensure residential development abutting Fisken Street is appropriately setback so as to screen development from horticultural activities.

To encourage medium density properties oriented towards the Greenway.

To create a permeable and legible internal street network that promotes non-vehicular based transport including the potential for a local road connection immediately south of the Werribee River.

Design objectives for the potential residential consolidation area ‘A’ include:

To encourage the development of a built form character that responds to the existing site characteristics including creating appropriate interfaces with the Greenway to the east and the River to the north.

To encourage new development which provides for and maintains a country town character.

To ensure new residential development is oriented towards the River and the Greenway to promote opportunities for passive surveillance of the riverside footpaths.
To ensure residential development abutting Taverner Street is appropriately setback to allow for canopy tree planting to maintain the country town character.

To encourage a transition in building heights from west to east across the site.

To ensure the architectural features of new dwellings respond to the prevailing country town character.

To encourage the subdivision of lots for medium density properties oriented towards the Greenway.

To create a permeable and legible internal street network that promotes non-vehicular based transport including the potential for a local road connection immediately south of the Werribee River.

Design objectives for the Industrial/Greenway Interface include:

To ensure development is oriented towards the Greenway and Maddingley Park promoting natural surveillance of the Greenway.

To encourage new development which provides for and maintains an appropriate setting for the Greenway.

To ensure development abutting the Greenway is appropriately setback so as to allow for canopy tree planting to support/maintain the country town character.

To provide a high amenity pedestrian link connecting the railway station with Main Street.

To form an appropriate spine for industrial development.

Design objectives for the potential residential consolidation area ‘B’ include:
To encourage the development of a built form character that responds to the existing site characteristics including the proximity of the site to the railway station.

To encourage new development which provides for and maintains a country town character.

To ensure new residential development is oriented towards Bacchus Marsh/Geelong Road and Fisken Street opportunities for passive surveillance of footpaths.

To ensure residential development abutting both streets is appropriately setback to allow for canopy tree planting to maintain the country town character.

To ensure the architectural features of new dwellings respond to the prevailing country town character.

To encourage the subdivision of lots into smaller lots based upon transit oriented development principles.

Design objectives for the Greenway include:

To ensure development enjoys good visual access to the Greenway and provides the Greenway with good natural surveillance.

To encourage new development which provides for and maintains a country town character.

To provide a high amenity pedestrian link connecting the railway station with Main Street.

To form a new spine to residential development.

Design objectives for the Bacchus Marsh Hospital and Medical Services Precinct include:
To maintain and enhance the distinct mixed character of the precinct.

To encourage the development of a built form character for the area that does not adversely impact the amenity of adjacent residential properties.

To ensure an appropriate public – private interface where development relates positively to adjacent streets and public spaces and protects the amenity of the streets.

To ensure that the design of car parking facilities and access areas is safe, practical and attractive.

Design objectives for Main Street:

To encourage the development of a new built form character that reflects the importance of Main Street as the main commercial hub for Bacchus Marsh whilst respecting the prevailing “country town” character.

To create a level of visual consistency in the precinct with the standard street wall height the equivalent of 7.5 metres.

To ensure new development is sensitively incorporated into areas of architectural/cultural significance.

To improve pedestrian access to and within the Main Street Precinct by sustainable transport modes, by:

- Improving crossing facilities at the Grant Street/Main Street roundabout;
- Improving pedestrian permeability between Main Street and Bennett Street; and
- Providing adequate access and parking for bicycles.
To enhance the pedestrian experience and street activity through the design of building frontages and the public realm. This is of particular relevance along Bennett Street and Gell Street.

To encourage landscaping and general public realm improvements along Main Street, Bennett Street, Gell Street and Church Street.

To ensure vehicle traffic does not compromise a good walking and cycling environment.

Minimise the visual intrusion of car parking facilities through methods such as siting car parking to the side or rear of properties or in a basement.

Design objectives for the existing residential land between Waddell Street and River Werribee between Grant Street and the Greenway include:

To encourage the development of a built form character that responds to the existing site characteristics including creating appropriate interfaces with Grant Street to the west and the River to the south.

To encourage new development that provides for and maintains a country town character.

To ensure new residential development, where applicable, is oriented towards the River to promote opportunities for natural surveillance of the riverside footpaths.

To ensure residential development abutting Streets is appropriately setback to allow for canopy tree planting to maintain the country town character.

To ensure the architectural features of new dwellings respond to the prevailing country town character.
4.0 Matters Raised by Submissions

In my opinion the majority of matters raised by submissions can be classified into three key themes, including:

- The Main Street Precinct, including the Civic Precinct;
- The Greenway; and
- The appropriateness of the proposed planning controls.

MAIN STREET PRECINCT

A number of submissions have raised a concern around the lack of clarity regarding land use directions for specific sub-precincts within Main Street.

A key land use and urban structure objective of the Structure Plan is to consolidate a mix of land use activities throughout the centre. Strategy LU1.1 included the following elements:

*Promote a mix of activities throughout the entire centre in line with Figure Five – Land Use Components and including the following elements:*

- Locate additional commercial/retail development to the west of the existing Village Shopping Centre on land bounded by Bennett Street to the north and Gell Street to the west;
- Locate commercial/residential mixed use development to the immediate south of Main Street on the existing agricultural land;
- Locate a mix of community, civic and retail activities within a new Civic Precinct at the eastern end of Main Street;
Encourage the consolidation of health and medical services in and around the existing hospital at Grant Street;

Encourage the development of strategic redevelopment sites as identified in Figure Five – Land Use Components; and

Locate residential development in locations as identified in Figure Five – Land Use Components.

In relation to Main Street, relevant economic development strategies include:

ED1.1 – To allow for the expansion of retail facilities, in line with identified demand for 13,000m² of additional retail floor space in the town centre by 2031, in locations identified in Figure Six – Economic Development.

ED1.2 – Promote the redevelopment and refurbishment of redundant tenancies and buildings, including the potential for short term tenancies.

ED1.3 – Support the role of the Village Shopping Precinct as the preferred location for a range of major anchor tenants including the promoting the redevelopment (sic) and long-term expansion to accommodate additional development. Any development should be subject to design guidelines to ensure integration with the balance of Main Street.

ED1.5 – Encourage the redevelopment of the Civic Precinct to a high quality mixed-use development incorporating community, retail and commercial uses.

The Structure Plan indicates preferred land use and activities for areas within Main Street. In particular, I consider the Structure Plan indicates:
- A preference for expanded retail uses to the north of Main Street on land immediately adjacent to the Village Shopping Centre;

- A preference for civic, community, commercial and retail uses within the Civic Precinct; and

- A preference for mixed-use commercial uses on land to the south of Main Street.

Upon review, I consider there opportunity for the Amendment documentation to provide a greater degree of clarity regarding sub-precincts within Main Street and their preferred role and land use direction. Clause 21.07 is the appropriate mechanism to establish the strategic land use and development objectives for Bacchus Marsh and the strategies to achieve them.

The Village Shopping Precinct is Bacchus Marsh’s major retail destination. It is considered the most suitable location for anchor retailing and associated speciality shops. This sub-precinct represents the high intensity core of Main Street. There is also opportunity to build upon the existing infrastructure including car parking and existing tenancies whilst improving the integration of the Village Shopping Centre with Main Street.

I consider Clause 21.07-2 should indicate that the land to the north of Main Street, adjacent to the Village Shopping Centre is the preferred location for retail development. This would provide a greater degree of clarity and better reflect the desired outcomes of the Structure Plan as outlined in Economic Development Strategy ED1.3.

The Civic Precinct is a suitable location for civic and community uses as reflected by the recently constructed library. It is a key gateway location to Bacchus Marsh from the Avenue of Honour and is also the starting point for the proposed Greenway. The Civic Precinct
benefits from a high profile location along Main Street whilst being slightly removed from the commercial core.

[48] I consider Clause 21.07-2 should delineate the Civic Precinct boundary and define its role and land use function as a focus for civic and community uses through specific strategies. Retail and/or commercial office development should be ancillary to its primary function as a civic hub.

[49] The Bacchus Marsh Retail and Commercial Assessment (August 2008) prepared by Essential Economics identified the potential for development of the large vacant land located south of Main Street. The Structure Plan seeks to promote opportunity for a mixed use development, including the potential for retail.

[50] I do not consider that the Amendment should explicitly limit potential retail floor space on land to the south of Main Street. The application of a Commercial 1 Zone for this area retains flexibility to allow retail and commercial development. I do not consider this to be at odds with the principal objectives and directions of the Structure Plan which seek to reinforce the commercial hub role of Main Street through intensification of a mix of retail and commercial land uses. A greater level of control through floor space limits may unnecessarily constrain development opportunities.
Summary

[51] In summary, I consider Clause 21.07-2 should be amended to provide a greater degree of clarity in relation to the specific land use and activity directions sought by the Structure Plan.

[52] In particular, I recommend:

- Amending the Strategic Vision Plan to clearly delineate the Civic Precinct, Commercial Core and Mixed Use Precinct as outlined below:

![Figure Two: Strategic Vision Plan delineating Civic Precinct](image)
Include specific strategies in relation to the defined precincts including:

Promote a mix of activities throughout the centre in accordance with the Strategic Vision Plan, including:

- Encourage a range of civic, community and tourism land uses with ancillary retail opportunities within the Civic Precinct.

- Encourage the Commercial Core as the preferred location for a range of major retail land uses.

- Encourage a range of land uses including retail, commercial and residential uses within the Mixed Use Precinct.
THE GREENWAY

[54] The vision for the Greenway is to create a new high quality, high amenity pedestrian and cycle link connecting Main Street and the railway station. The concept of a Greenway sought to directly respond to a key objective of the Study Brief that required:

The structure plan will be cognisant of this reliance on motor vehicles and develop strategies that provide a focus on encouraging public transport usage and active commuting to public transport nodes such as the railway station, particularly for commuters who travel to large centres outside the Shire.

[55] Existing routes along Grant Street offer a poor quality pedestrian environment due to high levels of traffic. Other links, such as the pedestrian footpath linking McGrath Street to Simpson Street do not provide an appropriate level of pedestrian amenity through limited passive surveillance opportunities. A route along Graham Street and Bond Street is less direct.

[56] The provision of a high amenity link was discussed during the various stages of stakeholder and community consultation undertaken as part of the preparation of the Structure Plan. These consultation events were supplemented by one-on-one discussions with key landowners within the Structure Plan area.

[57] An indicative location was discussed in the Context and Issues Paper (February 2009), the Structure Plan Concepts (April 2009) and the Final Structure Plan (November 2011). The Greenway alignment was chosen due to the opportunity to directly link the railway station, via the new pedestrian bridge and through existing agricultural land currently zoned Commercial 1 and Residential 2. Opportunities for new residential development to front the Greenway were considered in order to ensure a high degree of pedestrian amenity.
The Greenway is proposed to provide local vehicular access as well as provide safe, convenient and attractive connections for pedestrians and cyclists. This is a direct response to the objectives of the Study Brief.

I consider the vision for the Greenway can be achieved through a road reserve of approximately 20m. This is wider than an Access Street as specified in the Infrastructure Design Manual (which would typically allow for a road reserve of 16m). However, a 20m wide road reserve may include a 10.6m wide two-way road carriageway with indented parking (which can include kerb outstand/extended nature strip, 2.4m wide nature strips and a 1.5m pedestrian footpath along the western side. It also includes a shared 3m pedestrian and cycle path along the eastern side of the road. This will provide an attractive corridor for pedestrians and cyclists. An indicative cross section is outlined below:

Figure Three: Indicative Greenway Cross Section
I consider this to be a more appropriate road reserve than requiring a central landscaped median strip and one-way road access to properties adjoining the Greenway.

The future subdivision of the land will require a public open space contribution equal to 5% of the total residential land. The requirement to prepare a Development Plan for this area should ensure that public open space is located adjacent to the Greenway.

Summary

The primary purpose of the Greenway is to provide direct and easy walking and cycling access between Main Street and the railway station.

I do not consider the Greenway to be a significant piece of public infrastructure over and above what would normally be required as part of any future subdivision of the land.

My recommended amendments to the planning controls relating to the Greenway are outlined in the sections below.
THE APPROPRIATENESS OF THE PLANNING CONTROLS

Some submissions have raised concern about the application of separate schedules to the Development Plan Overlay (DPO) and Design and Development Overlay on land covered by the Amendment. This relates to land affected by DPO4 and DDO5 and land affected by DPO5 and DDO9.

In order to avoid unnecessary duplication I concur with submissions that seek to incorporate built form and subdivision layout requirements of DDO5 and DDO9 into an amended DPO4 and DPO5. I consider it possible and desirable to consolidate these controls.

A DPO, supported by a strategic framework plan, is an appropriate tool to ensure that development occurs in an orderly manner and responds to the objectives of the Structure Plan. The VPP Practice Note ‘Applying the Incorporated Plan and Development Plan Overlays’ outlines that a DPO can be used to:

- Require a plan to be prepared to co-ordinate proposed use or development, before a permit under the zone can be granted.
- Guide the content of the plan by specifying that it should contain particular requirements.
- Provide certainty about the nature of the proposed use and development.
- Remove notice requirements and third party review rights from planning permit applications for proposals that conform to plan requirements.
- Ensure that permits granted are in general conformity with the plan.
• Apply particular permit conditions to implement the plan.

• Provide statutory force to plans.’

The subject areas have significant redevelopment potential with a limited number of landowners. The Development Plan Overlay allows for comprehensive and coordinated master planning of areas. There are a range of other master plan elements beyond simply built form and design that require addressing. These include internal road layouts (including the alignment of the Greenway), infrastructure provision, ESD requirements, cultural heritage and open space provision that can be addressed in a coordinated manner at the Development Plan stage.

The DPO (subject to recommended amendments below) reflects the strategic direction for the areas established through the Moorabool MSS and the Structure Plan.

One disadvantage of applying a DPO is that it does not provide for formal third party notice and review from planning permit applications for proposals that conform to plan requirements.

The requirement that any future permit must be generally in accordance with the Development Plan provides the mechanism by which Council can ensure the desired built form outcomes for the areas are achieved.

Built form and off-site amenity matters can be considered under the one overlay complemented by decision guidelines contained in the residential and commercial zones that apply to the areas.

A DDO is principally applied to control built form and the built environment. Application of the DDO is considered more appropriate for implementing height controls to established areas comprising a number of allotments under various ownerships. It does however
allow opportunities for third party review. While I consider the DPO to be appropriate I also accept that the future redevelopment of these areas could be achieved through the application of a DDO.

TAVERNER DEVELOPMENT AREA

[75] I consider the design objectives and design requirements contained within DDO5 can be refined and incorporated into an amended DPO4 (Taverner Development Area).

[76] A new Clause 2.0 entitled ‘Objectives of the Development Plan’ should incorporate the design objectives of DDO5. I also consider a concept plan would provide an appropriate degree of spatial direction.

[77] In regard to the detailed wording of the design objectives, I consider reference to ‘innovative’ development in the first design objective to be ambiguous and thus difficult to quantify and recommend its deletion. I also consider the wording of the last sentence relating to the protection of the homestead and orange grove requires amending.

[78] The principle of orientating properties to front the Werribee River is supported. The orientation of properties to public open space will improve the perception of safety along the River and provide passive surveillance opportunities. The design objective should be more explicit as to why buildings should be oriented towards the river.

[79] The provision of a high amenity pedestrian and cycle link offers an opportunity to specifically promote medium density housing, such as townhouses, oriented towards the Greenway. A more intensive form provides increased opportunities for interaction and a greater intensity of ‘eyes on the street’.

[80] My recommended amendments to DPO4 include:
2.0 Objectives of the Development Plan

A development plan must be generally in accordance with the Bacchus Marsh Structure Plan (November 2011) and must address the following objectives:

- To encourage high quality, innovative and sustainable development that is contextually relevant and responds to the 'country town' character as described in the Bacchus Marsh Activity Centre Structure Plan and protects the historically significant homestead and orange grove, which are important property of historical significance for orcharding in Bacchus Marsh area.

- To ensure new residential development is oriented towards the Werribee River corridor to promote public safety in the public and private realm through opportunities for passive surveillance.

- To ensure residential development abutting Fisken Street is set back no less than 9m so as to provide a buffer from nearby horticultural activities.

- To encourage increased density development medium density properties oriented towards the Greenway.

- To design an internal street network that provides permeable, accessible and safe neighbourhood system for pedestrians, cyclists and motor vehicles.

[81] In relation to supporting information requirements I consider the Planning Assessment Report should address how the proposed development addresses the design objectives described in this Schedule. I therefore recommend the following additional wording under Clause 3.1:
Planning Assessment Report

- That addresses the design objectives described in this schedule.
- That includes an analysis of how the proposed development will satisfy the objectives (where relevant) of clause 54, 55 and 56 of the Moorabool Planning Scheme.

[82] Some submissions raised a concern regarding the requirement to prepare Environmentally Sustainable Design and Construction Guidelines.

[83] ESD is at the heart of land use and development planning. Overarching sustainability principles are identified throughout the planning policy framework including the Planning and Environment Act (1987), the State Planning Policy Framework (SPPF) and the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF).

[84] I also note the Building Code of Australia (BCA) (2006) provides minimum standards relating to sustainability in demolition and construction. However, it tends to look at buildings in isolation. I consider that ESD should be considered early in the development and design process.

[85] A number of municipal Councils have implemented a Sustainable Design Assessment (SDA) tool. An SDA can be undertaken by an applicant to demonstrate how ESD is to be addressed. Best practice is encouraged over and above the mandatory requirements as established by the BCA.

[86] I consider a similar approach should be adopted as part of the supporting information requirements and recommend the following rewording under Clause 3.1:
I consider the requirements of the Social Impact Assessment (SIA) can be more focused. The principles guiding use and development of the areas are outlined in the MSS and Structure Plan. How the development integrates with the surrounding residential development can be detailed in the planning report and design and siting guidelines. Housing styles and types will be ultimately driven by market demand. The scope of the SIA should primarily focus on outlining the social and community services and facilities within close proximity to the subject land. It should then determine any need to improve any facilities due to demand generated by the proposed development.

I recommend the proposed changes:

Social Impact Assessment

The assessment must:

- Provide a vision for the community, detailing the principles guiding the use and development;
- Integrate the development provide linkages with the surrounding residential development;
- Ascertain what variety of housing styles and types are to be provided to accommodate people with different needs and disabilities within the community; and
- Determine any need to improve community services and or facilities within the area, as generated by the proposed development.
BACCHUS MARSH GREENWAY

[89] I consider the design objectives and design requirements contained within DDO9 can be refined and incorporated into an amended DPO5 (Bacchus Marsh Greenway).

[90] The DPO should be supported by a strategic framework plan for the area north of the Werribee River as identified in the Structure Plan.

[91] The development of the Greenway as a high quality pedestrian and cycle route is intrinsically linked to the ability of the available land to accommodate medium density residential development.


[93] In order to ensure the vision for the Greenway is realised, a key design objective is to locate public open space immediately adjacent to the Greenway. Therefore I recommend the inclusion of a new design objective that reads:

To ensure public open space is located adjacent to the Greenway.

[94] The area outlined in the exhibited DPO4 does not include the area to the immediate north of the Werribee River at the southern end of Graham Street. I understand this was a drafting error and a revised version of the DDO mapping incorporates this area. At this location it is important to ensure buildings are oriented towards the river corridor to promote public safety and promote passive surveillance. Therefore, I recommend an additional design objective that reads:

To ensure new residential development is oriented towards the Werribee River corridor to promote public safety in the public and private realm through opportunities for passive surveillance.
Under Clause 3.0 Requirements for Development Plan I recommend replacement of the reference to ‘median’ strip planting be replaced with nature strip planting. I consider a more appropriate cross section would allow for a 10.6m wide carriageway with a shared pedestrian and cycle path along the eastern side of the road. This will allow for local vehicle access whilst removing complications associated with a central landscaped median.

The DPO should address all design and layout issues associated with the area not just the location of the Greenway and the internal road layout. Therefore, similar supporting information requirements as outlined in DPO4 would be applicable.

My recommended amendments to DPO5 include:

BACCHUS MARSH GREENWAY

This schedule applies to land north of the Werribee River, Bacchus Marsh, which was identified in the Bacchus Marsh Activity Centre Structure Plan as the location for a new pedestrian and cycle route and local access road linking Main Street to the railway station fronted by new, high quality medium density residential development. This schedule aims to ensure that the location of the Greenway is identified before development commences.

3.0 Objectives of the Development Plan

A development plan must be generally in accordance with the Bacchus Marsh Structure Plan (November 2011) and must address the following objectives:

To encourage new development which provides for and maintains the ‘country town’ character as described in the Bacchus Marsh Activity Centre Structure Plan.
To provide a safe and attractive pedestrian and cycle link connecting the railway station with Main Street.

To ensure development enjoys good visual access to the Greenway thereby maximizing opportunities for passive surveillance.

To provide a focus for new high quality, innovative and contemporary design.

To encourage building forms, finishes and colours that make a positive contribution to the Greenway.

To ensure public open space is located adjacent to the Greenway.

To ensure new residential development is oriented towards the Werribee River corridor to promote public safety in the public and private realm through opportunities for passive surveillance.

3.0 4.0 Requirements for development plan

To provide a movement network, including pedestrian/cycle path, nature strip median strip planting and local access road that....

Provision of an internal road layout that:

- Allows for one-way road access to properties adjoining the Greenway.

Provision of a detailed cross section of the Greenway to include:

- A central landscaped median.

- Priority for pedestrian and cycling through limiting the vehicle cross-overs.
- Sections of single lane access road either side of the landscaped median.

- Intersection treatments.

- Design to discourage through traffic.

- Of a width to allow for access lanes, a shared pedestrian and bike paths, planted nature strips centre median park and pedestrian footpaths parks.

4.1 Supporting Information Requirements

Planning Assessment Report

- That addresses the design objectives described in this schedule

- That includes an analysis of how the proposed development will satisfy the objectives (where relevant) of clause 54, 55 and 56 of the Moorabool Planning Scheme.

Infrastructure and Servicing Report

The report must:

- Demonstrate how infrastructure including water supply, sewerage, drainage, telecommunications and broadband, public transport and roads will be cost effectively provided.

- Identify appropriate methods of integrating telecommunications, infrastructure including broadband networking capacity to the subdivision, to a standard
that would be capable of accommodating a rollout of Fibre To The Premises (FTTP) on a sub-terrestrial basis.

- A management plan that shows maintenance requirements, machinery requirements, and access arrangements, including specific reference to the Werribee River environs and maintenance responsibilities for any drainage areas/wetlands.

- All development must apply best practice stormwater management as part of planning approvals in accordance with the Moorabool Shire Council Stormwater Management Plan (2001).

- A drainage report must be prepared and demonstrate the implementation of appropriate water sensitive urban design techniques to minimize inappropriate drainage and runoff impacts and in particular address possible impacts on the Werribee River.

- Innovative wastewater management strategies that maximise opportunities for waste recycling and or storm water harvesting must be developed to the satisfaction of the Responsible Authority.

Siting and Design Guidelines

The report must demonstrate:

- How the lot layout and movement network will respond to and enhance the significance the Greenway.

- Density patterns including lot layout, road and movement networks, open space networks, integration between new and existing development, location of
• Reticulated water, sewerage and drainage, road and footpath networks.

• Design guidelines for interface areas that encourage active frontages along the Greenway, Waddell Street and the Werribee River.

• Setbacks and house layouts must be designed in accordance with the Bacchus Marsh Activity Centre Structure Plan.

Environment Assessment Report

• A detailed site analysis of the natural, cultural and strategic context of the site.

• An environmental survey of the land, involving a flora and fauna survey, which identifies natural drainage lines required to be protected and enhanced in the subdivision design.

• An environmental audit that identifies any environmental hazards or contamination on the land and proposed treatment, if any, or a qualified statement indicating the absence of such hazards or contamination. Any approved development plan may be amended to the satisfaction of the responsible authority. The responsible authority will seek the opinion of any relevant referral authority that may be affected by the proposed change.

Open Space and Landscaping Report

The report must:
• Provide consistent whole of precinct landscaping details, along the Greenway.

• Use of indigenous and drought tolerant vegetation for landscaping and retention of existing indigenous vegetation wherever possible.

• At least 5% of the land shall be set aside for public open space purposes. The following areas will be excluded as public open space contributions:
  o Areas of Environmental Sensitivity; and
  o Drainage Reserves, unless these are consistent with the local trails strategy which provide direct access routes to core community infrastructure.

• Public open space should be consistent with the Moorabool Shire Recreation and Open Space Strategy (2007) and should:
  o Include provision of landscaping and appropriate facilities for public use, car parking, playground equipment, other furniture, fencing, bollards, and lighting.
  o Provide for fencing, or other appropriate treatment, along any boundaries between public open space (generally to rural standard unless residential standard would be more appropriate).

• Ownership and maintenance responsibility for all open space will be retained by the developer until developed to the satisfaction of the responsible authority.
5.0 Conclusion

In summary, I consider there to be sufficient strategic justification for the proposed Amendment. The Amendment documentation derives from a comprehensive strategic planning process including community and stakeholder consultation and supported by technical background papers.

The proposed Amendment seeks to facilitate appropriate development within the Bacchus Marsh Central Activity Centre in accordance with State and local planning policy. It seeks to carefully balance opportunities for urban consolidation with the protection of the country town character.

However, I recommend a series of drafting changes to ensure that the Amendment documentation including:

Clause 21.07

- Amending the Strategic Vision Plan to clearly delineate the Civic Precinct, Commercial Core and Mixed Use Precinct as outlined below:
Strategic Vision Plan delineating Civic Precinct

- Include specific strategies in relation to the defined precincts including:

  Promote a mix of activities throughout the centre in accordance with the Strategic Vision Plan, including:

  - Encourage a range of civic, community and tourism land uses with ancillary retail opportunities within the Civic Precinct.
○ Encourage the Commercial Core as the preferred location for a range of major retail land uses.

○ Encourage a range of land uses including retail, commercial and residential uses within the Mixed Use Precinct.

[101] Consolidate the design objectives in DDO5 into a revised DPO4 for the Taverner Development Area, including:

2.0 Objectives of the Development Plan

A development plan must be generally in accordance with the Bacchus Marsh Structure Plan (November 2011) and must address the following objectives:

- To encourage high quality, innovative and sustainable development that is contextually relevant and responds to the 'country town' character as described in the Bacchus Marsh Activity Centre Structure Plan and protects the historically significant homestead and orange grove, which are important property of historical significance for associations orcharding in Bacchus Marsh area.

- To ensure new residential development is oriented towards the Werribee River corridor to promote public safety in the public and private realm through opportunities for passive surveillance.

- To ensure residential development abutting Fisken Street is set back no less than 9m so as to provide a buffer from nearby horticultural activities.

- To encourage increased density development medium density properties oriented towards the Greenway.
- To design an internal street network that provides permeable, accessible and safe neighbourhood system for pedestrians, cyclists and motor vehicles.

[102] Under Clause 3.1 require the planning assessment report to outline how the design objectives of the DPO are met:

**Planning Assessment Report**

- That addresses the design objectives described in this schedule.
- That includes an analysis of how the proposed development will satisfy the objectives (where relevant) of clause 54, 55 and 56 of the Moorabool Planning Scheme.

[103] Under Clause 3.1 require the preparation of an Environmentally Sustainable Design Assessment.

**Environmentally Sustainable Design Assessment and Construction Guidelines**

[104] Under Clause 3.1 focus the scope of the Social Impact Assessment to address:

**Social Impact Assessment**

The assessment must:

- Provide a vision for the community, detailing the principles guiding the use and development;
- Integrate the development provide linkages with the surrounding residential development;
Ascertain what variety of housing styles and types are to be provided to accommodate people with different needs and disabilities within the community; and

Determine any need to improve community services and or facilities within the area, as generated by the proposed development.

Consolidate the design objectives in DDO9 into a revised DPO5 for the Bacchus Marsh Greenway to cover all aspects of the master planning of the area including:

BACCHUS MARSH GREENWAY

This schedule applies to land north of the Werribee River, Bacchus Marsh, which was identified in the Bacchus Marsh Activity Centre Structure Plan as the location for a new pedestrian and cycle route and local access road linking Main Street to the railway station fronted by new, high quality medium density residential development. This schedule aims to ensure that the location of the Greenway is identified before development commences.

3.0 Objectives of the Development Plan

A development plan must be generally in accordance with the Bacchus Marsh Structure Plan (November 2011) and must address the following objectives:

To encourage new development which provides for and maintains the 'country town' character as described in the Bacchus Marsh Activity Centre Structure Plan.

To provide a safe and attractive pedestrian and cycle link connecting the railway station with Main Street.
To ensure development enjoys good visual access to the Greenway thereby maximizing opportunities for passive surveillance.

To provide a focus for new high quality, innovative and contemporary design.

To encourage building forms, finishes and colours that make a positive contribution to the Greenway.

To ensure public open space is located adjacent to the Greenway.

To ensure new residential development is oriented towards the Werribee River corridor to promote public safety in the public and private realm through opportunities for passive surveillance.

3.0 4.0 Requirements for development plan

To provide a movement network, including pedestrian/cycle path, nature strip median strip planting and local access road that….

Provision of an internal road layout that:

- Allows for one-way road access to properties adjoining the Greenway.

Provision of a detailed cross section of the Greenway to include:

- A central landscaped median.
- Priority for pedestrian and cycling through limiting the vehicle cross-overs.
- Sections of single lane access road either side of the landscaped median.
- Intersection treatments.
• Design to discourage through traffic.

• Of a width to allow for access lanes, a shared pedestrian and bike paths, planted nature strips, centre median park and pedestrian footpaths parks.

4.1 Supporting Information Requirements

Planning Assessment Report

• That addresses the design objectives described in this schedule

• That includes an analysis of how the proposed development will satisfy the objectives (where relevant) of clause 54, 55 and 56 of the Moorabool Planning Scheme.

Infrastructure and Servicing Report

The report must:

• Demonstrate how infrastructure including water supply, sewerage, drainage, telecommunications and broadband, public transport and roads will be cost effectively provided.

• Identify appropriate methods of integrating telecommunications, infrastructure including broadband networking capacity to the subdivision, to a standard that would be capable of accommodating a rollout of Fibre To The Premises (FTTP) on a sub-terrestrial basis.

• A management plan that shows maintenance requirements, machinery requirements, and access arrangements, including specific reference to the
Werribee River environs and maintenance responsibilities for any drainage areas/wetlands.

- All development must apply best practice stormwater management as part of planning approvals in accordance with the Moorabool Shire Council Stormwater Management Plan (2001).

- A drainage report must be prepared and demonstrate the implementation of appropriate water sensitive urban design techniques to minimize inappropriate drainage and runoff impacts and in particular address possible impacts on the Werribee River.

- Innovative wastewater management strategies that maximise opportunities for waste recycling and or storm water harvesting must be developed to the satisfaction of the Responsible Authority.

Siting and Design Guidelines

The report must demonstrate:

- How the lot layout and movement network will respond to and enhance the significance the Greenway.

- Density patterns including lot layout, road and movement networks, open space networks, integration between new and existing development, location of reticulated water, sewerage and drainage, road and footpath networks.

- Design guidelines for interface areas that encourage active frontages along the Greenway, Waddell Street and the Werribee River.
• **Setbacks and house layouts must be designed in accordance with the Bacchus Marsh Activity Centre Structure Plan.**

**Environment Assessment Report**

• **A detailed site analysis of the natural, cultural and strategic context of the site.**

• **An environmental survey of the land, involving a flora and fauna survey, which identifies natural drainage lines required to be protected and enhanced in the subdivision design.**

• **An environmental audit that identifies any environmental hazards or contamination on the land and proposed treatment, if any, or a qualified statement indicating the absence of such hazards or contamination. Any approved development plan may be amended to the satisfaction of the responsible authority. The responsible authority will seek the opinion of any relevant referral authority that may be affected by the proposed change.**

**Open Space and Landscaping Report**

**The report must:**

• **Provide consistent whole of precinct landscaping details, along the Greenway.**

• **Use of indigenous and drought tolerant vegetation for landscaping and retention of existing indigenous vegetation wherever possible.**
• **At least 5% of the land shall be set aside for public open space purposes.** The following areas will be excluded as public open space contributions:
  
  - **Areas of Environmental Sensitivity; and**
  
  - **Drainage Reserves, unless these are consistent with the local trails strategy which provide direct access routes to core community infrastructure.**

• **Public open space should be consistent with the Moorabool Shire Recreation and Open Space Strategy (2007) and should:**
  
  - **Include provision of landscaping and appropriate facilities for public use, car parking, playground equipment, other furniture, fencing, bollards, and lighting.**
  
  - **Provide for fencing, or other appropriate treatment, along any boundaries between public open space (generally to rural standard unless residential standard would be more appropriate).**

• **Ownership and maintenance responsibility for all open space will be retained by the developer until developed to the satisfaction of the responsible authority.**
Appendix A: Summary of Experience & Personal Details

NAME AND ADDRESS

Max Walton
Senior Urban Planner
David Lock Associates (Australia) Pty Ltd
2/166 Albert Road
SOUTH MELBOURNE VIC 3205

QUALIFICATIONS AND EXPERIENCE

Qualifications:

- Corporate Member of the Planning Institute of Australia, 2007
- MA Urban Design, University of Westminster, UK, 2004
- Diploma in Town Planning, University of Newcastle-upon-Tyne, 2003
- BA Hons Town Planning, University of Newcastle-upon-Tyne, 2001

Professional experience:

- Senior Urban Planner, David Lock Associates (Australia), 2007 to present
- Senior Planner, David Lock Associates (UK), 2004-2007
- Assistant Planner, Transport for London (UK), 2001-2002

AREA OF EXPERTISE TO PREPARE THIS REPORT

I have nine years of experience in private practice with various town
I have been involved in the design and assessment of numerous activity centre and urban infill projects in Australia. These have included:

- Structure Plans for Bacchus Marsh Activity Centre, Swan Street, Richmond and the Montague Precinct, South Melbourne.
- Growth Area Plans and Development Plans for major residential, industrial and mixed-use schemes in regional Victoria.
- Numerous urban design assessments and urban context reports of development proposals to inform planning permit applications.

INSTRUCTIONS THAT DEFINED THE SCOPE OF THIS REPORT

I am engaged by Moorabool Shire Council.

I have received verbal and written instructions from and various documents relating to the proposal.

I have been requested to give expert evidence in relation to key strategic planning and urban design aspects of Amendment C51 to the Moorabool Planning Scheme.

FACTS, MATTERS AND ASSUMPTIONS RELIED UPON

- Inspection of the subject site and surrounding area.
- Review of planning controls and policies affecting the area.

IDENTITY OF PERSONS UNDERTAKING THE WORK

Report prepared by Max Walton.
DOCUMENTS TAKEN INTO ACCOUNT
Refer to section 1.0 and 3.3 of this statement.

SUMMARY OF OPINIONS
Refer to the conclusion of this statement (section 6.0).

PROVISIONAL OPINIONS
There are no provisional opinions in this report.

QUESTIONS OUTSIDE MY AREAS OF EXPERTISE, INCOMPLETE OR INACCURATE ASPECTS OF THIS REPORT
This report does not address any questions outside my area of expertise, nor does it contain any incomplete or inaccurate statements.

I have made all the inquiries I believe are desirable and appropriate and confirm that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.
APPENDIX B: BACCHUS MARSH CENTRAL ACTIVITY CENTRE STRUCTURE PLAN – SUPPORTING DOCUMENTATION