



Planning Scheme Amendment Request

Hopetoun Park North West Growth
Precinct

Rezoning from the Farming Zone to the
Neighbourhood Residential Zone

Prepared for Bacchus Marsh Property
Group

August 2023

DB Consulting Pty Ltd
DBC0025 RP01(updated August 2023) FINAL

1. Introduction

DB Consulting Pty Ltd has been engaged by Bacchus Marsh Property Group (BMPG) to prepare a planning report to accompany this updated planning scheme amendment request to rezone land in Hopetoun Park North West from the Farming Zone (FZ) to the Neighbourhood Residential Zone (NRZ) of the Moorabool Planning Scheme (the Planning Scheme).

The land which is proposed to be rezoned is located to the immediate north of the existing established area of Hopetoun Park and extends north to the Western Freeway reservation, east to Hopetoun Park Road and west to the escarpment that sits above the Pyrites Creek and neighbouring agricultural land.

The land is identified as part of a designated residential growth precinct in the Bacchus Marsh Urban Growth Framework (the UGF), which is a policy document in the Planning Scheme. The residential growth precinct includes both the subject land and land to the east, east of Hopetoun Park Road. It is noted that whilst originally the amendment request sought to rezone the north eastern precinct as well, this part of the precinct no longer forms part of the amendment proposal. This is discussed further in Section 3 'Background'.

As part of this rezoning of the Hopetoun Park north west precinct, it is also proposed to apply the Development Plan Overlay (DPO) to appropriately manage the design and layout of the future subdivision and the future road network as well as bushfire management requirements, and the Design and Development Overlay (DDO) to manage setbacks and siting requirements for future dwellings. It is intended to manage development contributions via a Section 173 Agreement, which is to be a requirement of any permit that issues for the future subdivision of the north west growth area.

The purpose of the amendment is to enable the subject land to be developed for residential purposes with the intention that it will ultimately accommodate in the order of 400 lots ranging in area from a minimum of 800 square metres to 1500 square metres or larger.

The subject land has an overall site area of approximately 62 hectares and the proponent for this amendment, BMPG, has an interest in approximately 58 hectares of the precinct. Thus, BMPG controls most of the land that is to be rezoned.

It should be noted that at the commencement of the project, both Moorabool Shire Council (Council) and the (then) Department of Environment, Land and Planning (DELWP) required that the whole of the growth precinct as shown in the UGF (ie the land to both the east and west of Hopetoun Park Road) be considered as part of one rezoning. Accordingly, BMPG prepared a rezoning request and supporting material for the whole of the growth precinct. As noted above, and discussed in Section 3, the land to the east is no longer included as part of this rezoning request.

A draft Concept Plan has been prepared as part of the supporting amendment documents, and forms part of the draft DPO schedule. The draft Concept Plan seeks to demonstrate the likely form that any future development plans and subdivision permit applications might take and has also been used as a basis for development contribution considerations. The amendment request is not accompanied by a Development Plan or subdivision applications as these approvals will be sought at a later date, upon the successful rezoning of the subject land.

It is highlighted that the preparation for this rezoning request commenced almost six years ago, with the original amendment request lodged in September 2021 following three years of consultation and collaboration with Council. Since that lodgement, significant additional work has been undertaken at the request of Council, Department of Transport and Planning (DTP), and range of other authorities to address matters raised as part of the pre exhibition referral process.

Thus, for the majority of the specialist reports that have been prepared in support of this amendment, Council has had the opportunity to review (in some cases) multiple earlier drafts which have been

prepared and submitted in response to the comments received, with Council and authority feedback informing the reports that now accompany this updated amendment request.

In preparing this Planning Report a review has been undertaken of the relevant provisions of the Planning Scheme as well as key policy documents of relevance to the rezoning of the subject site. This report outlines the strategic justification and planning merits of the proposed rezoning pursuant to this review, taking into account the key findings and recommendations of the relevant technical reports.

This report finds that the proposed rezoning of the site is entirely appropriate in the context of relevant policies and strategies of the Planning Scheme. In particular the rezoning supports the key directions for urban growth in the region more broadly and Bacchus Marsh, by proposing the rezoning of land that is included as one of three residential growth precincts in Bacchus Marsh. It also gives effect to specific strategies that relate to the Hopetoun Park growth area by providing appropriately located community facilities/amenities including retail floor space co located with a kindergarten, maternal child health facilities, a community room and a district park

This report should be read in conjunction with the following supporting documentation:

- Draft Concept Plan prepared by Millar Merrigan Land Development Consultants Drawing 21702 M9 V2;
- Landscape and Visual Amenity Supplementary Report by Hansen Partnership dated April 2023, accompanied by Neighbourhood Character Assessment, Landscape and Visual Amenity and Design Guidelines Report by Hansen Partnership dated April 2020;
- Revised Infrastructure Needs and Development Contributions Analysis dated August 2023 accompanied by the Hopetoun Park Community and Recreation Infrastructure Needs Assessment by Urban Enterprise dated August 2021;
- Hopetoun Park Retail Needs Assessment by Urban Enterprise dated May 2020;
- Hopetoun Park Retail Needs Peer Review dated December 2020 and Updated Retail Needs Peer Assessment by Macroplan dated April 2023;
- Hopetoun Park Residential Demand and Supply Assessment by Ethos Urban dated July 2023;
- Flora and Fauna Assessment, Hopetoun Park North West Precinct by Nature Advisory, dated August 2023;
- Open Space and Landscape Report Hopetoun Park North by Weir and Co Pty Ltd dated August 2023;
- Bushfire Risk Assessment – Response to Clause 13.02 by South Coast Bushfire Consultants dated August 2023.
- Aboriginal Cultural Heritage Preliminary Assessment by Clarkeology dated August 2023;
- Preliminary Site Investigation July 2022, Remediation Report August 2023 and accompanying correspondence dated August 2023 by Helia EHS (formerly Edge Group Pty Ltd).
- Stormwater Management Plan Hopetoun Park North – Western Catchments by Afflux Consulting dated August 2023;
- Addendum to Traffic Engineering Assessment prepared by Salt3 dated April 2023 accompanied by correspondence dated December 2022 and a Traffic Engineering Assessment prepared by Salt3 dated April 2022;
- Interpretive Geotechnical Investigation and Geotechnical Investigation for Hopetoun Park Road, by Black Geotechnical Pty Ltd, both dated May 2023;

- Geomorphological Assessment by Brizga Environmental dated August 2020;
- Hopetoun Park Rezoning Traffic Noise Impact Assessment by Arup dated June 2023;
- Hopetoun Park North Servicing Review by Millar Merrigan dated September 2021;
- Residential Interface Impacts Assessment by Phillips Agribusiness dated March 2023 with accompanying correspondence dated May 2023;
- EIIA advice from CK Prowse and Associates Pty Ltd dated March 2020.

2. Subject Site and Surrounds

The subject land includes three different properties located to the west of Hopetoun Park Road. Figure 1, below, shows these properties.



Source: Millar Merrigan

Figure 1: Subject Land

As discussed further in 'Background' at Section 3, due to the original proposal including land on the east side of Hopetoun Park Road, the property numbering for the original rezoning request extended across all of the land parcels. It is for this reason that the land that now forms part of the rezoning is shown as comprising Properties 1, 2 and 9, with no properties 3 to 8, as these were part of the larger area originally proposed to be rezoned. Table 1, following, outlines the address details for each property.

Table 1: Property Details

Property No.	Address and Title Details
1	124 Hopetoun Park Road comprising: Lot 2 PS604556J; Lot 2 TP604721H; Lot 3 TP604721H
2	150 Hopetoun Park Road: Lot 1 PS604556J
9	Cowans Road comprising the eastern portion of lots: Lot 1 TP681605Y; Lot 1 TP749719H; Lot 1 TP414231K; TP303309S

The subject land has an overall site area of approximately 62 hectares. The proponent for this amendment, BMPG, has an interest in approximately 58 hectares which is shown as Property 1 in

Figure 1 on the previous page. It should be noted that not the entirety of Properties 1 and 9 are to be rezoned, as the western boundary for the rezoning is proposed to be at the top of the escarpment. This western boundary line is discussed further in Section 6.

The land has historically been used for agricultural land uses, primarily cropping. In terms of vegetation, the majority of the subject site is occupied by wheat crops on Property 1, with two residences occurring in conjunction with an area of Grey Box woodland in the east of the properties. Native vegetation in the north west growth precinct comprises Grey Box woodland (2.6 hectares) in the east of properties 1 and 2 and on the adjoining Hopetoun Park Road reserve, shrubland on the rocky escarpment in the west, and small patches of native grassland and shrubland in Property 9. The flora and fauna assessment work undertaken for the precinct is discussed further in Section 5.4 of this report.

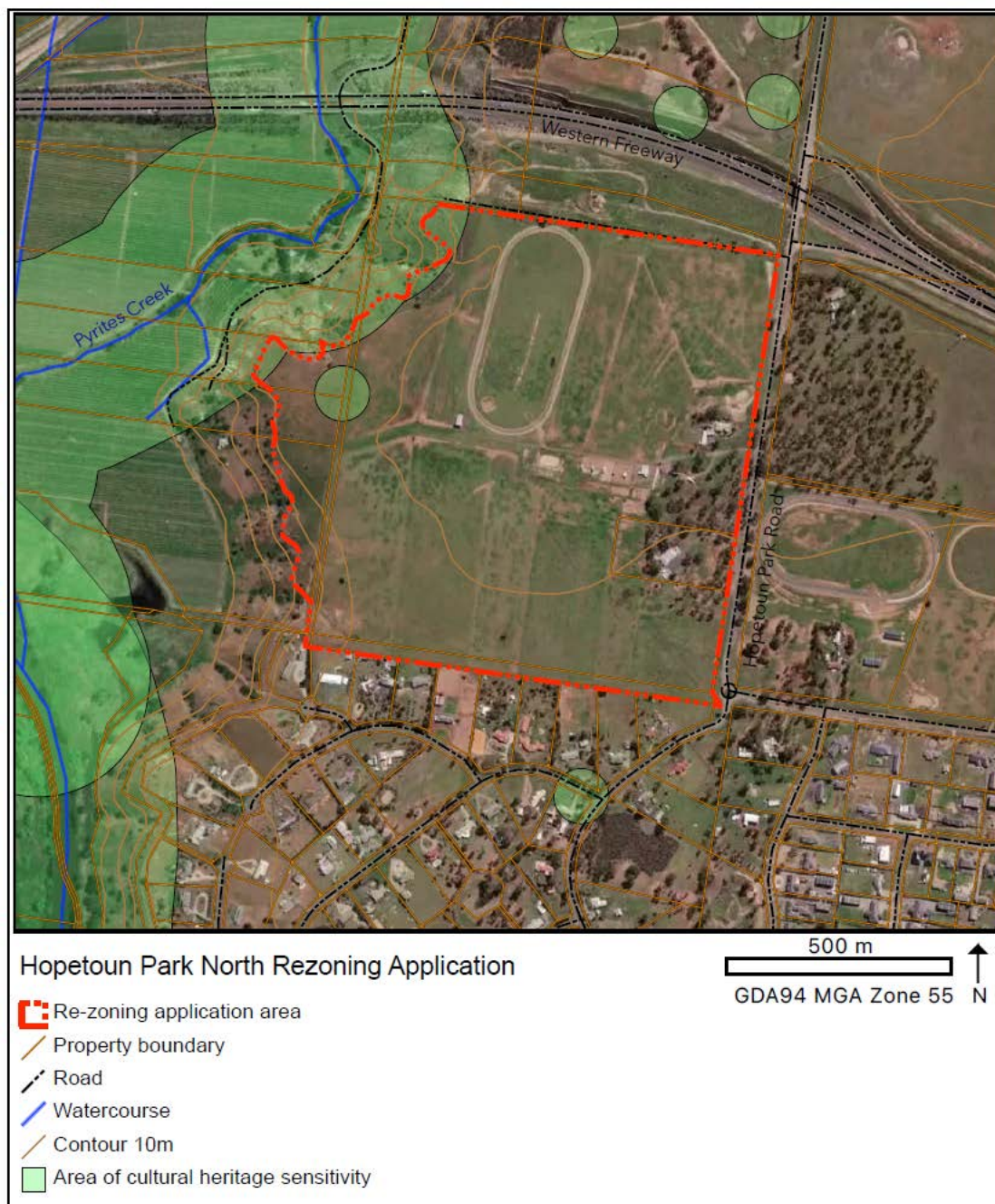
As shown in Figure 2 on the following page, the north west corner of the subject land, is located within an area of Aboriginal Cultural Heritage Sensitivity as a result of the land being located within 200 metres of a named waterway. There is also one registered heritage place within the subject land as follows.

- VAHR 7822-1099, located just west of the western boundary of 124 Hopetoun Park Road, centrally along that boundary. The site is registered as a low density stone artefact site with two stone artefacts recorded in 2014.

A Cultural Heritage Management Plan (CHMP) is not required for this current rezoning process as confirmed in advice by Clarkeology, discussed further at Section 5.7. However, a CHMP will be required prior to a planning permit being issued for the subdivision of those areas of the north western growth precinct.

Land in proximity to the subject site comprises the following.

- To the north, is the Western Freeway which connects to Melbourne to the east and Bacchus Marsh to the west. Beyond the freeway is land used for farming purposes, which extends north some 500 metres to the Old Western Highway.
- To the east, is the eastern portion of the growth precinct, as designated in the UGF. This land extends from Hopetoun Park Road, east to the Djerrriwarrh Creek which runs in a north south direction and flows into Melton Reservoir which is located to the south east. This land area is currently used for a mix of low density residential as well as farming purposes and includes areas of native vegetation.
- Further east, beyond the Djerrriwarrh Creek, is land in the City of Melton used for rural living and farming purposes (zoned Rural Conservation Zone and Green Wedge A Zone).
- To the west is the escarpment which drops to the Pyrites Creek and irrigated agricultural land in the valley below. Land to the west is zoned FZ.
- To the south is the established low density residential area of Hopetoun Park which is included in the Low Density Residential Zone (LDRZ). The area comprises 264 dwellings located on lots ranging in area from 4,000 to 13,000 square metres. The character of this area has been carefully considered in the preparation of this rezoning proposal, as discussed further in Section 5. It is noted that, aside from some areas of public open space, there are no other community facilities (either recreational or social) in the existing residential area.



Source: Clarkeology

Figure 2: Areas of Aboriginal Cultural Heritage Sensitivity

On the following pages are some photographs showing the subject site.

Photograph 1: View looking west across Property 1 towards the escarpment



Photograph 2: View looking south west from Hopetoun Park Road across Property 1



Image capture: July 2023 © 2023 Google

Photograph 3: View looking south west from Hopetoun Park Road towards the dwelling on Property 1 and the adjoining woodland area



Image capture: July 2023 © 2023 Google

Photograph 4: View looking north west across Property 1 from the Hopetoun Park Road roundabout



Image capture: July 2023 © 2023 Google

Photograph 5: View looking north west across the woodland area on Property 1 from Hopetoun Park Road



Image capture: July 2023 © 2023 Google

3. Background

The Bacchus Marsh UGF (the UGF) was implemented into the Planning Scheme in 2018 via Amendment C81, following an Independent Panel Hearing. As discussed further in Section 4, the UGF includes Hopetoun Park North as a growth precinct for further investigation and the growth precinct includes land to both the east and west of Hopetoun Park Road.

Following the gazettal of Amendment C81, BMPG commenced work on the variety of background studies required to be undertaken to support a rezoning request. It was BMPG's intent to apply for a rezoning of the land on the western side of Hopetoun Park Road only (approximately half of the growth area), as it did not have control over any of the land on the eastern side. Thus the ability to obtain access to do site survey work as well as make decisions about any findings of the site survey work would be extremely challenging.

However, both Council and (then) DELWP directed that the whole of the growth precinct as shown in the UGF should be considered as part of one rezoning and so advised that for the rezoning to proceed BMPG would need to undertake studies for the whole of the growth precinct, not just the western portion.

As a result of this direction BMPG prepared a range of specialist reports that addressed the whole of the growth precinct. These included detailed ecological assessments a traffic impact assessment, a community and infrastructure needs assessments and a stormwater management strategy – to name just a few. As agreed with Council these reports were prepared on the basis of the whole growth precinct yielding in the order of 850 lots when fully developed (450 in the eastern precinct and 400 in the western) and resulting in an additional population in the order of 2550 people.

An amendment request with a full suite of supporting documents was lodged in September 2021. BMPG subsequently received further information requests from Council dated 29 July 2022 and 4 November 2022, as well as feedback from a range of referral authorities. This included the (then) DELWP Planning in relation to planning matters (dated 14 November 2022) and DELWP environment in relation to ecological matters (dated 6 October 2022).

During this time, there were also on-going discussions with Council about a range of matters, including in relation to the community and infrastructure needs of the whole precinct and how best to manage these given the fragmented ownership of the land parcels in the eastern precinct in particular.

Whilst there were a range of matters where Council and/or referral authorities sought greater clarification/additional information in relation to specialist reports and issues, a key request that emerged from both Council and DELWP Environment was to undertake additional ecological survey work, particularly for the north eastern precinct as there had been more limited survey work undertaken there for the reasons outlined above in relation to access and ownership.

The additional survey work was undertaken between October 2022 and January 2023. It is noted that not all of the north eastern precinct was surveyed as access was not granted in some instances. However, the outcomes of the survey work for those properties that were surveyed suggested that the precinct included some significant areas of ecological importance. This would likely limit the extent to which the area could be developed and could potentially result in the need for referrals to be undertaken pursuant to the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act).

The findings of these surveys were discussed with Council. As a result of these findings, and Council's ongoing concerns about how best to deal with the fragmented ownership issues and infrastructure provision of the north eastern precinct, Council confirmed that the amendment should proceed with the rezoning of the north western precinct only. This would give Council and the landowners in the eastern precinct time to give further consideration to the implications of the ecological work and whether there was still potential for the north eastern precinct to be developed in some form.

As a result of the rezoning now only applying to the western precinct, this changed a range of matters that needed to then be addressed in updated specialist reports given the changed land area and the resultant change in anticipated lot yield and population.

When updating reports, it was subsequently agreed in discussions with Council that it would be prudent to make an 'allowance' that some development might occur in the future in the north eastern precinct, albeit not at the density anticipated as part of this original amendment request. This was proposed to help 'future proof' any planning for infrastructure to accommodate potential future demand from the north eastern precinct if or when it is rezoned.

Accordingly, an 'allowance' of 200 lots for the north eastern precinct (thus 600 lots in total including the north precinct also) with an anticipated population of 600 people (thus 1800 people in total including the north western precinct), has been factored into the range of updated specialist reports.

4. Moorabool Planning Scheme

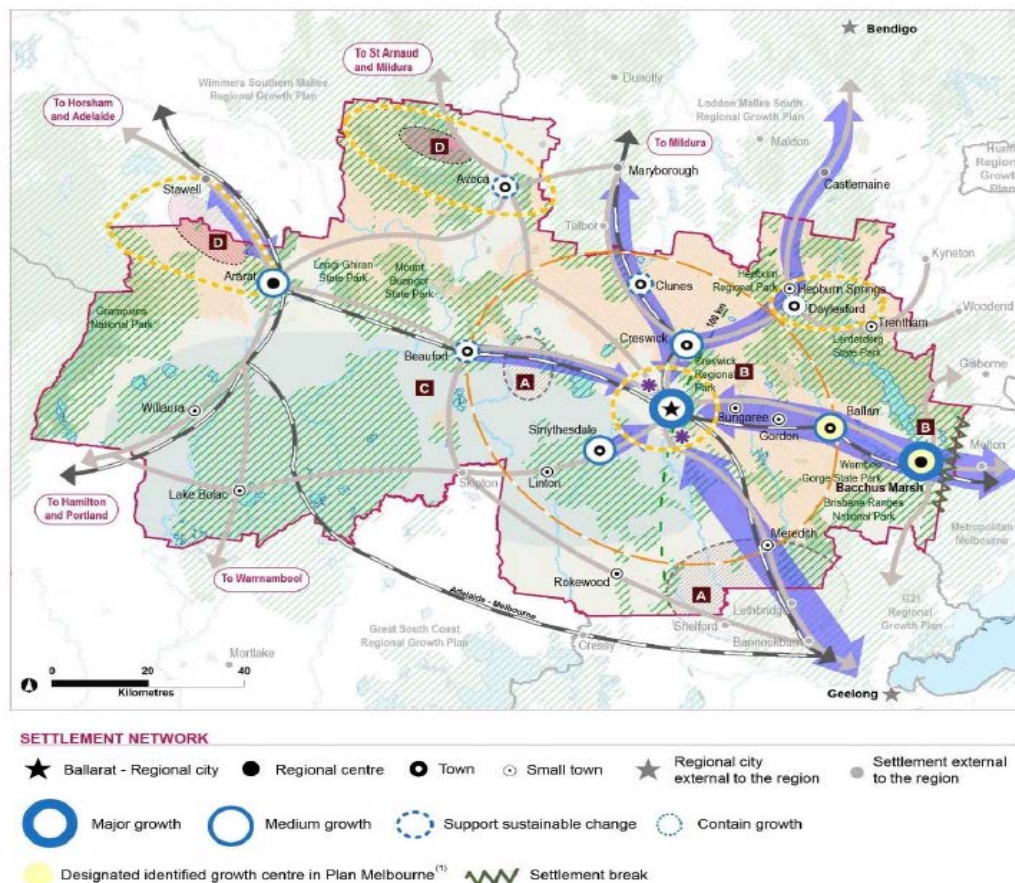
The section outlines the existing planning provisions contained within the Planning Scheme that are of relevance to the proposed rezoning.

4.1 Planning Policy Framework

The Planning Policy Framework (PPF) of the Scheme seeks to ensure that land use and development planning policies in Victoria meet the objectives of planning in Victoria as set out in the *Planning and Environment Act 1987*.

Clause 11.01-1S provides specific objectives and strategies relating to 'Settlement' and recognises that planning is to *'promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements'* including through supporting sustainable development in listed regional centres, one of which is Bacchus Marsh. Included at this clause is the Victoria Settlement Framework which identifies Bacchus Marsh as a regional centre. Both Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017) and Plan Melbourne 2017-2050: Addendum 2019 (Department of Environment, Land, Water and Planning, 2019) are also policy documents listed at this clause.

Clause 11.01-1R Settlement – Central Highlands identifies Bacchus Marsh as one of two regional centres in the region. The map identifies Bacchus Marsh as being the focus of 'major growth' (refer Figure 3 below).



Source: DTP

Figure 3: Central Highlands Regional Growth Plan (extract)

Clause 11.01-1L-01 'Settlement in Moorabool' includes as a strategy to direct the majority of population growth to Bacchus Marsh with supporting growth in Ballan.

Clause 11.01-1L-02 relates specifically to Bacchus Marsh and relates to land identified in the Bacchus Marsh UDF. There are a range of strategies in this clause including:

- *'Encourage residential growth including community facilities/amenities within Hopetoun Park where it would. facilitate improved connectivity between Hopetoun Park and the Western Freeway, to and from the west.*
- *Protect the Bacchus Marsh irrigated horticultural land from residential encroachment and encourage appropriate interface treatments (such as through a transition in densities, separation and landscaping) in development abutting these areas'.*

Included at this clause is the Bacchus Marsh Residential Settlement Framework Plan, shown at Figure 4 on the following page, which is also the same plan as the Urban Growth Framework Plan in the UGF. The UGF is also included as a policy document at this Clause, as is Housing Bacchus Marsh to 2041 (Mesh, 2018) and Council's Community Infrastructure Framework (Moorabool Shire Council).

Clause 11.02-1S 'Supply of urban Land' seeks to 'ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses'. Relevant strategies identified to achieve this objective include the following.

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

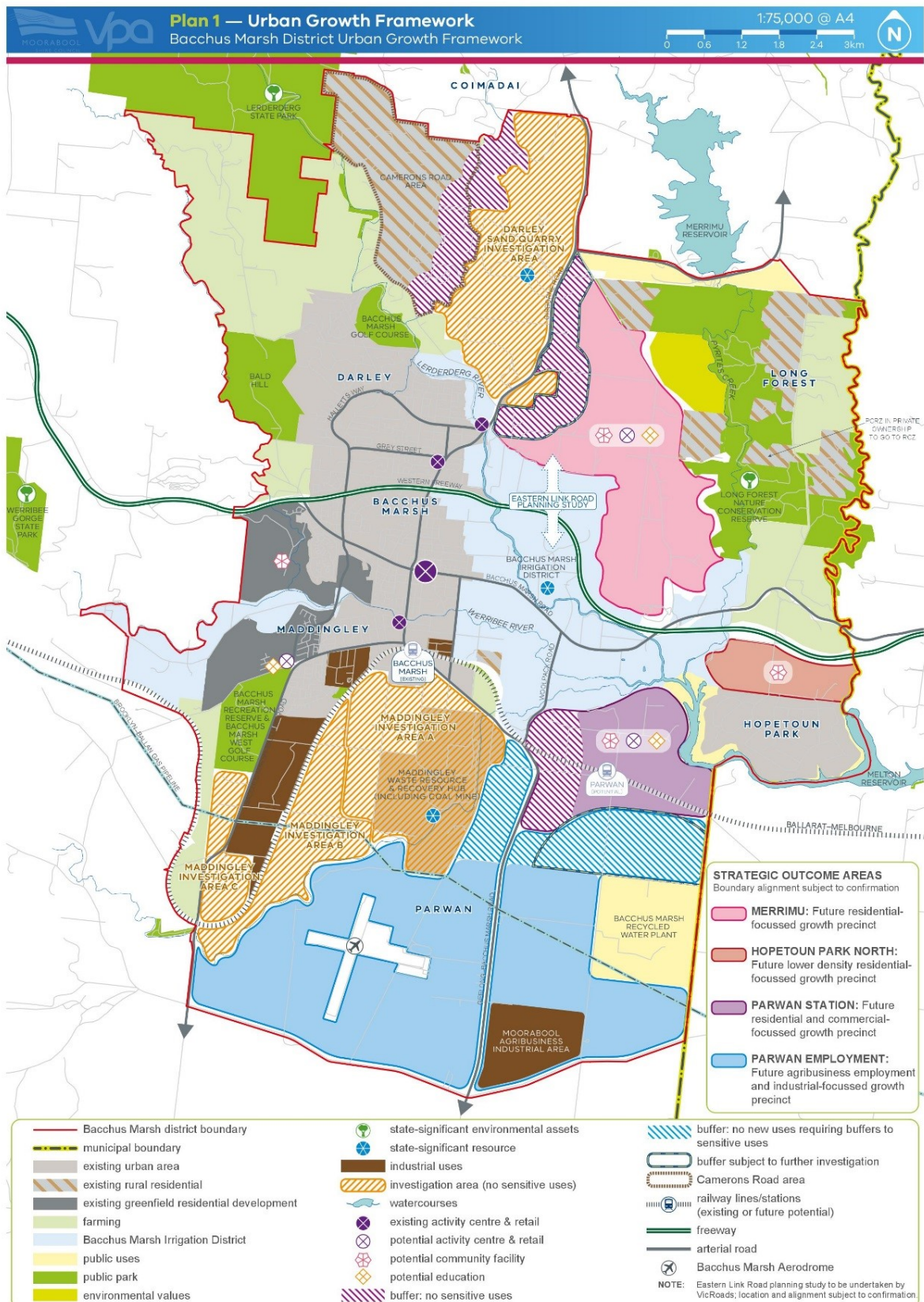
Clause 11.02-2S 'Structure planning' seeks to ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Clause 11.02-2L 'Structure planning in Moorabool' includes as a strategy to manage urban growth through Development Plans or Precinct Structure Plans and the implementation of Development Contributions Plans where appropriate.

Clause 11.02-3S 'Sequencing of development' includes as its objective to manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

Clause 11.03-3S 'Peri-urban areas' includes as a strategy to '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'. Other relevant strategies include:

- *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.*



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Figure 4: Bacchus Marsh Residential Settlement Framework Plan

Clause 12.01-1S relates to 'Protection of biodiversity' and seeks to protect and conserve Victoria's biodiversity including through ensuring that decision making takes into account the impacts of land use and development on Victoria's biodiversity including consideration of: cumulative impacts; fragmentation of habitat; the spread of pest plants, animals and pathogens into natural ecosystems.

Clause 12.01-1L 'Biodiversity' highlights the importance of maintaining, protecting and enhancing the biodiversity values of roadsides as well as retaining native vegetation and minimising topsoil disturbance more broadly.

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 12.05-2S 'Landscapes' identifies the importance of ensuring natural features are protected and enhanced and that development does not detract from the natural qualities of significant landscape areas.

Clause 12.05-2R relates to 'Landscapes - Central Highlands' and identifies the need to provide clear urban boundaries and maintain distinctive breaks and open rural landscapes between settlements.

Clause 12.05-2L 'Landscapes in Moorabool' includes as a strategy the need to design development on hilltops and ridgelines to minimise visual impacts on the landscape.

Clause 13.6-1S relates to 'Natural Hazards and Climate Change' and seeks to minimise impacts to climate change through risk-based planning.

Clause 13.02-1S 'Bushfire Planning' includes as an objective *'to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life'*.

Strategies supporting this objective are grouped under the headings of: 'Protection of human life', 'Bushfire hazard identification and assessment', 'Settlement planning', 'Areas of biodiversity conservation value' and 'Use and development control in a Bushfire Prone Area'.

Relevant strategies of 'Settlement Planning' include the following.

- *'Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*
- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be better protected from the effects of bushfire.*
- *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.*
- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.*
- *Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.*
- *Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.*
- *Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that*

has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018)'.

The clause also addresses areas of biodiversity conservation value and directs that settlement growth and development approvals should seek to implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

Clause 13.04-1S 'Contaminated and potentially contaminated land' seeks to ensure that contaminated or potentially contaminated land is or will be suitable for a proposed use, prior to the commencement of any use or development. Included as a policy document to this clause is *Ministerial Direction No. 1 – Potentially Contaminated Land*.

Clause 13.04-2S Erosion and landslip seeks to protect areas prone to erosion, landslip or other degradation processes.

Clause 13.05-1S 'Noise abatement' seeks to ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.

Clause 13.07-1S relates to 'Land use compatibility' and seeks to ensure that the use or development of land is compatible with adjoining or nearby land uses.

Clause 14.01-1S 'Protection of agricultural land' seeks to Protect strategically important agricultural and primary production land from incompatible uses.

Clause 14.02-1S relates to 'Catchment planning and management' and seeks to, amongst a range of strategies, undertake measures to minimise the quantity and retard the flow of stormwater from developed areas and to encourage the filtering of sediments and waste from stormwater prior to its discharge into waterways.

Clause 14.02-2S relates to 'Water quality' and seeks to ensure that land use activities are sited and designed to minimise the discharge of contaminated runoff or wastes to waterways.

Clause 14.03-1S 'Resource exploitation and extraction' seeks to (amongst a range of matters) protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.

Clause 15.01-1S 'Urban design' seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-1L 'Urban design' includes as a strategy *'avoid the emergence of a typical suburban character in greenfield areas by:*

- *'incorporating larger lots to offset small lot development;*
- *providing widened road reserves with provision for enhanced street tree plantings;*
- *other design based initiatives'.*

Clause 15.01-3S 'Subdivision design' seeks to *'ensure that the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods'* and includes a series of strategies to support this objective.

Clause 15.01-4S relates to 'Healthy neighbourhoods' and seeks to ensure that neighbourhoods foster healthy and active living and community well-being.

Clause 15.01-5S relates to 'Neighbourhood character' and includes as a strategy to *'ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*

- *pattern of local urban structure and subdivision;*

- *underlying natural landscape character and significant vegetation;*
- *neighbourhood character values and built form that reflect community identity’.*

Clause 15.01-5L ‘Landscape and neighbourhood character’ lists a range of strategies including the following:

- *‘Encourage development in growth areas to respect its landscape setting.*
- *Encourage development that protects the visual, aesthetic and environmental values of scenic hilltops, escarpments, ridgelines and areas of visual prominence including views from the Bacchus Marsh valley and other areas.*
- *Ensure that development is sited, designed and constructed to blend with significant landscape elements, native vegetation and rural settings.*
- *Ensure that housing design allows space for tree plantings and enhances the existing landscape as a priority on both public and private land’.*

Clause 15.03-2S ‘Aboriginal cultural heritage’ seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Clause 16.01-1S ‘Housing supply’ seeks to facilitate well-located, integrated and diverse housing that meets community needs.

Clause 16.01-1L ‘Housing supply in Moorabool’ seeks to encourage a combination of greenfield and infill opportunities.

Clause 17.02-1S ‘Business’ seeks, amongst a range of strategies, to provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

Clause 18.01-1S ‘Land use and transport integration’ aims to facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.

Clause 18.01-3S ‘Sustainable and safe transport’ includes as a strategy to design new suburbs to respond to the safety, health and well being of all road users and design development to promote walking cycling and the use of public transport to minimise car dependency.

Clause 18.02-4L ‘Road system’ seeks to provide connected, integrated and multi-modal transport networks within urban growth precincts and between urban growth precincts and the urban areas of Bacchus Marsh, Darley and Maddingley. Included as a policy document to this clause is the Bacchus Marsh Integrated Transport Strategy (Moorabool Shire Council, 2015).

Clause 19.02-2S ‘Education facilities’ includes as a strategy to ‘*consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities’.*

Clause 19.02-4S ‘Social and cultural infrastructure’ includes as an objective ‘*to provide fairer distribution of and access to social and cultural infrastructure’.*

Clause 19.02-6S ‘Open space’ seeks to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.

Clause 19.02-6L ‘Open space in Moorabool’ includes as strategies:

- *‘Facilitate pedestrian links that are integrated and connect with existing foot paths.*
- *Co-locate community facilities and open space areas to maximise access, surveillance and safety.*

- *Design open space areas and recreation facilities to be safe and easily maintained.*
- *Facilitate functional open space networks that connect waterways, State parks/reserves and growth precincts at Parwan Station, Merrimu and Hopetoun Park North'.*

Clause 19.03-1S 'Development and infrastructure contributions plans' identifies the need to facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.

Clause 19.03-2S relates to 'Infrastructure design and provision' and seeks to provide an integrated approach to the planning and engineering design of new subdivision and development. \

Clause 19.03-2L 'Infrastructure design and provision' seeks to encourage a clear and consistent approach to the planning, design and construction of infrastructure across the municipality. Included as a policy document to this clause is the Infrastructure Design Manual (Local Government Infrastructure Design Association, 2020 or as amended).

Clause 19.03-3S 'Integrated water management' includes as an objective to '*sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach*'. Included as a strategy to this clause is to '*plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:*

- *take into account the catchment context;*
- *protect downstream environments, waterways and bays;*
- *manage and use potable water efficiently;*
- *reduce pressure on Victoria's drinking water supplies;*
- *minimise drainage, water or wastewater infrastructure and operational costs;*
- *minimise flood risks;*
- *provide urban environments that are more resilient to the effects of climate change'.*

Clause 19.03-3L 'Integrated Water Management' highlights, amongst a range of matters, the need to incorporate best practice water sensitive urban design into all development.

4.2 Municipal Planning Strategy

The Municipal Planning Strategy (MPS) includes at **Clause 02.03** the Strategic Directions for Moorabool Shire.

Clause 02.03-1 relates to 'Settlement' and relevant directions include the following.

- *Direct the majority of growth to Bacchus Marsh and Ballan.*
- *Provide for growth consistent with the Bacchus Marsh Urban Growth Framework.*
- *Accommodate residential growth within: the existing settlement boundary of Bacchus Marsh; Merrimu, Parwan Station and Hopetoun Park.*

Clause 02.03-2 relates to 'Environmental and landscape values'. Amongst a range of matters, this clause seeks to maintain and enhance the natural environment and the Shire's rural identity and character and to positively enhance biodiversity in the Shire.

Clause 02.03-3 'Environmental risks and amenity' seeks to minimise bushfire damage and flood risk.

Clause 02.03-4 'Natural resource management' seeks to protect good quality agricultural land and support the Bacchus Marsh Irrigation District (the BMID).

Clause 02.03-5 relates to 'Built environment and heritage' and seeks to encourage residential development that enhances liveability and contributes to the creation of healthy and active neighbourhoods. Whilst also ensuring that development respects the existing character, landscape setting and amenity of the local area.

Clause 02.03-6 'Housing' seeks to improve the diversity of housing stock within the municipality.

Clause 02.03-8 'Transport', seeks amongst a range of matters, seeks to facilitate a high quality, sustainable and connected transport network within Moorabool Shire.

Clause 02.03-9 'Infrastructure' has a range of directions including to provide equitable and integrated open space and recreation facilities.

4.3 Zoning

The subject site is currently included in the Farming Zone, refer Figure 5 below (noting that it is the BMPG land that is highlighted).

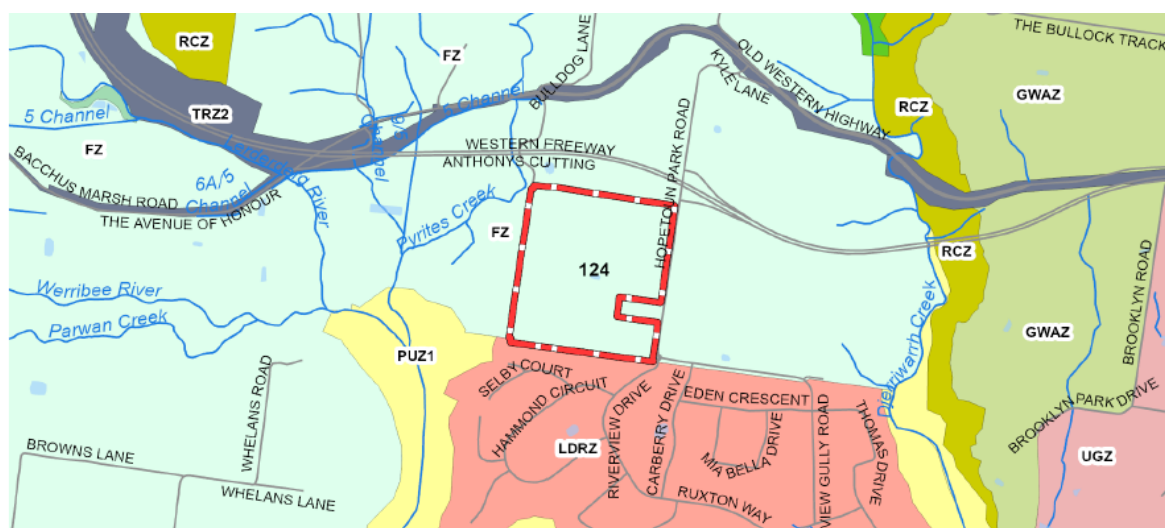


Figure 5: Existing Zoning Map

Source: DTP

The purpose of the zone is:

- 'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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’.

Pursuant to **Clause 35.03-3**, a permit is required for subdivision. Under the provisions of the FZ in this location, the minimum permissible lot size for subdivision is 100 hectares, with the exception of Property 9, refer Figure 1, which has a minimum lot size of 15 hectares.

4.4 Overlay Controls

Parts of the north west growth precinct are currently affected by the following overlay controls (again noting that it is the BMPG land that is highlighted) as outlined below.

- DDO2 (Visual Amenity and Building Design);

This overlay extends across the whole of the subject land as well as land to the north, east and west. Pursuant to DDO2, a permit is required for buildings and works only where external walls and roof areas are clad with reflective materials. If non-reflective materials are used then no permit is required.

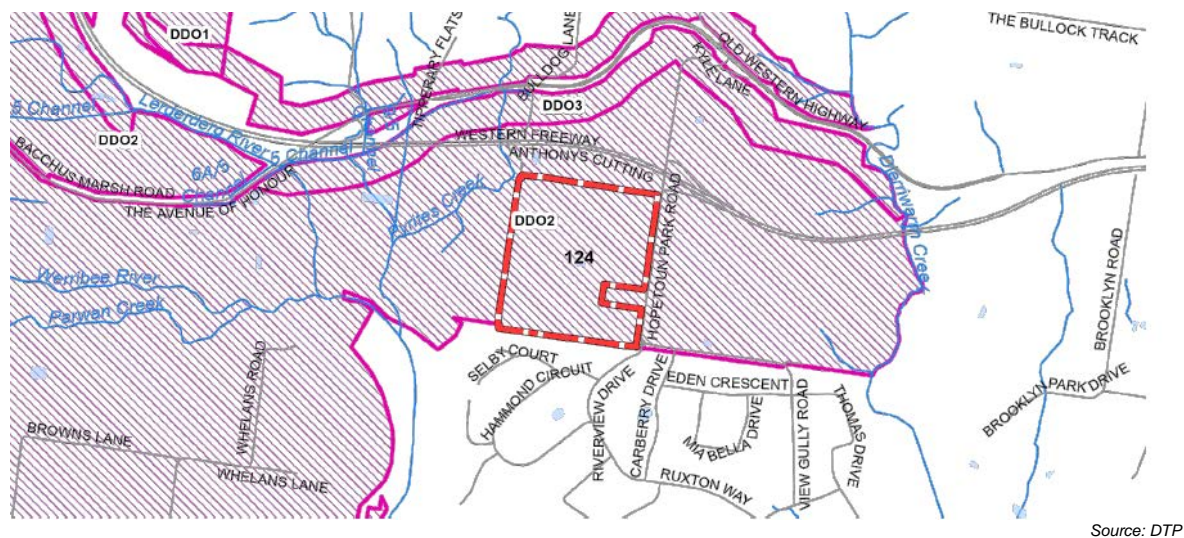


Figure 6: DDO2 map extract

- Environmental Significance Overlay Schedule 8 (River Red Gums in the Bacchus Marsh Valley (ESO8);

ESO8 applies to the north west corner of the BMPG land, but sits just outside the area proposed to be rezoned. This overlay requires a planning permit to: construct a building or carry out works within the tree protection zone of a River Red Gum; construct bicycle pathways and trails; subdivide land; and remove, destroy or lop River Red Gums. It is noted that ESO3 (Long Forest and Werribee Gorge) (ESO3) applies to land to the north of the subject site but does not affect the site itself. Refer Figure 7 on the following page.

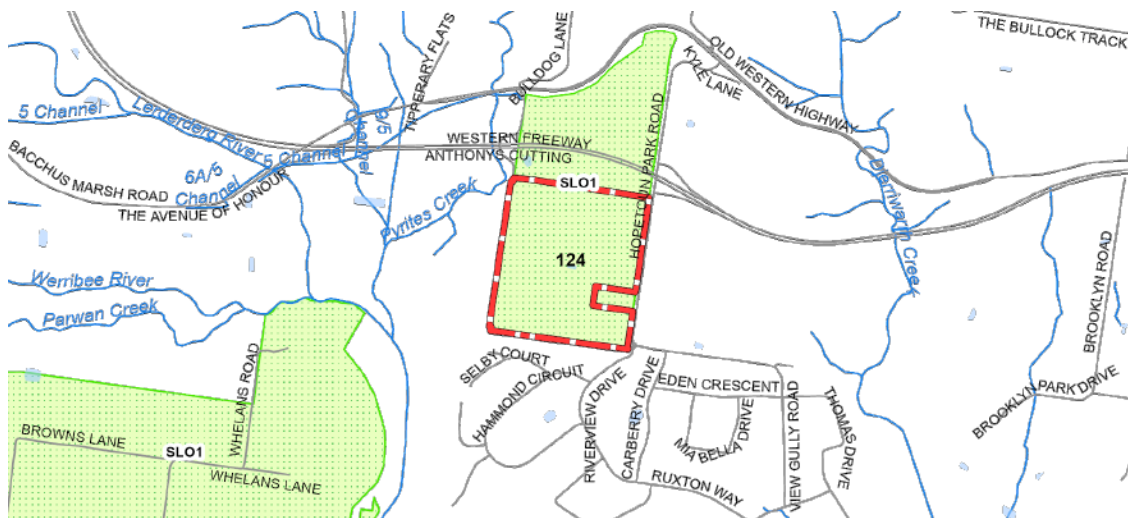


Source: DELWP

Figure 7: ESO map extract

- Significant Landscape Overlay Schedule 1 (Scenic Hilltops and Ridge Line Area (SLO1);

This overlay control applies to most (but not all) of the subject site, comprising Properties 1 and 2, and requires a planning permit to construct a building or construct or carry out works. The SLO then extends north, beyond Anthony's cutting. SLO1 also appears to seek to require a permit for vegetation removal however the wording of the Schedule means that there does not appear to be an actual 'trigger' for a vegetation removal permit.



Source: DELWP

Figure 8: SLO1 map extract

4.5 General and Particular Provisions

The following particular and general provisions have been taken into consideration as part of this proposed rezoning. It is noted that **Clauses 52.01** and **56** will become more relevant in the later planning stages associated with the Development Plan approval and subdivision permits.

- **Clause 52.09** – 'Extractive Industry and Extractive Industry Interest Areas';
- **Clause 56** – 'Residential Subdivision';
- **Clause 53.01** – 'Public Open Space Contribution and Subdivision'.

4.6 Bacchus Marsh Urban Growth Framework Plan, August 2018

The Bacchus Marsh Urban Growth Framework Plan (the UGF) is the key policy document that underpins Council's urban growth strategy for Bacchus Marsh as outlined at **Clause 11.01-1L-02** of the PPF and discussed in Section 4.1.

The UGF identifies Hopetoun Park as one of four 'Strategic Outcome Areas' and identifies that Hopetoun Park is likely to accommodate between 1,900 - 3,200 people (700 - 1,100 households).

The document notes that the Hopetoun Parks growth precinct has the potential to accommodate a local activity centre and community facilities and that areas, such as the escarpments at Hopetoun Park, need to be preserved, with significant vistas protected.

Section 9 of the Framework Plan relates specifically to the four 'strategic outcome' areas and identifies pre-conditions, principles and planning considerations for each area. In the case of Hopetoun Park North, it notes that the timing of the growth precinct is not dependent on sequencing within the broader Bacchus Marsh area and that the three 'pre-conditions' for development are as follows:

- Integrated infrastructure delivery framework;
- District Open Space Framework; and
- Bacchus Marsh Irrigation District Planning Study.

These various 'preconditions' have all either been completed or significantly advanced and so accordingly Council advised it was satisfied this planning scheme amendment request could proceed.

The UGF includes nine planning principles for Hopetoun Park North, as follows.

- *'Plan for a small town expansion integrated with the established neighbourhood that provides new local-level community infrastructure.*
- *Consider opportunities to improve road connectivity with the Western Freeway to and from the west, and with the Old Western Highway from Hopetoun Park Road.*
- *Identify and define the existing character of Hopetoun Park and establish principles for a preferred character.*
- *Ensure that development is set back from the top of the escarpment, to minimise impacts on landscape based on appropriate landscape sensitivity analysis as well as to limit interface issues with agricultural land use (i.e. to avoid land use conflict).*
- *Ensure protection and appropriate management of any significant habitat values.*
- *Identify new public open space networks (incorporating environmental values/features, biolinks and cycling/walking trail networks), and show how these integrate with existing/ proposed networks beyond the precinct.*
- *Respond to bushfire risk by undertaking a detailed assessment of bushfire risk, in Bushfire Prone Areas and Bushfire Management Overlay areas, in accordance with State Planning Policy Framework Clause 13.05.*
- *Provide for sustainable water management in accordance with an Integrated Water Management Plan.*

- *Undertake, as part of a land capability study, an assessment of land that has an interface with the Bacchus Marsh Irrigation District (BMID) to determine if there are any potential impacts on land within strategic outcome areas associated with the ongoing operations within the BMID, and likewise the impact of this future development on land within the BMID’.*

All of these principles have been taken into account in the preparation of this rezoning request and (where relevant) in the preparation of the draft controls and Concept Plan, as discussed further in Sections 6 and 7.

The planning considerations section outlines five matters for consideration as part of any rezoning, as follows.

- *‘Consider applying the Low Density Residential Zone to the periphery of the precinct, at the interface with the existing LDRZ and the surrounding rural landscape and freeway;*
- *Consider applying the Neighbourhood Residential Zone to the inner core of the precinct, in order to support a small activity centre or community facilities.*
- *Ensure that development is set back from the top of the escarpment, to minimise landscape and environmental impacts.*
- *Investigate the extractive industry potential of the sand and gravel resources located within Extractive Industry Interest Area 884023 to the north of the Western Freeway, in consultation with the Resources Division of DEDJTR, and establish an appropriate non sensitive use buffer to protect the resources.*
- *Consider interfaces with environmental assets such as Djerriwarrh Creek and BMID, to protect and enhance biodiversity values and agricultural land uses, and to achieve attractive development for local residents’.*

In addition to the above, the UGF also identifies that the eastern and western edges of the broader growth precinct should be defined by the escarpments, with perimeter roads and bicycle/pedestrian trails adjacent to the top edge, and with building envelope limits to manage gateway views when arriving in Bacchus Marsh. The need to define the northern edge of the precinct with the Western Freeway is also identified through the use of building envelope limits to manage views from the Western Freeway and Avenue of Honour.

All of these matters have also been considered as part of the amendment and are addressed further in Sections 6 and 7.

4.7 Other Strategic Documents

There are a number of other strategic documents of relevance to this rezoning request. These include the following.

- *Plan Melbourne 2017-2050: Metropolitan Planning Strategy (DELWP 2017) and Addendum 2019 (DELWP 2019) are policy documents in the Planning Scheme and the key strategic documents for guiding growth in the Melbourne metropolitan area. Plan Melbourne includes reference to Bacchus Marsh as an important peri-urban town that has capacity for more housing and employment-generating development without impacting on the economic and environmental roles that surround it. Plan Melbourne also highlights the importance of 20 minute neighbourhoods, outlining the five hallmarks of such neighbourhoods which includes: being safe, accessible and well connected for pedestrians and cyclists to optimise active transport; offering high-quality public realm and open space; providing services and destinations that support local living; facilitating access to quality public transport that connects people to jobs and higher-order services; delivering housing/population at densities that make local services and transport viable; facilitating thriving local economies.*
- *Central Highlands Regional Growth Plan (DTPLI May 2014).* The Plan is a policy document in the Planning Scheme and takes a 30-year strategic view of future planning for the region, taking

into consideration a range of land uses including agriculture, tourism, environmental assets, commercial and residential. In relation to Bacchus Marsh the Plan seeks to support Bacchus Marsh as a regional centre and key growth location for the peri-urban part of the Central Highlands, whilst maintaining the character and form of Bacchus Marsh as a distinct regional settlement, separated from Melbourne's western growth corridor. It nominates Bacchus Marsh as having capacity for major growth and highlights that over time it will continue to strengthen its local employment focus to limit the need for residents to commute to Melbourne.

- *Bacchus Marsh and Ballan Open Space Strategy (Moorabool Shire Council) December 2019.* This document is one of the 'preconditions' listed in the UGF and outlines that it seeks to: define open space types; create a vision to guide the future planning and management of open space; review the existing provision of open space and identify gaps and opportunities; provide guidance for the future planning and management of open space. The Strategy lists a series of key actions including the need for the development of a Shire wide strategy that identifies key goals and objectives for open space access and use. It is important to note that whilst this document was adopted by Council on 5 February 2020, it has not been considered through any further planning process and so is not a policy document in the Planning Scheme.
- *Moorabool Shire Council Retail Strategy 2041 (Macroplan Dimasi), 2016.* The main purpose of the Strategy was to provide Council with the necessary data analysis and recommendations to inform policy direction into the future by considering retail trends, anticipated population growth, stakeholder feedback to enable the development of a retail vision and associated recommendations for retail development in the Shire. The Strategy identifies the need to focus new retail floorspace in the Bacchus Marsh town centre, as well as the potential for retail facilities outside the Bacchus Marsh Town Centre at Darley and West Maddingley. The Strategy is a policy document in the Planning Scheme. It should be noted that Council is currently preparing a new retail strategy for the Shire.
- *Housing Bacchus Marsh to 2041 (Mesh) 2018.* This document seeks to guide the future growth and development of the Shire as a whole in conjunction with an Urban Growth Strategy and a Rural Growth Strategy, and is a policy document in the Planning Scheme. The document appears to predate the UGF insofar as it doesn't refer to the three growth precincts in the UGF. However, it does provide guidance for greenfield development including an acknowledgement of the important contribution that greenfield development will make in meeting the housing and infrastructure needs of Bacchus Marsh to 2041 and the need for greenfield development to contribute to the preferred character of an area while achieving quality urban design (subdivision and built form) outcomes. Included as a strategy for greenfield development is to: *'Seek an overall density target for new development that balances housing needs, whilst maintaining a sense of place and retaining the characteristics of Bacchus Marsh that make it a unique and special place. This target is likely to be in the range of 10-15 dwellings per hectare, but may be reduced or increased as appropriate. This should include allowing some reduction to density targets where land is constrained (topography/landscape/vegetation) or where it can be demonstrated that appropriate diversity in housing forms can be delivered'.*
- *Bacchus Marsh Integrated Transport Strategy (Moorabool Shire Council) 2015.* This document is also a policy document in the Planning Scheme and outlines the key transport priorities for Bacchus Marsh to 2031. Key elements of the Strategy include the identified need for the eastern link road – which is also a key element of the transport requirements outlined in the Bacchus Marsh UDF and which is currently the subject of a planning study to identify a preferred alignment.
- *Moorabool Community Infrastructure Framework.* This framework comprises a range of documents which outline the planning policy for community infrastructure and the associated planning process and then outlines the Strategic Community Infrastructure Priorities, the Community Infrastructure Provision Standards Report and the Community Infrastructure Needs Analysis – Key Findings and Recommendations.
- *Moorabool Shire Council Community Vision 2030.* This document outlines the community's vision for the Shire in the form of five themes: connected communities, maintaining rural charm; embracing sustainability, well planned neighbourhoods and strong local economy; and outlines

areas to consider for each theme. This document is also not a policy document in the Planning Scheme.

4.8 Ministerial Directions

Ministerial Directions that have been considered as part of his amendment request include the following:

- Ministerial Direction - The Form and Content of Planning Schemes;
- Ministerial Direction 1 - Potentially Contaminated Land;
- Ministerial Direction 11 - Strategic Assessment of Amendments;
- Ministerial Direction 18 - Victorian Planning Authority Advice On Planning Scheme Amendment
- Ministerial Direction 19 - Part A: The Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health.

5. Specialist Reports – Overview of Key Findings

The following section provides an overview of the key features and findings of the consultant reports that have been prepared to inform the proposed rezoning and the accompanying draft Concept Plan.

5.1 Neighbourhood Character Assessment, Landscape and Visual Amenity and Design Guidelines; and Supplementary Report

As discussed in Section 3, BMPG has had an interest in the land at Hopetoun Park North for some time and was actively involved in the Panel Hearing associated with Amendment C81 which introduced the UGF into the Planning Scheme.

Having been involved in the Amendment C81 process, BMPG was very aware of the specific character and visual impact related issues associated with Hopetoun Park, including consideration of visual impacts to the escarpment areas on either side of the growth precinct, as outlined in planning policy and the UGF.

For this reason, it was determined that one of the first specialist reports that should be prepared to inform the rezoning was a neighbourhood character and visual impact assessment, to guide the density and form of future development within the growth area and which, in turn, would inform the anticipated lot yield, and thus anticipated future population. The anticipated population would then also guide the infrastructure that would be required to support the growth precinct.

Accordingly, a detailed study was carried out by Hansen Partnership that considered these issues and which then made recommendations on a range of siting and design matters for the future development.

The Assessment initially considered the character of the existing area of Hopetoun Park, against the backdrop of relevant State and Local policies, including the policies outlined in Section 4 of this report, that focussed on views to and from the escarpment areas, and minimising visual impacts from development.

The character elements considered included: topography; road reserves; road surface and verge treatments; road alignments; lot sizes; building types; building siting; front, side and rear fence treatments; landscaping of the private realm; and public open space.

The Assessment considered that some of these elements were of greater importance than others in determining character and highlighted the following as key elements to be translated into design guidelines to inform the design, layout and type of development in the Hopetoun Park North growth precinct: road reserves; road surface treatment; road alignment; building type; building siting; front fence treatment; landscaping private realm; and public open space.

The Assessment also considered the landscape and visual amenity of the growth precinct, including the topography, vegetation, built form and landscape character.

A visual sensitivity analysis was then undertaken that involved a viewshed definition and viewshed methodology, and design parameters were developed to test the visibility of potential future built form envelopes, considering both single and two storey dwellings. The views confirmed there would be negligible difference in visual impact between built form of either 5 metres or 7.5 metres in height, when viewed in isolation, and that both scales of buildings would be fully screened by canopy vegetation established over time. It should be noted that after the completion of the viewshed analysis, an increased width was proposed for the lineal reserve at the top of the escarpment from 10 metres to 20 metres which has the effect of moving future dwellings further away from the top of the escarpment and thus further reducing their visibility.

Following further testing and review, a range of design parameters were determined which seek to ensure that future development responds appropriately to relevant planning considerations. These design parameters were divided into:

- the eastern and western escarpment areas (with the same recommended design parameters applying to both);
- the northern interface with the Western Freeway (but with two different sets of design recommendations differentiating between where the Western Freeway sits within the cutting (the western portion of the growth precinct) and where it sits at a similar level (the eastern portion).

'Scenario testing' and analysis was undertaken and resulted in recommendations in relation to the subdivision design and layout, building siting and lot size, fencing and landscaping. The outcomes of this analysis, combined with the findings from the character assessment and visual sensitivity analysis was then used to generate Design Guidelines for the site, in relation to:

- allotment areas;
- minimum widths and depths for allotments;
- road reserve widths and treatments;
- interface and escarpment treatments;
- setbacks for future dwellings (front, side and rear);
- the height of future dwellings;
- landscape recommendations.

The recommendations were then used in formulating the draft planning controls and Concept Plan that accompany this amendment.

Given the subsequent narrowing of the rezoning to only the western precinct, in addition to the outcomes of consultation with Council and DTP in relation to various urban design matters, an addendum to the original report was prepared in April 2023.

The addendum seeks to address and provide a documented response to various issues and questions which have been raised since lodgement of the original rezoning request, as well as make necessary modifications to the development concept which have been agreed since the completion of the Hansen April, 2020 report. The addendum includes updated Design Guidelines reflecting the various changes.

5.2 Community and Recreation Infrastructure Needs Assessment

In addition to the Hansen Partnership work, another key piece of preliminary work that was undertaken by BMPG at the outset of the rezoning process was that of a Community and Recreation Infrastructure Needs Assessment.

This work was also an important part of the early work stages of the rezoning request to ensure the accurate prediction of the anticipated future population of Hopetoun Park North including overall population number and age structure, which in turn informs anticipated community and open space needs.

The original assessment was undertaken in October 2019 by Urban Enterprise and was subsequently the subject of a further review and update in May 2020, following feedback from Council, and further discussions between BMPG and Council Officers.

The May 2020 version of the report concluded that the ultimate population of Hopetoun Park is projected to be 3,411 residents comprising 861 residents within the established area and an additional 2,550 residents in the urban growth area in 850 residential lots. The population estimate was based on an expected average household size in the urban growth area of 3 persons per household. The Assessment also concluded that at full development residents of the growth area are expected to comprise 75% of the population of Hopetoun Park. Based on the anticipated population, and the expected age profile, the Assessment provided recommendations in relation to community facilities and provision for the growth precinct.

Since the issue of the 2020 Assessment further discussions occurred with Council in relation to some of the recommendations, in particular those relating to maternal and child health facilities and 3 and 4 year old kindergarten rooms as well as some additional matters including the location of any community room. As a result of those discussions, BMPG agreed to the provision of these facilities on site, rather than off-site as originally recommended by Urban Enterprise.

Table 2 below provides a summary of the Urban Enterprise recommendations from its Community and Recreation Infrastructure Needs Assessment August 2021 – noting that these recommendations related to the whole of the growth precinct (ie both north east and north west).

Table 2: Summary of Recommendations, Urban Enterprise 2021

Facility	Recommended provision
Kindergarten (3 and 4 year old)	One dual-room kindergarten to be provided within the Growth Area
Long Day Care	No facility required in Hopetoun Park (private sector to deliver)
Maternal and Child Health	A single MCH room to be provided within a combined Kindergarten and MCH facility.
Community Room	One multi-purpose community room of at least 50sqm and ancillary facilities to be provided within the Growth Area in a location that is accessible to existing and new residents, and which is age-friendly, dementia-friendly and universally accessible.
Library	No library infrastructure required in Hopetoun Park; occasional services could be provided within multi-purpose community room.
Active Open Space	One informal active open space reserve to be provided within the Hopetoun Park North Growth Area.
Netball	Hopetoun Park North Growth Area landowners to provide a financial development contribution equivalent to 50% of the cost of constructing an additional netball court within an existing facility.
Basketball	Provision of half-court basketball facilities within the Growth Area to meet informal basketball demand.
Tennis	One non-competition all weather tennis court to be provided within the Growth Area co-located with other informal active open space facilities.
Playground	1 District Playground to be provided within the Growth Area; 3 Local playgrounds to be provided within local passive open space reserves.
Stake Park / BMX	No facility triggered; however provision should be made for a suitable location adjacent to informal active open space so that landowner delivery of a small informal BMX track can be provided by Growth Area developers.
Indoor Swimming Pool	No provision or contribution to indoor swimming pools is recommended.

Source: Urban Enterprise, 2020. See relevant sections of this report for details on general scope and cost apportionment guidance.

Subsequently, the north eastern precinct of the growth area was removed from the rezoning and, as discussed in Section 3, a revised lot yield (600) and population figure (1800) was defined for the whole of the growth area. These revised figures were then used by Urban Enterprise to undertake a revised assessment and make revised recommendations for the growth area.

This review confirmed that the infrastructure requirements outlined in Table 2 remained largely the same, with the exception of the following.

- Kindergarten. If the Hopetoun Park North East precinct is not developed, then there would be a need for only a one room kindergarten facility instead of a two room facility.

- Maternal and Child Health (MCH) room. If the Hopetoun Park North East precinct is not developed then there will be reduced demand for a MCH room, although Urban Enterprise notes that one could be provided which is integrated with the kindergarten.
- Community Facility Provision. Council's preference is for a single facility that includes the kindergarten, MCH and the community room.
- Netball Court. On the basis of a 600 lot development then the required contribution for off-site netball courts reduces.

The findings and recommendations of this updated Assessment were then used to inform relevant specialist reports as well as a without prejudice 'offer' by BMPG in relation to funding of the infrastructure items. The 'offer' is discussed further in Section 5.18.

5.3 Retail Needs Assessment

A number of retail assessments were undertaken to inform the proposed rezoning and are included in support of the amendment.

The first was a Retail Needs Assessment undertaken by Urban Enterprise dated May 2020.

This report considered the anticipated retail floor space that would be required at Hopetoun Park on the basis of the anticipated population outlined as part of the Community and Open Space Needs Assessment for the whole of the growth precinct. The key findings of this Assessment were as follows.

- *'Only a small-scale local convenience food and grocery retailer (in the order of 300sqm) is expected to be supportable and viable in Hopetoun Park.'*
- *'Given the importance of supermarkets in underpinning visitation to other ancillary retailers in retail centres, is recommended that no formal 'activity centre' should be planned within the Hopetoun Park growth area.'*
- *'A relatively isolated community such as Hopetoun Park is likely to generate demand for retail goods and services that can meet local 'top-up' shopping needs and food catering such as take away food or a café.'*
- *'It is expected that both a large general store and a café could anchor a vibrant local activity node if co-located with open space and community facilities. Opportunities for other smaller retailers to co-locate in this node may emerge later in the development timeframe of the urban growth area.'*
- *'Planning for the activity node should seek a central location to maximise accessibility to local residents'.*

Council subsequently requested further consideration of the findings of that report in relation to retail floor space as it was of the view that a greater floor area could be supported.

In response to that request BMPG retained Macroplan to undertake a peer review of the Urban Enterprise assessment. The peer review was also submitted in support of the original amendment request and had the following key findings.

- *'While the proposed retail facility within the Hopetoun Park North growth area is positioned on Hopetoun Park Road, the suburbs' main connecting road to the Western Freeway to the north, passing traffic will predominantly be limited to residents of Hopetoun Park. There are also a limited number of workers in the area.'*
- *'Unlike some other rural residential communities located within proximity of a major rural town, such as Wallace and Bungaree on the outskirts of Ballarat, Hopetoun Park is unique in that local residents have access to a number of major activity centres within a short drive.'*

- *The relative proximity and ease of access to high-order retail facilities at Bacchus Marsh and Melton town centres provides Hopetoun Park residents great access to multiple full-line supermarkets, discount department stores and other retail offerings.*
- *The future population of Hopetoun Park, including the completion of development at the Hopetoun Park North, is expected to reach capacity of around 3,440 residents by 2036.*
- *Although the amount of floorspace supportable within the trade area will continue to increase as the resident population reaches capacity, Macroplan notes that it is not advised to build retail to cater for a capacity population. Retailers look at opportunities that have growth potential, and are unlikely to consider the site for a possible store if the area is about to reach its capacity population.*
- *In Macroplan's opinion, a Local Convenience Centre of around 600 sq.m GFA, comprising a small grocery store of around 300 to 450 sq.m supported by one or two retail specialties (e.g. a café and/or a hair/beauty salon) is best suited for the subject site. This view takes particularly into account the current population of the area, the planned future population of Hopetoun Park North, and the broad range of retail centre situated in the region.*
- *Given the above unique factors of the Hopetoun Park area, this scale of retail offering is consistent with the findings presented in the Moorabool Shire Retail Strategy 2041, particularly that the facility would mainly serve only the top-up food grocery and convenience retail needs of local residents, with limited business from passing trade.*
- *Macroplan's assessment in broad terms supports the conclusions made in the Retail Needs Assessment undertaken by Urban Enterprise in May 2020, in that the retail offering supportable at Hopetoun Park North is of a smaller scale centre providing the top-up grocery and convenience needs of local residents'.*

As a result of the change in lot yield and population anticipated for the whole of the growth area, Macroplan prepared a further memo in April 2023, considering the reduced population and lot yield. It found that as a result of these changes '...at around the mid-2030s (or when the MTA population reaches around 2,500 residents) up to around 540 sq.m of retail floorspace is supportable at the locality, including up to 380 sq.m of FLG floorspace (such as a small grocery store), 130 sq.m of food catering floorspace (e.g. café/take away food) and 35 sq.m of non-food floorspace (e.g. hair/beauty salon)'.

On the basis of the updated Macroplan peer review, a centrally located Local Convenience Centre of approximately 540 square metres is proposed for the north western precinct and is specified in the draft DPO schedule that has been prepared for the amendment.

5.4 Flora and Fauna Assessment

A number of ecology assessments were prepared for the original amendment request, for the whole of the growth precinct, addressing flora and fauna issues. These comprised the following:

- Hopetoun Park East Vegetation Assessment, Mark Trengrove Ecological Services, October 2020;
- Hopetoun Park West Vegetation Assessment, Mark Trengrove Ecological Services, October 2020;
- Fauna Overview Assessment, 97, 189, 219, 249 and 259 Hopetoun Park Road, and 30 Kyle Lane, Hopetoun Park North, April 2020;
- Fauna Overview Assessment Golden Sun Moth Targeted Survey and Greybox Woodland Assessment, 124 and 150 Hopetoun Park Road and Lot 1 Cowans Lane, Hopetoun Park North, July 2021.

The various flora and fauna reports were undertaken as 'overview' reports with the intent that they would provide an appropriate level of information to support the rezoning of the land and inform the preparation of a draft Concept Plan. It was expected that further ecological assessments would be required as part of future planning permit applications for subdivision where the removal of vegetation/habitat was proposed to facilitate development. This was also identified in the draft planning controls prepared in support of the original amendment request.

As outlined at Section 3, following lodgement of the request and review of the ecological reports both Council and (then) DELWP Environment requested additional ecological survey work, particularly for the north eastern precinct as there had been more limited survey work undertaken there due to access issues and fragmented ownership.

As a result of this, additional flora and fauna assessments (including Golden Sun Moth (GSM) surveys) were undertaken by Nature Advisory for both the north eastern and north western precincts. As previously noted, the rezoning of the north eastern precinct was subsequently deferred and thus it is only the findings of the flora and fauna assessment for the north western precinct that is now of relevance to this rezoning request.

The Nature Advisory Flora and Fauna Assessment, May 2023, for the north western precinct found that whilst the majority of the study area is occupied by wheat crop, the site also contained EPBC listed values comprising:

- 0.425 hectares of Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP, Critically endangered under the EPBC Act);
- 2.565 hectares of Grassy Eucalypt Woodland of the Victorian Volcanic Plain (GEWVVP, Critically endangered under the EPBC Act);
- 2.565 hectares of Grey Box (*Eucalyptus macrocarpa*) Grassy Woodlands and derived Native Grassland of South Eastern Australia (GBGW, Endangered under the EPBC Act).

In addition, the following species were also considered to have the potential to occur within the areas of native vegetation on the study area:

- Diamond Firetail (EPBC, Flora and Fauna Guarantee Act 1988 (FFG Act) Vulnerable);
- Matted Flax-lily (EPBC: Endangered; FFG Act: Critically Endangered).

The targeted GSM surveys that were undertaken did not find any individuals.

No additional targeted surveys were required as it is intended that all habitat for the EPBC Act listed communities and species will be retained.

The site was also found to contain the following FFG Act listed values:

- 0.719 hectares of Western (Basalt) Plains Grassland Community (FFG: Listed);
- Buloke (FFG: Vulnerable);
- Fragrant Saltbush (FFG: Vulnerable);
- Melbourne Yellow Gum (FFG: Endangered).

In addition, a further ten FFG Act listed species were considered to have the potential to occur within the areas of native vegetation, comprising:

- Austral Tobacco (FFG: Endangered);
- Branching Groundsel (FFG: Endangered);

- Cane Spear Grass(FFG: Endangered);
- Diamond Firetail (FFG: Endangered);
- Forked Rice-Flower(FFG: Endangered);
- Heath Spear Grass(FFG: Endangered);
- Matted Flax Lily(FFG: Endangered);
- Rye Beetle-grass(FFG: Endangered);
- Brush-tailed Phascogale(FFG: Vulnerable);
- Speckled Warbler (FFG: Endangered).

No targeted surveys were required in this instance either as it is intended that all habitat for the FFG Act listed communities and species will be retained.

As a result of the findings of the surveys, a number of design recommendations were made. These recommendations include the following.

- Retaining all existing Grey Box Trees and Grey Box Woodland areas in the east of the subject land within a reserve, ensuring development is a minimum of 15 metres from the trunks of any treed native vegetation.
- Site entrances to the proposed subdivision to avoid impacts to native vegetation recorded in the Hopetoun Park road reserve.
- Retaining a minimum 20 metres buffer adjoining the edge of the escarpment in the west of the study area as a reserve and a 5 metres buffer around retained grassland to prevent impacts to remnant vegetation.

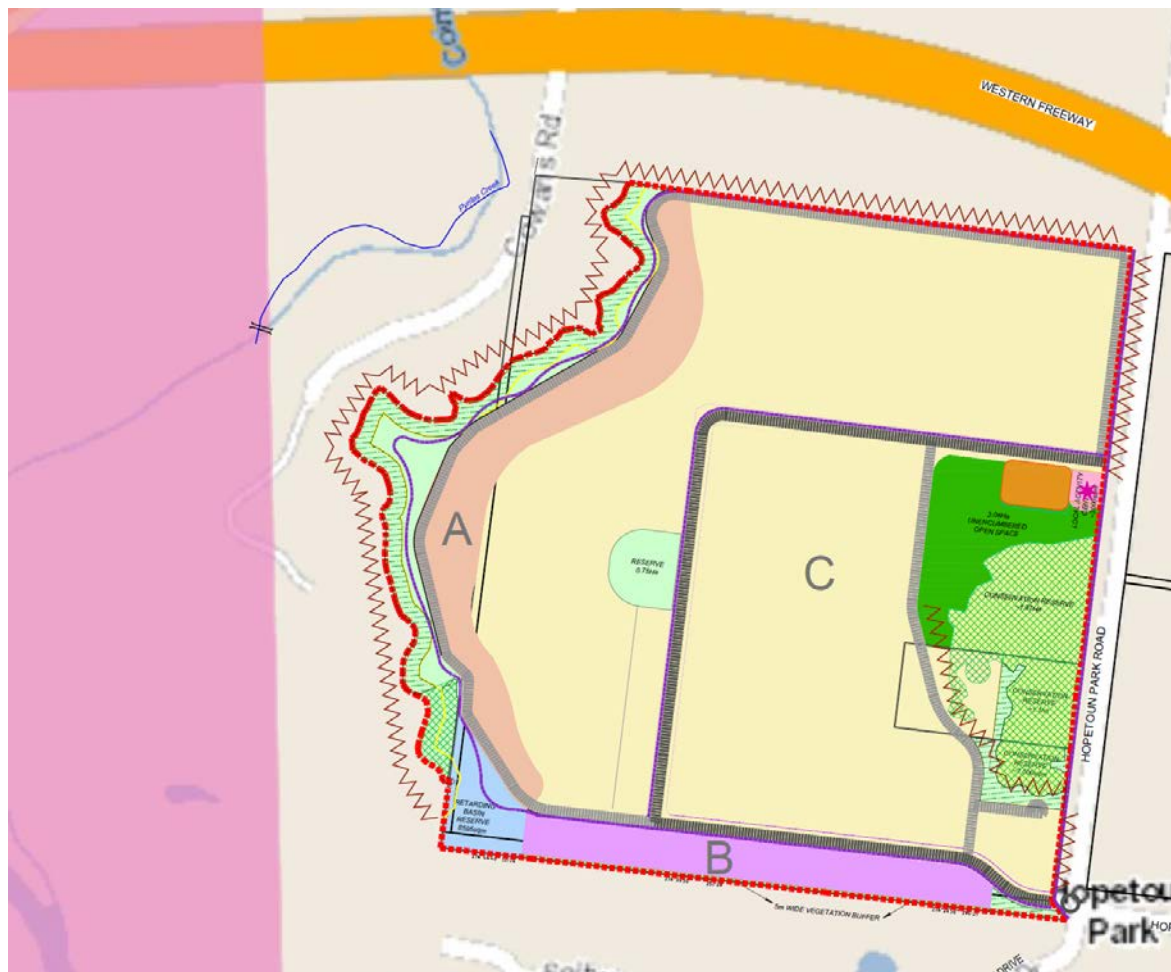
These recommendations played an integral part in the development of the draft Concept Plan for the north west growth precinct and the development of a preliminary Open Space Network Plan (discussed further in Section 5.5) with significant areas of land within the precinct proposed to be retained in conservation reserves in response to the findings and the incorporation of recommendations associated with the management of Grey Box woodland areas.

The Assessment also concludes that an EPBC referral is not required as no EPBC Act listed values are to be removed; that a protected flora permit will not be required as no FFG Act listed community or species habitat are proposed to be removed; and that a planning permit for native vegetation removal will not be required if all native vegetation is retained on the site.

Following the completion and issue of the updated Flora and Fauna Assessment to Council, there were announcements about the re-discovery of the Earless Dragon, a species of lizard thought to be almost extinct.

It is important to highlight that the Earless Dragon was considered in the Flora and Fauna Assessment, which found that there was no suitable habitat on the site for the lizard and so it was unlikely to occur (refer page 32 of the Nature Advisory report).

In addition, it can be seen in Figure 9 on the following page, that the subject land is not located within an area where it is considered the species may occur, as shown on the Distribution Map for the species included on the Department of Climate Change, Energy, the Environment and Water (DCCEEW) website.



Source: Distribution Map, DCCEEW

Figure 9: Map showing areas where the Earless Dragon or its habitat may occur (in pink) overlaid with the draft Concept Plan for the Subject Land

5.5 Open Space and Landscape Report

An Open Space and Landscape Report was prepared for the growth precinct by Weir and Co Pty Ltd as part of the original rezoning request, and has subsequently been updated to reflect the subject land only.

The Report outlines BMPG's vision in relation to open space and seeks to address matters raised by Council in the preliminary consultation phase of the project, as well as post lodgement of the original rezoning request, in relation to connectivity and access to open space.

The Report looks at the 'big picture' approach to open space across the north west growth precinct. It includes an Open Space Network Plan which outlines the various types of unencumbered and encumbered open space areas that are anticipated and describes how these areas are expected to be used. The Report also includes a Connectivity Analysis plan which outlines the shared path connections proposed within and around the north west growth precinct, as well as external connections to the existing development at Hopetoun Park and to Cowans Road to the north west. The Report also 'drills down' into the approach proposed for the active open space areas, local parks, escarpment and conservation areas.

The Assessment utilises the findings of the Flora and Fauna Assessment discussed previously, as well as the Bushfire Risk Assessment (discussed following) and the Stormwater Management Plan by Afflux Consulting (also discussed following). As already noted, the ecological assessments led to the identification on the draft Concept Plan of potential conservation areas and also informed proposed access, landscaping and management regimes for both the escarpment areas and the conservation areas, as incorporated in the Open Space and Landscape Report.

The Report also addresses some of the preliminary issues raised by Council in terms of quantity and quality of open space as well as the issue of cycle and pedestrian links both internally and externally, and concludes as follows.

'It is considered that, from both a quantity (total area) and quality (nature of facilities/amenities proposed for the open space areas) perspective, the Open Space Network Plan responds appropriately to the guiding principles outlined in relevant strategic documents and guidelines, taking into account the unique locational context of Hopetoun Park North West.

The proposed provision of unencumbered open space in the Hopetoun Park North West Development Plan is more than adequate to accommodate a broad range of amenities for the existing and future community, consistent with anticipated future needs. Extensive areas of encumbered open space will be integrated with unencumbered reserves to create a diverse and experientially rich network of open space for the future community. The encumbered land including significant areas proposed to be retained for conservation purposes to ensure that existing vegetation and biodiversity values are protected and enhanced, and with appropriate consideration given to management of those areas'.

5.6 Bushfire Risk Assessment Response to Clause 13.02

Whilst the growth area is not affected by the Bushfire Management Overlay, Clause 13.02-1S of the Moorabool Planning Scheme requires the consideration of bushfire risk when undertaking settlement planning highlighting that it is a requirement of the Planning Scheme that the protection of human life is prioritised over all other policy considerations.

To address the requirements of this Clause, a Bushfire Risk Assessment was prepared by South Coast Bushfire Consultants and lodged with the initial amendment request. The Assessment was subsequently updated to address both the removal of the north east precinct from the assessment, but also to address comments provided by the Country Fire Authority (CFA) in relation to the initial assessment.

The updated Bushfire Risk Assessment highlights that the site is within a Bushfire Prone Area (BPA) and as such needs to demonstrate that it meets the objective of Clause 13.02 Environmental Risk – Bushfire which is *'to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life'*.

The key findings of the Assessment can be summarised as follows:

- *A future subdivision design will ensure that residential lots are not exposed to radiant heat loads greater than 12.5kW/m².*
- *The minimum construction standard for all development within a Bushfire Prone Area of the state is a BAL of 12.5.*
- *The proposed rezoning is not within the Bushfire Management Overlay (BMO).*
- *The bushfire hazards in the surrounding landscape can be mitigated and the intended use of the land for residential subdivision and subsequent development is deemed appropriate given the surrounding bushfire hazards. This report demonstrates how the site can mitigate the surrounding grassland bushfire hazards and small areas of protected Greybox Woodland within the site.*
- *The report recommends mitigation measures to improve the protection of life safety and demonstrate compliance with the objectives of Clause 13.02.*
- *This report recommends setback distances and vegetation management to ensure that future development is not exposed to radiant heat loads in excess of a BAL of 12.5 from Australian Standard AS 3959-2018 Construction of buildings in bushfire-prone areas.*

Mitigation measures recommended in the report include:

- Construction standards – the need for all future dwellings to comply with AS3959-2018 Construction in bushfire Prone Areas;
- Management of vegetation within the site – including the need for vegetation within specified setback areas to be managed as per the defensible space requirements in the Planning Scheme;
- Water supply – the need to meet the CFA requirements for water supply and access to fire hydrants;
- Access and egress – the ability to be able to use low threat areas centrally on the site if necessary;
- Development planning – ensuring appropriate planning (from a bushfire perspective) for sports facilities, kindergartens/MCH facilities and any retail outlets;
- Perimeter roads – the provision of a perimeter road adjoining the grassland vegetation to the west of the western escarpment and to the north abutting the Western Freeway.

These various recommendations and mitigation measures are reflected in the supporting specialist reports as relevant (for example the Open Space and Landscape Report). In addition, the mitigation measures relating to design and siting issues at the rezoning stage have been addressed in the draft DPO and DDO schedules, to ensure the requirements are implemented as part of the future development plan and planning permit application processes.

5.7 Cultural Heritage Preliminary Assessment

As previously identified, some areas of the subject land are located within an area of identified cultural heritage sensitivity. An Aboriginal Cultural Heritage Preliminary Assessment has been prepared by Clarkeology, following on from earlier advice provided as part of the original rezoning request. This more detailed Aboriginal Cultural Heritage Preliminary Assessment was prepared to include an overview of consultation that has been undertaken with the Traditional Owners for the project area and to address the changed study area.

The Cultural Heritage Preliminary Assessment advises as follows.

- The assessment was carried out with reference to the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018 and it included a review of the environmental context, a review of recorded Aboriginal cultural heritage and preliminary identification of potential areas of cultural heritage sensitivity.
- Consultation in relation to the proposed project was held with the Traditional Owners for the project area, represented by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.
- There is one registered Aboriginal cultural heritage place within the project area (centrally located abutting the western boundary of Property 1) and there are areas of cultural heritage sensitivity identified associated with both the registered Aboriginal cultural heritage place and the edge of the escarpment overlooking Pyrites creek to the west of the subject land.
- The proposed re-zoning activity will not entail any ground disturbance and therefore will not impact the registered Aboriginal heritage place nor any identified areas of cultural heritage sensitivity.
- There is no requirement for a cultural heritage management plan (CHMP) to be prepared in relation to the proposed rezoning because the activity of rezoning is not specified as a high impact activity under the Aboriginal Heritage Regulations 2018.

- There are no other requirements arising from Aboriginal heritage legislation in relation to the proposed rezoning activity and no statutory impediments from Aboriginal cultural heritage that would prevent planning approvals being granted in relation to the proposed re-zoning.
- The management of identified Aboriginal cultural heritage within the activity area will be addressed as part of the CHMP requirements that will occur as part of the planning process for future development activities.
- No Aboriginal cultural heritage will be harmed by the current rezoning activity.
- Residential subdivision of land is a specified high impact activity under the Aboriginal Heritage Regulations 2018.
- Under the Aboriginal Heritage Regulations 2018 the carrying out of a specified high impact activity on land which contains a defined area of cultural heritage sensitivity triggers the requirement for a CHMP to be approved before permits for that activity can be granted.
- Processes and mechanisms for the protection of Aboriginal cultural heritage are set out in the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018 and are the responsibility of the proponent of the relevant activity.
- Protection and management of Aboriginal cultural heritage during any future subdivision and development activities within the project area will be considered in the context of the Aboriginal Heritage Regulations 2018 and the Aboriginal Heritage Act 2006 at the planning stage for the specific activity.
- Future subdivision in areas of cultural heritage sensitivity will require a cultural heritage management plan.

5.8 Contaminated Land

Two reports and accompanying correspondence have been prepared by Helia EHS (formerly Edge Group Pty Ltd) to address matters raised by Council and the Environment Protection Authority (EPA) in relation to the subject site and the potential for it to be contaminated.

The first report to be prepared was a Preliminary Site Investigation (PSI) which was undertaken for the whole of the growth precinct and included a Site History Review (SRH) and targeted soil assessment, to assess whether the land, or parts of the land, are potentially contaminated. The SRH identified several areas at 124 Hopetoun Park Road (Property 1) , where there are existing farm sheds, with the potential for contamination. These areas were further investigated as part of targeted soil assessment and based on the general absence of contamination identified in these areas they were concluded to be low risk and as such no further investigation was considered necessary.

This report was reviewed by the EPA and Council and the EPA subsequently advised that to satisfy Ministerial Direction 1 (refer to Section 3.8) Council must be able to satisfy itself as to whether the land is either potentially contaminated or not. In response to this, BMPG re-engaged Helia to remediate the area that had reported marginal soil contamination, that is, the sheds located at 124 Hopetoun Park Road. Remediation involved excavation of the contaminated soil with validation sampling to demonstrate remediation had been completed to the necessary standard. The contaminated soil was then disposed off-site to a lawful place in accordance the relevant Regulations under the EP Act 2017. A report was then prepared which provided the details of the soil remediation program.

The final piece of correspondence from Helia in relation to this matter, dated 7 August 2023, confirms that the subject land proposed to be rezoned is not potentially contaminated.

5.9 Stormwater Management

A Stormwater Management Strategy was prepared by Afflux Consulting as part of the original suite of documents that supported the original rezoning request. As a result of the change in the area to

be rezoned, along with additional information requests from both Council and Melbourne Water, further work was undertaken and an updated document in the form of a Stormwater Management Plan (SMP) was prepared for the subject land. In preparing the SMP, Afflux consulted with both Melbourne Water and Southern Rural Water, in addition to Council.

To ensure a robust SMP was developed, the SMP was also informed by the findings of the Interpretive Geotechnical Investigation by Black Geotechnical Pty Ltd and the Geomorphological Report by Brizga Environmental, both of which are included as appendices to the report and are discussed further following.

The SMP sets out the major requirements for the development of the north western growth precinct land in Hopetoun Park and provides important background information for the rezoning of the land. The SMP highlights that given the two catchments on the subject site (a smaller north west catchment and a larger south west catchment which includes most of the site) are under the Melbourne Water 60 hectare limit, all stormwater management will be undertaken by Council.

The calculations undertaken in the preparation of the report, demonstrate the following.

- That safe management of flows and flow paths can be achieved through the proposed management interventions outlined in the SMP.
- All stormwater management items are relatively standard and can be constructed in line with the Infrastructure Design Manual (IDM) (although the SMP notes that there are alternative solutions that may want to be explored further at future stages).
- Best Practice Environmental Management requirements can be met.
- The Bacchus Marsh Integrated Water Management Plan requirements can be met with no adverse change in risk to the development.
- Climate Change potential rainfall increase changes can be accounted for in the design.
- The unique soil and hydrology of the catchment can be accounted for in the design.

The SMP identifies that macro drainage features including flow conveyance and storages, have been considered for the site, and reasonable design constraints given. The micro (pipe network) systems have also been considered in concept, along with water quality treatment.

Keeping all of the above in mind, the SMP concludes that the following elements will be required for the future development of the subject land to meet contemporary drainage outcomes.

- Around 12,000m³ of retention storage required at the South-West outfall area.
- Outfall to be considered in detail for individual asset design including outfall structures (and the SMP notes that a number of options for this have been provided including IDM compliant options).
- Zero Additional Maintenance (ZAM) treatments will be required for minor sediment and nutrient controls in the north west catchment.

These recommendations have been reflected in the draft planning controls and Concept Plan that have been prepared in support of the rezoning request.

5.10 Geotechnical Investigations

Two Geotechnical reports have been prepared by Black Geotechnical Pty Ltd for the project in response to further information requests from Council, and to support the SMP and the development contribution considerations associated with Hopetoun Park Road.

The first report, the Interpretive Geo-technical Investigation, provides a geotechnical assessment that considers the appropriateness of the proposed setbacks to the top of the western escarpment; and the location of the proposed outfall, as well as any design requirements associated with the outfall.

In relation to these two matters, the investigation concludes as follows.

- *'There are no landslide risk concerns impacting the subject site, and the proposed building setbacks are appropriate. The landslide risk assessment determined a risk to loss of life of less than 10-6 per annum, which is at least 10 times better than the limit of 10-5 commonly adopted for new developments.*
- *The observed surface erosion and springs on the western escarpment are due to overland and subterranean flow. These are a large distance from the proposed setbacks, are progressing slowly, and do not impact the proposed development.*
- *The rate of these erosion process will be reduced by the development due to the substantial improvement in drainage conditions proposed.*
- *The failure of the fill in the DOTP road reserve is outside of the property boundary and does not affect the development, however, the DOTP should be advised of this issue.*
- *The proposed pipeline routes are appropriate and either the Frankische or traditional concrete pipelines proposed would be suitable'.*

The second report by Black Geotechnical was a Geotechnical Investigation for Hopetoun Park Road which sought to determine the condition of the existing pavement, to consider how any proposed future development may affect the pavement and whether improvements may be required.

The report was prepared in response to a further information request from Council in relation to this issue and found that:

- the pavement can be expected to perform satisfactorily for a new design life of 20 years subject to good drainage being maintained for the new design life and noting that ongoing will require ongoing maintenance;
- there may also be a need to reapply the seal on the road from time to time as per normal maintenance practice and as had happened in the last 20 years or so as well.

5.11 Geomorphology

A report was prepared by Brizga Environmental entitled Hopetoun Park: Geomorphic Settings for Development. The report is a supporting document to the SMP and is presented in two section: the first section providing a review and analysis of the existing geomorphology of the study area and the second section examining the implications of the geomorphology for future drainage arrangements associated with development. It is noted that this report hasn't been updated since the change in land area for the rezoning as it was considered that the findings of the report weren't affected by the change in land area.

The key findings of the report that were then utilised in the development of the SMP include the following.

- The steep escarpments indicate a significant risk of erosion if flows in the natural gullies were to be increased, or open channels constructed.
- Piped drainage outfalls are required for all outfalls to minimise construction risk, or flows maintained at existing flow rates.
- Water tanks or other reuse options should be considered to reduce the total volume and frequency of flows in the catchment.

- Water retention should be minimised on the site, and in particular towards the escarpment areas. Period of retention should be minimised as much as possible with no lakes or long term storages – preference is for ephemeral wetlands.
- Constructed pool and riffle sequences are unlikely to be able to be constructed or supported by the soils (as is typically used to convey flows down escarpments).
- Soil treatment (addition of gypsum) would be considered as part of the water treatment area to chemically enrich the soils.
- A further specific soil study should be conducted as part of the detailed design of these features as part of later approvals (ie future permit applications).

5.12 Traffic and Transport

Initial traffic engineering work was undertaken by Cardno in March 2020 for the growth precinct and Supplementary advice was then obtained from Salt 3 in 2021 and submitted in support of the original rezoning request. The Salt 3 report adopted the work undertaken by Cardno in 2020 but addressed subsequent work undertaken and agreements reached with (then) Regional Roads Victoria and Council since that time.

In April 2022, Salt prepared an updated report. The report was prepared to include swept path assessments of B-double and A-Triple vehicle movements at a proposed roundabout at the intersection of Hopetoun Park Road and the Eastbound Freeway On-ramp, at the request of (then) DoT.

The April 2022 report concluded as follows.

- *The proposal is for a residential development comprising approximately 850 lots on the subject site in Hopetoun Park North;*
- *A Traffic Impact Assessment report previously prepared by Cardno found that the development and associated mitigating traffic works were satisfactory from a traffic engineering perspective;*
- *Since the former Cardno assessment was completed, there has been progression on various aspects of the proposal, including;*
 - *The outcomes of discussion with Regional Roads Victoria have determined that a roundabout will be constructed at the Hopetoun Park Road / Western Freeway entry ramp intersection and an additional turn lane will be constructed at the Hopetoun Park Road leg at the Hopetoun Park Road / Old Western Highway intersection;*
 - *RRV has agreed that a westbound entry ramp to the Western Freeway is not required to support the development, given the relatively minor traffic volumes that would use the westbound entry ramp;*
 - *Millar Merrigan has developed updated Internal Road Cross Sections for the residential development, including local road widths of 17.30m and collector road widths of 24m. This has been agreed to by Council;*
- *SALT has reviewed the location of proposed internal collector roads and found them to be logical and satisfactory;*
- *SALT has provided a revised traffic impact assessment, given that the agreed mitigating works have been proposed and confirmed since the preparation of Cardno's traffic engineering assessment;*
- *In line with the previous Traffic Impact Assessment, it is expected that the proposed residential development will generate approximately 680 vehicle movements in each peak hour;*

- *The revised traffic impact assessment apportions a greater amount of traffic to and from the east via the upgraded Western Freeway entry ramp than the previous assessment did; and*
- *The revised SIDRA analyses demonstrates that the surrounding key intersections will have sufficient capacity to accommodate peak period traffic generated by the proposal once the approved staged mitigating works have been completed’.*

In December 2022 an addendum to the April report was prepared, to address a further information request from Council. The additional work that was undertaken included the commissioning of updated traffic surveys and undertaking further intersection analysis at the Western Freeway / Hopetoun Park Road half diamond interchange and the intersection of Hopetoun Park Road with the Old Western Highway.

The result from this additional work did not change the findings of the April 2022 assessment.

In April 2023 SALT prepared one further addendum to include an assessment of the Old Western Highway / Hopetoun Park Road intersection under a 10 year growth scenario, as requested by DTP, and to also address the change in lot yield from 850 to 600 as a result of the north eastern precinct being removed from the rezoning.

This final addendum concluded as follows.

‘In summary, the operation of the Old Western Highway / Hopetoun Park Road intersection under the ‘10 year growth with 600 lot development’ scenario will be similar to that presented by SALT in December 2022 for the ‘existing conditions with 850 lot development’ scenario.

This is largely due to the reduction in potential development yield offsetting the increase in traffic due to growth.

Importantly, it will operate better than the single stage crossing arrangement that was previously assessed by Cardno in 2020 for which ‘in principle’ approval was originally provided’.

The findings of the Traffic Assessments are reflected in the draft planning controls that have been prepared for the amendment (as appropriate) and are also reflected in the Development Contribution Analysis, discussed at Section 5.18.

5.13 Traffic Noise Impact Assessment

A Traffic Noise Impact Assessment was undertaken by Arup and lodged as part of the original rezoning request. The intent of the report was to determine if there would be any impacts as a result of traffic noise to the growth precinct and, if so, to identify any mitigation measures that might be required.

This assessment was subsequently updated in June 2023 to a) address further information requested by the Environment Protection Authority (EPA) and b) to address the north western precinct only of the growth area.

The June 2023 assessment concluded as follows.

‘Arup has completed an assessment of existing site conditions and road traffic noise levels impacting the land proposed for residential development.

A calibrated traffic noise model has been used to predict road traffic noise levels emanating from the Western Freeway in the Year 2033 to the proposed residential land. A traffic noise assessment has been completed in accordance with DTP’ noise policies and guidelines.

Land located at 124 Hopetoun Park Road, 150 Hopetoun Park Road and 62 Cowans Road will not require specific noise mitigation to comply with DTP noise limits. The results of the

assessment suggest traffic noise will not adversely impact the amenity of the proposed residential development’.

5.14 Services

A Servicing Review has been undertaken by Millar Merrigan which provides an overview of the servicing that is available to the site and which is summarised below. It is noted that this report hasn't been updated since the change in land area for the rezoning as it was considered that the findings of the report weren't affected by the change in land area.

- **Sewer.** Following extensive consultation with Western Water, now Greater Western Water (GWW), it has been determined that the most cost efficient and effective means to service the growth precinct is with gravity sewers, which will require a number of internal pump stations.
- **Water.** Water supply for Hopetoun Park is also managed by GWW and currently comes from the Merrimu Reservoir with minimal demand from the Melbourne Water system. Currently water is supplied to the existing 280 lots in the Hopetoun Park area via a 'DN225' pipe which has capacity for up to 1100 lots. Accordingly, the majority of the approximately 850 proposed new lots at Hopetoun Park North can be serviced by the existing pipe, with further investigation required at a later date (once the precise lot yield is known) as to whether additional augmentation is likely to be required (noting that GWW has advised augmentation options are available).
- **Electricity.** PowerCor is the relevant authority for electricity and has a substation in Bacchus Marsh. A significant high voltage network extends to Hopetoun Park and PowerCor has advised that this will be sufficient to supply the growth area.
- **NBN.** Hopetoun Park is currently covered by a fixed wireless NBN connection which will be available to service the growth precinct.
- **Natural Gas.** Hopetoun Park currently has a 200mm high pressure gas transmission main that runs through it between Melbourne and Ballarat, which will be available to service the growth precinct.
- **Drainage.** Refer to the Stormwater Management Strategy discussed previously.

5.15 Residential Interface Impacts

A report was prepared by Phillips Agribusiness dated March 2023 to address a further information request from Council in relation to the interface of the BMID and the subject land once it is developed for residential purposes. Following the issue of that report Council raised some further questions and a clarification letter was subsequently issued in May 2023.

The key conclusions of the March 2023 report in relation to residential interface issues, are as follows.

- The direct elevation of the plateau where residential development is proposed is 50 metres higher than the BMID and a significant buffer exists between residential and the BMID through direct elevation, slope, lineal and road reserves and dwelling setbacks. Even at the closest escarpment distance after road reserves and proposed dwelling setbacks are included, the distance from orchards to the first residence will be greater than 150 metres.
- The physiographic characteristics of the site, particularly the inherent buffer distances contained within the escarpment, including lineal and road reserves and dwelling setbacks, means that neither use of future residential and existing orchard will unreasonably impact on each other.

Accordingly, and as confirmed in the subsequent May 2023 letter, it is the view of Phillips Agribusiness that the rezoning will be consistent with key policies of the planning scheme that seek

to protect strategically important agricultural and primary production land from incompatible uses and ensure that incompatible land uses do not encroach upon productive agricultural including the BMID.

5.16 Extractive Industry Interest Area

The subject land, as well as the land to the north (between the Western Freeway and the Old Western Highway) are designated as forming part of an Extractive Industry Interest Area (EIIA). EIIA's are areas where it is considered there is potential for stone resources to be located. Accordingly, if it is considered likely that an extractive industry could establish on land in an EIIA, then consideration needs to be given to compatibility issues with adjoining land uses, such as potential noise impacts.

In the case of the north west growth precinct land, it was identified as part of the Amendment C81 process that the land was not likely to be developed for extractive industry purposes, with the (then) Department of Economic Development, Jobs Transport and Resources stating the following in its submission to the Amendment (Submission no. 54, page 2).

'The Hopetoun Growth Precinct covers the southern section of the Extractive Industry Resource Area 884023, which contains sand and gravel resources. This area is affected by fragmented land holdings and existing sensitive uses located in close proximity to the resource, making extractive industries development an unsuitable option for this location'.

In the case of the land to the north of the Western Freeway, BMPG retained CK Prowse and Associates to provide preliminary advice on the likelihood of the northern portion of the EIIA to be developed for extractive industry purposes.

The advice confirms that the likelihood of establishing a feasible extractive industry operation on the land north of the Western Freeway is very low considering the range of factors affecting the area including the following.

- The restricted vertical and lateral extent of deposits in the area as well as the material being of questionable quality, thus limiting the ability to locate an extractive industry there.
- The land was the subject of a previous extractive industry application but the material to be extracted was found to be contaminated, with the operation subsequently failing, including inappropriate rehabilitation, which resulted in the need for the land to be reclaimed by government.
- The setbacks that would be required to three existing residences to the north of the Western Freeway which would severely reduce extraction to a negligible area.
- The existing planning and environmental controls that affect the site noting that the area is affected by the SLO, ESO and DDO. Matters of visual amenity are highlighted (as is the case for the current amendment) but are far more challenging to address when dealing with an extractive industry, with significant locational constraints.
- The site contains an area of Aboriginal Cultural Heritage Sensitivity (Wurundgen Woi Wurrung CHAC) and areas of potential biodiversity significance.

The CK Prowse advice highlights that whilst some of the latter constraints identified above could potentially be overcome, the attractiveness or likelihood of such sites becomes diminished when the cost benefit of the deposit size is also potentially reduced.

The advice concludes that *'on balance, we conclude that the likelihood of establishing a feasible quarry site is very low considering the factors affecting the site'.*

5.17 Residential Demand and Supply

A high level Residential Supply and Demand Assessment was prepared by Urban Enterprise in August 2020. The Assessment was undertaken as an update to work prepared for Council by Spatial Economics in 2016 titled 'The Bacchus Marsh Housing Demand and Supply Background Paper'.

A new Residential Supply and Demand Assessment has now been prepared by Ethos Urban and is submitted in support of the proposed rezoning. The Assessment was completed in July 2023 and concludes as follows.

- *'Additional land supply is required in Bacchus Marsh and Ballan with some degree of urgency.*
- *Given the time required to advance land through the planning process, a rezoning process should be progressed without delay.*
- *Based on the observed demand in Moorabool Shire and Bacchus Marsh more specifically, and the limited supply of larger lifestyle lots in Bacchus Marsh, there is a distinct need to progress the Subject Land towards rezoning to ensure Bacchus Marsh and Moorabool Shire's residential land stocks are increased or maintained, and housing diversity is delivered to the market'.*

5.18 Development Contributions

As part of the original rezoning request, given the size of the growth precinct and the fragmented land ownership, it was originally proposed that development contributions would be dealt with via a Shared Infrastructure Funding Plan (SIFP). Accordingly, a draft SIFP was prepared by Urban Enterprise for the growth precinct, which was intended to guide the delivery of shared infrastructure in the growth precinct in the following way.

- Identification of the land parcels which are to be developed and quantifying the area and likely development yield of each parcel.
- Identification of shared infrastructure required to support development and the specifications, costs and justification for each item.
- Apportionment of costs to each land parcel in the study area, and calculation of levies payable to ensure delivery of shared infrastructure.
- Description of the mechanisms by which the SIFP will be implemented, including collection of levies, delivery of infrastructure, responsibilities for works in-kind and administration of the document (such as indexation).
- Provision of clear principles regarding obligation of developers to deliver and/or facilitate works.

The SIFP that was prepared was based on the draft Concept Plan prepared in support of the amendment as well as the findings of key specialist reports as already discussed in this section of the report including the Open Space and Landscape Report, the Traffic Engineering Report, the Community and Recreation Infrastructure Needs Assessment and road and traffic costings provided by Millar Merrigan.

With the removal of the north eastern precinct from the rezoning proposal, it was determined that there would no longer be a need for the SIFP but that instead BMPG proposed to meet infrastructure needs through a practical and equitable infrastructure funding agreement, that is then implemented by way of a Section 173 Agreement required as part of the future subdivision of the land. As outlined in Section 5.2 earlier, there has been only limited changes to infrastructure requirements as a result of the changed rezoning area, with all community infrastructure and significant open space areas remaining on the BMPG land.

A without prejudice 'offer' has been made by BMPG to Council which is currently being considered and which is documented in the Urban Enterprise memorandum dated May 2023. Urban Enterprise has calculated that the offer equates to an over provision of between \$3.41 million and \$5.88 million relative to the demand generated by the BMPG land. This over provision is primarily due to:

- BMPG proposing to fully fund project that would be fairly apportioned to the North East growth area (ie external road intersections, land for the kindergarten and MCH facility and land and construction of the active recreation reserve); and

- BMPG fully funding facilities that are partially required to meet the needs of existing residents of Hopetoun Park and therefore would usually require a funding contribution from Council (ie providing all the land for the kindergarten and MCH facility, contributing the full cost of a netball court and delivering the full active recreation facility and land).

6. The Proposal

6.1 Planning Scheme Amendment

As previously noted, the north west growth precinct is currently included in the FZ where the minimum permissible lot size for subdivision is 100 hectares, with the exception of Property 9, refer Figure 1, which has a minimum lot size of 15 hectares. The land to the south is zoned Low Density Residential Zone (LDRZ) with a minimum subdivision area of 0.4 hectare.

It is proposed to rezone the north western growth precinct land to the NRZ, to facilitate the proposed future subdivision of the subject land for residential development with typical lots varying in area between 800 and 1500 square metres, but with a minimum subdivision area of 800 square metres. The strategic justification for the use of the NRZ is addressed in Section 7.

The purpose of the NRZ includes the following:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
- *To encourage development that respects the neighbourhood character of the area.*

Under the provisions of the NRZ a schedule to the zone must contain the neighbourhood, heritage, environment or landscape character objectives to be achieved for the area. A draft NRZ schedule has been prepared for the growth precinct which addresses this requirement and is submitted in support of this rezoning request.

In addition to the NRZ it is noted that a further rezoning will be required in the future to facilitate the Local Convenience Centre, as the use of land for a Retail premises is prohibited in the NRZ, other than, Convenience shop (the leasable floor area must not exceed 80 square metres), Food and drink premises, Market and Plant nursery. The need for this future rezoning to the Commercial 1 Zone has been acknowledged by both DTP and Council.

Overlay Controls

As previously discussed, the north west growth precinct is currently affected by the following overlay controls.

- DDO2.
- ESO8.
- SLO1.

As part of this Amendment process it is proposed to remove DDO2 and SLO1. The strategic justification for the removal of both overlays is in discussed further at Section 7.

It is also proposed to apply a new DPO schedule to the north west growth precinct, to guide the future subdivision and layout of the area, and to apply a new DDO schedule to guide setbacks and fencing. In addition, the Department of Energy, Environment and Climate Action (DEECA) has requested the application of ESO7 (Grasslands within the Werribee Plains hinterland) to be applied to areas identified for conservation purposes.

Extent of Land to be Rezoned

Since the original amendment request was lodged there has been discussions with Council along with additional work undertaken, to define the boundaries of the land to be rezoned. Whilst the northern, eastern and southern boundaries were relatively straightforward to define, it was the western boundary that required further discussion and refinement.

As a result of those discussions, and site survey work being carried out, the plan below now shows clearly and accurately, the western boundary of the rezoning. The boundary is shown in red on Figure 10, the Rezoning Property Identification Plan.

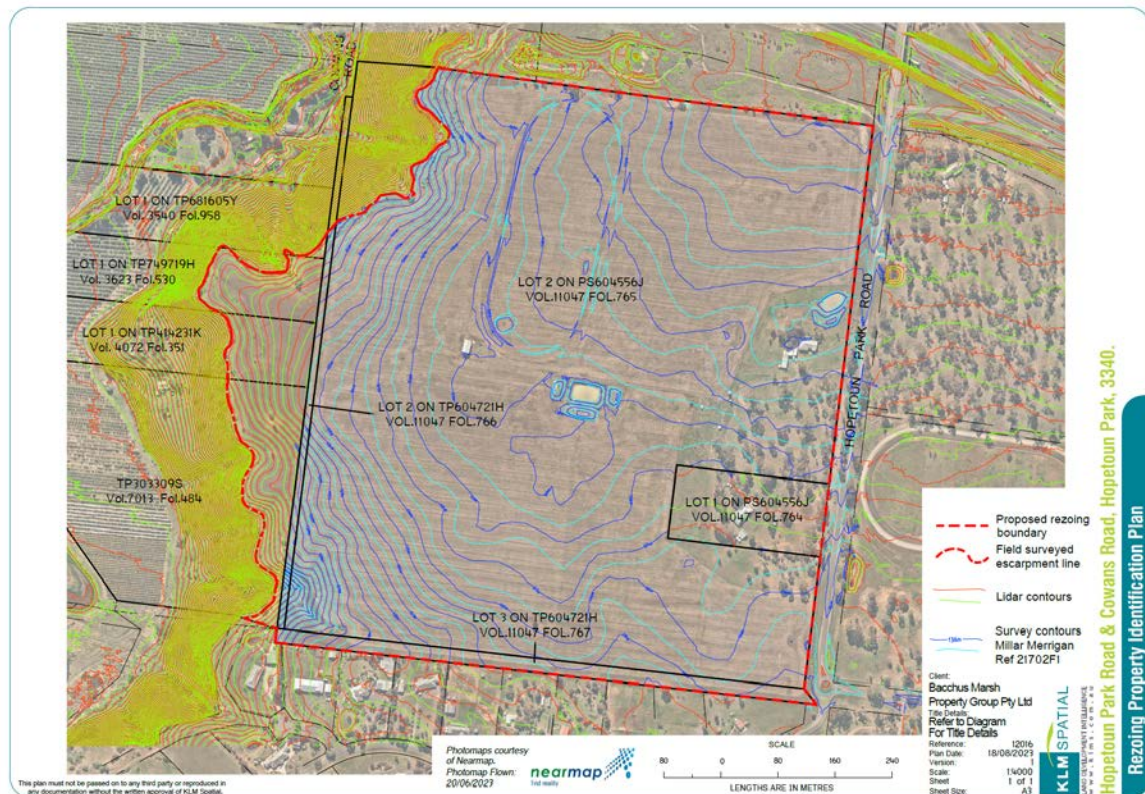


Figure 10: Rezoning Property Identification Plan

It is highlighted that the top of the western escarpment is shown as a red dashed line above. It has been defined by direct GPS field survey and in field assessment and is along the very distinct change of grade line (refer Appendix A for the letter from KLM accompanying the Plan verifying this).

The field surveyed change of grade line has been further verified by direct comparison to Vicmap Data lidar contours. Accordingly, and as is clearly evident from the plan, this surveyed line is co-incident with where the lidar contours significantly group together, thus indicating the location of where the land gradient changes from a gradual undulation down to a very steep decline, and hence this has been adopted as the edge of escapement.

It is acknowledged that this will result in a number of land parcels being located in two zones, until such time subdivision occurs post approval of the rezoning and that this matter has been raised by DTP and Council in discussions. However, it is considered that due to the topography of the land in this location, and also highlighting the long standing policy framework supporting this rezoning (which clearly anticipated the escarpment edge as being the boundary of the growth area as shown in the UGF) that this approach to the western boundary is appropriate and consistent with orderly and proper planning.

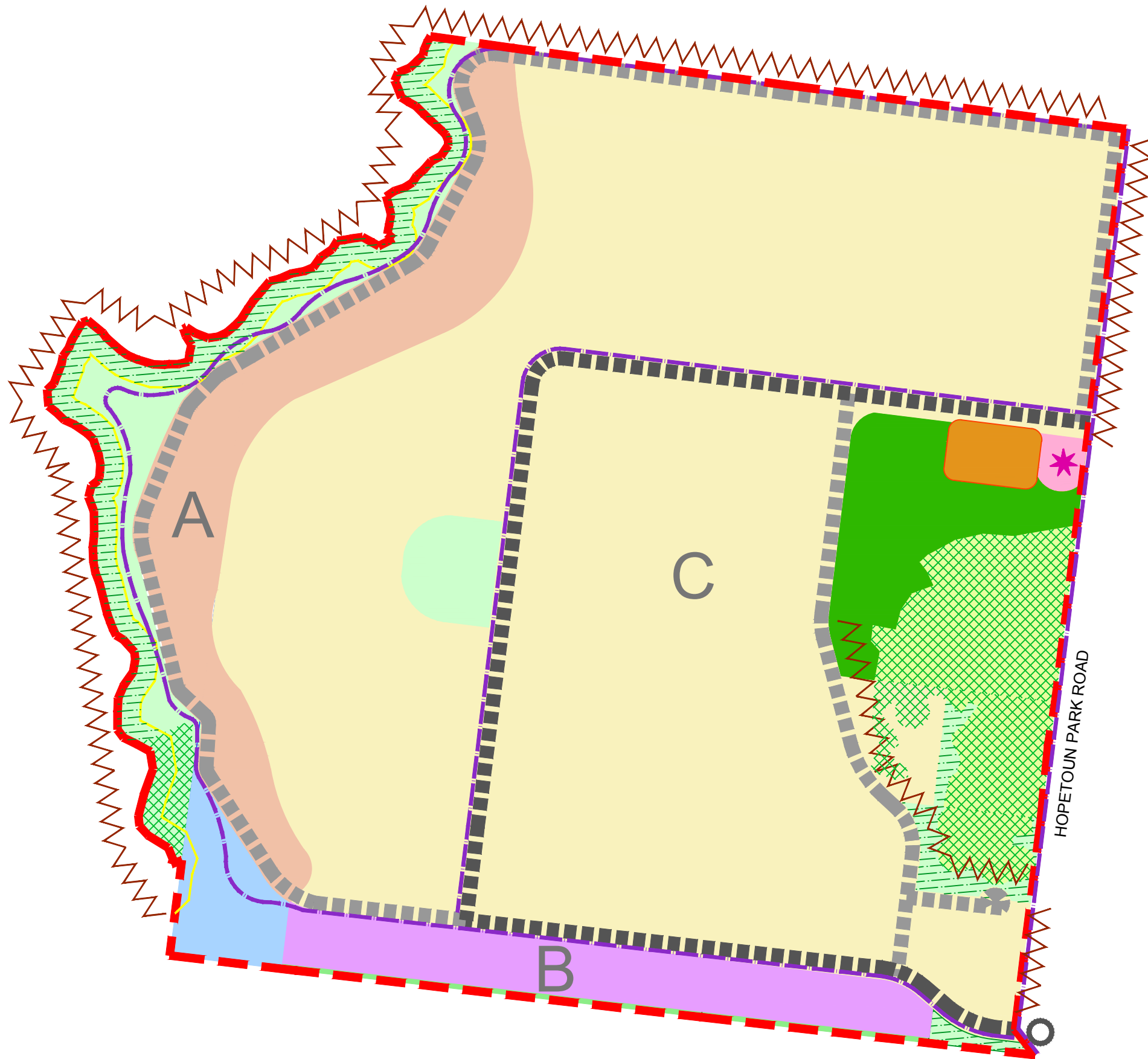
6.2 Draft Concept Plan

A draft Concept Plan has been prepared for the site to help inform the rezoning process and is included at Figure 11 following. The draft Concept Plan has been prepared to form part of the DPO Schedule to ensure that the DPO establishes an appropriate land use and road 'framework', provides for lots with areas that respond to the key recommendations of the Hansen Partnership work, and addresses bushfire requirements.

Accordingly, the draft Concept Plan, read in conjunction with the draft DPO Schedule, comprises the following key elements.

- Provision for in the order of 400 lots (noting that ultimate lot numbers will only be fully determined at the subdivision permit application stage).
- Residential lots with a minimum area of 1500 square metres, and a minimum frontage width of 30 metres, in Areas A and B as defined on the Concept Plan.
- Lots with a minimum area of 800 square metres and a minimum frontage width of 20 metres for Area C as defined on the Concept Plan.
- Linear open space reserves, a minimum of 20 metres in width, abutting the edge of the western escarpment area (Area A) with a local road abutting the reserve.
- A series of open space areas including potential conservation areas where the flora and fauna assessments identified woodland areas of ecological significance.
- Provision for a centrally located Local Convenience Centre that incorporates commercial facilities of up to 540 square metres, co-located with public open space area.
- Provision of a combined kindergarten and maternal and child health centre including provision of a community room is also located in proximity to the public open space area and convenience centre.
- Indicative locations for shared paths.
- Indicative internal connector road access.
- Indicative location of perimeter roads abutting the north, west and part of the east boundary to address bushfire requirements, as well as abutting some of the proposed conservation areas.
- Stormwater treatment reserve located in the south west corner of the subject land.

The draft Concept Plan is intended to provide enough information to broadly guide the future urban structure of the north west growth precinct, whilst acknowledging that the Development Plan required to be prepared by the DPO is the appropriate planning 'tool' to provide a more detailed road and lot layout. The draft Concept Plan has been prepared having regard to the provisions of Clause 56 to ensure that the broad land use/urban structure that is proposed will facilitate compliance with the requirements of that clause.

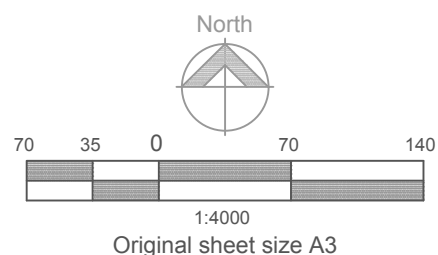


- Potential Conservation Reserve
- Indicative Stormwater Treatment Reserve
- Indicative Passive Open Space Reserve
- Indicative Active Open Space Reserve
- Indicative Encumbered Open Space Reserve
- Indicative Connector Road
- Indicative Perimeter Road
- Indicative location of shared path
- Indicative Location of Local Convenience Centre
- Indicative Kindergarten & Maternal Child Health & Community Room
- Area A - minimum 1500m² lots
- Area B - minimum 1500m² lots
- Area C - minimum 800m² lots
- Rezoning Area
- 20m Setback from Top of Escarpment
- Bushfire Mitigation Interface

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FOR DISCUSSION



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DPO - CONCEPT PLAN

Hopetoun Park North

Hopetoun Park Road, Hopetoun Park
Moorabool Shire Council

21702 M9

VERSION 2

SHEET 1 OF 1

7. Strategic Assessment Guidelines

The following sections provide an assessment of the proposal against the requirements of Planning Practice Note 46: *Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments*.

7.1 Why is an amendment required?

The Amendment is required to facilitate the coordinated subdivision and development of the subject land for housing and associated infrastructure such as new roads, parks and drainage reserves.

The subject land has been clearly identified as forming part of a growth precinct in the Planning Scheme at **Clauses 02.03-1 and 11.01-1L-02**, and in the Bacchus Marsh UGF. The Amendment will implement the policy directions of these clauses and the UGF.

Under the provisions of the FZ the minimum subdivision area that is permissible for the majority of the subject land is 100 hectares. An amendment is therefore required to rezone the land to facilitate its subdivision into lots with a minimum area of 800 square metres, extending north from the existing low density development at Hopetoun Park.

7.2 Does the amendment implement the objectives of planning and address any environmental, social and economic effects?

• Objectives of planning

Planning Schemes in Victoria must seek to achieve the objectives of planning in Victoria as set out in Section 4(1) of the *Planning and Environment Act 1987*. These objectives are as follows:

- *To provide for the fair, orderly, economic and sustainable use and development of land.*
- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- *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.*
- *To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.*
- *To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).*
- *To facilitate the provision of affordable housing in Victoria.*
- *To balance the present and future interests of all Victorians.*

It is considered that the proposed Amendment will assist in implementing the above objectives of planning in Victoria. The rezoning will assist in the fair, orderly, economic and sustainable use of land by facilitating the rezoning of land that is a growth precinct in a town that is to be the focus of major growth, as identified in both Plan Melbourne and the Central Highlands Regional Growth Plan.

Keeping in mind each element of the objectives above, the following is highlighted.

- The rezoning will provide for the future development of land that is currently used for agricultural and rural living purposes, that directly abuts existing low density residential development and is in a location that has been identified in policy as being appropriate for residential development for some years.
- The subject land is generally considered to be of low ecological value other than in two locations comprising a significant woodland area and a grassland area, that have been identified, noting that both areas are proposed to be retained as conservation areas as part of the draft Concept Plan that accompanies the rezoning request.
- Careful consideration has been to the site's location on the edge of the Shire and the need to protect views to the escarpment area. The accompanying draft planning controls and Concept Plan reflect this by proposing larger lot areas in particular locations as well as a number of other siting and design measures to ensure an appropriate response to the growth precinct's setting.
- The rezoning and subsequent development of the subject land for residential purposes will support the provision of a new Local Convenience Centre at Hopetoun Park, new community facilities as well as significant district level active open space areas, all of which will benefit both future residents but also the existing residents in the established low density area of Hopetoun Park.
- The growth precinct is able to be appropriately serviced with drainage, water, gas, electricity and sewer.

Accordingly, it is considered that the proposal represents a logical outcome for the development of new housing in Bacchus Marsh, consistent with orderly and proper planning and the objectives of planning in Victoria.

• **Environmental Effects**

The proposed Amendment is not expected to result in any significant environmental effects. A comprehensive flora and fauna assessment has been undertaken for the whole of the subject land by Nature Advisory (August 2023). As discussed in Chapter 5, Nature Advisory found that whilst the majority of the subject land comprises cropped farmland, there are two areas of ecological significance on the site comprising 2.565 hectares of Plains Woodland centrally located along Hopetoun Park Road in the east of the subject land as well as 0.425 hectares of Plain Grassland located in the south west corner of the site.

Both these areas are proposed to be retained as conservation reserves. In addition, the Nature Advisory report recommends the implementation of a Land Management Plan as part of future planning approval processes (i.e. Development Plan and permit for subdivision) to ensure conservation areas are managed appropriately. As a result of these areas being retained, Nature Advisory considers that there will be no impact to any species that are likely to use the areas as habitat, as no removal is proposed.

In addition to the retention of these areas in conservation reserves, Nature Advisory also recommended that entrances to the proposed subdivision should be sited to avoid impacts to native vegetation recorded in the Hopetoun Park road reserve and that buffers should be provided adjoining the edge of the escarpment in the west of the subject land as a reserve and around retained grassland to prevent impacts to remnant vegetation.

As a result of these measures, there are not expected to be any significant impacts to flora or fauna on the subject land.

In terms of cultural heritage, as discussed earlier in this report, the north west corner of the subject land, is located within an area of Aboriginal Cultural Heritage Sensitivity as a result of the land being located within 200 metres of a named waterway. There is also one registered heritage place within the subject land. Accordingly, a Cultural Heritage Management Plan (CHMP) will be required prior to a planning permit being issued for the subdivision of the north west growth precinct, however one is not required now as part of this rezoning proposal. In addition, it is noted that the rezoning and

the proposed future subdivision of the subject land has been discussed with the relevant Traditional Owner organisation, the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

Drainage has also been appropriately considered for the proposal noting that a SMP has been prepared, as discussed earlier, which also utilised the findings of geomorphological and geotechnical reports to inform its preparation. The SMP outlines the major drainage requirements for the subject land, including the location of a stormwater treatment reserve in the south west corner of the site and associated requirements in relation to outfall location and structures and Zero Additional Maintenance (ZAM) treatments. As a result of the proposed approach to stormwater management, the Geotechnical Report by Black Geotechnical concluded that the rate of the erosion processes affecting the escarpment will be reduced by the development due to the substantial improvement in drainage conditions proposed. Accordingly, it is considered that any potential environmental impacts as a result of drainage issues will be minimal and in fact there will be improvements in terms of reducing erosion of the escarpment.

The potential for soil contamination has also been considered, as discussed earlier, with confirmation by Helia EHS Pty Ltd that the land is not potentially contaminated.

Keeping the above in mind, it is submitted that the rezoning will not result in any significant environmental effects.

- **Social and Economic effects**

The proposed Amendment is expected to result in a range of positive social and economic effects, as outlined below.

- The rezoning will assist in ensuring that adequate land is available to meet the future demand for housing in Bacchus Marsh, noting the different offering that will be available at Hopetoun Park (in terms of lot size and location) compared to the other two key residential growth areas in Bacchus Marsh at Merrimu and Parwan Station and highlighting the findings of the Ethos Urban Residential Supply and Demand Assessment which states that additional land supply is required in Bacchus Marsh with some urgency.
- The application of appropriate overlay controls will ensure that the character and feel of the north west growth precinct is appropriate in the context of both the existing Hopetoun Park low density residential area and the unique physical attributes of the precinct.
- The rezoning will facilitate the provision of a Local Convenience Centre which is expected to ultimately accommodate retail floorspace of some 540 square metres, and which is expected to initially comprise a combined general store and café type business.
- The rezoning will also facilitate the provision of community services comprising a community room, a kindergarten and a maternal child health centre. These facilities will not only service the new residents of the north west growth precinct but will also service the existing residents of the Hopetoun Park low density residential area.
- The proposal will provide additional and expanded open space and sporting facilities for the future residents of the north west growth precinct, as well as the existing residents of Hopetoun Park. New open space and recreational facilities are proposed to include: an onsite informal oval; a half-court basketball court; an onsite (non-competition) tennis court; a district playground; a small BMX pump track; and an extensive shared bicycle/pedestrian network including a shared path running along the escarpment and connecting to the existing perimeter path around the low density residential area.
- The rezoning will facilitate significant road upgrades including the construction of a roundabout at the eastbound Western Freeway on-ramp and an additional turn lane to be constructed at the Hopetoun Park Road leg at the Hopetoun Park Road / Old Western Highway.

-

7.3 Does the amendment address relevant bushfire risk?

The subject land is not located within the Bushfire Management Overlay but is located within a Bushfire Prone Area. A detailed Bushfire Risk Assessment has been prepared by South Coast Bushfire Consultants, in consultation with the CFA, and includes an assessment of the rezoning proposal against the objective and strategies of Clause 13.02. The key findings of that assessment are summarised below, which confirms the proposal's compliance with **Clause 13.02**.

- **Protection of human life**

The proposed rezoning appropriately prioritises the protection of human life. The proposal is located within the defined settlement boundary identified in the Bacchus Marsh District UDF, noting that bushfire risk was also considered as part of Amendment C81 when nominating the growth precincts for Bacchus Marsh.

In the case of this current proposal to rezone the north west precinct, the bushfire risks to the future development of the land have been considered carefully at this rezoning stage - as outlined in the report by South Coast Bushfire Consultants – and noting that the site is not in a landscape at a high risk from bushfire. The Concept Plan that has been prepared for the subject land demonstrates that central areas of the site can provide areas exposed to low levels of radiant heat. These low risk locations are able to provide both new residents of the growth precinct, but also existing residents of Hopetoun Park, with access to areas that have a low radiant heat exposure thus enabling human life to be better protected from the effects of a bushfire.

It is also considered that the proposal will assist in reducing vulnerability of communities by the consideration of bushfire risk in decision making. This is demonstrated both by the development layout proposed by the Concept Plan but also by the mitigation measures proposed by South Coast Bushfire Consultants which are proposed to be implemented through the draft DPO and DDO schedules that have been prepared as part of the rezoning.

- **Bushfire Hazard Identification and Assessment**

The proposed Amendment responds appropriately to this objective and applies the best available science when considering the rezoning proposal in the context of bushfire risk, highlighting the following.

- As previously noted, the site is within the Bushfire Prone Area of the state but not in the BMO.
- As outlined in the Bushfire Risk Assessment, there are no large areas of unmanaged vegetation within close proximity to the site and the application of the BMO is not deemed necessary.
- The landscape, local and neighbourhood conditions in relation to the subject land have all been considered and are clearly documented in the Bushfire Risk Assessment.
- Emergency services have been consulted through the settlement planning process. This includes receiving written comments and meeting with the Country Fire Authority (CFA) and seeking feedback on the Bushfire Risk Assessment and draft bushfire related requirements to include in the draft DPO and DDO schedules.
- Appropriate bushfire protection measures are proposed for inclusion in the draft DPO and DDO schedules, including in relation to: subdivision layout, location of perimeter roads, appropriate setback distances to achieve a BAL of 12.5, minimum construction requirements of Bushfire Prone Areas and the provision of areas exposed to a BAL of Low.

- **Settlement Planning**

The proposed rezoning demonstrates appropriate consideration of and compliance with the relevant strategies associated with Settlement Planning, as follows.

- The Concept Plan provides the framework for an appropriate subdivision design where future dwellings will not be exposed to radiant heat levels that exceed 12.5kW/m2.
- The Concept Plan also provides an appropriate framework that will ensure the availability of, and access to, areas of BAL-LOW. Areas are determined to be a BAL -LOW when they are greater than 50 metres from a grassland hazard and 100 metres from woodland hazards. The Bushfire Risk Assessment notes that the subject land is exposed to grassland hazards at the interface and small areas of remnant woodland within the site. The Concept Plan responds to these hazards by outlining an urban structure that provides the ability as part of a future subdivision to ensure there are areas with a BAL of LOW, and which are able to be accessed via a short drive and with no need to travel through high fuel loads.
- Keeping the above matters in mind, the Bushfire Risk Assessment highlights that there will be no increase in risk to existing or future residents, or property and community infrastructure as a result of future development. This is subject to the subdivision design and layout responding to the surrounding bushfire hazards, as per the requirements outlined in the Bushfire Risk Assessment (which are included in the draft DPO and DDO schedules) and which will also ensure that all future dwellings will not be exposed to a radiant heat load greater than 12.5kW/m2 as previously noted.
- Appropriate assessment of the bushfire hazard posed to the north west growth precinct has been undertaken including likely bushfire behaviour the hazard will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction. The Bushfire Risk Assessment concludes that identified hazards can be dealt with through subdivision design and construction requirements and setback distances to ensure radiant heat exposures do not exceed 12.5kW/m2, as previously discussed.
- The Hopetoun Park North West precinct is currently a farming area and supports grassland vegetation. The development of this area is one of only a limited number of growth precincts in Moorabool Shire and acts as an expansion of the existing larger settlement area of Hopetoun Park. It is considered to be a low risk future development and accordingly there was no need to consider other alternative low risk locations.
- The development of a future subdivision within the subject land can be designed to ensure all building envelopes achieve a BAL of 12.5 or BAL-Low.
- **Areas of Biodiversity Conservation Values**

The Amendment response appropriately to this policy direction and proposes to retain woodland within the site. These areas are to be protected within the subdivision and appropriate design and setback distances from these areas of woodland (as previously discussed) will ensure they do not expose future development to radiant heat loads greater than 12.5kW/m2.

7.4 Does the amendment comply with all the relevant Minister's Directions?

Relevant Minister's Direction are as follows:

- Ministerial Direction relating to the Form and Content of Planning Schemes;
- Ministerial Direction 1 - Potentially Contaminated Land;
- Ministerial Direction 11 – Strategic Assessment of Amendments;
- Ministerial Direction 18 - Victorian Planning Authority Advice On Planning Scheme Amendment;
- Ministerial Direction 19 - Part A: The Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health.

The draft planning controls that have been prepared as part of this rezoning request are consistent with the form and content direction. In relation to Direction 11, this section of the Planning Report addresses the key requirements and demonstrates consistency with the Direction.

Ministerial Direction 1 applies to 'potentially contaminated land' which is defined as '*land used or known to have been used for: a) industry, b) mining, or c) the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of the land)*'. Thus, land used for farming purposes does not constitute 'potentially contaminated land'.

It is a requirement of the Direction that '*in preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use*'.

The EPA provided initial comments (dated 18 November 2021) in relation to the original amendment request and identified that work needed to be undertaken to confirm if the land was potentially contaminated. A Preliminary Site Investigation (PSI) was subsequently undertaken by (then) Edge Group and issued to Council and the EPA for review. The EPA provided comment on the PSI on 22 February 2023, making the following recommendations in relation to contamination matters.

- *'To meet the requirements of MD1, the planning authority will need to satisfy itself that the land is either potentially contaminated or not. If the land is potentially contaminated, PPN30 sets out the recommended level of assessment for land which has been determined to have a 'medium' potential for contamination.*
- *Council should consider whether the findings/conclusions of the PSI would satisfy the requirements of MD1, having regard to EPA's observations above. Council may wish to seek clarification from the proponent regarding the PSI conclusion. This would also include updating the conclusion of the Assessment, i.e., the land is either potentially contamination or not, noting the requirements to satisfy MD1'.*

Additional work was subsequently undertaken by Helia EHS Pty Ltd (previously Edge Group) and as outlined at Section 5.8, written advice from Helia EHS Pty Ltd subsequently confirmed that the subject land is not potentially contaminated. Given the conclusions of the Helia advice it is considered that the requirements of Ministerial Direction 1 have been met and accordingly the draft Explanatory Report has been updated to state that the subject land is not potentially contaminated.

Ministerial Direction 19 provides opportunity for a planning authority to seek, and have regard to, the advice of the Victorian Planning Authority (VPA) when preparing an amendment to rezone land in relation to which the Authority has, or has previously been directed to provide advice. Council did seek the advice of the VPA as provided for by this direction and the VPA advised that '*the amendment does not appear to conflict with any projects on our work program, so we have no issues with it from that perspective*'. The VPA also sought an update on projects specified in the UGF as 'preconditions' to the development of Hopetoun Park. It is understood an update on these preconditions was provided to the VPA by Council (noting that the VPA is actually responsible for one of the projects). A further discussion of these preconditions can be found in Section 7.6.

Minister's Direction 19 - Part A: The Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health requires that in reviewing a planning scheme under Section 12B of the *Planning and Environment Act 1987*, or preparing a planning scheme amendment, a planning authority must:

- *'Seek the written views of the EPA about the potential impacts of the proposed review or amendment and any strategies, policies, plans or reviews forming the strategic basis for the review or amendment, including precinct structure plans, on the environment, amenity and human health.*
- *For a planning scheme amendment, include in the explanatory report a statement of how the proposed amendment addresses the views of the EPA'.*

Pursuant to the requirements of this Ministerial Direction the amendment request was referred to the EPA for comment (noting that the matters associated with contamination have been discussed already above).

In addition to contamination matters, the EPA also provided a response in relation to a Traffic Noise impact Assessment prepared by Arup which was lodged as part of the original rezoning request. Following the EPA comments, a written response by Arup was provided to the matters raised and issued for review to the EPA and Council. The EPA provided further advice (dated 22 February 2023) which was as follows.

- *'The output from the noise modelling in the Assessment should be refined to indicate noise contours across the site (as L_{Aeq}) to show noise levels further away from the Western Freeway to inform the risk to environmental values in the ERS, from road traffic noise levels across the site.*
- *The revised presentation of noise modelling results should be used to inform noise mitigation options consistent with Clause 13.05 of the Moorabool Planning Scheme, which is **[bold added for emphasis]**-*
 - *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
 - *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through **suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques** as appropriate to the land use functions and character of the area.*
- *Recommendations for barriers heights should consider the risk of harm to upper floors if 2 storey (or higher) dwellings are envisaged. This may not have been included in the current noise level modelling as VicRoads Policy only applies to the ground floor.*
- *Any noise mitigation measures included in the Assessment to address noise impacts should be consistent with VPP Clause 13.05, which considers:*
 - *barriers;*
 - *building siting and design (orientation, layout);*
 - *urban design and land use separation; and*
 - *building façade materials and construction'.*

As a result of the removal of the north eastern precinct from the rezoning, a number of these recommendations became obsolete. Those that were still relevant have been addressed in the updated Traffic Noise Assessment by Arup.

One final matter raised by the EPA was in relation to land use and the need to *'consider any existing or proposed industry with separation distances that may impact on or be impacted by this amendment'*.

Whilst there are no existing or proposed industries in proximity to the site, land use compatibility has been carefully considered in relation to:

- the land to the north of the site and north of the Freeway and whether it is likely to be used/developed for extractive industry purposes (refer the CK Prowse advice which states it is highly unlikely); and
- the land to the west at the base of the escarpment which forms part of the BMID (refer to the Phillips Agribusiness work which confirms that the residential development of the subject land won't impact the agricultural land use and vice versa).

Accordingly, it is considered that the proposed amendment has responded appropriately to the written views of the EPA, consistent with Ministerial Direction 19.

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

The proposed amendment will give effect to and supports the relevant objectives and strategies of the PPF.

The proposal will result in the provision of additional residentially zoned land in a peri-urban town that has been clearly identified as a location for major growth to accommodate future accommodation needs. The proposal will also result in the provision of community and retail facilities that will service both the existing community at Hopetoun Park as well as the future community in Hopetoun Park North West, responding to key, long standing policy objectives for the growth precinct.

Keeping this in mind, a brief response to the range of relevant policies included in the Planning Scheme is outlined below.

- The proposed rezoning will result in the provision of additional land for residential development which gives effect to the directions at **Clauses 11, 11.01-1S, 11.01-1R and 11.01-1L-01** as well as the Central Highland Growth Plan and Plan Melbourne/the Plan Melbourne Addendum (all of which are policy documents to Clause 11). All of these documents clearly identify Bacchus Marsh as a focus for growth. In the case of Plan Melbourne, the rezoning is also consistent with key elements of the policy direction for 20 minute neighbourhoods including offering a safe and accessible shared path network, a high quality public realm and open space, and providing community and retail services in a location where there are currently no service available to the existing community at Hopetoun Park.
- The proposed rezoning also clearly supports **Clause 11.01-1L-02** which relates specifically to Bacchus Marsh and includes the both the UDF plan and well as identifying the UDF document as a policy document. This clause highlights the importance of any residential growth at Hopetoun Park including community facilities/amenities, and the proposal clearly responds to this by proposing a central community hub area that includes a kindergarten, maternal and child health centre and community room, as well as commercial floorspace of some 540 square metres, all of which is to be co-located with a significant open space reserve containing a district park.

The rezoning also supports the Hopetoun Park specific strategy in relation to facilitating connectivity as it will result in improved connectivity for the existing Hopetoun Park residents by providing appropriate traffic works to support the proposed rezoning. This includes the provision of a roundabout at the Hopetoun Park Road/Western Freeway entry ramp intersection and an additional turn lane constructed at the Hopetoun Park leg at the Hopetoun Park Road/Old Western Highway intersection.

In addition, the rezoning is consistent with the policy documents included at this clause (noting the UGF is discussed in greater detail in Section 7.6 following). Consistent with *Housing Bacchus Marsh to 2041* the rezoning will facilitate development of a greenfield area in a manner that takes into account the character of the adjoining residential precinct and seeks to ensure high quality urban design outcomes. The rezoning has also appropriately considered Council's Community Infrastructure Framework in its consideration of the community facilities and infrastructure required for the proposal.

- Consistent with the directions of **Clause 11.02-1S**, the rezoning will facilitate the supply of land in Bacchus Marsh to ensure that there is adequate land supply to accommodate projected population growth over at least a 15 year period, and highlighting the findings of the Residential Supply and Demand Assessment by Ethos Urban which concludes that additional land supply is required in Bacchus Marsh with a degree of urgency.
- **Clause 11.02-2S** identifies the importance of structure planning to facilitate the orderly development of urban areas, whilst **Clause 11.02-2L** includes as a strategy the need to manage urban growth through the use of Development Plans or Precinct Structure Plans. The rezoning is entirely consistent with these clauses as it responds to the strategic directions for future

residential growth identified in the UGF and seeks to apply a Development Plan to the north western growth precinct to ensure appropriate planning is undertaken.

- The rezoning is also consistent with **Clause 11.02-3S** and seeks to put in place facilities early in the life of the project, including the early provision of a café/general store at the proposed Local Convenience Centre as well as a kindergarten, maternal child health centre and community room.
- As previously noted, the rezoning supports **Clause 11.03-3S** 'Peri urban areas, proposing the rezoning of land for lower density residential purposes in a town that has been identified for growth and on land that has also been identified as being appropriate for residential development, taking into account the character of the surrounding area and the need to maintain an appropriate break between the urban area of Melton.
- The proposed development is not expected to impact areas of significant biodiversity (**Clauses 12.01-1S, 12.01-1L and 12.01-2S**). As discussed at Section 5.4 it is proposed to retain the existing Grey Box woodland area as well as retaining a grassland area as conservation reserves with appropriate buffers. In addition, areas adjacent to the escarpments are proposed to be retained for open space purposes, and site entrances to any future subdivision to be sited to avoid impacts to native vegetation. These measures, in conjunction with more detailed management measures outlined in the Flora and Fana Assessment, will ensure the rezoning gives effect to these strategies.
- Consistent with the strategies at **Clauses 12.05-2S, 12.05-2R, and 12.05-2L** the proposed rezoning has carefully considered the landscape surrounding the subject land, including the escarpment and the need to minimise visual impacts to it from future development, as well as the agricultural land to the west. In response to these considerations the amendment proposes various planning controls, including minimum lot areas, setback requirements to the escarpment and the location of linear open space along the escarpments.
- Consistent with **Clause 13**, the rezoning has considered impacts of natural hazards including through the assessment of bushfire risk and the future siting and design of development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards. In particular, the rezoning supports the policy directions of **Clauses 13.02-1S** 'Bushfire Planning' as already discussed at Section 7.3.
- As discussed in the previous section in relation to Ministerial Direction No. 1, the proposed rezoning gives effect to contaminated land policy requirements, as outlined at **Clause 13.04-1S**.
- The rezoning appropriately considers issues of erosion and landslip as outlined at **Clause 13.04-2S**, with the Interpretive Geotechnical Investigation confirming a) that there are no landslide risk concerns for the future development of the subject land and b) that as a result of future development, existing erosion processes on the western escarpment will be slowed due to the improvement in drainage conditions that will result from the development.
- The proposed rezoning also addresses the requirements of **Clause 13.05-1S** 'Noise Abatement'. As previously discussed at Section 5.13 and then in relation to the Minister's Directions at Section 7.4, the Traffic Noise Assessment that has been prepared, demonstrates that there will be no unreasonable noise impacts to future residences on the site as a result of the adjoining freeway, and that there is no need for any mitigation measures to be implemented for the north west precinct.
- The proposed rezoning also appropriately takes into consideration the issue of land use compatibility as required by **Clause 13.07-1S**. The rezoning and subsequent development of the land for residential purposes will not impact adjoining land uses, comprising the existing low density residential area to the south, the productive farmland/market garden uses located to the west at the base of the escarpment, and the farming land to the north of the Western Freeway. In particular the interface of the proposal with the BMID land to the west has been addressed in detail in the Phillips Agribusiness report and, as discussed further in Table 3, the report confirms that the proposed rezoning and the market gardens to the west, can comfortably continue with

no impacts anticipated to either land use. The potential for there to be extractive industry to the north of the freeway in the future has also been considered, with the CK Prowse advice confirm that any potential extractive industry in that location would be highly unlikely.

- The proposed rezoning will not result in the loss of highly productive farmland (**Clause 14.01-1S**). Whilst the BMPG land is used for cropping, the landholding is small (in agricultural terms) and there are also challenges (from an agricultural perspective) of farming land directly abutting low density residential development. In comparison, the irrigated agricultural land to the west, at the base of the escarpment, is considered to be highly productive and recognised as needing protection in local policy. Accordingly, the rezoning of the growth precinct is considered appropriate in the context of this clause, and as noted above, and discussed in Table 3, the agricultural land to the west will not be impacted as a result of the rezoning.
- The proposal is able to be appropriately serviced and to manage and accommodate stormwater flows, consistent with the strategies of **Clauses 14.02-1S** and **14.02-2S**, and as detailed in the Stormwater Management Plan. The provision of the necessary infrastructure is proposed to be managed via appropriate development contributions, in accordance with **Clause 19.03** and has been designed to ensure no impacts to adjoining land from run off.
- The rezoning also responds appropriately to **Clause 14.03-1S** which seeks to protect the opportunity for exploration and extraction of natural resources, noting that the land to the north of the Western Freeway is considered unsuitable for the development of an extractive industry, for a range of reasons outlined in the CK Prowse advice.
- The proposed amendment will facilitate the establishment of high-quality, lower density greenfield development consistent with the requirements of **Clauses 15.01-1S, 15.01-1L, 15.01-3S and 15.01-4S**. This is demonstrated by the Concept Plan, with the proposed layout of the subdivision taking into account the requirements of Clause 56, but with a particular focus on both the character of the Hopetoun Park residential area, as well as the unique physical features of the growth precinct. This includes the escarpment and the ecological value of the woodland area all of which combined sets up a 'framework' for a neighbourhood that will foster healthy and active living and community.
- Consistent with **Clauses 15.01-5S** and **15.01-5L**, neighbourhood character and landscape have also been carefully considered as part of this rezoning, as discussed in detail at Section 5.1 in relation to the Hansen work.
- As already noted, there is an area of identified cultural heritage significance on the edge of the north west growth precinct and one registered aboriginal cultural heritage place in the western portion of the subject land, and so it is acknowledged that a CHMP will need to be undertaken for those areas prior to the issue of a planning permit for the further subdivision (**Clause 15.03-2S**).
- The proposal is consistent with **Clauses 16.01-1S** and **16.01-1L** and will support the provision of additional housing supply in a greenfield area Bacchus Marsh including new lots that are highly accessible to open space areas, and new retail and community facilities.
- The proposed rezoning and accompanying Concept Plan and draft planning controls respond appropriately to the provisions of **Clause 17.02-1S** by proposing the provision of a small Local Convenience Centre with the intent that in the early stages of the growth precinct a small general store/café use will be established.
- Appropriate consideration has been given to traffic and transport issues consistent with **Clauses 18.01-1S, 18.01-2S, 18.02-3S and 18.02-4L** as well as the Bacchus Marsh Integrated Transport Strategy which is a policy document at this clause. The rezoning will facilitate effective pedestrian and vehicular movements internally, with an extensive shared path network proposed, as well as externally via improved access to the Western Freeway and Old Western Highway and a shared path connection to Cowan's Road to the north west.

- The proposal will result in the provision of additional community infrastructure, including a kindergarten and maternal child health centre, consistent with the policy directions of **Clauses 19.02-2S** and **19.02-4S** which seek to ensure appropriate planning and provision is made for education facilities and community and social infrastructure.
- Consistent with **Clauses 19.02-6S** and **19.02-6L**, and as discussed in greater detail at Section 5.5 in relation to the Open Space and Landscape Report, the proposal seeks to implement a network of public open space for the north west growth precinct that is highly connected and that will respond to the anticipated needs of the future Hopetoun Park North West community
- **Clauses 19.03-2S** and **19.03-2L** relate to the provision of infrastructure including the need for it to be provided in a timely and integrated manner in a way that is consistent across the Shire. The proposed rezoning is entirely consistent with these policy directions and seeks to implement appropriate infrastructure via a Section 173 agreement in association with the future subdivision.
- **Clauses 19.03-3S** and **19.03-3L** relate to integrated water management. The proposal is entirely consistent with these clauses and, as discussed at Section 5.9, includes a detailed Stormwater Management Plan for the north west growth precinct that is reflected in the draft planning controls and Concept Plan.

7.6 How does the amendment support or implement the Municipal Planning Strategy (MPS)?

The proposed rezoning is also entirely consistent with the key directions of the relevant clauses of the MPS and associated supporting Policy documents.

The key clause of relevance to the rezoning is **Clause 02.03-1 Settlement** which specifically directs the majority of growth to Bacchus Marsh; states that growth should be consistent with the UDF; and directs that growth should be accommodated within Bacchus Marsh, Merrimu, Parwan Station and Hopetoun Park. The UDF is therefore a key document in managing settlement in the Shire (as previously discussed). Given the significance of the UDF, Table 3 following outline how the proposed rezoning responds to the HGF Preconditions and Precinct Planning Principles detailed in the UGF for Hopetoun Park at page 79 of the adopted document.

Table 3: Assessment against the key Hopetoun Park provisions of the UGF

<i>Preconditions</i>	<i>Response</i>
<i>Integrated infrastructure delivery framework which addresses all higher order infrastructure needs and means of delivery, and includes integrated water management principles.</i>	It is understood that this framework is still currently being prepared by the VPA, as there had been significant delays. In any event, Council has advised it is comfortable proceeding with this rezoning prior to the framework being finalised, noting that the traffic work undertaken for this rezoning request is being used to inform the framework and that Council has advised other reports completed for this rezoning will also be used to inform the framework (in particular community, drainage, and servicing).
<i>District Open Space Framework, to address key principles to ensure an integrated network of parks, open space and trails, protect escarpments, achieve biolinks, and integrate open space outcomes with waterway management.</i>	This Framework has been completed by Council.
<i>Bacchus Marsh Irrigation District planning study: review zones, overlays, policy statements and buffers to inform a set of principles to protect and facilitate investment in the agricultural sector and address opportunities to facilitate value adding enterprises</i>	This Study is currently underway and is expected to progress to community consultation later this year. However, given the significant delay in this study even commencing it was agreed by Council in March 2019 that in place of this study BMPG could instead undertake an assessment of land that has an interface with the Bacchus Marsh Irrigation District (BMID) to determine if there are any potential impacts on land within strategic outcome areas associated with the ongoing operations within the BMID, and likewise the impact of this future development on land within the BMID. This work has been undertaken, as discussed at Section 5.15, and is also discussed further below.

<i>Precinct Planning Principles</i>	<i>Response</i>
<i>Plan for a small-town expansion integrated with the established neighbourhood that provides new local-level community infrastructure.</i>	The rezoning responds to this principle and proposes a centrally located community hub, adjacent to an open space area that comprises significant recreational facilities and an adjoining conservation area. This can be seen on the draft Concept Plan and also in the range of requirements included in the draft DPO schedule.
<i>Consider opportunities to improve road connectivity with the Western Freeway to and from the west, and with the Old Western Highway from Hopetoun Park Road.</i>	The rezoning responds to this planning principle and proposes the construction of a roundabout at the Hopetoun Park Road / Western Freeway entry ramp intersection and an additional turn lane at the Hopetoun Park Road leg at the Hopetoun Park Road / Old Western Highway intersection, as agreed with (then) Regional Roads Victoria (RRV) as part of pre-application meetings and discussions. RRV also formally advised that they have no plans to develop a west bound on ramp to the Western Freeway (noting that nothing within the proposed Amendment prejudices the ability for this to occur in the future should RRV reconsider) given the Old Western Hwy provides appropriate access to Bacchus Marsh.
<i>Identify and define the existing character of Hopetoun Park and establish principles for a preferred character.</i>	As previously discussed, work was undertaken by Hansen Partnership at the start of the planning process for the growth precinct and is included as a key supporting document to this rezoning proposal. The principles for a preferred character have then been translated into a range of design and siting requirements for both the future subdivision of the land (via the draft DPO schedule) and for future dwellings (via the draft DDO) whilst also integrating recommended design outcomes associated with landscaping with recommendations associated with bushfire risk management.
<i>Ensure that development is set back from the top of the escarpment, to minimise impacts on landscape based on appropriate landscape sensitivity analysis as well as to limit interface issues with agricultural land use (i.e. to avoid land use conflict).</i>	The original Hansen Partnership report addresses this requirement and makes recommendations in relation to setbacks and design approaches to the escarpments. Since the preparation of the original Hansen report there has been further discussions with Council about setbacks to the escarpment with the following now proposed: <ul style="list-style-type: none"> • 20 metre minimum width linear open space corridor along the top of the escarpment (noting that in most areas it will be significantly greater than this), including a 5 metre revegetation strip, a 2.5 metre shared path and managed vegetation to a low threat condition where the land forms part of defendable space setbacks to the grassland to the west of the escarpment; • 17.3 metre width road reserve, with kerb and channel treatment, footpath along dwelling frontage, and indigenous street tree planting to both sides (spaced where required to meet bushfire requirements); and • 10 metre front setback (front garden) to residential allotments (of typically 1,500 square metres in area). These recommendations have been included as part of the siting and design controls included in the draft DDO and DPO schedules.
<i>Ensure protection and appropriate management of any significant habitat values.</i>	Areas of significant habitat values have been clearly identified in the supporting Flora and Fauna Assessment, in the Open Space and Landscape report and in the Concept Plan which is intended to form part of the DPO schedule. The Flora and Fauna Assessment also identifies recommendations for future management of the woodland area. In addition, DEECA has also directed that the conservation areas shown on the Concept Plan should be included in ESO7.
<i>Identify new public open space networks (incorporating environmental values/features, biolinks and cycling/walking trail networks), and show how these integrate with existing/ proposed networks beyond the precinct.</i>	The Open Space and Landscape Report that has been prepared clearly addresses this planning principle. It highlights the open space network that is proposed including the shared path network that will extend along the escarpment and around the perimeter of the site, as well as internally through the north west growth precinct, connecting the open space reserves and also connecting to existing shared paths in the established residential area of Hopetoun Park to the south. Aside from the connections to the existing Hopetoun Park south area, external connection via a shared path is also proposed to the north west, to Cowans Road.
<i>Respond to bushfire risk by undertaking a detailed assessment of bushfire risk, in Bushfire Prone</i>	A detailed assessment has been undertaken in relation to the Clause 13.05 requirements as discussed in some detail earlier in this report at

<i>Areas and Bushfire Management Overlay areas, in accordance with State Planning Policy Framework Clause 13.05.</i>	Sections 5.5 and 7.3, ensuring an appropriate response to this planning principle.
<i>Provide for sustainable water management in accordance with an Integrated Water Management Plan.</i>	Consistent with this planning principle, careful consideration has been given to the issue of sustainable water management, as outlined in the SMP prepared by Afflux Consulting.
<i>Undertake, as part of a land capability study, an assessment of land that has an interface with the Bacchus Marsh Irrigation District (BMID) to determine if there are any potential impacts on land within strategic outcome areas associated with the ongoing operations within the BMID, and likewise the impact of this future development on land within the BMID'.</i>	As discussed at Section 51.15 this issue has been addressed by the Phillips Agribusiness report which considers the interface issues between the BMID land and the subject land and concludes that both land uses can occur side by side without impacting each other (noting the significant distance and elevation between the two land uses due to the escarpment).
Detailed Planning Considerations	
<i>Consider applying the Low Density Residential Zone to the periphery of the precinct, at the interface with the existing LDRZ and the surrounding rural landscape and freeway;</i>	Consideration was given to the application of the LDRZ for the escarpment and interface lots as recommended by this clause. However, this was deemed to be inappropriate given that the lot areas envisaged for these areas, based on the detailed work undertaken by Hansen Partnership in relation to neighbourhood character and visual impact, are proposed to be a minimum of 1500 square metres. Given the minimum lot size in the LDRZ is 2000 square metres clearly the LDRZ is not an appropriate zoning choice.
<i>Consider applying the Neighbourhood Residential Zone to the inner core of the precinct, in order to support a small activity centre or community facilities.</i>	It is proposed to apply the NRZ to the whole of the growth precinct, with larger lots to the periphery to be required via the application of the DPO. The strategic justification for this approach is discussed further at Section 7.7.
<i>Ensure that development is set back from the top of the escarpment, to minimise landscape and environmental impacts</i>	As noted above, this consideration has been adopted as part of the rezoning and is proposed to be implemented via the draft DPO and DDO controls that have been prepared.
<i>Investigate the extractive industry potential of the sand and gravel resources located within Extractive Industry Interest Area 884023 to the north of the Western Freeway, in consultation with the Resources Division of DEDJTR, and establish an appropriate non sensitive use buffer to protect the resources</i>	As outlined at Section 5.16, the extractive industry potential has been investigated by CK Prowse and Associates, who determined that there is low potential for the land to be developed for extractive industry purposes for a range of reasons including the existing residential land uses in proximity to the area, its location abutting the Freeway and the limitations of the potential resource within the EIIA.
<i>Consider interfaces with environmental assets such as Djerriwarrh Creek and BMID, to protect and enhance biodiversity values and agricultural land uses, and to achieve attractive development for local residents'.</i>	As previously discussed, careful consideration has been given to the environmental assets of the site and its surrounds. Given it is only the north west precinct now forming part of this rezoning, Djerriwarrh Creek will not be impacted. The SMP confirms there are not expected to be any negative impacts to the BMID as a result of drainage issues. In terms of on-site environmental assets, the areas considered to be of most ecological significance are proposed to be retained as conservation areas, responding appropriately to this detailed design consideration.
Define the eastern and western edges with the escarpment	
<i>Provide a perimeter road along the top edge of the escarpment with pedestrian and cycling trails on the outer edge of the road cross-section.</i>	This is required by the draft DPO schedule and is also documented in the Open Space and Landscape Report and shown on the Concept Plan.

<i>Establish building envelope limits to manage gateway views when arriving in Bacchus Marsh.</i>	This is addressed by the setback requirements included in the draft DDO schedule which reflects the recommendations of the Hansen Report which will ensure gateway views will be appropriately protected
<i>Define the northern edge with the Western Freeway</i>	
<i>Establish building envelope limits to manage views from the Western Freeway and Avenue of Honour.</i>	As noted above, these views have also been considered in the Hansen Report and setback requirements included in the draft DDO schedule which will ensure views are managed.

In relation to the broader policies identified at Section 4.2 of this report, the following brief comments are made.

- The proposal gives appropriate consideration to the Shire's natural environment and rural identity as required by **Clause 02.03-2** including by maintaining appropriate visual buffers to the growth precinct's boundaries, proposing larger lots around the escarpment area and along the southern boundary of the subject land, proposing appropriate built form setbacks to ensure separation of future dwellings and adequate areas for landscaping, and proposing fencing controls to ensure the rural 'feel' of Hopetoun Park is maintained.
- The proposal also considers environmental risks, consistent with **Clause 02.03-3** including appropriately managing bushfire risk.
- The rezoning and subsequent development is also entirely consistent with **Clause 02.03-4** and is not expected to impact the BMID to its west.
- The Concept Plan that has been prepared for the rezoning provides for an urban structure that will ensure the provision of a healthy and active neighbourhood that also respects the character of existing residential development at Hopetoun Park, consistent with **Clause 02.03-5** 'Built Environment and Heritage'.
- The rezoning will give effect to **Clause 02.03-6** 'Housing' providing additional housing opportunities in Bacchus Marsh including larger lots around the west and south sides of the subject land.
- The proposal also responds to **Clause 02.03-8** 'Transport' and will offer improved connectivity for existing residents at Hopetoun Park to the Freeway and the Old Western Highway.
- Consistent with **Clause 02.03-9**, the rezoning proposes extensive open space areas and recreation facilities for future residents that will also be of benefit to the existing Hopetoun Park community.

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

The Amendment makes appropriate use of the VPPs. It is proposed to rezone the land to the NRZ with an accompanying draft schedule that specifies a minimum lot area of 800 square metres in the growth precinct.

As previously discussed, the UDF suggests the application of either the LDRZ or the NRZ for Hopetoun Park. The LDRZ is not appropriate due to the minimum lots size of 0.2 hectares in the Zone. This means the NRZ is the preferred zone from a policy perspective, which is appropriate taking into account the nature of the growth area and the purpose of the zone which includes to '*manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics*'.

As part of the amendment, it is also proposed to apply the DPO and the DDO to the land, and draft schedules have been prepared for each.

The use of two different overlays is proposed for the following reasons.

- **Clause 11.02-2L** refers to the use of development plans to guide development and to manage urban growth. Therefore the use of the DPO is as required by relevant policy and appropriate, highlighting one of the purposes of the DPO is to *'identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land'*.
- As has been discussed already, Hansen Partnership has undertaken a substantial piece of work in the form of its Neighbourhood Character Assessment, Landscape and Visual Amenity and Design Guidelines for Hopetoun Park which addressed a range of siting and design issues at a subdivision level as well as at an individual lot level.
- Whilst some elements of the Hansen recommendations can be appropriately addressed via the DPO, there are some elements of the recommendations (particularly in relation to the setback of dwellings on lots and fencing requirements, for example) which don't sit comfortably in a DPO schedule and would more typically sit within a DDO. For this reason, a DDO is also proposed as part of the amendment, noting that a key purpose of the DDO is to *'identify areas which are affected by specific requirements relating to the design and built form of new development'*.

Whilst it might be possible to prepare a DPO that acts as something of a 'hybrid' between the two overlays, it was considered clearer to have the controls that relate to the future layout and design of the roads and subdivision in the growth precinct, to be separated from those requirements that relate to the siting of dwelling on lots.

Similarly, whilst it could be possible to include some of the recommended siting controls associated with dwellings in the schedule to the NRZ, not all of the controls recommended by Hansen Partnership could be accommodated in the NRZ schedule and it was considered that it would become confusing – having some setback and siting controls in the DPO schedule, some in the DDO schedule and some in the NRZ schedule.

In addition, it is noted that in preparing the draft overlay controls, consideration was also given to the circumstances of there being three landowners in the north west precinct (albeit with BMPG controlling the majority of the precinct), and the potential for some of the properties to continue in agricultural or related land uses for some time. The draft controls seek to ensure existing land uses can continue with minimal impact whilst still ensuring that any associated development won't unreasonably limit future development of the growth area.

Accordingly, it is submitted that the use of the two overlay controls, in conjunction with the NRZ, is logical and makes appropriate use of the VPPs.

In addition to the above, as previously noted, as part of the referral process to authorities DEECA advised that it considered the conservation areas should be offered an additional layer of protection by the application of ESO7. This is an approach supported by Council and so now also forms part of this amendment.

As a result of the proposed rezoning and application of the DPO and DDO to the land, it is also proposed to remove the existing DDO2 that applies to the land, in addition to the SLO1. It is considered this represents an appropriate planning outcome and use of the VPPS noting the following.

- In the case of DDO2, it seeks to control visual amenity and building design in agricultural areas – typically land that is in the FZ. It is not an appropriate control to retain for a new growth area.
- In the case of SLO1, the landscape character objectives to be achieved comprise: *'to protect the natural scenic qualities of the hilltops and ridge line areas'* and *'to minimise the visual impact of development'*. These objectives have been taken into account in the preparation of this rezoning, as referenced in the Hansen Report, and in the various siting and design controls that are proposed to be applied by the new DPO and DDO (for example, the minimum lot areas of 1500 square metres proposed along the escarpments, the linear open space reserve along the

escarpment, prescribed minimum front setbacks and so forth). In addition, the objectives of the draft DDO schedule reference the need to protect the escarpment areas and minimise visual impact. Accordingly, it is considered that SLO1 is not required as a result of the new overlay controls that are proposed to be applied. In addition, it is noted that the requirement under SLO1 for a planning permit to be required for all buildings and works is an inappropriate level of control for a growth precinct, particularly given the detailed nature of the overlay controls that are proposed to be applied in its place.

7.8 How does the amendment address the views of relevant agencies?

The views of a range of agencies were sought by Council following lodgement of the original amendment request and can be summarised as follows.

- The responses from the CFA, EPA, DTP, DEECA and VPA have all been discussed in earlier sections of this report. This updated amendment request has addressed the range of matters addressed by these authorities in their referral responses including where meetings were held to discuss/clarify the responses.
- The views of Melbourne Water, Southern Rural Water (SRW) and Greater Western Water (GWW) were sought both via referral and in some case in meetings in relation to the SMP, with latest iteration of the SMP updated to reflect comments and feedback provided by Melbourne Water. SRW and GWW had no objection to the proposal.
- The Amendment was also referred to Heritage Victoria, Downer, and Melbourne Airport, all of which responded with no objection.
- The Amendment was referred to the Department of Jobs, Precincts and Regions in relation to the EIIA, however no response was provided.
- The Amendment was also referred to Powercor however no response was provided.

In addition to the above it is noted that the views of the relevant Traditional Owner organisation, the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, were also sought by BMPG during the preparation of the cultural heritage advice.

7.9 Does the amendment address the requirements of the Transport Integration Act 2010?

The purpose of the Transport Integration Act 2010 is to create a new framework for the provision of an integrated and sustainable transport system in Victoria that contributes to an inclusive, prosperous and environmentally responsible state.

The proposed amendment is not expected to impact significantly on the transport system. Whilst the proposal will result in increased traffic flow to and from Hopetoun Park, this additional traffic has been considered as part of the rezoning proposal and appropriate mitigation measures (as previously outlined and agreed to by DTP) are proposed. Accordingly, it is considered that the proposal is appropriate in the context of the requirements of the Transport Integration Act 2010.

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

The proposed amendment is not expected to have any significant impact on the administrative costs of the responsible authority.

This current rezoning request has been fully funded by BMPG. Whilst Council resources will be required to facilitate the approval of a Development Plan and subdivision permit once the subject

land is rezoned, beyond that there will be no need for further planning approvals for future dwellings. Accordingly, it is considered that the additional resourcing that will be required to put the planning framework in place for the north west precinct is not unreasonable and is necessary to ensure ongoing availability of residential land in Bacchus Marsh.

8. Conclusion

In conclusion, it is submitted that the proposed rezoning is entirely appropriate in the context of relevant planning policies given the following.

- At a State and regional policy level, Bacchus Marsh is identified as a focus for major growth and thus the development of a new growth precinct is consistent with this policy direction.
- At a local policy level Hopetoun Park North is identified as one of three residential growth areas associated with Bacchus Marsh, noting that unlike the other two areas of Merrimu, and Parwan Station, Hopetoun Park North does not require the development of significant external infrastructure (for example the Eastern Link Road) to proceed.
- The Hopetoun Park North Growth Precinct was identified in policy as a medium-term growth area when it was introduced into the Planning Scheme in 2018. The timing of this rezoning is therefore appropriate and consistent with this timeline noting the typical time it takes from a rezoning request being lodged to the development of land is a minimum 4 years.
- A range of detailed specialist reports have been prepared in support of the rezoning which confirm that from an environmental perspective the proposal is appropriate and that areas of conservation significance can be protected as part of the proposal.
- The specialist reports also confirm that the growth precinct can be appropriately serviced and that stormwater and drainage can be managed in a way that won't impact surrounding land uses.
- The draft planning controls and Concept Plan that have been prepared will ensure that future development responds appropriately to the existing character of Hopetoun Park and that visual impact from the proposal will be minimised.
- The proposed rezoning will result in the development of community and retail hubs at Hopetoun Park north west that will service both the future and existing population of Hopetoun Park.
- The draft Concept Plan proposes an extensive open space area, integrated with areas identified for conservation purposes, in addition to a shared path network, consistent with relevant policy and orderly and proper planning.

Keeping the above in mind, it is respectfully requested that Council support this proposed planning scheme amendment and seek Ministerial approval to have the amendment proceed to public exhibition.

DB Consulting Pty Ltd
August 2023

Appendix A: KLM Definition of the western escarpment boundary

Our Ref: 12016

21 August 2023

Bacchus Marsh Property Group Pty Ltd
237 Ryrie Street
Geelong Vic 3220

Attention: Ross Closter Ross@urbanld.com.au

Dear Ross,

Licensed Surveyor Statement
Cowans Road HOPETOUN PARK

Further to correspondence from Council and Melbourne Water requesting detail about the definition of the extent of the escarpment on the above application. As a consequence, we provide the following clarification with regard to the method of determination for the escarpment edge as shown on the Hopetoun Park North proposed rezoning plans in the above application.

The top of the western escarpment has been defined by direct GPS field survey and in field assessment and is along the very distinct change of grade line.

This is shown as the red dashed line on the attached property identification plan.

The field surveyed change of grade line has been further verified by direct comparison to Vicmap Data lidar contours.

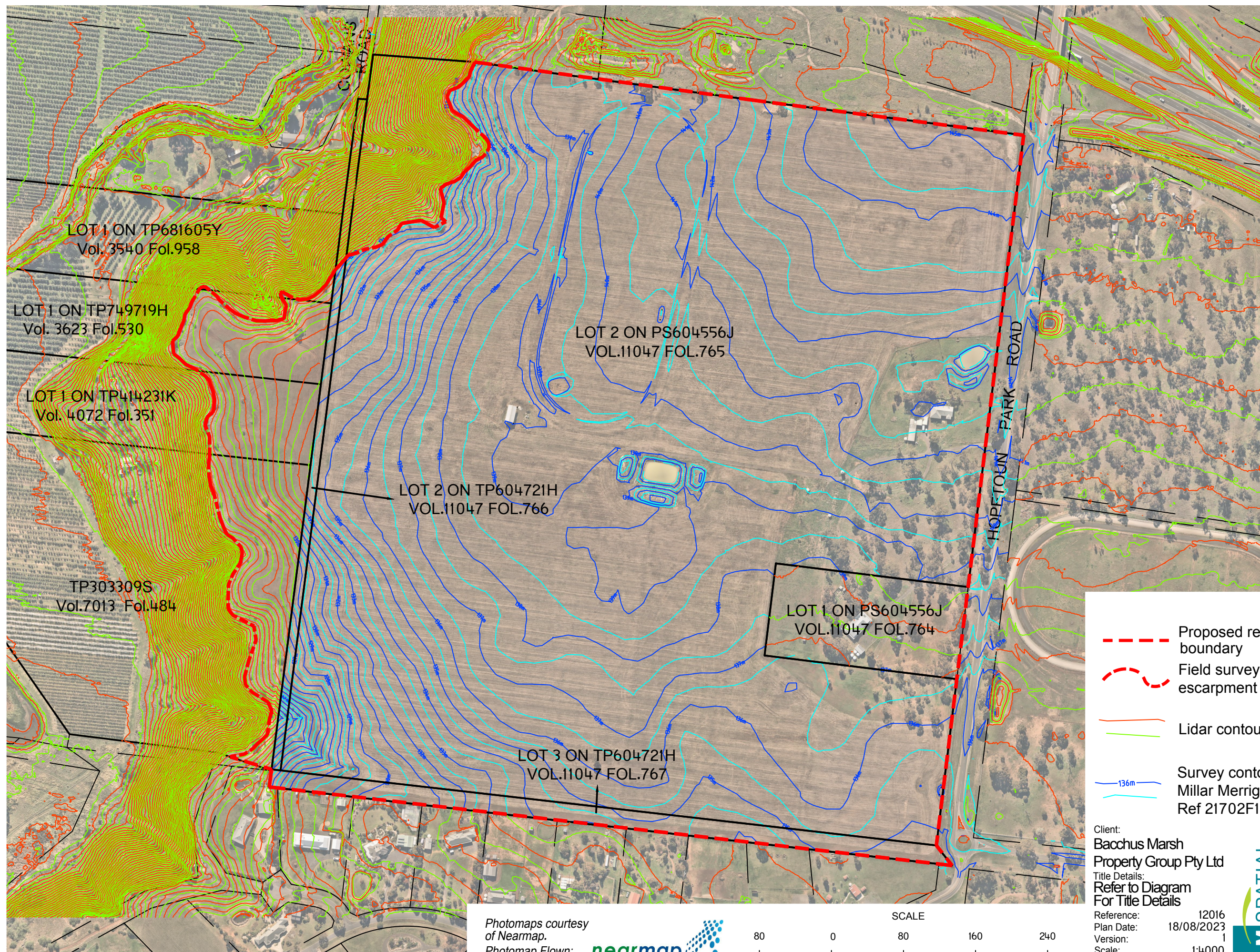
As is clearly evident from the plan, this surveyed line is co-incident with where the lidar contours significantly group together, thus indicating the location of where the land gradient changes from a gradual undulation down to a very steep decline, and hence this has been adopted as the edge of escapement.

Yours Sincerely,



Geoff Ladner
KLM Spatial

PLANNERS // SURVEYORS //
ENGINEERS // BUILDING DESIGNERS //



LOT 1 ON TP681605Y
Vol. 3540 Fol.958

LOT 1 ON TP749719H
Vol. 3623 Fol.530

LOT 1 ON TP414231K
Vol. 4072 Fol.351

TP303309S
Vol.7013 Fol.484

LOT 2 ON TP604721H
VOL.11047 FOL.766

LOT 2 ON PS604556J
VOL.11047 FOL.765

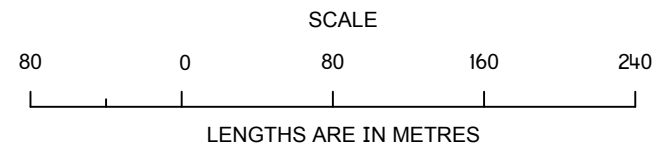
LOT 1 ON PS604556J
VOL.11047 FOL.764

LOT 3 ON TP604721H
VOL.11047 FOL.767

- Proposed rezoning boundary
- Field surveyed escarpment line
- Lidar contours
- Survey contours
- Miller Merrigan Ref 21702F1

Client:
Bacchus Marsh
Property Group Pty Ltd
Title Details:
Refer to Diagram
For Title Details
Reference: 12016
Plan Date: 18/08/2023
Version: 1
Scale: 1:4000
Sheet: 1 of 1
Sheet Size: A3

Photomaps courtesy
of Nearmap.
Photomap Flown:
20/06/2023



Hopetoun Park Road & Cowans Road, Hopetoun Park, 3340.

Rezoning Property Identification Plan

This plan must not be passed on to any third party or reproduced in any documentation without the written approval of KLM Spatial.



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