

Moorabool Planning Scheme

Amendment C108moor

Explanatory Report

Overview

This amendment introduces a planning framework for the residential and limited commercial development of approximately 98.5 hectares of land in Ballan, identified as 'Precinct 5' in the Ballan Framework Plan at Clause 11.01-1L-03 (Ballan).

Precinct 5 is bounded by the Western Freeway to the north, Werribee River to the east, Old Melbourne Road to the South and Geelong–Ballan Road to the west.

It does this by rezoning the land in the precinct from Rural Living Zone (RLZ) to Neighbourhood Residential Zone Schedule 10 (NRZ10); applying the Development Plan Overlay Schedule 9 (DPO9) to the land in the precinct; applying the Vegetation Protection Overlay Schedule 2 (VPO2) to native vegetation in the precinct and adjoining road reserves; applying the Environmental Audit Overlay (EAO) to 5580 Geelong-Ballan Road, Ballan; and removing the Design and Development Overlay Schedule 2 (DDO2) from the subject land.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Moorabool Shire Council website at www.moorabool.vic.gov.au.

The amendment is available for public inspection, free of charge during office hours at the following places:

- Moorabool Shire Council Ballan Office, 15 Stead Street, Ballan
- Darley Civic and Community Hub, 182 Halletts Way, Darley
- Lerderderg Library, 215 Main Street, Bacchus Marsh

The amendment can also be inspected free of charge at the Department of Transport and Planning website www.planning.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Moorabool Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of Whiteman Property and Associates Pty Ltd on behalf of Wel.Co.

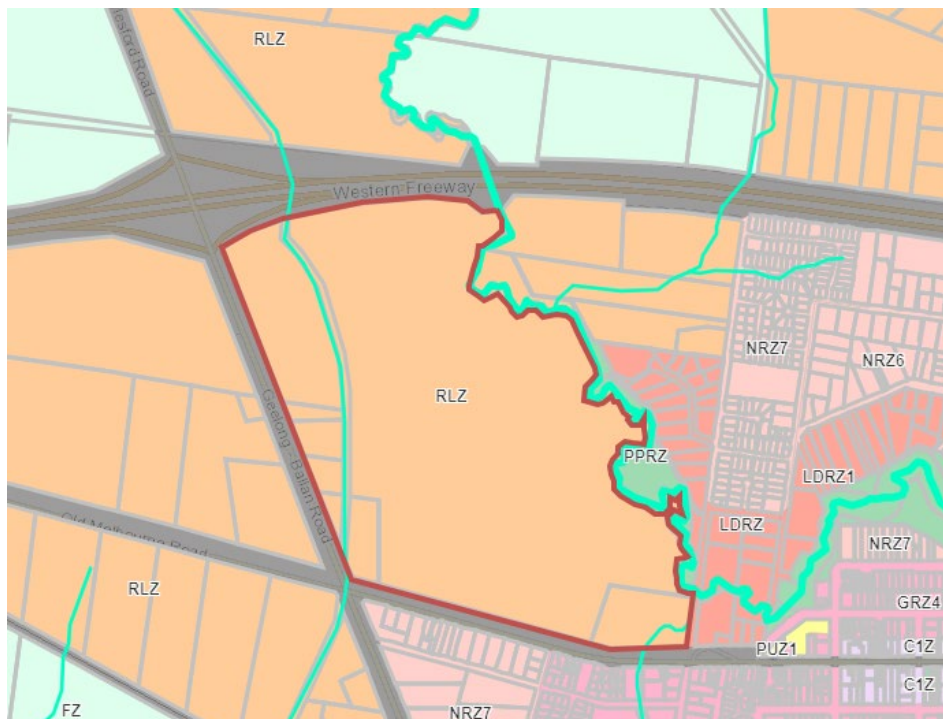
Land affected by the amendment

The amendment applies to the land in Precinct 5 of the Ballan Framework Plan and the adjoining road reserves for Old Melbourne Road and Geelong–Ballan Road (subject land). The Ballan Framework Plan is at Clause 11.01-1L-03 of the Moorabool Planning Scheme.

Precinct 5 is approximately 98.5 hectares and is bounded by the Western Freeway to the north, the Werribee River to the east, Old Melbourne Road to the south and Geelong–Ballan Road to the west. The existing Ballan township is to the east and south-east of the subject land, across the Werribee River.

Map 1 below shows Precinct 5 in a red outline.

Map 1 – Precinct 5



What the amendment does

The amendment rezones the land in Precinct 5 of the Ballan Framework Plan from RLZ to NRZ10 to facilitate the future development of the land for residential purposes. It also applies the DPO9 to guide development and facilitate a range of outcomes including the protection of Werribee River environs, provision of community facilities and public open space, and consideration of affordable housing. Additionally, the amendment:

- Applies the VPO2 to various locations to protect native vegetation on the subject land to protect
- Applies the EAO to 5580 Geelong–Ballan Road, where an environmental assessment found a medium potential for contamination
- Removes the DDO2, which relates to building design in rural areas, from the land in Precinct 5.

Specifically, the amendment makes the following changes to the Moorabool Planning scheme:

Zoning maps

- Amends Planning Scheme Map No. 26 to rezone the subject land from Rural Living Zone to Neighbourhood Residential Zone Schedule 10 (NRZ10).

Overlay maps

- Amends Planning Scheme Map No. 26DDO to delete the Design and Development Overlay Schedule 2 (DDO2) from the subject land.
- Inserts Planning Scheme Map No. 26DPO to apply the Development Plan Overlay Schedule 9 (DPO9) to the subject land.
- Inserts Planning Scheme Map No. 26VPO to apply the Vegetation Protection Overlay Schedule 2 (VPO2) to remnant native vegetation on the subject land and adjoining road reserves.
- Inserts Planning Scheme Map No. 26EAO to apply the Environmental Audit Overlay (EAO) to 5580 Geelong-Ballan Road, Ballan.

Planning scheme ordinance

- Inserts a new Schedule 10 to Clause 32.09 (Neighbourhood Residential Zone).
- Inserts a new Schedule 9 to Clause 43.04 (Development Plan Overlay) to guide and facilitate staged, master-planned development of the subject land.
- Insert a new Schedule 2 to Clause 42.02 (Vegetation Protection Overlay) to protect patches of remnant native vegetation and remnant large, scattered native trees.
- Amends the Schedule to Clause 72.03 (What does this planning scheme consist of?) to update the list of maps comprising part of the planning scheme.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate staged, master planned development of the subject land, generally in accordance with a development plan prepared under the requirements specified in the Development Plan Overlay Schedule 9.

In 2022, Moorabool Shire had an estimated population of approximately 38,480 people, with Ballan (the shire's second largest town) having a population of approximately 3,210. Between 2006 and 2022, the municipality's population increased by a total of approximately 12,400 people, representing a 2.5% increase per annum, while Ballan's population increased at a slightly lower rate of 2.3% per annum.

A Residential and Local Convenience Centre Assessment was completed by Ethos Urban (14 February 2024), which found that the existing residential zoned areas of Ballan have potential to accommodate approximately 260 residential lots, which equates to only 2.9 years of land supply under the base case scenario (demand for 90 dwellings per year).

The amendment results in residential land supply being increased to approximately 13 years under the base case scenario, or approximately 10 years under the higher growth scenario (demand for 115 dwellings per year). The amendment also facilitates opportunities for a mix of housing typologies which are required to address housing affordability and mixed community needs.

The Development Plan Overlay Schedule 9 includes a range of requirements for a development plan. A development plan must include a masterplan, generally in accordance with Map 1 to the DPO9.

Overall, the development plan requirements ensures that the future development of the subject land achieves the following:

- The staged, master-planned development of the subject land;
- The identification and effective protection of sites of environmental, heritage and landscape significance;
- The coordinated, efficient and timely provision of physical and community infrastructure and public open space that enhances the amenity, safety and livability of the precinct and surrounds;
- A diverse and appropriate mix of lot sizes, including appropriate interfaces with adjoining rural land, Western Freeway, Geelong-Ballan Road, Old Melbourne Road and Werribee River; and
- An appropriate supply of housing diversity including opportunities for social and affordable housing

The Vegetation Protection Overlay Schedule 2 is applied to patches of native vegetation and large, scattered native trees. The patches of native vegetation are located within the proposed Werribee River corridor reserve and adjoining road reserves. The remnant scattered native trees are located within proposed public open space reserves and proposed road reserves. The VPO2 includes the following objectives:

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

- To protect native flora and fauna including species listed under the *Environment Protection Biodiversity Conservation Act 1999* and the *Flora and Fauna Guarantee Act 1988*.

The amendment applies an Environmental Audit Overlay to land at 5580 Geelong-Ballan Road, as this property was not able to be accessed for further investigation for potential contamination. The application of the Environmental Audit Overlay ensures that further analysis is undertaken prior to any future development of that land.

The amendment removes the existing Design and Development Overlay Schedule 2 from the subject land, as the overlay controls the use of reflective materials in rural areas and is therefore not relevant to residentially zoned land.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria at section 4(1) of the *Planning and Environment Act 1987* (Act):

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (fa) to facilitate the provision of affordable housing in Victoria;
- (g) to balance the present and future interests of all Victorians.

The amendment implements these objectives by providing a clear and coordinated framework for the orderly development of land in an established township boundary. The NRZ10 is an appropriate urban zone to enable housing and limited commercial growth in Precinct 5. The amendment is supported by the overlay controls that require:

- The timely delivery of community, development and integrated transport infrastructure

- The sensitive management of the precinct's interfaces and a thoughtful character response to Ballan's distinctive identity
- The delivery of diverse housing in a location where there is strong demand and good access to social and economic opportunities
- Appropriate measures (such as buffers and requirements for detailed assessments) to protect the precinct's and surrounding environmental, landscape and cultural values in and around Precinct 5, particularly those associated with the Werribee River corridor

Overall, the amendment balances the need for additional housing supply and choice in Ballan with the protection of natural, landscape and cultural values; protection of life and property from environmental hazards; and the orderly and efficient provision of infrastructure and services.

How does the amendment address any environmental, social and economic effects?

Environmental effects

Flora and fauna

The subject land is primarily exotic pasture with planted vegetation and patches of Ecological Vegetation Classes (EVCs) including Riparian Woodland (EVC 641) and Plains Grassy Woodland (EVC 55). The subject land has potential for species listed under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*. The Werribee River provides habitat for native fauna and is an important link in the wider habitat network.

The amendment responds to these identified and potential environmental values. The DPO9:

- Requires an approximately 100-metre buffer to the Werribee River corridor to mitigate development impacts and maintain the corridor's function as a movement pathway for fauna
- Places scattered trees in open space where they can be retained
- Requires a Construction Management Plan, Biodiversity Management Plan and Integrated Water Management Plan, establishing a framework for the more detailed identification and management of construction and operational risks to the river environs in future.

The amendment also applies the Vegetation Protection Overlay Schedule 2, which will provide an additional layer of protection of remnant native vegetation.

Potentially contaminated land

The amendment applies the EAO to 5580 Geelong–Ballan Road, which an environmental assessment found to have a medium potential for contamination. The

EAO requires more detailed environmental assessments and remediation if necessary before a sensitive use is carried out. The environmental assessment for the subject land found no indication of contamination on the balance of the land.

Noise

A Noise Impact Assessment was completed by Marshall Day Acoustics (17 January 2024), which found that, without any screening, noise from the Western Freeway and Geelong-Ballan Road would exceed the VicRoads criteria across multiple future residential lots on the subject land.

Noise modelling demonstrated that noise levels on the subject land can be mitigated in accordance with the relevant standards and guidelines. The DPO9 requirements ensure that appropriate noise mitigation measures are implemented.

Drainage

The subject land is located within Melbourne Water's Ballan Northwest Drainage Scheme area. A Stormwater Management Strategy was completed by Spiire (16 January 2024), which proposes two wetland/retention basins at the top of the escarpment adjacent to the Werribee River corridor. The DPO9 requirements will ensure that wetland/retention basins are implemented to Melbourne Water's satisfaction.

Social effects

The amendment addresses social effects by:

- Providing for a diversity of housing in the Shire of Moorabool that responds to the varied needs of its community and population growth
- Requiring the consideration of social and affordable housing
- Providing for a community facility, public open space and pathways for pedestrians and cyclists.

Cultural heritage

The subject land is on Wadawurrung Country. The Wadawurrung people are the Traditional Custodians of the land. The Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) is the Registered Aboriginal Party for the area.

The amendment has been developed in consultation with the WTOAC and informed by a substantial amount of investigative work. Investigations suggest a high likelihood of cultural heritage being present.

Parts of the subject land are 'areas of cultural heritage sensitivity' as defined under the *Aboriginal Heritage Regulations 2018*. A draft CHMP has been prepared for the land and is progressing towards finalisation. Future buildings and works in the subject land's areas of cultural heritage sensitivity will likely fall under these regulations' definition of a 'high impact activity' and therefore require the finalisation and approval of this CHMP.

The DPO9 responds to this by requiring buffer areas and other measures to protect sites of Aboriginal cultural heritage where required in accordance with the approved Cultural Heritage Management Plan. This process may necessitate changes to or the relocation of development features identified in the DPO9, including drainage infrastructure. The DPO9, however, provides adequate flexibility for such changes to be accommodated.

This amendment does not meet the definition of a high impact activity so does not require a CHMP.

Economic effects

The amendment addresses economic effects by:

- Facilitating investment in Ballan via the construction of buildings and infrastructure and the sale of land.
- Ensuring local employment and businesses is supported by additional persons and trade from a new residential community
- Making use of existing land in proximity to existing services, transport and community facilities
- Providing for a small-scale commercial centre to help meet the day-to-day needs of locals. The commercial centre will not impact adversely on Ballan's existing town centre.

Does the amendment address climate change?

The amendment addresses climate change positively by:

- Facilitating urban growth in a settlement boundary in a location with good access to existing services and amenities, thereby reducing trip distances and transport-related emissions.
- Promoting sustainable transport modes through requirements for high-quality active transport infrastructure and bike-lane upgrades to the surrounding road network.
- Implementing measures to mitigate urban heat including requirements for open space, street tree planting and at least 30 per cent tree canopy coverage across public realm and open spaces (subject to logical exclusions).
- Requiring integrated stormwater infrastructure that adopts water-sensitive urban design treatments where appropriate.
- Requiring stormwater assets to suit contemporary forecasts that take into account climate change, and to avoid causing increases to flooding outside of the Precinct 5 area.

This amendment is not accompanied by a Climate Change Consideration Report.

Ministerial Direction No. 22 'Climate change consideration' requires planning scheme amendments to, among other things, be accompanied by such a report subject to limited exceptions at section 230 of the Act.

One exception is where Notice of Preparation of an Amendment was gazetted before the direction came into operation. This exemption applies to this amendment; Notice of Preparation of Amendment C108moor was gazetted on 30 January 2025 whereas Ministerial Direction 22 commenced operation on 11 September 2025.

Does the amendment address relevant bushfire risk?

A bushfire risk assessment was completed by Terralogic (31 January 2024), which demonstrates that the amendment meets bushfire policy in Clause 13.02 of the Moorabool Planning Scheme as follows:

Landscape considerations

The bushfire risk assessment determined that the subject land is located within an area of low landscape fire risk (Type 1), as:

- There is little vegetation beyond 150 metres of the site except for grasslands and low-threat vegetation.
- Extreme bushfire behaviour is not possible.
- The type and extent of vegetation is unlikely to result in neighbourhood scale destruction of property.
- Immediate access is available to a place that provides shelter from bushfire.

Alternative locations for development

The subject land immediately adjoins the existing urban area of Ballan and is in a relatively low risk location.

Availability of safe areas

The concept plan shows a high-level road network which will provide safe access to areas assessed as a BAL-LOW rating (under AS3959-2018, *Construction of buildings in bushfire prone areas*), where human life can be better protected from the effects of bushfire.

Site-based exposure

The bushfire risk assessment confirms that the bushfire risk at the subject land is low, based on the exposure benchmarks in the planning scheme and the separation distances that are required between development and bushfire hazards.

The most likely forms of fire behaviour that could impact the site include:

- Ember attack from a landscape scale forest fire developing to the north or south west of the site
- A fast-moving grass fire (including during the construction phase)

- Localised radiant heat and direct flame contact where there is a direct interface with unmanaged vegetation (for example, from vegetation in the Werribee River corridor).

The bushfire risk assessment concludes that the layout proposed in the concept plan is responsive to the bushfire risks at the site, including the use of perimeter roads and an appropriate lot and road distribution. The DPO9 provides an appropriate mechanism to guide future land use and development proposals, by including requirements for:

- A masterplan generally in accordance with the concept plan that shows perimeter roads between identified bushfire hazards and future development
- A Bushfire Management Plan prepared to the satisfaction of the CFA
- Planning permits to include conditions (as appropriate) to implement bushfire risk mitigation measures in accordance with the Bushfire Management Plan.

These measures will ensure that future dwellings do not exceed a BAL12.5 rating under AS3959-2018, *Construction of buildings in bushfire prone areas*.

Views from the relevant fire authority

The views of the CFA were sought during the preparation of the amendment. The amendment addresses its views by ensuring that the DPO9 includes requirements for:

- Setbacks between identified bushfire hazards and future development to ensure radiant heat exposure of no greater than 12.5 kilowatts per square metre
- The provision of perimeter roads between identified bushfire hazards and future development, as shown on the concept plan
- The management of vegetation on land identified for defensible space, to ensure that radiant heat benchmarks are maintained.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

Form and Content of Planning Schemes

The amendment has been prepared in accordance with this direction.

Ministerial Direction No. 1 Potentially contaminated land

The amendment complies with Ministerial Direction No. 1 (Potentially contaminated land). The direction ensures that, when a planning scheme amendment would allow a sensitive use, a children's playground or a secondary school, the planning authority identifies whether the affected land is potentially contaminated and, if so, ensures that the land is or will be suitable for that use by requiring either a PRSA statement or an environmental audit statement, or by deferring that requirement through an Environmental Audit Overlay where meeting it before exhibition is difficult

or inappropriate.

Historically, the subject land comprised open farmland with an irrigation channel running north-south through it. Around 1970 a dam became visible in the eastern portion and a shed in the southern portion, and around 2012 rural residential properties were developed along Geelong–Ballan Road. Several stockpiles and an accumulation of building materials and other scrap materials were observed at 5580 Geelong–Ballan Road. A review of EPA’s Priority Sites Register and Landfill Register identified no registered sites within 1 km of the site, and EPA provided feedback to guide the amendment and the Environmental Assessment. An environmental assessment prepared in support of the amendment recommended that the subject land is not potentially contaminated, apart from 5580 Geelong–Ballan Road, Ballan, which was found to have medium potential for contamination.

The amendment applies the Environmental Audit Overlay to the small part of the subject land at 5580 Geelong–Ballan Road where stockpiles and accumulated building and scrap materials were visible but could not be accessed for inspection or sampling. In this circumstance, the EAO is an appropriate mechanism available under Ministerial Direction No. 1 to defer the requirement to obtain a PRSA or environmental audit requirement for land determined to be potentially contaminated, and will ensure that a PRSA statement (no audit required) or an environmental audit statement (land suitable) is obtained before the commencement of the sensitive use (or children’s playground or secondary school).

Ministerial Direction No. 11 – Strategic assessment of amendments

The amendment complies with Ministerial Direction No. 11. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

Ministerial Direction No. 19 – Amendments that may result in impacts on the environment, amenity and human health

The amendment complies with Ministerial Direction No. 19. The views of the EPA have been regularly sought since preparation of the amendment commenced. The EPA approach to potentially contaminated land (that is, the application of the EAO to 5580 Geelong–Ballan Road, Ballan) has been reviewed by the EPA and adequately addresses the potential environmental, amenity and human health risks identified.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

Clause 11 – Settlement

The amendment aligns with state policy for settlement planning. It facilitates housing on land in a settlement boundary, in a location that benefits from existing employers, services and infrastructure.

The local settlement policy for Ballan is at Clause 11.01-1L-03 ‘Ballan’. The clause

contains the Ballan Framework Plan and includes strategies to:

- Emphasise the country feel of the town by creating 'gateways' [e.g., through larger allotments, generous setbacks and vegetation]
- Encourage the retention of all water courses in growth precincts and set back development to provide sufficient buffers to minimise any detrimental impacts to them.
- Encourage improvements to the Werribee River's ecology and amenity
- Confine residential development to within the township boundary
- Ensure residential rezoning proposals, master/development plans, and subdivisions respond to Ballan's character and sense of place
- In Greenfield Growth Areas
 - Design development to responds to topography, landscape, vegetation, and natural features.
 - Provide passive open space within a walkable catchment as part of future subdivision.
 - Encourage a diversity of lot sizes and housing choices.

Clause 12.02-2L 'Structure planning in Moorabool' encourages the management of urban growth 'through Development Plans or Precinct Structure Plans'.

The amendment is consistent with local settlement policy. It facilitates the residential use of land earmarked in the Ballan Framework Plan for that purpose and gives effect to the more specific local strategies:

- The DPO9 requires low-density residential interfaces with landscaped setbacks along key 'gateways' (main-road frontages). At the same time, the VPO2 protects existing vegetation along these boundaries.
- The requirement for an Integrated Transport Plan under the DPO9 ensure that active transport links are provided through the site and connect with the surrounding transport network.
- The DPO9, VPO2 and existing ESO2 provide for the protection of the Werribee River corridor. The DPO9 also provides for sensitively located public open space and a shared path along the river corridor.
- The DPO9 encourages a wide diversity of lot sizes and housing choices.
- The amendment enables the preparation of a development plan to ensure the cohesive and orderly development of land.

Clause 12 – Environmental and landscape values

The amendment is consistent with this state and local policies on biodiversity and native vegetation management. It provides a framework to avoid and minimise

impacts on identified values, particularly within and adjoining the river corridor.

The DPO9:

- Requires an approximately 100-metre buffer to the Werribee River corridor to mitigate development impacts and maintain the corridor's function as a movement pathway for fauna
- Locates an active open space reserve, community facility and commercial centre along the edge of the river corridor. Community access to and engagement with the river corridor is a positive outcome.
- Places scattered trees in open space, where they can be retained
- Requires a Construction Management Plan, Biodiversity Management Plan and Integrated Water Management Plan, establishing a framework for the more detailed identification and management of construction and operational risks to the river environs in future.

The VPO2:

- Is applied to large scattered trees in Precinct 5 and the adjoining road reserves, as well as throughout the Werribee River corridor.
- Requires a permit for the removal of any vegetation, and assessment against objectives and decision guidelines that seek to avoid net loss to biodiversity and protect native flora and fauna.

The existing ESO1 and ESO2 will continue to protect ecological values on the subject land.

Clause 13 – Environmental risks and amenity

Clause 13.02 – Bushfire

The proposed responds appropriately to this policy and its bushfire context.

State policy directs that the protection of human life be prioritised over all other policy considerations and that population growth and development be directed to low risk locations (Clause 13.02-1S). Local policy seeks to limit subdivision in towns subject to severe bushfire risk; Clause 13.02-1L 'Bushfire planning' identifies high-risk towns within the municipality, and Ballan is not listed.

The subject land is in a Bushfire Prone Area, however neither the policy framework nor planning controls identify it as high risk. This is consistent with the Bushfire Hazard Assessment (Terralogic, January 2024) prepared for the amendment, which finds the land is in a location where residential growth presents a relatively low risk, subject to appropriate structure planning details.

The DPO9 includes a requirement for a Bushfire Management Plan. This requires a revised hazard assessment that considers the ultimate revegetated state of the Werribee River corridor, as well as mitigation measures including the creation and maintenance of defensible space.

Clause 13.03 – Floodplains

The LSIO affects land against the precinct's eastern boundary (Werribee River). The overlay identifies land that is expected to flood during a 1 per cent Annual Exceedance Probability (AEP) event. The Stormwater Management Strategy (Spiire, January 2024) (SWMS) prepared in support of the amendment demonstrates that all developable areas and key infrastructure assets (including the wetland retarding basins and active open space reserve) shown in Map 1 to the DPO9 are well above the 1 per cent AEP level. Melbourne Water has confirmed that it is satisfied with the modelling in the SWMS. As such, the amendment responds appropriately to the strategies under this clause.

Clause 13.04-1S Contaminated and potentially contaminated land

In accordance with this policy, the amendment provides for the safe use of land (as outlined variously through this report).

Clause 13.05-1S – Noise management

The amendment is consistent with the strategies under this clause and is appropriate for its location adjoining the Western Freeway. The DPO9 requires the preparation of an Acoustic Design Response Report, prepared to the satisfaction of the Head, Transport Victoria, in accordance with the Environment Protection Act 2017 and the VicRoads Requirements of Developers – Noise Sensitive Uses Guidelines. This requirement ensures that adequate noise mitigation is provided on the land.

Clause 15 – Built environment and heritage

The amendment responds to state and local policies for urban and subdivision design by ensuring future development adheres to a planned and coherent neighbourhood structure that reflects its setting and Ballan's distinctive township identity.

Urban design strategies under local policies land (Clauses 11.01-1L-03 and 15.01-1L) encourage development that respects the town's character, avoids generic suburban outcomes and maintains a country-town feel along main-road interfaces. The DPO9 gives effect to these strategies by requiring a village scale design within the precinct and low-density interfaces with landscaped setbacks along main-road frontages.

Although the resulting development will differ from Ballan's traditional country-town character, the township is evolving, and the location of Precinct 5 across the Werribee River is a logical place to accommodate more diverse housing without materially affecting established areas.

Clause 16 – Housing

The amendment gives effect to state and local policies for housing by increasing the supply and diversity of housing in the Shire of Moorabool in line with its growing population, trends in demand and housing target.

The DPO9 also responds to policies for affordable housing by requiring an Affordable and Social Housing Assessment to identify local need and pathways for delivery. While the obligation is to prepare the assessment rather than to secure affordable or social housing, and any contribution is voluntary, the requirement ensures the opportunity is properly considered.

Clause 18 – Transport

The amendment supports the state policies for transport. The DPO9 requires an Integrated Transport Management Plan to be prepared to the satisfaction of the Head, Transport for Victoria that, among other things:

- Identifies the design, staging, land and funding requirements for upgrading the Geelong–Ballan Road x Old Melbourne Road intersection
- Sets trigger points for any other transport upgrades
- Provides for a network of walking and cycling paths through the precinct, including along the Werribee River corridor.

Clause 19 – Infrastructure

The amendment responds adequately to the relevant strategies under this clause. The DPO9 requires an Infrastructure Servicing Plan that outlines the staging and delivery of infrastructure.

Is the amendment consistent with the delivery of the relevant housing target set out in the Planning Policy Framework?

The policy framework allocates the Shire of Moorabool a housing target of 20,000 to be achieved by 2051 (Clause 16.01-1S). The amendment responds directly to this policy by enabling the conversion of non-urban farmland to a residential estate that will provide for a diversity of dwellings in a location with housing demand and access to existing opportunities.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment is consistent with the following clauses of the Municipal Planning Strategy and will assist in achieving its strategic directions as follows:

- The amendment implements the strategic directions for settlement (Clause 02.03) by rezoning land for residential purposes in Ballan, which is the second-largest town in the Shire of Moorabool and is recognised as a town in the Central Highlands Regional Growth Plan in which medium growth is supported.
- The amendment implements the strategic directions for environmental and landscape values (Clause 02.03-2) through the DPO9 and VPO2. These controls ensure that development responds appropriately to the subject land's environmental values and constraints.

- The amendment implements the strategic directions for environmental risks and (Clause 02.03-3) through the DPO9. This control ensures that bushfire and flood risks are identified, and mitigation measures developed, in further detail at the development plan stage.
- The amendment implements the strategic directions for natural resource (Clause 02.03-4) through the DPO9, which requires the preparation an Integrated Water Management Plan and Biodiversity Management Plan, as well as the implementation of each of their recommendations.
- The amendment implements the strategic directions for built environment and through the DPO9, which prescribes various design controls. The DPO9 additionally requires the preparation of a Cultural Heritage Management Plan and Heritage Assessment and the implementation of their recommendations.
- The amendment implements the strategic directions for housing (Clause 02.03-6) through the rezoning of the land to NRZ10 and the application of the DPO9. Together, these controls enable the residential development of Precinct 5 for a diversity of dwelling types and lot sizes to meet the varying needs of the municipality's growing population.
- The amendment implements the strategic directions for transport (Clause 02.03-8) through the DPO9, which will require the preparation of an Integrated Transport Management Plan and the implementation of its recommendations, generally in accordance with Map 1 to the DPO9.
- The amendment implements the strategic directions for infrastructure (Clause 02.03-9) through the DPO9. The DPO9 ensures the proportionate and timely provision of community facilities and development infrastructure to support the subject land's future population.

Does the amendment make proper use of the Victoria Planning Provisions?

Neighbourhood Residential Zone – Schedule 10 'Ballan Precinct 5'

Planning Practice Note 91 'Using the residential zones' describes the NRZ as being suitable to use in areas where:

- There is no anticipated change to the predominantly one- and two-storey character
- There are identified neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality.

The NRZ10 is appropriate for the subject land given:

- Its setting
- Ballan's country town character

- The subject land is transitioning from a rural to residential setting
- The subject land is on the edge of town, in a gateway location and is immediately adjacent to rural areas.

Development Plan Overlay – Schedule 9 ‘Ballan Precinct 5

Planning Practice Note 23 ‘Applying the Incorporated and Development Plan Overlays’ explains that a DPO is an appropriate planning tool to provide upfront certainty about the nature of a use or development proposal for land and to ensure coordinated and orderly development before the planning permit stage.

The DPO9 provides appropriate planning controls for a strategic greenfield site including a development concept plan. The specific requirements under the DPO9 ensure that development of the subject land is undertaken sustainably, in a way that responds to the needs of contemporary and future populations, while stitching in sensitively to the surrounding urban and natural environments.

Vegetation Protection Overlay – Schedule 2 ‘Remnant Vegetation’

According to Planning Practice Note 7 ‘Vegetation protection in urban areas’ the VPO is an appropriate planning tool to protect significant native and exotic vegetation in urban or rural environments. The amendment is therefore appropriate in using the VPO2 to protect significant areas of vegetation and scattered trees across the subject land.

Environmental Audit Overlay

Planning Practice Note 30 ‘Potentially Contaminated Land’ supports applying an Environmental Audit Overlay where land is determined to be potentially contaminated and it is difficult or inappropriate to obtain a Preliminary Risk Screen Assessment (PRSA) statement or environmental audit statement before exhibition, as otherwise required under Ministerial Direction No. 1.

In this case, the land at 5580 Geelong–Ballan Road was assessed as having a medium potential for contamination but could not be accessed for inspection or sampling, meaning that neither a PRSA nor an environmental audit could practicably be completed at the amendment stage. Applying the EAO is therefore the appropriate planning tool to defer that requirement while ensuring that a sensitive use does not occur until the necessary PRSA or audit is obtained.

Design and Development Overlay – Schedule 2 ‘Visual Amenity and Building Design’

The deletion of the DDO2 from the subject land is appropriate given it relates to building design in rural areas, so would become redundant upon the approval of the current amendment.

How does the amendment address the views of any relevant agency?

The views of all relevant agencies were sought in the preparation of this amendment. Map 1 to the Development Plan Overlay Schedule 9 was prepared in consultation with the CFA, Melbourne Water, Central Highlands Water (CHW), Barwon Water, DEECA, the Head, Transport for Victoria, and the EPA.

The CFA raised concerns about managing bushfire risk in the proposed NRZ, which have been responded to through DPO9 requirements for setbacks from vegetated areas, perimeter roads, vegetation management and land-use programming.

Melbourne Water sought to ensure that adequate land would be set aside for stormwater retarding basins/wetlands and that such infrastructure would protect the flow regime and water quality requirements of the Werribee River. These concerns are responded to through the DPO9 requirements for an Integrated Water Management Plan and setbacks between buildings including infrastructure and the Werribee River.

CHW is currently working on a strategy for the provision of water supply and sewerage to service population and urban growth in Ballan. CHW noted that an augmentation of Ballan's sewerage system is needed to cater to Precinct 5 at its full build-out. CHW also noted a requirement for water supply system upgrades.

The subject land is traversed by an approximately 20-metre wide surplus water supply channel reserve owned by Barwon Water. Barwon Water has agreed to sell the channel to the developer provided that all Victorian Government Land Monitor requirements are met.

DEECA is supportive of the amendment on the basis of Map 1 to the DPO9 providing a sufficient buffer between proposed development and the Werribee River.

The Head, Transport for Victoria is supportive of the amendment and the requirements for more detailed transport assessments at the development plan stage. The amendment has been modified in response to feedback from the Head, Transport for Victoria in particular relating to the mitigation of noise impacts on the precinct from the Western Freeway.

The EPA also raised concerns about traffic noise impacts from the Western Freeway. Noise impacts will be mitigated via the DPO9 requirements which include a requirement for an Acoustic Design Response Report prepared to the satisfaction of the Head, Transport for Victoria. Additionally, the EPA raised concern about the potential for contamination of land at 5580 Geelong Ballan Road associated with stockpiling. The application of the EAO is appropriate to ensure that any potential contamination is identified and adequately remediated before the a sensitive use is commenced.

Does the amendment address relevant requirements of the *Transport Integration Act 2010*?

The amendment is consistent with the objectives and decision-making principles in

the *Transport Integration Act 2010*. Specifically:

- It promotes social and economic inclusion by facilitating residential development close to an accessible transport network .
- It supports to sustainable transport outcomes by requiring new roads to retain remnant native vegetation where possible and the provision of active transport infrastructure and a bus-capable boulevard through the subject land.

The Head, Transport for Victoria is satisfied that the amendment will not cause significant adverse impacts on the transport system, subject to appropriate intersection and road upgrades that are adequately planned for under the DPO9.

How does the amendment have regard to the principles set out in the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* in relation to Yarra River land and other land, the use or development of which may affect Yarra River land?

The land subject to this amendment is not within the area declared under the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* and does not have an effect on Yarra River land.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment is not expected to have significant impact on the administrative costs of the responsible authority. Council resources will be required to facilitate the approval of a development plan and subsequent planning permits. The additional resourcing that will be required to put the planning framework in place is not unreasonable and is necessary to ensure the ongoing availability of residential zoned land in Ballan, consistent with the Municipal Planning Strategy and policy framework.