

S96A Planning Scheme Amendment Application

Werribee Vale Road
Bacchus Marsh

Client
Plenti Property Pty Ltd

Issued
4/02/2025



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1 INTRODUCTION

Bacchus Marsh is identified as a regional growth centre by Plan Melbourne, with the town anticipated to accommodate a level of growth second only to Ballarat within the Central Highlands Region. The location of Bacchus Marsh outside the Urban Growth Boundary, but within commuting distance from the Melbourne CBD, makes it an ideal location to accommodate peri-urban population growth. Bacchus Marsh is identified as the largest town within the Moorabool Shire, providing significant landscape and environmental features as well as the facilities found in metropolitan areas.

Land to the west of Bacchus Marsh is identified within the Bacchus Marsh Urban Growth Framework as a greenfield area, which can accommodate a large percentage of the anticipated residential growth of the town. Land in this area has commenced transition from agricultural to urban uses, with development progressing in a westerly direction, ensuring new development has strong connections to the existing township and all the services it provides.

This Planning Scheme Amendment (PSA) seeks to rezone approximately 2.612ha of land from Farming Zone to the Neighbourhood Residential Zone, to allow the residential development of land within an identified growth area. The amendment also seeks to remove the applicable Design and Development Overlay – Schedule 2, which implements objectives specific to development within Farming Zone land and is no longer appropriate to the site.

Specifically, rezoning applies to a single parcel of land, bisected by Halletts Way and Adelong Way, and the combined PSA and Planning Permit Application seeks to subdivide the existing land parcel into five individual lots, to facilitate the future development of the site. The application has been prepared in accordance with Section 96A of the *Planning and Environment Act 1987*.

This report supports the request for the proposed Amendment, outlining the proposed changes, background studies and provides a detailed strategic justification.

2 SUBJECT LAND AND SITE CONTEXT

2.1 Regional and Site Context

Bacchus Marsh is the largest town within Moorabool Shire. The township is located approximately 50km north west of the Melbourne CBD via the Western Freeway, and is also connected to Melbourne via the existing Melbourne-Ballarat Railway Line. The Bacchus Marsh district boundary, as defined by the Bacchus Marsh Urban Growth Framework Plan (August 2018), encompasses the suburbs of Darley to the north, Hopetoun Park to the east, Parwan to the south, and Maddingley to the west.

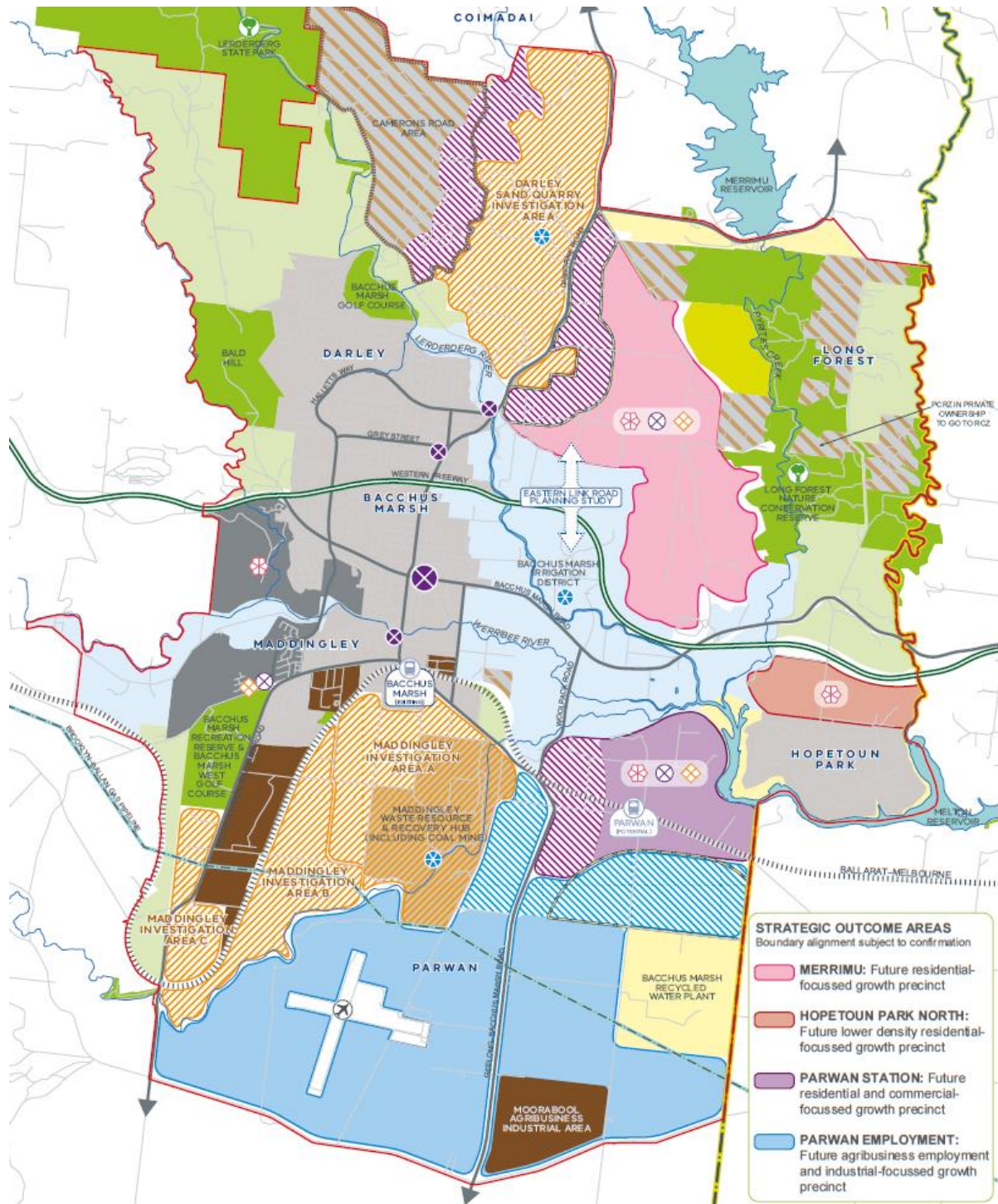


Figure 1: Bacchus Marsh District Urban Growth Framework
Source: Bacchus Marsh Urban Growth Framework Plan (August 2018)

Bacchus Marsh contains high quality agricultural land and provides natural resources (sand and coal). The Bacchus Marsh Irrigation District (BMID) is a state significant resource, a 'food bowl for Victoria', and provides extensive local job opportunities. The BMID encompasses land within the centre of the Bacchus Marsh district boundary and is supplied by waterways to the north (Lerderderg River) and west (Werribee River). The Bacchus Marsh Urban Growth Framework (August 2018) seeks to ensure that land within the BMID is protected from urban encroachment. To the north of Bacchus Marsh are the Darley sand quarries, and to the south is the Maddingley Brown Coal operation. Both these natural resource areas are identified as state significant, and both provide significant employment opportunities within the Moorabool Shire.

In 2017, Bacchus Marsh accommodated approximately 19,000 residents, with an additional 20,000 residents forecast to be accommodated by 2041. Updated population figures show the estimated population for Bacchus Marsh in 2041 as 46,187, representing a 93.61% increase from 2021 (23,855). The proximity of Bacchus Marsh to Melbourne, and the associated job opportunities provided, are anticipated to drive population growth within Bacchus Marsh. The Bacchus Marsh Urban Growth Framework (August 2018) identifies growth in Bacchus Marsh as progressing at a faster rate than both Melbourne and Ballarat. Land supply, infrastructure and open space within Bacchus Marsh and surrounding areas is therefore required to be increased to accommodate the predicted ongoing growth.

Based on the anticipated growth within Bacchus Marsh, additional land surrounding the town has been identified to accommodate residential growth. This includes land surrounding the existing settlement of Merrimu, as well as existing greenfield areas to the west of Bacchus Marsh in the Maddingley area. This western area has been identified to accommodate the Underbank Estate. Approximately 167ha of land is subject to the Underbank Development Plan, which sets out a proposed residential community, including development of a local town centre, active open space and community facilities. This land is earmarked to cater for the future population growth of Bacchus Marsh.

2.2 Subject Land

Werribee Vale Road, Bacchus Marsh, is formally identified as Lot A on Plan of Subdivision 821090T in Volume 12200 and Folio 394. The site comprises a total area of 2.6116ha. The development of Halletts Way and Adelong Way has divided the site into irregular shaped portions of land, which form part of the Lot A on PS821090T. Areas of land associated with Adelong Way and the Halletts Way/Adelong Way roundabout are identified as R2 and R1 respectively within the Plan of Subdivision.

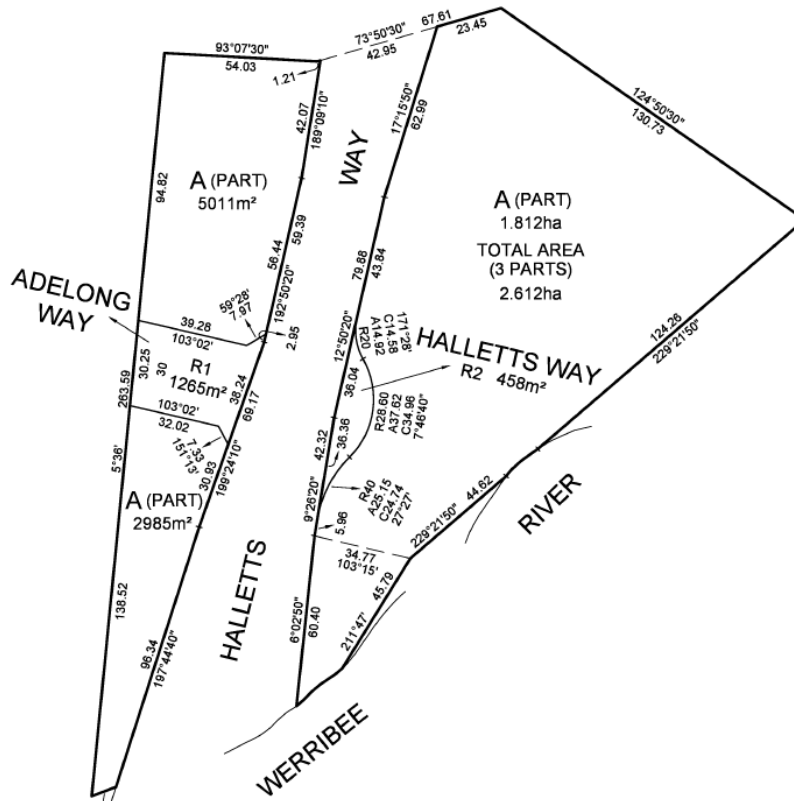


Figure 2: Current Plan of Subdivision – Lot A PS821090T
Source: ACSV

The relevant areas of the lot are detailed below:

- **Lot A (Part) (eastern portion of land):** 1.812ha
- **Lot A (Part) (south western portion of land):** 0.2985ha
- **Lot A (Part) (north west portion of land):** 0.5011ha
- **R1 (Adelong Way):** 0.1265ha
- **R2 (Halletts Way/Adelong Way roundabout):** 0.0458ha

An additional 1.0348ha of land comprising Halletts Way within the boundaries of the Plan of Subdivision is also subject to the rezoning application.

No restrictive covenants, caveats or easements are registered on the current title. A copy of the Certificate of Title is provided in Appendix A.

Lot A is transected by Halletts Way and Adelong Way. Halletts Way traverses the site from north to south, extending from existing residential development to the north of the subject site. Halletts Way comprises an approximate 30m wide road reserve through the site, providing a two lane carriageway, as well as pedestrian paths to both sides of the road. Further south, Halletts Way connects with Werribee Vale Road and O'Leary Way, which provide access to the wider residential area west of Bacchus Marsh.

Halletts Way intersects with Adelong Way within Lot A, creating a 38m diameter round about. Adelong Way provides connection to residential development west of Lot A, and will eventually provide a connection to the Underbank Estate. Within the boundaries of Lot A, Adelong Way comprises a two lane carriageway with a wide central median, providing pedestrian crossings and connection with surrounding pedestrian paths.

Lot A has been cleared of vegetation, with the western portions of land appearing to have been used for vehicle parking during construction of the abutting residential area. The site abuts the Werribee River to the south, with associated vegetation abutting the eastern northern boundaries of the eastern portion of Lot A. A footpath has also been constructed to the boundary of this portion of land.



Figure 3: Subject Site Aerial
Source: Nearmap (September 2020)

2.3 Surrounding Area

The subject site is located approximately 1.5km west of the Bacchus Marsh town centre. The town centre contains commercial and community infrastructure which services the expanding residential area of Bacchus Marsh.

Land to the north, east and south of the site has generally been developed for residential uses, with areas of land currently under construction for future residential purposes. In particular, land to the north of the site is associated with new residential development, reflecting the transition of land in the area from agricultural to urban uses.

Land to the west of the site has commenced development in accordance with the Underbank Development Plan. The Development Plan envisages the masterplanned Underbank Estate, which will provide residential land, as well as a local commercial centre and associated open spaces. The Underbank Estate development is proceeding from the north and the east of the Development Plan area, creating residential land to meet demand within the Bacchus Marsh area.



Figure 4: Surrounding Area Aerial
Source: Nearmap (September 2020)

3 EXISTING PLANNING FRAMEWORK

The proposed planning scheme amendment and planning permit application apply to land within the Moorabool Planning Scheme, and is consistent with the relevant State and Local policy objectives. This section of the report outlines the current planning framework.

3.1 Strategic Planning Policies

3.1.1. Plan Melbourne

Outcome 7 of *Plan Melbourne 2017-2050* is “Regional Victoria is productive, sustainable and supports jobs and economic growth”. This section of *Plan Melbourne* identifies the need to ensure that growth in regional Victoria is catered for and encouraged as part of Victoria’s projected population boom over the next 30 years. Regional Victoria provides for 30 per cent of the state’s exports, supplying food and natural resources. In order to ensure this productivity and associated employment opportunities are retained, investments into regional Victoria must be made.

Direction 7.1 of Plan Melbourne states that the Victorian Government will work with regional Councils to support housing and economic growth in established and developing regional townships. Policy 7.1.2 identifies Bacchus Marsh as a town within a peri-urban area which can accommodate additional housing and employment-generating development. Towns such as Bacchus Marsh can provide an alternative to living within metropolitan Melbourne, however development within these areas must ensure the timely delivery of infrastructure to accommodate growth. Growth boundaries should be established for these peri-urban towns to minimise urban sprawl and ensure the protection of significant agricultural land.

3.1.2. Moorabool 2041

3.1.3. Bacchus Marsh Urban Growth Framework (August 2018)

The *Bacchus Marsh Urban Growth Framework (BMUGF)* forms part of the Moorabool 2041 framework, and was prepared to address the anticipated doubling of the Bacchus Marsh population within the next 20 years. The BMUGF presents an opportunity to ensure that growth within Bacchus Marsh is directed to appropriate areas, and that supporting infrastructure can be provided to existing and future populations. The BMUGF seeks to guide growth to 2041 and beyond by establishing a settlement boundary and identifying where future potential growth can occur within it.

The principles of the BMUGF are:

- To identify growth areas for 2041 and beyond
- To plan for new residential areas
- To plan for new employment areas
- To identify high-level infrastructure requirements
- To protect agricultural land
- To protect features of natural and built environmental value

Four key elements are also identified as defining the BMUGF, with relevant issues, objectives and strategies identified for each element.

Element 1 – Environment

The Bacchus Marsh area contains areas of significant environment value, places of Aboriginal Cultural Heritage, and significant waterways which accommodate a variety of indigenous flora and fauna. These factors combine to create the aesthetic and landscape character of Bacchus Marsh. Bacchus Marsh also provides significant built environmental features. This includes highly productive agricultural land and extensive sand and brown coal deposits, as well as built heritage and significant water infrastructure.

The BMUGF seeks to protect and enhance the environmental assets of the Bacchus Marsh settlement boundary. This includes the protection of waterway corridors and their function in maintaining agricultural production, as well as ensuring that settlement breaks providing vegetation and agricultural land uses are retained.

Element 2 – Employment

Retail, health and education are the fastest growing job sectors within Moorabool Shire. The BMUGF seeks to identify key areas within the settlement boundary for expanding these sectors, which will promote local jobs for anticipated future residents. Significant resources and industries, including the sand deposits to the north and the Maddingley Waste and Resource Recovery Hub to the south, should be supported to ensure they can continue and expand as appropriate, without the risk of being compromised due to expanding sensitive uses. The Bacchus Marsh Irrigation District (BMID) is to be protected as part of Melbourne and Victoria's food bowl. This includes ensuring protection from incompatible land uses and developments, as well as managing interfaces between the BMID and existing non-farming uses.

Element 3 – Housing and Community Infrastructure

The anticipated growth within Bacchus Marsh and surrounds has the potential to place a strain on existing infrastructure, including community services and the environment. The BMUGF seeks to manage the projected population growth to maximise opportunities for Bacchus Marsh, by enabling expansion of existing infrastructure and attracting new investment in the region.

To maintain the character of Bacchus Marsh, existing and future precincts should adopt preferred neighbourhood character standards, which are to be implemented via comprehensive controls such as the Moorabool Planning Scheme. New and infill developments, particularly those in western Bacchus Marsh and Maddingley should also focus on providing housing diversity, as the BMUGF identifies a lack of diversity in block sizes and housing types which may limit affordability for those seeking to live in Bacchus Marsh.

The BMUGF seeks to ensure that residential development for the future population growth within Bacchus Marsh is well connected to infrastructure, transport and services. New residential areas should be provided with co-located open space and education opportunities, as well as community facilities. The BMUGF identifies the area as having a shortage of primary schools to accommodate short- and long-term population growth. Planning for residential growth areas must consider the provision of infrastructure to ensure all residents are provided with connection, support, and community.

Element 4 – Transport

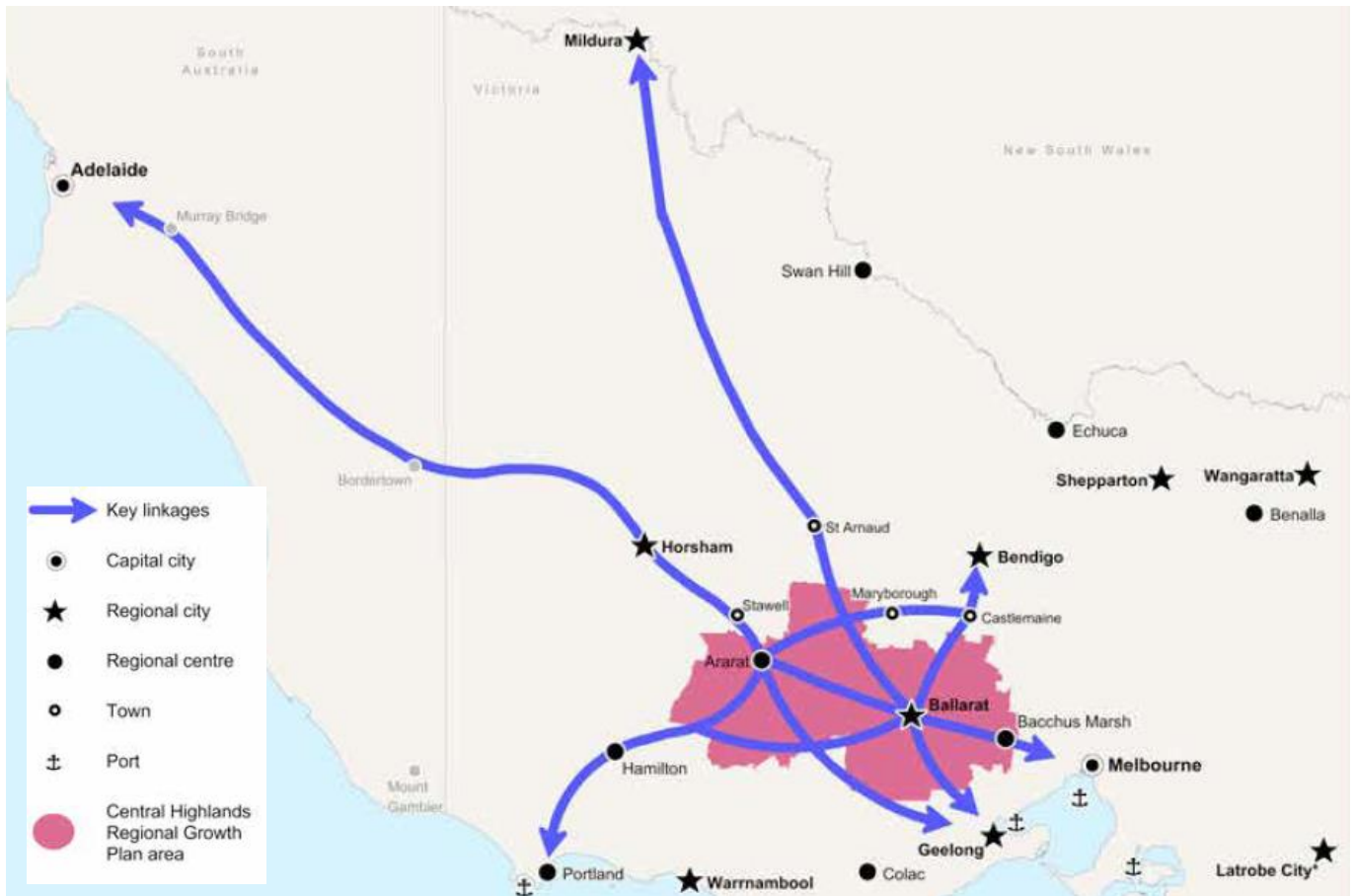
Investment in transport infrastructure will be crucial in supporting the anticipated population increase in Bacchus Marsh and surrounding areas. Currently, issues surrounding traffic congestion and missing road links diminish the functionality of the road network. Access to public transport infrastructure is also currently limited, due in part to inadequacy of transport infrastructure.

Key to the improvement of transport within Bacchus Marsh is providing internal east west and north south connections to reduce congestion within the centre of Bacchus Marsh. Also key to reducing congestion and establish greater connections with regional Victoria is the Eastern Link Road, which will provide connection between industries both within and beyond the Bacchus Marsh settlement boundary. Usage of the existing rail and bus networks is anticipated to increase, with the proposed Parwan Station residential Precinct anticipated to drive demand for a second railways station within the settlement boundary. Upgrades and expansion of the existing bus network will provide public transport connections within the settlement boundary, further encouraging the use of alternate travel modes.

Pedestrian movement within new and existing residential areas is to be a focus of development, with new suburbs to provide fully integrated walking and cycling networks. Linking these networks to existing and future public transport facilities will encourage active transport, and assist in reducing congestion within Bacchus Marsh.

3.1.4. Central Highlands Regional Growth Plan (2014)

The Central Highlands Regional Growth Plan (CHRGP) applies to the municipalities of Ararat, Ballarat, Golden Plains, Hepburn, Moorabool, and Pyrenees. The CHRGP identifies appropriate locations for future development at a regional scale, as well as significant regional assets and how they should be managed. The CHRGP provides a snapshot of the region, identifying the eastern areas (including the Moorabool Shire) as facing “*particular population growth pressures around areas with significant landscapes, agricultural, waterway and other environmental assets*”. Map 3 of the CHRGP identifies key links to surrounding regions, showing Bacchus Marsh as providing a key linkage to Melbourne.



The CHRGP seeks to ensure the projected population growth within Melbourne's peri-urban hinterland areas does not compromise state significant assets and productive agricultural land, particularly within the Moorabool Shire. Discussions between peri-urban councils and the state government are considered crucial to ensure that strategic land use planning can balance competing land uses within these areas.

The CHRGP further identifies eastern areas of the region, including Moorabool Shire, as accommodating a large percentage of the estimated 78,200-person population growth within the region. The CHRGP also identifies these areas as accommodating a younger population on average, which based on current trends in household size will result in the need for an increased number of houses per head of population.

Part C of the CHRGP identifies four key elements which drive the need for a regional growth plan. The CHRGP has been developed to reflect the future directions established for the regional economy, environment and heritage, living in the region and infrastructure.

Regional Economy

Economic growth within the region has been identified as flexible and adaptive, allowing growth the regional economy to grow. However, this growth is not evenly spread throughout the region, with locations to the west generally experiencing less growth than their western counterparts. This is partly due to proximity to Melbourne, which drives population growth, as well as the provision of new infrastructure to support the growing education, manufacturing, and health sectors.

In order to ensure that the region's economy continues to grow, and to promote growth in more areas within the region, land use planning will need to ensure future commercial, industry, energy and tourism employment opportunities are encouraged in appropriate areas. Whilst existing rural and agricultural assets may no longer be the primary means for economic growth, agricultural production needs to be protected via certainty surrounding land uses, as well as by limiting the impact of other sensitive land uses. Providing greater certainty around the future of agricultural land will result in increased investment and potential growth. Land use planning also needs to ensure that state significant earth resources are protected, as these support regional economies as well as the wider Victorian construction and energy industries.

Environment and Heritage

The environmental and heritage values within the Central Highlands region "are critical to the region's economy, attractiveness and liveability". Regional catchment strategies and their associated authorities are identified as key to ensuring that vegetation and biodiversity is conserved and managed within the region. The Central Highlands region contains a wide range of national and state parks, as well as native grasslands. The region is also home to several significant heritage places, both pre- and post-European contact historical areas are identified throughout the region.

Strategic land use planning needs to balance the need for increased settlement boundaries with protection of significant environmental, landscape and heritage values. This includes ensuring that development is directed away from sensitive areas, such as water catchments or significant ridgelines. Planning controls should be used to ensure that significant biodiversity and heritage assets are considered and protected throughout development. The risk of bushfire, landslip and potentially contaminated soils must also be addressed by land use planning, to ensure no unnecessary risk to life and wellbeing.

Regional Infrastructure

Connection between settlements within the Central Highlands region is key to supporting regional growth and providing access to work, services, and leisure for future and existing populations. To ensure that the transport networks can sustain these connections, improving capacity and functionality of the existing network is key. This includes expanding road space and enhancing public transport services including bus and rail. To ensure safety and functionality, planning needs to be undertaken surrounding responses to major accidents and natural disasters. Freight precincts should be established to prevent heavy vehicles using local and main roads, as well as to provide more efficient delivery networks.

The CHRGP directs development to occur in areas which can make best use of existing water, energy and utility infrastructure. Key priorities for improvement should be identified, rather than seeking to expand existing or upgrade existing infrastructure generally. Much of the eastern areas of the region are now provided with reticulated gas, and larger settlements are provided with reticulated sewerage systems. Existing electricity services are anticipated to be able to accommodate significant growth, with water supply in the region anticipated to be adequate for the next 30 years.

Living in the Region

Settlement patterns within the region are directed by proximity to the regional centre of Ballarat, as well as proximity to Melbourne. This results in a disparity between the denser settlements surrounding Ballarat and the eastern areas of the region, and the dispersed settlements to the west. While growth is anticipated across the region, it is anticipated that growth in the east of the region will be significantly higher. Due to this disparity, land use planning must focus not only on providing access to major centres, but also on ensuring that settlements are self-sufficient.

To ensure that new populations have access to required services, the CHRGP directs urban growth towards settlements identified in the Regional Settlement Framework Plan. Settlements identified for growth are those which can accommodate new development while managing existing environmental values and hazards, as well those which have connection to key employment opportunities. The CHRGP identifies Ballarat and Bacchus Marsh as providing significant growth potential, with growth to be promoted in Ballarat, and supported within Bacchus Marsh.

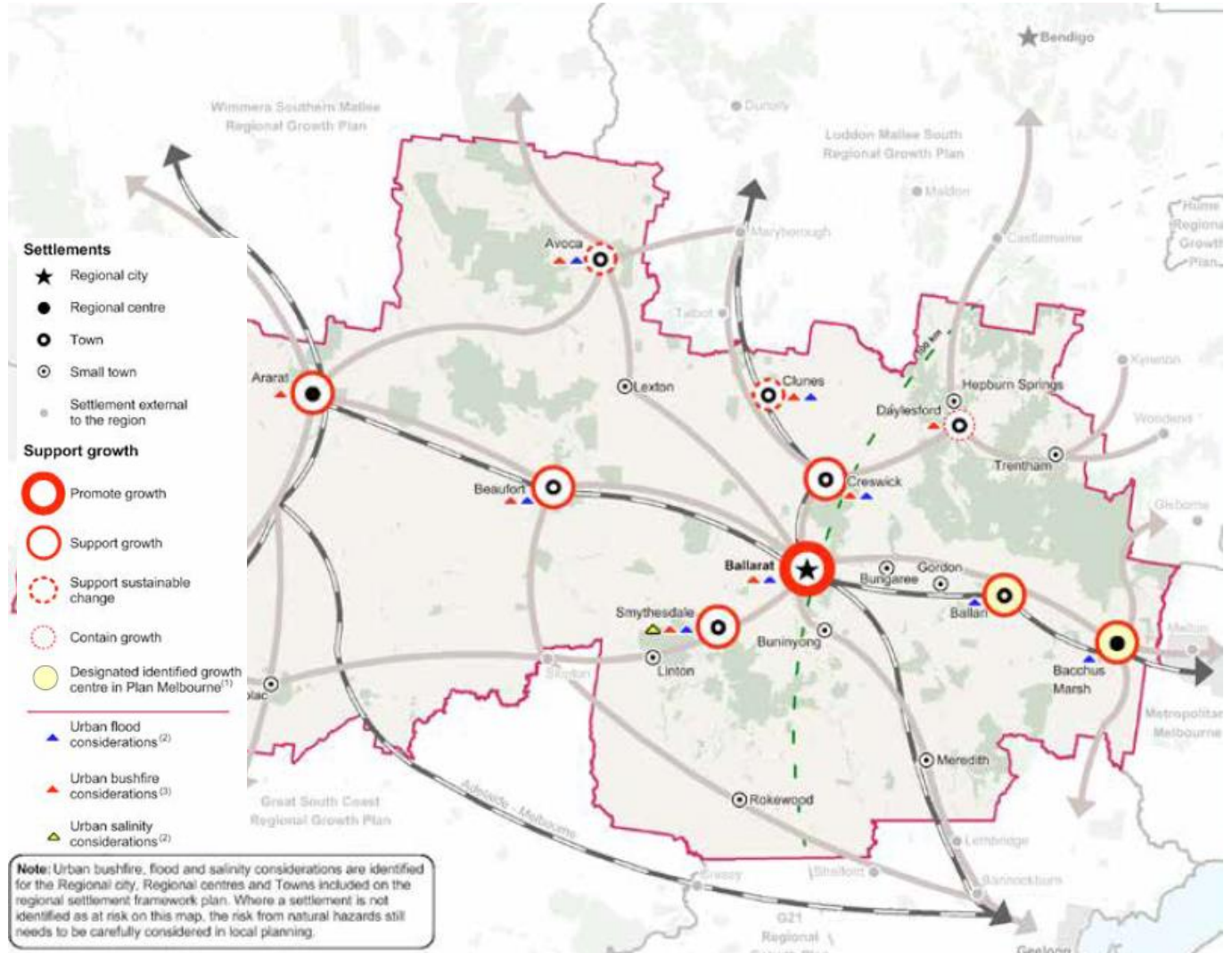


Figure 6: Regional Settlement Framework Plan – Support for Growth
Source: Central Highlands Regional Growth Plan

Both Ararat and Bacchus Marsh are identified to have a future settlement role as regional centres. The role of these settlement areas is defined by the CHRGP as per the below:

- Have large diverse populations, housing, retail facilities and employment bases and a variety of education facilities
- May include some higher order services, such as hospital/medical services and a variety of general education services
- Have well-defined commercial and industrial precincts
- Access to specialised goods and services for a rural hinterland
- All major utility service provisions are provided for
- In the peri-urban region, regional centres also:
 - have good access to Melbourne job markets with high reliance on commuting
 - have proximity to a Principal Activity Centre in metropolitan Melbourne

The CHRP proposes the following future directions for Bacchus Marsh, based on the anticipated scale of population growth:

- Support Bacchus Marsh as a regional centre and key growth location for the peri-urban part of the Central Highlands
- Maintain the character and form of a distinct regional settlement, separated from Melbourne's western growth corridor
- Encourage the provision of social, service and transport infrastructure to support significant growth
- Provide a balanced approach to growth by promoting a range of local employment opportunities as an alternative to Bacchus Marsh's role as a commuter centre
- Encourage the development of Bacchus Marsh to protect surrounding regional environmental, heritage, landscape, resource and agricultural assets and consider natural hazards

3.2 Moorabool Planning Scheme

When considering a request to amend the Planning Scheme, the Moorabool Shire must be satisfied that the proposed amendment is consistent with the Moorabool Planning Scheme.

Policies considered relevant to the subject site are summarised below.

Planning Policy Framework

- Clause 02 Municipal Planning Strategy
 - Clause 02.01 Context
 - Clause 02.03-1 Settlement
 - Clause 02.03-2 Environmental and landscape values
 - Clause 02.03-5 Built environment and heritage
 - Clause 02.03-6 Housing
- Clause 11 Settlement
 - Clause 11.01-1S Settlement
 - Clause 11.01-1R Settlement – Central Highlands
 - Clause 11.01-1L-01 Settlement in Moorabool
 - Clause 11.01-1L-02 Bachus Marsh
 - Clause 11.02-1S Supply of Urban Land\
 - Clause 11.02-2L Structure Planning in Moorabool
 - Clause 11.03-3S Peri-urban areas
- Clause 12 Environmental and Landscape Values
 - Clause 12.01-1S Protection of biodiversity
 - Clause 12.01-2S Native vegetation management
 - Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs
 - Clause 12.05-2R Landscapes – Central Highlands
- Clause 13 Environmental Risks and Amenity
 - Clause 13.02-1S Bushfire planning
- Clause 14 Natural Resource Management
 - Clause 14.01-1S Protection of agricultural land
 - Clause 14.02-3S Protection of declared irrigation districts
- Clause 15 Built Environment and Heritage
 - Clause 15.01-1L Urban Design
 - Clause 15.01-5S Neighbourhood character
- Clause 16 Housing
 - Clause 16.01-1S Housing Supply
 - Clause 16.01-1L Housing supply in Moorabool
 - Clause 16.01-2S Housing affordability
- Clause 19 Infrastructure

Particular Provisions

- Clause 52.17 Native Vegetation

3.2.1. Planning Policy Framework

Clause 02 Municipal Planning Strategy

The Municipal Planning Strategy details the context of the municipality within the broader area and provides strategic direction for localities within Moorabool Shire.

Relevant sub clauses are discussed as follows:

Clause 02.01 Context: This Clause identifies Bacchus Marsh and Ballan as areas of *significant growth and change*, and notes that the overall population of Moorabool Shire is *anticipated to increase by 76 per cent between 2021 and 2041*.

Clause 02.03-1 Settlement: This Clause identifies areas considered for future growth, including Bacchus Marsh. Bacchus Marsh is identified as having *relative accessibility to Melbourne, Geelong and Ballarat*, as well as having a *well-established town centre and existing availability of greenfield and infill development opportunities*. These factors contribute to the nomination of Bacchus Marsh as a key area for growth, along with Ballan. Clause 02.03-1 identifies the following character elements as critical when considering a design response for development:

- *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.*
- *Distinctive natural landscape character and setting comprising escarpments and an irrigated river valley.*
- *A scenic backdrop that surrounds the town with Wombat-Lerderderg National Park, Werribee Gorge State Park and Long Forest Flora and Fauna 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 places and trees including the Bacchus Marsh Avenue of Honour.*
- *A strong range of business enterprises including industrial businesses that provide local employment opportunities, particularly in the transport and the agricultural industries.*

In addition, Clause 02.03-1 notes that growth within Bacchus Marsh should be provided *consistent with the Bacchus Marsh Urban Growth Framework*.

Clause 02.03-2 Environmental and landscape values: This Clause seeks to protect and enhance biodiversity within Moorabool Shire. In particular, protection of the Moorabool, Werribee and Lerderderg Rivers is considered, and it is Council policy to *ensure that the riparian area along watercourses is retained, protected and revegetated*.

Clause 02.03-5 Built environment and heritage: Within this Clause, Council seeks to ensure that built form outcomes consider the heritage of the Shire, particularly within established areas. To ensure the protection of the character of the Shire, Council seeks to:

- *Protect and reinforce the Shire's built and natural heritage.*
- *Encourage residential development that enhances liveability and contributes to the creation of healthy and active neighbourhoods.*
- *Promote environmentally sustainable design to reduce the cost of living and improve liveability.*
- *Ensure development respects the existing character, landscape setting and amenity of the local area.*

Clause 02.03-6 Housing: This policy seeks to ensure that new housing within the Shire provides for diversity to accommodate the varied and changing population. An increased demand for smaller and affordable housing is contemplated, as well as the ageing population. Housing should be directed to locations which are provided with existing or developing public infrastructure, to enable the creation of *compact and sustainable neighbourhoods*. Council seeks to:

- *Improve the diversity of housing stock within the municipality.*
- *Design housing to be adaptable for use by smaller households, older people and people with disabilities.*
- *To provide high amenity rural lifestyle opportunities in Bacchus Marsh while protecting irrigated horticultural land and other environmental assets.*

Clause 11 Settlement

The objective of this Clause is to anticipate and respond 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, and to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

Relevant sub clauses are discussed as follows.

Clause 11.01-1S Settlement: The objective of this clause is 'To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements'. Relevant strategies of this clause state:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*
- *Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.*
- *Ensure regions and their settlements are planned in accordance with any relevant regional growth plan.*
- *Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:*
 - *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*

This Clause identifies Bacchus Marsh as a Regional Centre, and an area where growth is promoted.

Clause 11.01-1R Settlement – Central Highlands: The strategies within this clause relate to land within the Central Highlands Regional Growth Plan area. The relevant strategies are as follows:

- *Support the development of Central Highlands' regional centres, Ararat and Bacchus Marsh, as the key service centres for each end of the region.*
- *Direct growth to well serviced settlements with good access to Melbourne or Ballarat, particularly Bacchus Marsh, Ballan, Creswick, Clunes, Beaufort and Smythesdale.*
- *Provide adequate land and infrastructure in appropriate locations to support anticipated population growth.*
- *Maintain a clear settlement break between Metropolitan Melbourne and the Central Highlands.*

Clause 11.01-1L-01 Settlement in Moorabool: The strategies within this clause relate to development outcomes and preferred locations. The relevant strategies are as follows:

- *Direct the majority of the population and employment growth to Bacchus Marsh with supporting growth in Ballan.*
- *Limit urban development where it is likely to impact on highly productive agricultural land, environmental values and the long-term sustainability of natural resources.*

Clause 11.01-1L-02 Bachus Marsh: this policy applies to land subject to the Bacchus Marsh Urban Growth Framework Plan. The relevant strategies include:

- *Ensure development is located and designed to respond to the effect of natural hazards such as fire or flood.*
- *Encourage the form and design of infill development to be walkable and provide responsive neighbourhood design to assist in creating pedestrian scale environments.*
- *Prioritise the development of housing in locations that are easily accessible to activity centres and public transport.*

In Greenfield Residential Growth Areas:

- Provide a diverse range of lot sizes that will be capable of accommodating a range of housing typologies.
- Encourage subdivision design that provides for diverse streetscapes, strong connectivity and public spaces while retaining the valued characteristics of Bacchus Marsh including its open feel and rural landscape character.

Clause 11.02-1S Supply of urban land: The objective of this clause is: 'To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses'. Relevant strategies of this Clause 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.
- Planning for urban growth should consider:
 - Neighbourhood character and landscape considerations.
 - The limits of land capability and natural hazards and environmental quality.
 - Service limitations and the costs of providing infrastructure.
- Monitor development trends and land supply and demand for housing and industry.

Clause 11.02-2L Structure Planning in Moorabool: This Clause notes that urban growth within the Shire should be managed via Development Plans or Precinct Structure Plans where appropriate.

Clause 11.03-3S Peri-urban areas: The objective of this Clause is 'to manage growth in peri-urban areas to protect and enhance their identified valued attributes'. Relevant strategies of this Clause include:

- Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.
- Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in Warragul-Drouin, Bacchus Marsh, Torquay-Jan Juc, Gisborne, Kyneton, Wonthaggi, Kilmore, Broadford, Seymour and Ballan and other towns identified by Regional Growth Plans as having potential for growth.
- Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.
- Enhance the character, identity, attractiveness and amenity of peri-urban towns.
- Prevent dispersed settlement and provide for non-urban breaks between urban areas.
- Ensure development is linked to the timely and viable provision of physical and social infrastructure.

Clause 12 Environmental and Landscape Values

This Clause includes a range of policy which seeks to protect the health of ecological systems and biodiversity, and conserve areas with identified environmental and landscape values.

Clause 12.01-1S Protection of biodiversity aims to 'protect and enhance Victoria's biodiversity'. A strategy to achieve this includes:

- Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.

Further to this, **Clause 12.01-2S Native vegetation management** seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs seeks 'to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.' The relevant strategies within this Clause include:

- *Protect the environmental, cultural and landscape values of all waterway systems as significant economic, environmental and cultural assets.*
- *Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.*

Clause 12.05-2R Landscapes – Central Highlands: the strategy of this policy is to ‘provide clear urban boundaries and maintain distinctive breaks and open rural landscapes between settlements.’

Clause 13 Environmental Risks and Amenity

This Clause outlines that planning should adopt a best practice environmental management and risk management approach in seeking to avoid or minimise environmental hazards and degradation. The Clause further identifies that planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

Clause 13.02-1S Bushfire Planning applies to land within a designated bushfire prone area or is subject to a Bushfire Management Overlay. The clause aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 14 Natural Resource Management

This Clause addresses the need for planning to assist in the conservation of natural resources, including, water, energy, land, minerals etc. to achieve environmental quality and sustainable development.

A relevant sub-clause includes **Clause 14.01-1S Protection of agricultural land**, where the objective is: ‘To protect the state’s agricultural base by preserving productive farmland’. The policy seeks to ensure that the State’s agricultural base is protected from the unplanned loss of high quality productive agricultural land due to permanent changes of land use and to enable protection of productive farmland, which is of high quality and strategic significance in the local or regional context.

Clause 14.02-3S Protection of declared irrigation districts: This Clause seeks to plan and manage for sustainable change within irrigation districts declared under Part 6A of the Water Act 1989. The Central Region Sustainable Water Strategy identifies Bacchus Marsh as containing a declared irrigation district. The relevant strategies of this Clause are:

- *Identify and plan for the future needs of communities to adapt and adjust to strategic land use change within an irrigation district.*
- *Ensure the future viability of an irrigation district by preventing non-agricultural use of land in a declared irrigation district where the land is serviced, or was serviced as at 17 September 2019, by rural water corporation irrigation infrastructure, unless the rural water corporation infrastructure has been, or is planned to be, decommissioned.*
- *Ensure non-agricultural land use does not undermine the integrity of irrigation infrastructure and complements existing and future agricultural production.*
- *Ensure land use change within an irrigation district does not negate the potential opportunities for a rural water corporation to make adjustments to the footprint of an irrigation district that are identified under an approved plan or strategy.*
- *Ensure land use change does not limit the ability of future investment in irrigation infrastructure that achieves the intended benefits of minimising water loss, and improved irrigation service efficiency to the farm gate and overall agricultural production.*

Clause 15 Built Environment and Heritage

This Clause seeks to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods. It also seeks to promote development that is environmentally sustainable and that minimises detrimental impacts on the built and natural environment.

Clause 15.01-1L Urban Design: seeks to ensure that development reflect(s) the identity of the individual townships within Moorabool Shire. The Clause notes that residential development within Bacchus Marsh should be encouraged to reflect the preferred character of the area.

Clause 15.01-5S Neighbourhood character seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place. This is to be achieved by ensuring that development respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Clause 16 Housing

This Clause identifies the need for housing diversity which has sufficient access to services and supporting infrastructure. Planning must also facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.

Relevant sub-clauses are discussed as follows.

Clause 16.01-1S Housing Supply: The objective of this sub-clause is to facilitate well-located, integrated and diverse housing that meets community needs. The relevant strategies to achieve this include:

- Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Clause 16.01-1L Housing supply in Moorabool seeks to encourage a combination of greenfield and infill opportunities. The sub-clause also encourages diverse and varied housing types, as well as accessible housing, to accommodate different populations and lifecycles.

Clause 16.01-2S Housing affordability seeks to deliver more affordable housing closer to jobs, transport and services. This Clause seeks to ensure that housing supply can meet the demands of all household types, with housing to meet the needs of households as they move through life cycle changes. This includes the provision of affordable housing.

Clause 19 Infrastructure

Clause 19 seeks to ensure planning accommodates for provision of social and physical infrastructure in an efficient, equitable, accessible and timely manner.

3.2.2. Particular Provisions

Clause 52.17 Native Vegetation

The purpose of Clause 52.17 is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

In accordance with Clause 52.17-1, a permit is required to remove native vegetation, including dead native vegetation.

3.3 Current Zones and Overlays

3.3.1. Clause 35.07 Farming Zone

The land is currently located within the Farming Zone. The purpose of the Farming Zone is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The Schedule to the Farming Zone identifies the site having a minimum subdivision area of 15ha, as per Map 1, Sheet 3.

3.3.1. Clause 42.01 Environmental Significance Overlay – Schedule 2

Schedule 2 to the Environmental Significance Overlay relates to 'waterway protection'. The statement of environmental significance states that the protection of waterways, which carry water to proclaimed water catchments within the Moorabool Shire, is essential to the health of all communities that rely on water for domestic and stock supply. The environmental objectives to be achieved under Schedule 2 are:

- To protect the habitat significance of vegetation.
- To provide for appropriate development of land within 100 metres of either side of a waterway.
- To prevent pollution and increased turbidity of water in natural waterways.
- To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of waterways.
- To conserve existing flora and fauna habitats close to waterways and to encourage generation and regeneration of habitats.

3.3.2. Clause 42.01 Environmental Significance Overlay – Schedule 8

Schedule 8 to the Environmental Significance Overlay relates to 'River Red Gums in the Bacchus Marsh Valley'. The statement of environmental significance details the attributes of River Red Gums within the Bacchus Marsh Valley. River Red Gums remaining within the Valley are generally aged between 50-150 years old. The protection of these 'younger trees' is crucial to ensuring the long-term retention of the River Red Gum population. The environmental objectives to be achieved under Schedule 8 are:

- To provide for the long-term preservation and regeneration of the River Red Gum population within the Bacchus Marsh Valley, therefore enhancing biodiversity and landscape quality. Ongoing management practices for River Red Gums should aim to achieve the following:
 - Retain all hollow bearing trees.
 - Minimisation of disturbance to the Tree Protection Zone for all River Red Gums.
 - Support the regeneration of River Red Gums by protecting the growth of young trees.

3.3.3. Clause 43.02 Design and Development – Schedule 2

The site is subject to the Design Development Overlay, and specifically the provisions of Schedule 2. Schedule 2 to the Design and Development Overlay relates to 'visual amenity and building design'. The design objectives of the Schedule are:

- To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.
- To encourage the use of external cladding, such as non-reflective materials for building construction.
- To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity.

4 THE PROPOSED AMENDMENT

4.1 Rezoning of the land

It is proposed to rezone the subject site from the Farming Zone, with the entirety of the site to be subject to the Neighbourhood Residential Zone, with an accompanying new Schedule. The rezoning will apply to 2.613ha of land, comprising Lot A (as discussed in Section 2.2 of this report). The amendment seeks to rezone the land whilst retaining the existing environmental planning Overlays, to ensure that development of the site proceeds in a manner consistent with surrounding development and with respect to surrounding environmental values. The amendment also seeks to remove the applicable Design and Development Overlay – Schedule 2, while applying a Development Plan Overlay, to ensure appropriate development outcomes.

A plan showing the proposed Zoning boundaries is provided at Appendix C.

4.1.1. Removal of the Farming Zone

The land is currently subject to the Farming Zone, a reflection of the previous land uses associated with the western areas of Bacchus Marsh and suburb of Maddingley. These areas are transitioning from agricultural uses to urban uses, in accordance with the Bacchus Marsh Urban Growth Framework, the Underbank Development Plan, and the Moorabool Planning Scheme. The subject site is located between two largely developed residential precincts, with the Underbank Estate to the west and the outskirts of Bacchus Marsh to the north and east. The land proposed to be rezoned abuts residential areas.

The amendment seeks to rezone the land from the Farming Zone, which is no longer appropriate for the site due to surrounding development and the transection of the land. The size and location of the site, including its division by the residential road network, and proximity to dwellings, prevents productive agricultural uses from being accommodated. As such, the logical use of the land is for residential purposes, to reflect surrounding land uses and further accommodate growth in the Bacchus Marsh area.

The subject site did not form part of the initial rezoning of farming land undertaken as part of the Underbank Development Plan preparation process. At this time (2015), the site was not owned by the developer, and therefore did not form part of the rezoning proposal. Subsequently, the site has been identified as providing a connection between the existing residential development and the Development Plan area. As such, rezoning is now sought in accordance with the Underbank Development Plan and the surrounding residential area.

The roads which transect the site connect the adjacent western and northern residential areas, and provide connection to residential development to the south, across the Werribee River. These roads are associated with and provide connection to residential developments, and therefore the rezoning of these roads provides for a logical and orderly zoning outcome which reflects the surrounding road network.

The rezoning will bring the subject site in line with surrounding zoning and provide a connection between existing residential development. The rezoning will enable the site to be developed for residential purposes, as per land immediately east, west and north of the site.

4.1.2. Application of the Neighbourhood Residential Zone and associated Schedule

It is proposed to rezone the subject site to the Neighbourhood Residential Zone. As per instruction from Moorabool Shire Council, the Neighbourhood Residential Zone is considered the most appropriate residential zone for the site. The Neighbourhood Residential Zone is intended to be applied to land where an existing single and double storey character is present and sought to be retained, as it provides for a two storey / 9 metre height limit for residential buildings. It is considered that the General Residential Zone, which applies to the adjoining Underbank Estate, does not sufficiently ensure that the emerging neighbourhood character is retained.

The proposed objectives of the new Schedule to the Neighbourhood Residential Zone would contain the following objectives:

- To integrate development with the emerging and desired streetscape character and development pattern of the Underbank neighbourhood
- To provide activated frontages to Halletts Way, Adelong Way and areas of open space
- To protect and enhance the Werribee River corridor.

The application of the NRZ will ensure that future development within the subject site reflects the built form and character of existing surrounding development. The proposed new NRZ Schedule will also require the following to be considered by the responsible authority when assessing planning permit applications:

- Whether adequately sized open space and setbacks are provided for the retention and growth of existing and new canopy trees.

The NRZ is the most appropriate zone for the land, as it ensures that development of the site will reflect the emerging character of the surrounding area, which generally comprises single and double storey dwellings. The proposed application of the NRZ will ensure that residential development retains this character, whilst allowing for other development to occur to greater height as appropriate. The application of new NRZ Schedule, combined with the applicable Environmental Significance Overlays and the proposed Development Plan Overlay, will ensure consistency in neighbourhood character and result in a positive outcome for the future development of the rezoned land.

As per the instruction of the Department of Transport and Planning (DTP) and Council, the NRZ will be applied to the entirety of the subject land. Lots C and E of the proposed subdivision, which are to be vested with Council, are understood to be subject to future rezoning to reflect their reserve status. This rezoning will be undertaken by Council at an appropriate time.

4.1.3. Removal of the Design and Development Overlay – Schedule 2

The objectives of the Design and Development Overlay – Schedule 2 (DDO2) are:

- *To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.*
- *To encourage the use of external cladding, such as non-reflective materials for building construction.*
- *To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity.*

Whilst the DDO2 does not exclusively address concerns surrounding rural land, it is noted that the Overlay is applied generally to Farming Zone land within Moorabool Shire. A review of the surrounding area has confirmed that where residential zones have been applied to land, the DDO2 has been removed. As such, it is considered appropriate to remove the DDO2 from the land in conjunction with the proposed rezoning, to ensure the consistent and logical application of planning controls.

In addition, a Development Plan Overlay will be applied to the site to ensure appropriate development outcomes. It is submitted that the application of the DDO2 is rendered redundant by the application of a Development Plan Overlay, which can appropriately address the amenity objectives of the DDO2. The Development Plan Overlay Schedule includes the requirement for the preparation of Urban Design Guidelines for the site. The Urban Design Guidelines will be required to include constraints surrounding scale, height, colour, and materials of buildings, which can include restrictions on the use of reflective cladding materials. As such, the DDO2 is not considered necessary to ensure appropriate development outcomes for the site.

Moorabool Shire Council has confirmed its preference for the removal of the DDO2 as part of the proposed rezoning of the land.

4.1.4. Application of the Development Plan Overlay and associated Schedule

It is proposed to apply the Development Plan Overlay (DPO) and an associated new Schedule to the subject site. The DPO schedule will require that a Development Plan is approved by Moorabool Shire Council prior to the issue of a planning permit for subdivision or development. The proposed objectives of the DPO are:

- To integrate with the emerging and desired streetscape character and development pattern of the Underbank neighbourhood
- To provide activated frontages to Halletts Way, Adelong Way and areas of open space
- To protect and enhance the Werribee River corridor.

The DPO will require the preparation of a Development Plan which includes:

- Details of landscaping and open space, including revegetation plans for the Werribee River core riparian zone
- A Flora and Fauna Assessment
- Traffic Management Plan
- Urban Design Guidelines for buildings and works within the site
- A Stormwater Management Plan

The DPO will ensure that development of the subject site responds the surrounding area, including the existing Underbank Estate residential areas and the Werribee River environs. A Concept Plan to accompany the DPO has been prepared, which identifies proposed possible future uses for each lot.

4.1.5. Retention of Applicable Planning Overlays

The proposed Planning Scheme Amendment Application does not seek to remove or alter the applicable environmental Overlays currently applicable to the site.

The applicable environmental overlays will continue to protect the identified environmental features of the land and will ensure that development applications consider environmental impacts. The applicable overlays are the:

- **Environmental Significance Overlay – Schedule 2.** This overlay seeks to protect waterways and catchments, and associated vegetation, within the Moorabool Shire.
- **Environmental Significance Overlay – Schedule 8.** This overlay seeks to protect River Red Gums in the Bacchus Marsh Valley.
- **Land Subject to Inundation Overlay.** This overlay seeks to minimise potential flood risks to life, health and safety associated with development.

4.2 Planning Permit Application

A planning permit is sought in conjunction with the proposed Planning Scheme Amendment to enable the subject land to be subdivided into five individual lots. It is proposed to subdivide the land comprising Lot A so that each part becomes an individual lot, as well as creating lots for land impacted by the Land Subject to Inundation Overlay. The subdivision will create the following lots:

- **Lot A (north western portion of land):** 5011m²
- **Lot B (south western portion of land outside LSIO):** 1,917m²
- **Lot C (south western portion of land impacted by LSIO):** 1,067m²
- **Lot D (eastern portion of land generally outside the LSIO):** 4,465m²
- **Lot E (eastern portion of land generally within the LSIO):** 13,665m²

A proposed Plan of Subdivision is provided at Appendix B of this report.

The proposed subdivision will allow for the development of Lots A, B and D for urban purposes while retaining Lots C and E for landscaping and protection of the Werribee River environs. Proposed Lots C and E will be transferred to Council.

Lots A, B and D can facilitate standard or medium density residential development, or potentially be developed for community facilities. The subdivision of lots will enable each area to be developed in isolation, with the subdivision or development of each site to be subject to individual planning permits. The proposed subdivision maintains the flexibility of the site while preparing it for urban uses.

5 SITE AND TECHNICAL ASSESSMENTS

A range of site assessments have been prepared to assist in the preparation of the Planning Scheme Amendment and Planning Permit applications.

A summary of these assessments and technical inputs are provided below.

5.1 Desktop Cultural Heritage Assessment

Due to the proximity of the land to the Werribee River, and the presence of significant Aboriginal Heritage sites within Bacchus Marsh, advice was sought from Heritage Insight as to the status of all land subject to the subdivision and rezoning. This advice confirmed that a Cultural Heritage Management Plan is not required to be prepared under the *Aboriginal Heritage Regulations 2018*. Investigation into the previous uses of the site shows that the entirety of the subject land has previously been used as a vineyard. Deep ripping of soil is a requirement for soil preparation for a vineyard, and this practice constitutes significant ground disturbance under the *Aboriginal Heritage Regulations 2018*. Furthermore, earthworks associated with the construction of Halletts Way through the subject land have resulted in significant ground disturbance. As such, a mandatory CHMP is not required under the *Aboriginal Heritage Regulations 2018*.

Should any Aboriginal Cultural Heritage be found during works on the subject land works must be ceased, and a Heritage Advisor must be contacted. A copy of the advice provided by Heritage Insight is provided at Appendix E.

5.2 Traffic Engineering Assessment

A Traffic Engineering Assessment has been undertaken by Traffix Group, primarily to determine appropriate access arrangements for the proposed subdivided lots. The Assessment is provided at Appendix D of this report.

Proposed access arrangements have been informed by discussions with Council, which were based on potential future land uses and how these would impact traffic flows to Halletts Way. The assessment has assumed that the following uses can be accommodated within the proposed lots:

Lot A: Medium density residential development (approx. 13 lots)

Lot B: Medium density residential development (approx. 4 lots) community use (childcare etc.)

Lot D: Medium density residential development (approx. 11 lots to the northern area of the site) and/or commercial uses (service station etc.)

Based on the above, the following access is proposed to each lot:

Lot A & B: Fully directional access to Adelong Way at the western edge of the frontage, with a section of the Adelong Way median cut-out and replaced with a central lane delineated by means of a differential seal or similar to allow right-turn movements in and out of the lot.

Lot D: Left-in, Right-in and Left out access can be provided to Lot D at the existing access point to the site. The option of accessing the lot via the existing roundabout to Halletts Way / Adelong Way has also been retained, should it be required due to topographical constraints/Council requirements. Should this area of land not be required for access, it will be landscaped or used for parking areas (subject to Melbourne Water approval).

Further to the above, it is proposed that Lots C and E, which are to be subject to the PPRZ, will be access as per the below:

Lot C: Access will be provided by the extension of the existing Melbourne Water Maintenance Track located to the southern extent of the Rivers Edge Precinct to the west of Lot C. Access will also be obtainable via Lot B, once the site has been developed.

Lot E: Access is to be provided via Lot D, once the site has been developed. In addition, Lot E can be accessed via the proposed eastern leg of the existing Halletts Way / Adelong Way roundabout.

Based on the above access arrangements, an assessment of the existing road network, SIDRA analysis of the intersection arrangements and review of Council's comments, the Assessment confirms that access to each lot "can be achieved without resulting in any unacceptable impacts on the existing road network adjacent to the site."

5.3 Drainage Investigation

Advice provided by Alluvium Consulting has confirmed that the main concern of Melbourne Water in relation to the site is the impact potential works may have on floodplain storage. Flooding associated with the Werribee River is stored to the south of the subject site. As such, works will need to ensure no significant impact on flooding conditions. Future development applications may therefore be subject to setbacks from the Werribee River. Development would also need to meet minimum floor height requirements as set by Melbourne Water. A Stormwater Management Plan has been prepared by Engeny which provides a detailed assessment of stormwater management outcomes associated with the proposed subdivision.

The anticipated development of the site will result in minimal changes to peak flows from the site. Therefore, it is considered that treatment assets elsewhere can be increased to offset this area.

5.4 Contamination Assessment

A Preliminary Environmental Site Investigation has been undertaken by Tonkin and Taylor to determine the potential for contamination within the subject land (Appendix H).

The investigation found that the soil within the subject site does not contain contaminants exceeding the upper limits of the National Environment Protection Measure (NEPM) Ecological and Human Health Criteria. The investigation further found that the soil does not contain concentrations of analytes over the upper limits for use as fill material, excepting the presence of high levels of nickel. The presence of high concentrations of nickel is considered to be the result of natural mineralisation rather than contamination.

Based on the investigation, it was concluded that site soils are suitable for re-use on site, and removed soil can be classified as fill material, if offsite disposal is required.

6 STRATEGIC PLANNING ASSESSMENT

6.1 Necessity of the Amendment

The amendment is required to facilitate the development of the land for residential purposes. The land is located on the western outskirts of Bacchus Marsh. This area is transitioning from former agricultural uses to residential uses, in accordance with the vision of *Plan Melbourne*, the *Central Highlands Regional Growth Plan* and the Municipal Planning Strategy at Clause 02 of the Moorabool Planning Scheme. Clause 02 identifies Bacchus Marsh as the major urban growth centre within the Moorabool Shire. Land to the west of Bacchus Marsh (surrounding the subject land) has been developing in accordance with strategic planning, including the Underbank Development Plan. The subject site is located adjacent to the Underbank Development Plan area and abuts additional residential areas under development to both the north and east.

The currently applicable Farming Zone has become inappropriate for the subject land. The Farming Zone seeks to provide land for agriculture and to preserve productive agricultural land. Due to the surrounding land uses, the division of the site by roads, and the minimal agricultural value of the land, the purposes of the Farming Zone cannot be served by the land. The rezoning of the land is required to enable the land to be used for purposes consistent with the surrounding area.

The land is located within the Bacchus Marsh District Boundary, as identified by the *Bacchus Marsh Urban Growth Framework Plan*. The land is located within an area associated with the Bacchus Marsh Irrigation District, which has been applied to high-value agricultural land. As the agricultural value of the land has been significantly compromised due to surrounding development and fragmentation, the land is no longer suitable for inclusion within the Bacchus Marsh Irrigation District. The rezoning of the land and the assumed associated removal of the site from the Bacchus Marsh Irrigation District is appropriate as the land no longer qualifies as productive agricultural land.

6.2 Strategic Basis for the Amendment

The proposed Planning Scheme Amendment will facilitate the future use and development of the site for residential and community purposes. In considering the appropriateness of the proposed amendment, the broad issues to be considered include:

- The necessity of the Amendment
- The *Planning and Environment Act 1987*, the Planning Policy Framework, the Local Planning Policy Framework, and the relevant Ministerial Directions constitute the strategic basis for the amendment
- The outcome of the Amendment having regard to the proposed planning controls and relevant Planning Practice Notes.

6.2.1. Objectives of Planning in Victoria

The amendment would implement the objectives of Planning in Victoria, as set out in Section 4(1) of the *Planning and Environment Act 1987* as it would:

- **Provide for the orderly development of the land for residential and other urban land uses:** The subject land is located between existing and developing residential areas. Halletts Way and Adelong Way, which traverse the land, provide connections between these residential areas. The rezoning of the land will provide for an orderly planning outcome which enables consistent land use within the area.
- **Provide additional residential land supply to Bacchus Marsh, which is identified as a major urban growth centre within the Moorabool Planning Scheme and identified as a Regional Centre within Plan Melbourne:** As discussed throughout this report, Bacchus Marsh is anticipated to accommodate an additional 20,000 residents by 2041, making it one of the biggest growth areas in the Central Highlands region. The rezoning of the land will provide additional residential land, capable of providing varied housing products, to suit the needs of anticipated future populations.

- **Facilitate residential development of land in accordance with the State and Local Planning Policy Frameworks and more specifically the Municipal Planning Strategy:** Clause 02 Municipal Planning Strategy seeks to identify sites within existing residential areas for further development, as well as establishing urban land uses within identified greenfield areas. The proposed rezoning will provide an orderly zoning outcome for the land in respect to the surrounding areas, and create additional residential land directly adjacent to an identified greenfield area.

6.2.2. Environmental, Social and Economic Effects

Environmental Effects

The amendment will facilitate the residential development of the land, reflecting the surrounding development of land associated with the Underbank Development Plan and the wider township of Bacchus Marsh. The currently applicable Farming Zone seeks to protect productive agricultural land. Due to site fragmentation and surrounding development, the land is no longer suitable for agricultural uses. The objectives of the Farming Zone therefore no longer serve their intended purpose.

The applicable environmental overlays will continue to protect the identified environmental features of the land and will ensure that development applications consider environmental impacts. The applicable overlays are the:

- Environmental Significance Overlay – Schedule 2. This overlay seeks to protect waterways and catchments, and associated vegetation, within the Moorabool Shire.
- Environmental Significance Overlay – Schedule 8. This overlay seeks to protect River Red Gums in the Bacchus Marsh Valley.

The application of the Neighbourhood Residential Zone and associated schedule to the land will enable the development of the site for residential purposes. The retention of the applicable environmental overlays will ensure that applications for development are required to assess and respond to biodiversity within the site and surrounding area. Particularly, the Environmental Significance Overlay – Schedule 2 will continue to protect the Werribee River, which supplies the wider Bacchus Marsh agricultural areas, including the Bacchus Marsh Irrigation District.

Social and Economic Effects

The land is not used for agricultural purposes, and due to fragmentation of the land and surrounding development, the land is no longer suitable for productive agricultural purposes. The land is located within an area identified for regional growth, and is surrounded by land used for residential purposes. The rezoning will not materially impact the supply of productive agricultural land within the Moorabool Shire.

The amendment will facilitate the supply of urban land within Bacchus Marsh for residential development, consistent with the Moorabool Shire Municipal Strategic Statement. In addition to providing for the residential land requirements of Moorabool Shire, the amendment will also contribute to the following:

- Increased housing availability and diversity
- Further support to viability of commercial and retail businesses within Bacchus Marsh
- Increased provision of housing for people living regionally and working in Metropolitan Melbourne, as sought by *Plan Melbourne*

By facilitating the residential development of the land, the rezoning will result in additional population accommodated within Bacchus Marsh.

Urban Design and Amenity Effects

The amendment will enable the land to be developed for residential uses, as per the surrounding land. The applicable Neighbourhood Residential Zone and associated Schedule requires development applications to include a landscape plan, and to consider open space and front setbacks, to allow for planting and retention of canopy trees. The rezoning

will enable the land to be developed in a manner that reflects the neighbourhood character and vegetated setting of the surrounding residential area.

6.2.3. Planning Policy Framework

The Planning Policy Framework (PPF) sets out the broad parameters of planning policy in the state. The proposed amendment is generally consistent with the relevant policy objectives of the PPF. These policy objectives are considered below:

Clause 02 Municipal Planning Strategy

The amendment will facilitate the development of land within an existing identified greenfield area, as per the Bacchus Marsh Urban Growth Framework. The potential increase in supply of residential land will assist in accommodating the growing population within the Shire, and the provision of community services within the land will benefit establishing communities within the Bacchus Marsh area, particularly within the developing Underbank Estate.

Clause 11 Settlement

The amendment facilitates provision of residential land within the identified urban growth area of Bacchus Marsh. Clause 11.01-1R Settlement – Central Highlands seeks to *'direct growth to well serviced settlements with good access to Melbourne or Ballarat, particularly Bacchus Marsh, Ballan, Creswick, Clunes, Beaufort and Smythesdale'*. The rezoning will provide additional residential land to accommodate the increasing population of Bacchus Marsh.

Clause 11.01-1L-01 Settlement in Moorabool further identifies Bacchus Marsh as the primary growth area, with supporting growth in Ballan. Clause 11.01-1L-02 Bacchus Marsh provides a detailed analysis of development within the Bacchus Marsh Urban Growth Framework Plan, including reaffirming the status of the area as a Greenfield Residential Growth area.

Clause 12 Environmental and Landscape Values

Clause 12 seeks to protect biodiversity and ecological systems within Victoria, and to conserve areas identified to contain significant environmental and landscape values. The amendment does not propose to remove the environmental overlays applicable to the site, which protects waterbodies and River Red Gums within Moorabool Shire. The retention of the applicable overlays will require all permit applications to consider biodiversity values within the site and surrounding areas.

Clause 12.05-2R Landscapes – Central Highlands seeks to *'provide clear urban boundaries and maintain distinctive breaks and open rural landscapes between settlements'*. The land is located within an area identified for urban development as part of the wider Bacchus Marsh settlement area. The land does not form part of a settlement break; the proposed rezoning of the land will create consistent zoning within a residential area. As per Clause 11.02-2L Structure planning in Moorabool, the proposed rezoning will apply a Development Plan Overlay to the subject site, ensuring future subdivision and development is in accordance with a strategically supported development plan.

Clause 13 Environmental Risks and Amenity

Clause 13 seeks to ensure planning adopts a best practice approach to environmental and risk management. This includes ensuring that natural risks such as bushfire are avoided or minimised. The land is situated within a designated Bushfire Prone Area, and therefore the provisions of Clause 13.02-1S Bushfire Planning apply to the amendment. A Bushfire Development Report has been prepared and is provided with this application. The report identifies setbacks required to ensure development can achieve a BAL-12.5 rating.

The objective of Clause 13.02-1S is *'to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life'*. The rezoning of land to Neighbourhood Residential Zone accords with the residential zoning of surrounding land, which has largely been removed from the Bushfire Prone Area due to the reduction of hazards coinciding with the clearing of land for development. The land will remain subject to the Bushfire Prone Area until such time that hazard removal is deemed sufficient by the CFA and DELWP. The provided

Bushfire Development Report concludes that “The landscape is one of low-moderate bushfire risk, however the hazard is likely to remain in perpetuity and only parts of Lots A and B are likely to become eligible for excision from the BPA”. It is considered that if the identified setbacks are provided to the subdivision area, “that the risk can be mitigated to an acceptable level and the development can appropriately prioritise the protection of human life”. Refer to Appendix I for further information.

Clause 14 Natural Resource Management

The land is subject to the Farming Zone, which seeks to protect productive agricultural land. The objective of Clause 14.01-1S Protection of Agricultural Land is “to protect the state’s agricultural base by preserving productive farmland” by identifying areas of productive agricultural land and limiting housing development to existing settlements. The land is also located within the Bacchus Marsh Irrigation District, as identified within the *Bacchus Marsh Urban Growth Framework Plan*. This District encompasses high-value agricultural land within Bacchus Marsh.

The land is no longer viable for productive agricultural uses, due primarily to fragmentation by road construction. The land is transected by Halletts Way and Adelong Way, resulting in separate land areas that are not sufficient to sustain productive agricultural operations. The quality of the land, and the surrounding land uses, also reduce the capacity of the land to support agricultural uses. The rezoning will therefore not reduce the provision of productive agricultural land within Moorabool Shire, and will result in consistent zoning within an established settlement area. The applicable environmental overlays will continue to protect the Werribee River, and ensure the ongoing viability of wider agricultural land uses within Bacchus Marsh.

Clause 14.02-1S seeks to “assist the protection and restoration of catchments, water bodies, ground water, and the marine environment”. The land is located adjacent to the Werribee River, which connects to major catchments including the Melton Reservoir. The land is subject to the Environmental Significance Overlay – Schedule 2, which requires applications to address disposal of stormwater and treatment and disposal of sewage and sullage. The amendment does not seek to remove the overlay, ensuring that the Werribee River will remain protected.

Clause 15 Built Environment and Heritage

The Neighbourhood Residential Zone includes objectives which seek to ensure new development responds to and enhances existing neighbourhood character, as well providing for significant landscaping within the public realm. The application of the NRZ will ensure that development respond positively to the existing character of the area, by requiring development applications to be accompanied by a response to the objectives the Zone and Schedule, as well as responding to the development plan to be prepared under the proposed Development Plan Overlay.

Clause 16 Housing

The proposed rezoning will contribute to the supply of housing within an established settlement area. The land is located in proximity to jobs, community facilities and retail opportunities provided within Bacchus Marsh. Public transport is to be provided within the Underbank Estate, to the north and west of the land, which enables connection with the Bacchus Marsh town centre.

6.3 Outcome of the Amendment

The amendment makes proper use of the Victoria Planning Provisions and is an appropriate response to the site and surrounding area.

The rezoning of the site will provide for the fair and orderly development of the land. The proposed zones are suitable as they provide for the use and development of the land for residential purposes, consistent with the strategic intent for land within the Bacchus Marsh settlement boundary, as set out in the Moorabool Planning Scheme and Plan Melbourne.

The Neighbourhood Residential Zone and associated Schedule is the most appropriate zone for the land, in that it facilitates residential development and protects residential amenity in an ongoing sense following development. The application of the NRZ will reflect surrounding zoning and create consistent planning outcomes within the area. The

proposed Development Plan Overlay will ensure that future development and subdivision of the rezoned land will reflect preferred development outcomes and meet character and landscape objectives for the area.

Following transfer to Council, land generally subject to the Land Subject to Inundation Overlay (Lots C and E) will be rezoned appropriately to ensure that areas abutting the Werribee River are protected and maintained to encourage biodiversity, and to minimise flood risk to future development. The applicable Environmental Significance Overlays will also ensure development considers vegetation and waterways within the land and surrounding area.

7 CONCLUSION

This report supports the proposed Planning Scheme Amendment and Planning Permit application for the rezoning and subdivision of land at Werribee Vale Road, Bacchus Marsh.

The Planning Scheme Amendment seeks to rezone the land from the Farming Zone to the Neighbourhood Residential Zone. A Development Plan Overlay will be applied to the entirety of the site. The rezoning will apply to land currently known as Lot A on PS821090T. It is proposed to subdivide Lot A into five separate lots, each with its own title.

This report notes that:

- Bacchus Marsh is identified within Plan Melbourne and the Central Highlands Regional Growth as a regional centre, which will accommodate growth second only to Ballarat within the region
- The Moorabool Planning Scheme outlines the anticipated population growth within Bacchus Marsh as akin to a doubling of the town's 2017 population. Updated population figures show the estimated population for Bacchus Marsh in 2041 as 46,187, representing a 93.61% increase from 2021 (23,855).
- Land surrounding the subject land is either existing or developing residential land, subject to the General Residential Zone
- The subject land is no longer capable of accommodating productive agricultural uses, primarily due to its size and the transection of land by urban roads
- The rezoning of land would result in an orderly planning outcome, providing connection between existing residential areas
- The Traffic Engineering Assessment concludes that each lot can be accessed without causing detriment to the existing road network
- Advice from Heritage Insight has confirmed that a Cultural Heritage Management Plan is not required to be prepared for the site, due to previous significant ground disturbance
- The proposed rezoning responds positively to the provisions of the State and Local Planning Policy Frameworks, particularly Clause 21.07 Bacchus Marsh
- The proposed rezoning and subdivision will enable the land to be developed in a manner which reflects the surrounding area, representing the most appropriate outcome for the site
- The retention of currently applicable Environmental Significance Overlays will ensure that biodiversity and protection of waterways are considered by any future development

The relevant policies contained within the Moorabool Planning Scheme and the relevant sections of the *Planning and Environment Act 1987* provide strong support for the proposed Planning Scheme Amendment and form a strategic basis for the rezoning of the land for residential purposes. The proposed Planning Scheme Amendment and associated Planning Permit application will facilitate orderly planning outcomes and the opportunity for increased housing provision within the regional centre of Bacchus Marsh.

APPENDIX A: CERTIFICATE OF TITLE

APPENDIX B: PROPOSED PLAN OF SUBDIVISION

APPENDIX C: ZONING PLAN

APPENDIX D: TRAFFIC ENGINEERING ASSESSMENT

APPENDIX E: HERITAGE INSIGHT LETTER OF ADVICE

APPENDIX F: ALLUVIUM LETTER OF ADVICE

APPENDIX G: ENGENY STORMWATER MANAGEMENT PLAN

APPENDIX H: TONKIN AND TAYLOR ENVIRONMENTAL SITE INVESTIGATIONS

APPENDIX I: BUSHFIRE DEVELOPMENT REPORT

APPENDIX J: GEOTECHNICAL REPORT