

# **Moorabool Planning Scheme**

## **Amendment C108Moor**

## **Amendment to Rezone**

## **Explanatory Report**

### **Overview**

This amendment introduces a development framework for future residential development of land bounded by the Western Freeway (northern extent), Geelong-Ballan Road (western extent), Old Melbourne Road (southern extent) and the Werribee River (eastern extent). The land is identified as Precinct 5 within the Ballan Framework Plan in Clause 11.01-1L-03.

It does this by rezoning approximately 98.5 hectares of land from Rural Living Zone (RLZ) to Neighbourhood Residential Zone Schedule 10 (NRZ10); applying the Development Plan Overlay Schedule 9 (DPO9) to the subject land; applying the Vegetation Protection Overlay Schedule 2 (VPO2) to remnant native vegetation on the subject land 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 also be inspected free of charge at:

- Moorabool Shire Council website at [www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au). Follow the links to 'Have your say' and Amendment C108.
- the Department of Transport and Planning website [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection) or by contacting 1800 789 386 to arrange a time to view the amendment documentation.
- during office hours, at the following Council office locations:
  - 15 Stead Street, Ballan
  - Darley Civic and Community Hub, 182 Halletts Way, Darley
  - Lerderderg Library – Customer Service, 215 Main Street, Bacchus Marsh

### **Submissions**

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by 3 March 2025.

A submission must be sent:

- Via email to: [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au) , or
- Via Council's website at <http://www.moorabool.vic.gov.au>. Click on 'Have your say' and follow the links to Planning Scheme Amendment C108, or
- Via post to: Moorabool Shire Council, PO Box 18, Ballan, Vic 3342 (marked 'Attention Strategic Planning').

## Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: week commencing 2 June 2025
- Panel hearing: week commencing 21 July 2025

## 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 prepared at the request of Whiteman Property and Associates Pty Ltd on behalf of Wel.Co.

### Land affected by the amendment

The amendment applies to land bound by the Western Freeway (northern extent), Geelong-Ballan Road (western extent), Old Melbourne Road (southern extent) and Werribee River (eastern extent), as described below and as shown in Figure 1.

- 446 Old Melbourne Road, Ballan:
  - Lots 1 and 2 on Title Plan 886443
  - Lots 1 and 2 on Title Plan 872395
  - Lots 1 and 2 on Title Plan 886442
- Channel reserve:
  - Lots 1 and 2 on Title Plan 862922
  - Lot 1 on Title Plan 951615
  - Reserve 1 on Plan of Subdivision 308413
- 400 Old Melbourne Road, Ballan:
  - Lot 1 on Title Plan 222589
- 462 Old Melbourne Road, Ballan:
  - Lot 1 on Lodged Plan 119886
- 5570 Geelong-Ballan Road, Ballan:
  - Lot 1 on Plan of Subdivision 308413
- 5580 Geelong-Ballan Road, Ballan:
  - Lot 2 on Lodged Plan 218512
- 5590 Geelong-Ballan Road, Ballan:
  - Lot 2 on Plan of Subdivision 319354
- 5600 Geelong-Ballan Road, Ballan:
  - Lot 1 on Plan of Subdivision 319354

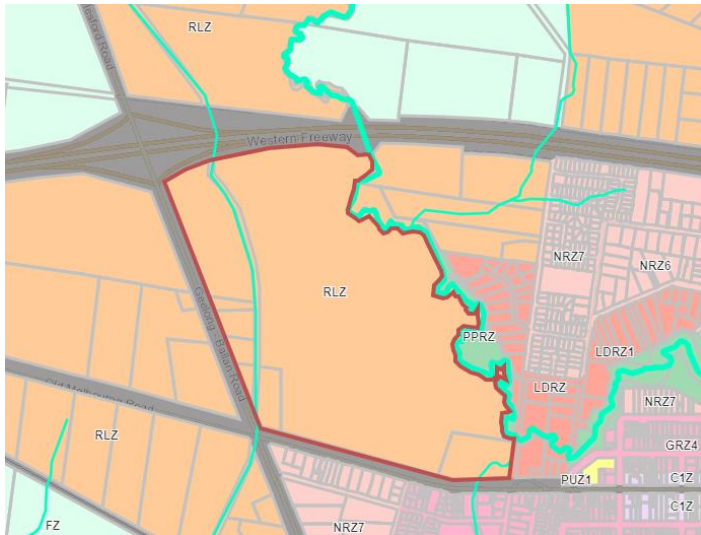


Figure 1: Zone map showing the subject land delineated in red

## What the amendment does

The amendment rezones the subject land from the Rural Living Zone (RLZ) to the Neighborhood Residential Zone Schedule 10 (NRZ10).

It applies a new Schedule 9 to the Development Plan Overlay (DPO9) and a new Schedule 2 to the Vegetation Protection Overlay (VPO2); and removes Schedule 2 to the Design and Development Overlay (DDO2) from the subject land.

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, masterplanned development of the subject land, generally in accordance with a development plan prepared under the requirements specified in the Development Plan Overlay Schedule 9.

The subject land is identified as Precinct 5 'greenfield growth' in the Ballan Framework Plan at Clause 11.01-1L-03 (Ballan) of the Moorabool Planning Scheme.

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 will result 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 will ensure 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 will be applied to patches of remnant native vegetation and remnant large, scattered native trees. The patches of remnant 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 will ensure 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 residential zoned land.

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

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

- *Provide for the fair, orderly, economic and sustainable use of land.*
- *Provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- *Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- *Facilitate development in accordance with the objectives.*
- *Balance the present and future interests of all Victorians.*

The amendment implements these objectives by facilitating the rezoning of the subject land for residential purposes, and applying planning controls to ensure its staged, master-planned development. Ballan is identified as a growth town in both Plan Melbourne and the Central Highlands Regional Growth Plan.

The DPO9 requirements will ensure that a significant public open space reserve is set aside to protect the Werribee River corridor, including the floodplain, escarpment and remnant native vegetation. As shown on Map 1 to the DPO9, land will also be set aside for a community facility, an active recreation reserve, local parks and a future commercial area. Map 1 to the DPO9 also shows a high-level road network, providing connectivity to the surrounding road network, and providing roads at interfaces with public open space to facilitate passive surveillance.

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

### Environmental Effects

The amendment has thoroughly considered potential environmental effects and includes measures to mitigate these effects.

A range of environmental assessments have been undertaken, to consider matters such as flora and fauna, potentially contaminated land, noise and drainage, which demonstrate that the land is suitable for rezoning to the Neighborhood Residential Zone and can accommodate future development. A more detailed assessment of potential environmental impacts and mitigation measures will be undertaken in conjunction with the preparation of a development plan in accordance with the requirements of the DPO9.

### *Flora and fauna*

A Flora and Fauna Assessment was completed by Nature Advisory (July 2023), which found that the subject land comprises primarily of paddocks of exotic pasture species and planted private gardens. These paddocks and gardens are fringed by planted trees, some of which was associated with revegetation works in the eastern riparian zone. Remnant native vegetation occurs in the form of Riparian Woodland (EVC 641) fringing Werribee River.

Roadside vegetation consists of a mix of remnant native and planted native and non-indigenous native species with a high overall cover of exotic species. Canopy cover is concentrated into patches connected by open grassland vegetation and drainage lines supporting native vegetation. There is

evidence within roadside native vegetation of planted native indigenous vegetation and remnant vegetation.

Nine listed fauna species have potential to occur on the subject land, including Fork-tailed Swift, Gang-gang Cockatoo, Growling Grass Frog, Little Eagle, Platypus, Rufous Fantail, Satin Flycatcher, Tussock Skink and White-throated Needletail. For all of these species, except Little Eagle and Fork-tailed Swift, the most important habitat is in or adjacent to the Werribee River.

The DPO9 requirements will ensure that remnant native vegetation is protected within public open space reserves and road reserves. 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*

An Environmental Assessment was completed by Connolly Environmental (7 February 2024), which assessed the subject land for potential contamination. With the exception of 5580 Geelong-Ballan Road, the assessment found that the subject land is not potentially contaminated, based on a history of being used for non-contaminating activities. With regard to 5580 Geelong-Ballan Road, the assessment found that there is 'medium' potential for contamination, due to the property containing waste stockpiles of materials of unknown origin.

The property at 5580 Geelong-Ballan Road was not able to be accessed for further investigation. The amendment therefore applies an Environmental Audit Overlay to this property, to ensure that either a PRSA or environmental audit will be undertaken prior to the land being developed and used for sensitive uses.

#### *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 VicRoads' requirements. The DPO9 requirements will 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.

#### *Existing environmental overlays*

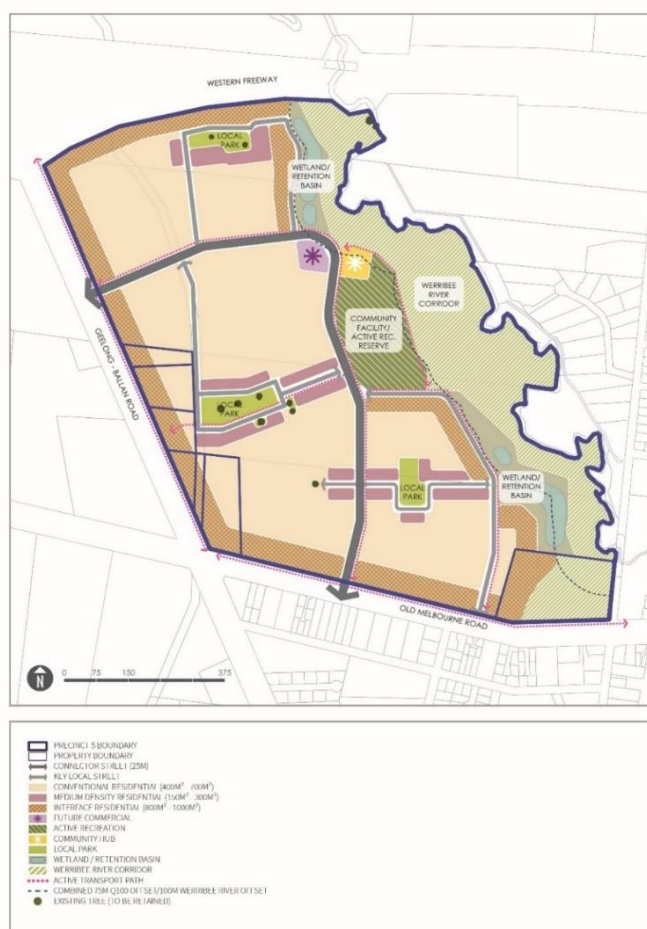
The following existing environmental overlays will be retained, thereby ensuring that future permit applications consider environmental impacts on water catchments and the Werribee River:

- Environmental Significance Overlay Schedule 1 - Special water catchment areas.
- Environmental Significance Overlay Schedule 2 – Waterway protection.
- Land Subject of Inundation Overlay Schedule 1 - Werribee River, Lerderderg River and Little River catchments.

## Social and Economic Effects

The amendment will facilitate the supply of residential land within Ballan, consistent with Clause 02.03-1 and Clause 11.01-1L-03 of the Moorabool Planning Scheme. The amendment will also contribute to the provision of the following infrastructure items, as shown on Map 1 to DPO9 (see Figure 2):

- A new active open space reserve.
- A new community facility building.
- A substantial Werribee River corridor reserve.
- Three new local parks.
- A network of shared paths.
- Land for a small future commercial area (local activity centre).



*Figure 2: Map 1 to the DPO9*

Map 1 to the DPO9 identifies land for a small future commercial area (local activity centre), adjacent to the Werribee River corridor reserve. The DPO9 includes a requirement that the future commercial area should not have a net floor area in excess of 1,000 square metres.

The Residential and Local Convenience Centre Assessment found that a small local activity centre on the subject land would be well placed to serve future residents of the Ballan Precinct 5, catering to their basic daily retail and non-retail service needs.

The Moorabool Shire Retail Strategy (Tim Nott with Hansen Partnership, 2024) indicates that Council should encourage the provision of local activity centres in areas that are beyond 800 metres walkable distance of a neighbourhood activity centre. Ballan Precinct 5 is mostly beyond 800 metres from the existing Inglis Street activity centre. The Retail Strategy indicates that the size of local activity centres would generally be in the range 200 to 1,000 square metres, depending on the demand demonstrated by the local catchment.

The Background Report for the Moorabool Shire Retail Strategy identifies the need for an additional 2,000 square metres retail floorspace in Ballan by 2041, with a further 2,000–3,000 square metres required between 2041-2061. Ballan Precinct 5 can contribute to this need.

#### *Cultural heritage*

A draft Desktop Assessment was conducted for a Cultural Heritage Management Plan, which concluded:

- The subject land is located within the traditional Wathaurung country.
- There are four previously registered Aboriginal places within the subject land, which are situated on agricultural land adjacent to the Werribee River.
- The results of previous archaeological investigations indicate that Aboriginal cultural heritage is most likely to be found on elevated landforms, including low rises and landforms associated with major water sources such as escarpments.
- Previous and current land uses including agricultural and rural activities such as ploughing have impacted on and disturbed Aboriginal cultural heritage within the activity area and geographic region.

The DPO9 requires that a masterplan be provided, including buffer areas and other measures to protect any sites of Aboriginal cultural heritage in accordance with the recommendations of an approved Cultural Heritage Management Plan.

## **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.

#### *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 site scale 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); and



- Localised fire activity in the Werribee River corridor and any new or existing vegetation on the site.

The 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 proposed DPO9 will provide 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; and
- Planning permits to include conditions (as appropriate) to implement bushfire risk mitigation measures in accordance with the Bushfire Management Plan.

This will ensure that all future dwellings will 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 Country Fire Authority (CFA) were sought during the preparation of the amendment. The amendment addresses the CFA's 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 kW/m<sup>2</sup>.
- The provision of perimeter roads between identified bushfire hazards and future development, as shown on the concept plan.
- 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?**

The amendment has been drafted in accordance with the Strategic Assessment Guidelines, provided in this explanatory report and within the supporting Planning Report prepared by Whiteman Property & Associates, dated July 2023.

#### *Direction 1: Potentially Contaminated Land*

The amendment complies with Ministerial Direction 1 (Potentially contaminated land). The subject land is currently within the Rural Living Zone, which allows for very low density sensitive uses. The amendment will result in the subject land being rezoned to NRZ, which allows for medium density sensitive uses.

An Environmental Assessment was completed by Connolly Environmental (7 February 2024), which assessed the subject land for potential contamination. With the exception of 5580 Geelong-Ballan Road, the assessment found that the subject land is not potentially contaminated, based on a history of being used for non-contaminating activities. With regard to 5580 Geelong-Ballan Road, the assessment found that there is 'medium' potential for contamination, due to the property containing waste stockpiles of materials of unknown origin.

The Environment Protection Authority (EPA) noted that where land carries a 'medium' potential for contamination, a Preliminary Risk Screen Assessment (PRSA) or environmental audit should be undertaken to demonstrate that the land is suitable for the proposed sensitive land uses (in accordance with *Planning Practice Note 30: Potentially Contaminated Land* [PPN30]).

The property at 5580 Geelong-Ballan Road was not able to be accessed for further investigation. The amendment therefore applies an Environmental Audit Overlay to this property, to ensure that either a PRSA or environmental audit will be undertaken prior to the land being developed and used for sensitive uses. This approach is consistent with Ministerial Direction Number 1 and PPN30.

### *Direction 11 – Strategic Assessment of Amendments*

The amendment complies with Ministerial Direction 11: (Strategic Assessment of Amendments) under Section 12 of the PE Act. The amendment is consistent with this direction which requires a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. This explanatory report provides this evaluation of the amendment.

### *Direction 19 – Amendments that may result in impacts on the environment, amenity and human health*

Pursuant to the requirements of Ministerial Direction 19, the amendment was referred to the EPA for comment, noting that matters associated with potentially contaminated land have been discussed above in relation to Ministerial Direction 1.

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

The amendment is consistent with the following clauses of the Planning Policy Framework and will assist in achieving the objectives of these clauses:

### *Clause 11.01-1S Settlement,*

The amendment is consistent with the objective of this clause *“to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements”* and implements several strategies of this clause by facilitating growth in Ballan. Ballan is identified as a growth town in Clause 11.01-1R, the Central Highlands Regional Growth Plan and Plan Melbourne 2017 – 2050: Metropolitan Planning Strategy.

### *Clause 11.01-1R Settlement – Central Highlands*

The amendment implements the strategy of this clause to *“direct growth to well serviced settlements with good access to Melbourne or Ballarat, particularly Bacchus Marsh, Ballan, Creswick, Clunes, Beaufort and Smythesdale”*.

### *Clause 11.01-1L-01 Settlement in Moorabool*

The amendment implements the strategy of this clause to *“direct the majority of the population and employment growth to Bacchus Marsh with supporting growth in Ballan”*.

### *Clause 11.01-1L-03 Ballan*

This clause applies to the land identified on the Ballan Framework Plan. The amendment implements various strategies of this clause, by facilitating greenfield growth in Precinct 5 consistent with the Ballan Framework Plan.

The proposed DPO9 ensures that a residential master planned development will:

- Retain the values and characteristics of Ballan;
- Provide lower density interfaces with rural land, the Western Freeway, Old Melbourne Road and the Werribee River;
- Respond to natural topography;
- Retain remnant native vegetation where possible;
- Provide a diversity of lot sizes for housing choices; and
- Provide active and passive public open space reserves, including a substantial Werribee River corridor reserve;
- Provide a network of shared paths, integrated with public open space reserves and the town centre.

#### *Clause 11.02-1S Supply of urban land*

The amendment is consistent with the objective of this clause *“to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional, and other community uses”* and implements several strategies of this clause by rezoning the subject land to NRZ10 and applying the DPO9.

#### *Clause 11.02-2S Structure planning and Clause 11.02-2L Structure planning in Moorabool*

The amendment is consistent with the objective of Clause 11.02-2S *“to facilitate the fair, orderly, economic and sustainable use and development of urban areas”*. The amendment implements several strategies of these clauses by applying the DPO9 to the subject land, thereby ensuring that future development adheres to strategic planning objectives.

- *Clause 11.02-3S Sequencing of development*

The amendment is consistent with the objective of this clause *“to manage the sequence of development in areas of growth so that services are available from early in the life of new communities”*. The amendment implements several strategies of this clause by applying the DPO9 to the subject land. The DPO9 requires the preparation of a masterplan that includes details of staging of development for the effective and early provision of the active open space reserve, sports pavilion/community facility, district playground and associated infrastructure. The DPO9 also requires a landowner to enter into an agreement under section 173 of the PE Act, providing for development contributions to the satisfaction of the responsible authority, before a planning permit is granted.

#### *Clause 12.01-1S Protection of biodiversity, Clause 12.01-1L Biodiversity and Clause 12.01-2S Native Vegetation Management*

The amendment implements the objectives and strategies in these clauses by applying the DPO9 to the subject land, which will:

- Ensure that remnant native vegetation is protected within public open space reserves and road reserves; and
- Require the preparation of a Biodiversity Management Plan, that includes targeted field surveys of native flora and fauna species, identifies risks to biodiversity values, and makes recommendations for avoiding, minimising, offsetting and management of remnant native vegetation.

The amendment also applies the VPO2 to patches of remnant native vegetation and remnant large, scattered native trees.

Future planning permit applications will be required to address the provisions of Clause 52.17 Native Vegetation.

#### *Clause 13.02-1S Bushfire planning*

This clause applies to the subject land, as it is located within a designated bushfire prone area. The amendment is consistent with the objective of this clause *“to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life”*. The amendment meets the requirements for bushfire protection, minimisation and management, as discussed earlier in the explanatory report under ‘Does the amendment address relevant bushfire risk?’.

#### *Clause 13.03-1S Floodplain management*

The amendment implements the objectives and strategies in this clause by applying the DPO9 to the subject land, which will ensure that land affected by the Land Subject to Inundation Overlay is fully contained within the proposed Werribee River corridor reserve.

#### *Clause 13.04-1S Contaminated and potentially contaminated land*

The amendment implements the objectives and strategies in this clause, as discussed earlier in the explanatory report under ‘Direction 1: Potentially Contaminated Land’.

#### *Clause 13.05-1S Noise management*

The amendment implements the objectives and strategies in this clause, as discussed earlier in the explanatory report under 'Environmental effects – noise'.

#### *Clause 13.07-1S Land use compatibility*

The amendment implements the objectives and strategies in this clause. The rezoning and subsequent development of the land for residential purposes will not impact adjoining land uses. Map 1 to the proposed DPO9 shows larger residential lots at the interfaces with surrounding land. Land to the west, north and east is within the Rural Living Zone and land to the east and south is within the Neighbourhood Residential Zone.

#### *Clause 14.02-1S Catchment planning and management, Clause 14.02-1L Declared special water supply catchments and Clause 14.02-2S Water quality*

The amendment is consistent with the objectives and strategies in these clauses. The proposed DPO9 requires the preparation of a masterplan generally in accordance with Map 1 and including:

- Setbacks to the Werribee River in accordance with the requirements of Melbourne Water; and
- Overland flow paths and drainage infrastructure (such as retarding basins, water quality wetlands and enhanced stormwater management facilities) in accordance with an Integrated Water Management Plan (prepared to the satisfaction of the responsible authority and Melbourne Water).

Map 1 to the proposed DPO9 shows:

- A Werribee River corridor reserve, which provides for a development setback of approximately 100 metres from the waterway.
- Two wetlands / retention basins located at the top of the escarpment, which will ensure that stormwater flows are treated and retarded, prior to discharge into the Werribee River.

The DPO9 also requires the preparation of an Infrastructure Servicing Plan, including concept plans and details of proposed utility infrastructure (e.g. reticulated water and sewerage). Upon future subdivision development of the subject land, reticulated sewerage infrastructure will need to be provided.

#### *Clause 15.01-1S Urban Design and Clause 15.01-1L Urban design*

The amendment is consistent with the objective of Clause 15.01-1S *“to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity”*. The amendment implements several strategies of these clauses by applying the DPO9 to the subject land, which will ensure positive urban design outcomes by requiring:

- Roads to be located at interfaces with public open space to provide for passive surveillance;
- Provision of substantial areas of public open space, including a Werribee River corridor reserve, three local parks and an active recreation reserve.
- Land for a community facility;
- Land for a small future commercial area;
- Provision of a network of shared paths; and
- Provision of a Public Open Space and Landscape Masterplan and implementation of its recommendations.

#### *Clause 15.01-3S Subdivision design and Clause 15.01-4S Healthy neighbourhoods*

The amendment is consistent with the objectives of these clauses and implements several strategies of these clauses by applying the DPO9 to the subject land, thereby ensuring that future development adheres to strategic planning objectives.

*Clause 16.01-1S Housing Supply, 16.01-1L Housing supply in Moorabool and 16.01-2S Housing affordability*

The amendment is consistent with the objectives and strategies in these clauses. The amendment will increase the supply of residential zoned land in Ballan, to accommodate growth and provide opportunities for housing diversity to meet socio-economic needs of the community. New lots will have access to public open space areas and new community facilities. The proposed DPO9 requires the preparation of an Affordable and Social Housing Assessment and the implementation of its recommendations.

*Clause 19.02-4S Social and cultural infrastructure, Clause 19.02-6S Open space and Clause 19.02-6L Open space in Moorabool*

The amendment is consistent with the objectives and strategies in these clauses. The DPO9 requirements will ensure the provision of substantial areas of public open space, land for a community facility and a network of shared paths.

*Clause 19.03-3S Integrated Water Management and 19.03-3L-02 Integrated water management*

The amendment is consistent with the objective of Clause 19.03-3S “to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach”. The amendment implements several strategies of these clauses by applying the DPO9 to the subject land, which requires the preparation of an Integrated Water Management Plan to the satisfaction of the responsible authority and Melbourne Water.

## **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 objectives of the clauses 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 Moorabool Shire and is recognised as a growth town in the Central Highlands Regional Growth Plan. The amendment rezones the subject land which is identified for greenfield growth on the Ballan Framework Plan.
- The amendment implements the strategic directions for environmental and landscape values (biodiversity and river corridors) (Clause 02.03-2) by applying the DPO9 which will ensure that future subdivision development is responsive to the environmental values and constraints of the subject land. Remnant native vegetation and riparian areas will be protected within a substantial Werribee River corridor reserve, local parks and road reserves. The application of the VPO2 will provide an additional layer for identification and protection of remnant native vegetation.
- The amendment implements the strategic directions for environmental risks and amenity (bushfire and flood management) (Clause 02.03-3) by applying the DPO9 which will ensure that bushfire and flood risks are identified and mitigated as part of the development plan.
- The amendment implements the strategic directions for natural resource management (declared special water supply catchments) (Clause 02.03-4) by applying the DPO9 which will require the preparation an Integrated Water Management Plan and the implementation of its recommendations.
- The amendment implements the strategic directions for built environment and heritage (Clause 02.03-5) by applying the DPO9 which will require 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) by applying the DPO9 which will ensure a diversity of lot sizes, to provide for a range of housing choices.
- The amendment implements the strategic directions for transport (Clause 02.03-8) by applying

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.

- The amendment implements the strategic directions for infrastructure (community infrastructure) (Clause 02.03-9) by applying the DPO9 which will ensure the provision of appropriate social services and physical infrastructure to support the growing population.

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

The amendment makes proper use of the Victoria Planning Provisions as follows:

- The amendment proposes to rezone the subject land to the NRZ which is consistent with *Planning Practice Note 91: Using the residential zones*, as the type of residential development sought in this area of Ballan will be predominantly single and double storey housing.
- The amendment applies the VPO Schedule 2 to protect patches of remnant native vegetation and remnant scattered native trees, for their biodiversity and habitat values, consistent with *Planning Practice Note 7: Vegetation Protection in Urban Areas* and the *Planning for biodiversity guidelines* (DELWP, December 2017).
- The amendment applies the DPO Schedule 9 to the subject land, to guide and facilitate staged, master-planned development of the land consistent with *Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays*.
- The amendment applies the EAO to a property at 5580 Geelong-Ballan Road Ballan, to ensure that either a PRSA or environmental audit will be undertaken prior to the land being developed and used for sensitive uses. This approach is consistent with Ministerial Direction Number 1 and PPN30.

## **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, Department of Environment Energy and Climate Action (DEECA), Department of Transport and Planning (DTP), and Environment Protection Authority (EPA).

The CFA raised concerns about managing bushfire risk in the proposed NRZ. These concerns will be mitigated by the application of the DPO9, which includes requirements for setbacks from vegetated areas, perimeter roads, vegetation management and designation of appropriate land uses.

Melbourne Water seeks to ensure that adequate land will be set aside for stormwater retarding basins/wetlands and that such infrastructure will protect the flow regime and water quality requirements of the Werribee River. These concerns will be managed by the DPO9, requires an Integrated Water Management Plan, including a functional design of stormwater drainage assets and provision of appropriate setbacks to the Werribee River.

CHW is currently working on a strategy for the provision of water supply and sewerage to service longer term growth in Ballan. Augmentation of the sewerage system will be required, to cater for the full development in all weather conditions. There will also be a requirement for water supply system upgrades to cater for the full development.

The subject land is traversed by a surplus water supply channel reserve (approximately 20 metres wide) which is 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 supports the amendment, on the basis that Map 1 to the DPO9 provides a sufficient buffer between proposed development and the Werribee River, thereby providing for protection of biodiversity

values.

DTP supports the proposed intersection upgrades as detailed in the Traffic Engineering Assessment, and requires that no direct access be provided to lots from Geelong-Ballan Road or Old Melbourne Road. DTP also seeks to ensure the provision of adequate noise barriers and other noise mitigation measures, to protect future residents against traffic noise impacts from the Western Freeway. These concerns will be managed by the DPO9, which includes requirements for an Integrated Transport Management Plan and an Acoustic Design Response Report.

The EPA raised concerns about traffic noise impacts from the Western Freeway. Noise impacts will be mitigated via the DPO9 requirements. The EPA also raised concern about the potential for contamination of land at 5580 Geelong Ballan Road, due to stockpiles of waste materials. The developer has not been able to access this property to undertake an environmental assessment to determine whether or not the land is contaminated. The application of the Environmental Audit Overlay on this property will ensure that any potential contamination is identified and cleaned up, before the land is developed for residential or other sensitive land uses.

## **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 a transport network which is accessible by all in the community.
- It responds to the environmental sustainability by requiring new roads to retain remnant native vegetation where possible.
- Preparation of Map 1 to the DPO9 was informed by a Traffic Engineering Assessment that identified appropriate intersection and road upgrades to support the anticipated growth in Ballan Precinct 5.

The amendment is unlikely to have a significant impact on the transport system, subject to appropriate intersection and road upgrades. The proposed DPO9 will require the preparation of an Integrated Transport Management Plan, to the satisfaction of the responsible authority and DTP, and the implementation of its recommendations. The subject land is also located within an area that has good road and public transport access.

## **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 the Planning Policy Framework.