

Moorabool Planning Scheme

Amendment C103moor

Explanatory Report

Overview

This amendment facilitates the future subdivision and residential development of land in Hopetoun Park North.

It does this by:

- rezoning approximately 62 hectares of land from the Farming Zone to the Neighbourhood Residential Zone;
- applying the Development Plan Overlay to ensure the land is developed in an orderly manner and manages the design and layout of the future subdivision and the future road network (including bushfire management requirements);
- applying the Design and Development Overlay to manage setbacks and siting requirements for future dwellings;
- applying the Environmental Significance Overlay to two areas of biodiversity significance; and
- removing the existing Significant Landscape Overlay and Design and Development Overlay which relate to rural land uses.

Where you may inspect this amendment

The amendment can be inspected free of charge at:

- Moorabool Shire Council website at <https://www.moorabool.vic.gov.au/Building-and-planning/Planning-for-the-Shires-future/Planning-scheme-amendments>
- During office hours at the following places:
 - Moorabool Shire Council, 15 Stead Street, Ballan
 - Darley Civic and Community Hub, 182 Halletts Way, Darley
 - Lerderderg Library – Customer Service, 215 Main Street, Bacchus Marsh
- Department of Transport and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by 4 May 2025.

A submission must be sent to:

Strategic Planning, Moorabool Shire Council

By post: PO Box 18, Ballan, Vic 3342

In person: 15 Stead Street, Ballan

By email: info@moorabool.vic.gov.au

Panel hearing dates

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

- Directions hearing: 28 July 2025
- Panel hearing: 25 August 2025

Details of the amendment

Who is the planning authority?

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

The amendment has been made at the request of Bacchus Marsh Property Group Pty Ltd (BMPG).

Land affected by the amendment

The amendment applies to land in Hopetoun Park North, located to the west of Hopetoun Park Road. The land is currently included in the Farm Zone and is also affected by the Design and Development Overlay Schedule 2 (Visual Amenity and Building Design), and the Significant Landscape Overlay Schedule 1 (Scenic Hilltops and Ridge Line Area). The subject land is indicated within the yellow boundary in Figure 1.

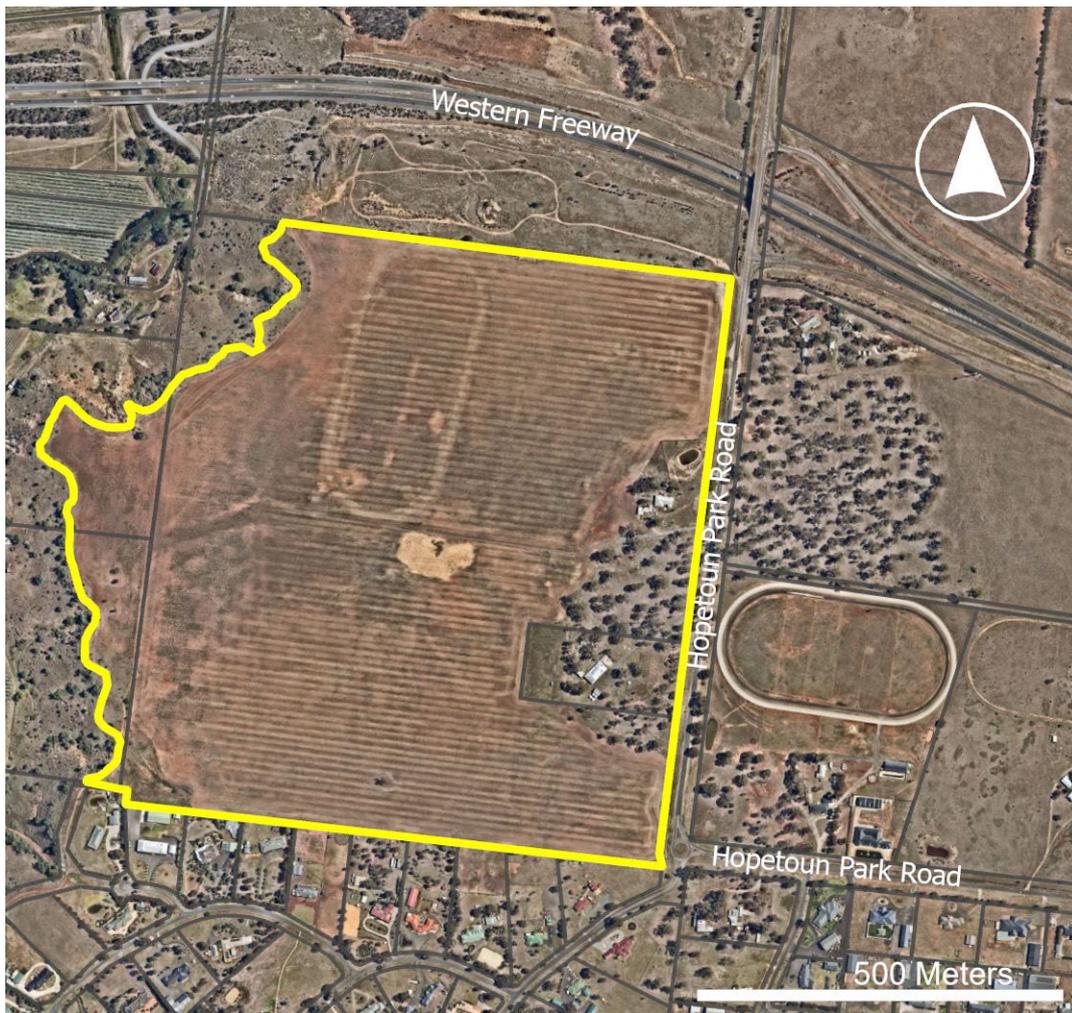


Figure 1: Land affected by the amendment

The details for each of the properties that form part of the amendment area are as follows:

- 124 Hopetoun Park Road comprising: Lot 2 PS604556J; Lot 2 TP604721H; Lot 3 TP604721H
- 150 Hopetoun Park Road: Lot 1 PS604556J;
- 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 rezoning area is bound by the Western Freeway reservation to the north, Hopetoun Park Road to the east, existing low density residential development to the south and the edge of the escarpment facing Bacchus Marsh to the west. In the case of the western boundary, the escarpment edge has been defined by the distinct change of grade in that location.

What the amendment does

It is proposed to rezone all land within the red boundary (Figure 1) from the Farming Zone to the Neighbourhood Residential Zone Schedule 8. It is also proposed to:

- delete the Design and Development Overlay Schedule 2 and the Significant Landscape Overlay Schedule 1.
- apply the Development Plan Overlay Schedule 7 and Design and Development Overlay Schedule 17 to the whole of the land.
- apply the Environmental Significance Overlay Schedule 7 to the areas to be retained as conservation reserves.

A Concept Plan has been prepared as part of the supporting amendment documents, and forms part of the Development Plan Overlay schedule. The Concept Plan seeks to demonstrate the likely form that any future development plans and subdivision permit applications might take and has been used as a basis for development contribution considerations. The Concept Plan is included as Figure 2.

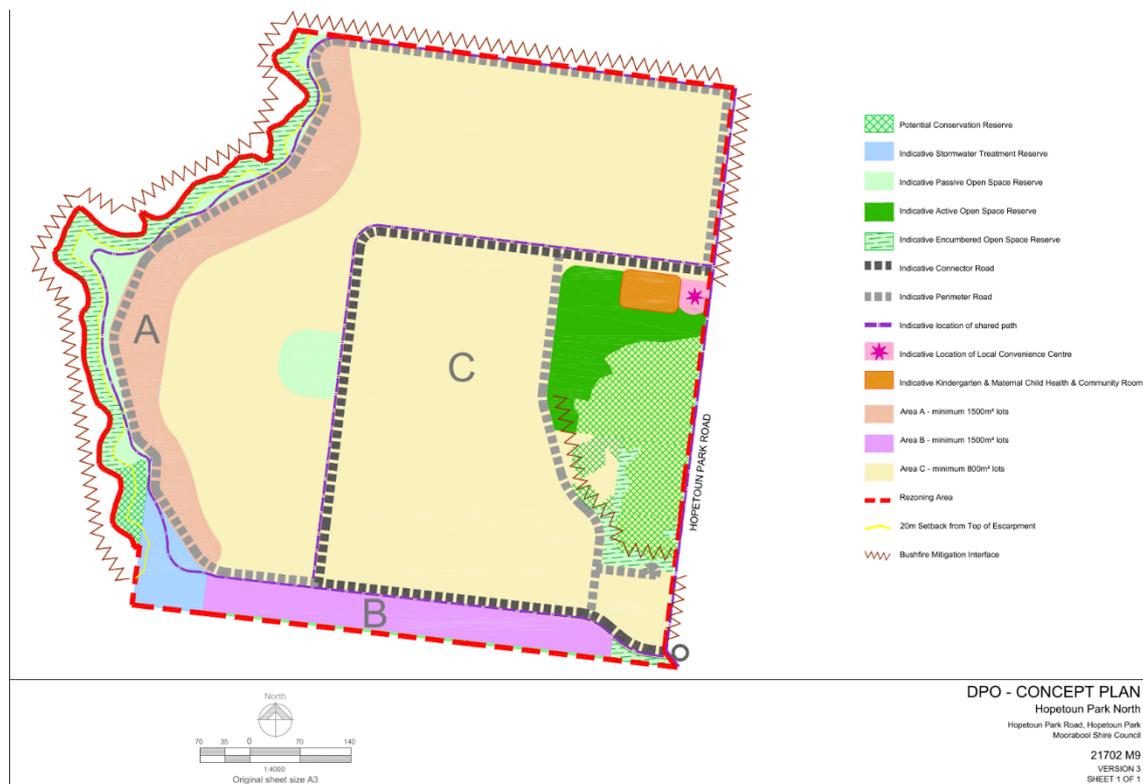


Figure 2: DPO Concept Plan

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

Zoning Maps

- Amends Planning Scheme Maps Nos. 38 and 47 to rezone the subject land from Farming Zone to Neighbourhood Residential Zone Schedule 8.

Overlay Maps

- Amends Planning Scheme Map No. 38ESO to apply the Environmental Significance Overlay Schedule 7 (ESO7) to identified areas of the subject land.

- Amends Planning Scheme Map Nos. 38SLO and 47SLO to delete the Significant Landscape Overlay Schedule 2 (SLO2) from the subject land.
- Amends Planning Scheme Map Nos. 38DDO and 47DDO to delete the Design and Development Overlay Schedule 2 (DDO2) from the subject land and applies the new Design and Development Overlay Schedule 17 (DDO17) in its place.
- Amends Planning Scheme Map Nos. 38DPO and 47DPO to apply the Development Plan Overlay Schedule 7 (DPO7) to the subject land.

Planning Scheme Ordinance

- Inserts new Schedule 8 to Clause 32.09 (Neighbourhood Residential Zone).
- Amends Schedule to Clause 35.07 (Farming Zone)
- Inserts new Schedule 17 to Clause 43.02 (Design and Development Overlay).
- Inserts new Schedule 7 to Clause 43.04 (Development Plan Overlay).

Strategic assessment of the amendment

Why is the 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 identified as forming part of a growth precinct in the Planning Scheme at Clauses 02.03-1 (Settlement) and 11.01-1L-02 (Bacchus Marsh), and in the *Bacchus Marsh Urban Growth Framework*, VPA, 2018. The amendment will implement the policy directions of these clauses and the Urban Growth Framework. A Residential Supply and Demand Assessment undertaken by Ethos Urban in July 2023 in support of this amendment identifies that additional land supply in Bacchus Marsh and Ballan is estimated to be adequate for a period of 6.6 years (now less than 5 years). This represents a constrained supply situation and further residential land supply is required.

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

Consistent with the objectives set out in Section 4 of the *Planning and Environment Act 1987* the amendment will:

- Provide for the fair, orderly, economic and sustainable use of land by facilitating the rezoning of the land for residential purposes, including applying planning provisions to ensure its coordinated and logical development in a designated growth precinct and in a town that is identified for major growth in both Plan Melbourne and the Central Highlands Regional Growth Plan.
- Provide appropriate protection for areas of environmental sensitivity on, and adjoining, the land.

- Secure a pleasant and safe living and recreational environment for future residents as well as existing residents of Hopetoun Park, including through the provision of new local retail and community facilities.
- Ensure an appropriate response to areas of visual sensitivity using planning provisions to guide the design and layout of future subdivision and development.
- Facilitate development in accordance with the planning objectives which will result in a well-planned outcome.

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

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) and is exhibited as part of this amendment. The Nature Advisory assessment found that whilst the majority of the subject land comprises cropped farmland, there are two areas of ecological significance on the site. A larger 2.565 hectare patch of Plains Woodland Ecological Vegetation Class (EVC) is centrally located along Hopetoun Park Road, in the east of the subject land, and 0.425 hectares of Plains Grassland EVC is located in the southwest corner of the subject land.

Both these areas are proposed to be retained as conservation reserves as shown on the Concept Plan. 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 reserves 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, and around retained grassland as reserves to prevent impacts to remnant vegetation. As a result of these measures, there are not expected to be any significant impacts to the flora and fauna on the subject land.

An addendum to the flora and fauna assessment (Nature Advisory, July 2024) considers the likelihood of Victorian Grassland Earless Dragon (VGED) habitat based on the habitat extent mapping. Nature Advisory concludes that all potential habitat will be protected within conservation areas. The DPO schedule requires an assessment of VGED habitat and management within these conservation areas before development occurs.

The northwest corner of the subject land is located within an area of Aboriginal Cultural Heritage Sensitivity as the land is 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 will be required prior to a planning permit being issued in the future for the subdivision of the subject land. 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 Stormwater Management Plan has been prepared by Afflux Consulting, which utilised the findings of geomorphological and geotechnical reports (by Brizga Environmental and Black Geotechnical respectively) to inform its preparation. The Stormwater Management Plan outlines the major drainage requirements for the subject land, including the location of a stormwater treatment reserve in the southwest corner of the site and associated requirements in relation to outfall location and structures as well as Zero Additional Maintenance (ZAM) treatments. As a result of the proposed approach to stormwater management, the geotechnical report concluded that the rate of the erosion processes affecting the escarpment will be reduced by the future development due to the substantial improvement in drainage conditions proposed. Accordingly, it is considered that drainage will have minimal environmental impacts, and in fact there will be improvements in terms of reducing erosion of the escarpment.

The potential for soil contamination has also been considered, with confirmation by Helia EHS Pty Ltd that the land is not potentially contaminated (refer to detailed discussion below under the Ministerial Direction 1 heading for further information on this issue).

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. Hopetoun Park will provide a different offering (in terms of lot size and location) compared to the other two key residential growth areas in Bacchus Marsh at Merrimu and Parwan Station. The findings of the Ethos Urban Residential Supply and Demand Assessment identified that additional land supply is required as a matter of urgency in Bacchus Marsh.
- The application of appropriate overlay controls will ensure that the character and feel of the growth precinct, when developed, 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 service the new residents, and also 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 growth precinct, as well as the existing residents of Hopetoun Park.
- The rezoning will facilitate road upgrades that will provide improved access for both existing and future residents.

Does the amendment address relevant bushfire risk?

The future residential development of the subject land once it has been rezoned to the Neighbourhood Residential Zone has been assessed by South Coast Bushfire Consultants in its Bushfire Risk Assessment – Response to Clause 13.02 (August 2023). The assessment has been prepared in consultation with the CFA and demonstrates that the amendment meets bushfire policy included at Clause 13.02 of the Planning Scheme as outlined below.

Protection of human life

The Bushfire Risk Assessment concludes:

- that the proposed rezoning appropriately prioritises the protection of human life.
- bushfire risks to the future development of the land have been considered carefully at this rezoning stage, noting that the site is within the Bushfire Prone Area of the state but not in the Bushfire Management Overlay (BMO) and is not in a landscape at a high risk from bushfire.

The Concept Plan responds to recommendations of the Bushfire Risk Assessment and 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 new and 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.

The Bushfire Risk Assessment also finds that the proposal will assist in reducing vulnerability of communities by the consideration of bushfire risk in decision making. This is demonstrated by the development layout proposed by the Concept Plan, and the mitigation measures proposed as part of the Risk Assessment which are proposed to be implemented through the new Development Plan Overlay and Design and Development Overlay schedules.

Bushfire Hazard Identification and Assessment

The Bushfire Risk Assessment finds that the proposed amendment responds appropriately to key strategies that seek to ensure the best available science is used when considering rezoning proposals in the context of bushfire risk. In relation to this issue, the Bushfire Risk Assessment highlights the following:

- There are no large areas of unmanaged vegetation within 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 rezoning 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 Development Plan Overlay and Design and Development Overlay schedules.
- Appropriate bushfire protection measures are proposed for inclusion in the Development Plan Overlay and Design and Development Overlay 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 Bushfire Risk Assessment finds that the proposed rezoning demonstrates appropriate consideration of, and compliance with, the relevant strategies associated with Settlement Planning outlined at Clause 13.02, as follows:

- The Concept Plan and proposed ordinance controls provides the framework for an appropriate subdivision design where future dwellings will not be exposed to radiant heat levels that exceed 12.5kW/m² and which ensures the availability of, and access to, areas of BAL-LOW.
- 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.
- The Bushfire Risk Assessment includes appropriate consideration of bushfire hazards posed to the future development of the subject land. It has considered likely bushfire behaviour the hazard will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction. In considering these issues the 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.

Areas of Biodiversity Conservation Values

The amendment responds appropriately to this policy direction and proposes to retain a woodland and grassland area within the site, both of which are to be protected within future conservation reserves. Where necessary design and setback distances have been proposed or development adjacent to these areas to ensure future development is not exposed to radiant heat loads greater than 12.5kW/m².

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

The amendment complies with the requirements of the Ministerial Direction – The Form and Content of Planning Schemes (Section 7(5) of the *Planning and*

Environment Act 1987).

Direction 1: Potentially Contaminated Land

The amendment has considered the implications of Ministerial Direction 1 Potentially contaminated land, and the site is considered to have no potential contamination, based on investigations undertaken. Accordingly, Direction 1 does not apply to the 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'*.

To define the likelihood of contamination a Preliminary Site Investigation (PSI) was undertaken by Edge Group and provided to Council and the EPA for review. The EPA's review of the PSI concluded that further definition was required to determine the applicability of Direction as to whether the subject land was either potentially contaminated or not, in order to determine the applicability of Direction 1.

Additional work was subsequently undertaken by Helia EHS Pty Ltd (previously named Edge Group) with a focus on a small area of the subject land that had been originally assessed as having the potential for marginal soil contamination (comprising farm sheds located at 124 Hopetoun Park Road). Upon completion of remediation work, written advice was provided by Helia EHS Pty Ltd confirming that the subject land was not potentially contaminated, in compliance with this Ministerial Direction 1 and consistent with Planning Practice Note 30. Under this guidance, land assessed as not potentially contaminated is suitable for sensitive uses, including residential, and an environmental audit is not required for any use.

Direction 11 – Strategic Assessment of Amendments

The amendment complies with Ministerial Direction No. 11: (Strategic Assessment of Amendments) under Section 12 of the PE Act. The amendment is consistent with this direction which requires a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. This explanatory report provides this evaluation of the amendment.

Direction 18 - Victorian Planning Authority Advice on Planning Scheme Amendment

The amendment complies with Ministerial Direction 18. This Direction provides 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 sought the advice of the VPA as provided for by this direction and the Bacchus Marsh UGF was developed jointly by the VPA and Council. The VPA advised that the amendment did not conflict with any projects on the VPA's work program.

The provisions of this amendment give effect to the intended Hopetoun Park North

outcomes sought by the VPA by delivering a greenfield residential precinct that meets the precinct planning principles and detailed planning considerations set out in the Bacchus Marsh UGF.

Direction 19 - Part A: The Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health

The amendment complies with Ministerial Direction 19. Minister's Direction 19 - Part A requires that in reviewing a planning scheme under Section 12B of the PE Act, 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. The Direction also requires a planning scheme amendment to include in the explanatory report a statement of how the proposed amendment addresses those views.

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 in relation to Ministerial Direction 1).

In response to Council's referral the EPA provided commentary on the Traffic Noise Impact Assessment prepared by Arup, and also requested consideration of any existing or proposed industries in proximity to the site with separation distances that could be impacted by the amendment.

In response to the EPA comments in relation to noise, a written response by Arup was prepared as well as an updated report, which addresses the additional considerations raised by the EPA.

The issues associated with existing or proposed industries were addressed by advice prepared by CK Prowse and Associates in relation to the Extractive Industry Interest Area to the north of the Western Freeway and in the Residential Interface Impacts by Phillips Agribusiness, in relation to the interface of the site with the Bacchus Marsh Irrigation District (BMID) land to the west of the subject land, at the base of the escarpment.

The amendment responds appropriately to Direction 19, with EPA concerns and considerations addressed and resolved through the provided supporting documents.

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

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

Clauses 11.01-1S Settlement, Clause 11.01-1R Settlement – Central Highlands and Clause 11.01-1L-Settlement in Moorabool

The proposed rezoning will result in the provision of additional land for residential development which gives effect to the directions of the above clauses, as well as the *Central Highlands Regional Growth Plan* and *Plan Melbourne/the Plan Melbourne*

Addendum (all of which are policy documents to consider under Clause 11). These clauses and policy documents identify Bacchus Marsh as a focus area 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 services available to the existing community at Hopetoun Park.

Clause 11.01-1L-02 Bacchus Marsh

The proposed rezoning is consistent with the strategies of clause 11.01-1L-02, all of which relate specifically to Bacchus Marsh and reference both the *Bacchus Marsh Urban Growth Framework Plan* (UGF) as well as identifying the UGF document as a policy document. This clause highlights the importance of residential growth stating:

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.

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 approximately 540 square metres, all of which is to be co-located with an 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 (including the *Bacchus Marsh Urban Growth Framework* discussed in greater detail later in this report).

Clause 11.02-1S Supply of Urban Land

Consistent with the directions of this clause, 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 again 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 Structure Planning and Clause 11.02-2L Structure Planning in Moorabool

Clause 1.02-2S 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 Development Plans or Precinct Structure Plans. The rezoning is consistent with these clauses as it responds to the strategic directions for future residential growth identified in the Bacchus Marsh Urban Growth Framework and seeks to apply a Development Plan to the proposed growth precinct to ensure orderly planning is undertaken.

Clause 11.02-3S Sequencing of development

The rezoning is consistent with the relevant strategies of this clause and seeks to put in place community facilities, including the opportunity for a café/general store at the proposed Local Convenience Centre as well as a kindergarten, maternal child health centre and community room.

Clause 11.03-3S Peri-urban areas

The rezoning is appropriate in the context of 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.

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

The proposed development is not expected to impact areas of significant biodiversity. It is proposed to retain an existing Grey Box woodland area on the site as well as retaining a grassland area, with both proposed to be conservation reserves with appropriate buffers around them. In addition, areas adjacent to the escarpments are proposed to be retained for open space purposes, and site entrances to any future subdivision are to be sited to avoid impacts to native vegetation. These measures, in conjunction with more detailed management measures outlined in the *Flora and Fauna Assessment* by Nature Advisory, will ensure the rezoning gives effect to these strategies.

Clause 12.05-2S Landscape, Clause 12.05-2R Landscapes – Central Highlands and Clause 12.05-2L Landscapes in Moorabool

Consistent with the strategies outlined at these clauses, the proposed rezoning has carefully considered the landscape surrounding the subject land. This includes the need to minimise visual impacts of future development on existing view lines from the Western Freeway to the escarpment, and retain the distinctive rural break provided by 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.

Clause 13.02-1S Bushfire Planning

The amendment meets the requirements for bushfire protection, minimisation and

management as discussed earlier in this explanatory report under 'Bushfire Risk'.

Clause 13.04-1S Contaminated and potentially contaminated land

The proposed rezoning appropriately considers the policy directions outlined at Clause 13.04-1S as discussed earlier in this explanatory report under the heading for Ministerial Direction 1.

Clause 13.04-2S Erosion and landslip

The rezoning appropriately considers the objectives and strategies that relate to erosion and landslip as outlined at Clause 14.04-2S, with the Interpretive Geotechnical Investigation confirming that there are no landslide risk concerns for the future development of the subject land. Additionally, existing erosion processes on the western escarpment will be slowed due to the improvement in drainage conditions that will result from future development.

Clause 13.05-1S Noise Abatement

The proposed rezoning is consistent with the requirements of Clause 13.05-1S Noise Abatement. The Traffic Noise Assessment that has been prepared demonstrates that there will be no unreasonable noise impacts to future residences on the site from the adjoining freeway, and that there is no need for any mitigation measures to be implemented for the subject land.

Clause 13.07-1S Land use compatibility

The proposed rezoning also 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. The interface of the proposal with the Bacchus Marsh Irrigation District land to the west has been addressed in detail in the Phillips Agribusiness report which 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 been considered, with advice by CK Prowse and Associates confirming that any potential extractive industry in that location would be highly unlikely.

Clause 14.01-1S Protection of agricultural land

The amendment is consistent with the objectives and strategies of this clause. The proposed rezoning will not result in the loss of highly productive farmland – noting that whilst the BMPG land is currently 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 highly productive. The rezoning of the subject land is considered appropriate in the context of this clause, as the irrigated agricultural land to the west will not be impacted by future development of the land, as discussed in greater detail in the Phillips Agribusiness report.

Clauses 14.02-1S Catchment planning and management and Clause 14.02-2S Water Quality

The subject land can be appropriately serviced 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 prepared for the amendment by Afflux Consulting. The provision of the necessary infrastructure is proposed to be managed via appropriate development contributions and has been designed to ensure no impacts to adjoining land from run off.

Clause 14.03-1S Resource exploration and extraction

The rezoning also considers and responds appropriately to Clause 14.03-1S which seeks to protect the opportunity for exploration and extraction of natural resources. Much of the subject land is covered by Extractive Industry Interest Area (EIIA) mapping. Extraction viability was considered through amendment C081moor, with consensus reached that the proximity to existing dwellings in Hopetoun Park limited extraction opportunities. This resulted in the subject land's identification as a residential strategic outcome area in Clause 11.01-1L-02. Resources Victoria confirmed this position.

The land within an EIIA to the north of the Western Freeway, is also considered unsuitable for the development of an extractive industry, for a range of reasons as outlined in the CK Prowse and Associates advice, and therefore will not be compromised by increased sensitive uses on the subject land to its south.

Clauses 15.01-1S Urban design, 15.01-1L Urban design, 15.01-3S Subdivision design, Clause 15.01-4S Healthy Neighbourhoods, Clause 15.01-5S and Clause 15.01-5L

The proposed amendment will facilitate the establishment of high-quality, lower density greenfield development consistent with the relevant objectives and strategies of these clauses. 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 excluding development below the escarpment and within the ecologically rich woodland area, which sets up a 'framework' for a neighbourhood that will foster healthy and active living and community.

Clause 15.03-2S Aboriginal cultural heritage

As discussed earlier in this explanatory report, there is an area of identified cultural heritage significance on the edge of the proposed precinct and one registered

aboriginal cultural heritage place in the western portion. It is acknowledged that a CHMP will need to be undertaken for those areas prior to the issue of a planning permit for the future subdivision.

Clauses 16.01-1S Housing Supply and Clause 16.01-1L Housing supply in Moorabool

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 of Bacchus Marsh including new lots that are highly accessible to open space areas, and new retail and community facilities.

Clause 17.02-1S Business

The proposed rezoning and accompanying Concept Plan are consistent with the relevant strategies of Clause 17.02-1S by proposing the provision of a small Local Convenience Centre with the intent that a small general store/café use will be established.

Clauses 18.01-1S Land use and transport integration, 18.01-2S Transport system, 18.01-3S Sustainable and safe transport and Clause 18.02-4L Road system

Appropriate consideration has been given to traffic and transport issues consistent with the relevant objectives and strategies of these clauses. The rezoning will facilitate improved movements networks through:

- effective pedestrian and vehicular movements internally, with an extensive shared path network proposed;
- improved access to the Western Freeway and Old Western Highway; and
- a shared path connection to Cowan's Road to the northwest.

Clause 19.02-2S Education facilities and Clause 19.02-4S Social and cultural infrastructure

The proposal will result in the provision of additional community infrastructure, including space for a kindergarten, maternal child health centre or other community services, 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.

Clause 19.02-6S Open space and Clause 19.02-6L Open space in Moorabool

Consistent with Clauses 19.02-4S and 19.02-6L, and as outlined in the Open Space and Landscape Report by Weir and Co, the amendment seeks to implement a network of public open space for the subject land that is highly connected and that will respond to the anticipated needs of the future Hopetoun Park North community.

Clause 19.03-2S Infrastructure design and provision and Clause 19.03-2L Infrastructure design and provision

These clauses 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 consistent with the directions of these clauses and will implement appropriate infrastructure contributions via a Section 173 agreement in association with the future subdivision of the land.

Clauses 19.03-3S Integrated water management and 19.03-3L Integrated water management

The amendment is consistent with these clauses and includes a detailed Stormwater Management Plan that is reflected in the planning controls and in the Concept Plan prepared as part of the amendment.

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

The amendment is consistent with the following clauses of the Municipal Planning Strategy and will assist in achieving objectives of the clauses as follows.

- The key clause of relevance to the rezoning is Clause 02.03-1 Settlement which includes a specific discussion on Bacchus Marsh, and which refers to the *Bacchus Marsh Urban Growth Framework* which is a policy document referred to in the Moorabool Planning Scheme. The amendment responds to the key requirements included in the Urban Growth Framework such as:
 - provision of local level community infrastructure;
 - improvement of road connectivity with the Western Freeway;
 - identification of the existing character of Hopetoun Park and establishment of principles for a preferred character;
 - minimising impacts to the landscape and adjoining land uses; protection and management of areas of significant habitat;
 - identification of new public open space networks and provision for their integration with existing networks;
 - appropriate response to bushfire risk, provision for sustainable water management;
 - confirmation of minimal impacts to the Bacchus Marsh Irrigation District; and
 - other detailed planning considerations relating to the zoning of the land and land use interfaces.
- The amendment gives appropriate consideration to the Shire's natural environment and rural identity as required by Clause 02.03-2 Environmental and landscape values, 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 amendment also considers environmental risks, consistent with Clause 02.03-3 Environmental risks and amenity including appropriately managing bushfire risk.
- The rezoning and subsequent future development is also entirely consistent with Clause 02.03-4 Natural resource management and is not expected to impact the Bacchus Marsh Irrigation District 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 Western Freeway and the Old Western Highway.
- Consistent with Clause 02.03-9 Infrastructure, 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.

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 from Farming Zone to the Neighbourhood Residential Zone with an accompanying schedule that specifies a minimum lot area of 800 square metres. This is consistent with the *Bacchus Marsh UGF* which suggests the application of either the Low Density Residential Zone or the Neighbourhood Residential Zone for Hopetoun Park. Whilst the Low Density Residential Zone was considered it is not preferred due to the more restrictive minimum lots size of 0.2 hectares allowed under that Zone. The Neighbourhood Residential Zone 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 is able 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 Development Plan Overlay, Design and Development Overlay and the Environmental Significance Overlay to the land. The use of three different overlays makes proper use of the VPPs for the following reasons:

- Clause 11.02-2L refers to the use of a Development Plan to guide development and manage urban growth. The use of the Development Plan Overlay supports the coordinated development of the site given its fundamental purpose 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*'.

- A Neighbourhood Character Assessment and Landscape and Visual Amenity and Design Guidelines report was prepared by Hansen Partnership. This Assessment addresses a range of siting and design issues which is translated into the planning controls for the amendment to appropriately manage future development of the site.
- Whilst some elements of the Hansen recommendations are able to be addressed via the Development Plan Overlay, there are some elements of the recommendations (particularly in relation to the setback of dwellings on lots, for example) which are more appropriately located in a Design and Development Overlay which includes as an objective *‘to identify areas which are affected by specific requirements relating to the design and built form of new development’*. For this reason, the Design and Development Overlay is also proposed to be applied to the site.
- As part of the referral process to authorities, the Department of Energy Environment and Climate Action (DEECA) advised that it considered the conservation areas identified on the Concept Plan should be offered an additional layer of protection by the application of the ESO7. Accordingly, the application of ESO7 is proposed.

The three overlay controls, in conjunction with the Neighbourhood Residential Zone make appropriate use of the VPPs.

As part of the amendment, it is also proposed to remove the existing Design and Development Overlay Schedule 2 that applies to the land, in addition to the Significant Landscape Overlay Schedule 1. This represents an appropriate planning outcome and use of the VPPs noting the following:

- In the case of Design and Development Overlay Schedule 2, it seeks to control visual amenity and building design in agricultural areas, usually land that is in the Farm Zone. It is not an appropriate control to retain for a greenfield residential area.
- In the case of Significant Landscape Overlay Schedule 1, the landscape character objectives to be achieved have been considered in the preparation of the amendment, and in the various siting and design controls that are proposed to be applied by the new Development Plan Overlay and Design and Development Overlay. Accordingly, this overlay would be superseded upon application of the proposed controls. 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.
- The proposed Development Plan Overlay 7 sets out a significant western escarpment interface comprised of a 20 metre reserve, 5 metre revegetation strip and road reserve. Canopy tree plantings in public and private spaces will shield built structures. The proposed Design and Development Overlay Schedule 17 includes the design objective “to ensure new residential development minimises its visual impact when viewed from the Western Freeway, Bacchus Marsh Valley and the existing Hopetoun Park residential development.” These together will minimise unwanted visual and landscape impacts which were previously controlled through the DDO2 and SLO1, through controls appropriate to a residential area.

How does the amendment address the views of any relevant

agency?

The views of all relevant agencies were sought by Council following lodgement of this amendment request and can be summarised as follows:

- The views of the Country Fire Authority (CFA) have been considered. The CFA raised issues with how bushfire risk was considered in the proposed amendment. Changes were requested to the amendment including implementation of the bushfire assessment through planning mechanisms. Changes to the proposed planning controls have been made and included in exhibited versions, as well as updates to the bushfire assessment, resulting in the CFA advising issues had been largely addressed.
- The views of the Department of Environment, Energy and Climate Change (DEECA) have been considered in relation to the amendment. 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 Plains Grassland located in the southwest corner of the subject land are to be maintained as fenced conservation reserves. The original amendment proposal included land on the eastern side of Hopetoun Park Road, which DEECA recommended to be preserved for environmental purposes, and subsequently this area has been excised from this amendment.
- The views of the Environment Protection Authority (EPA) have been considered. The EPA directed Council to consider PPN30 and whether the land should be considered potentially contaminated. In addition, it recommended the consideration of separation distances from existing and proposed industry, along with potential noise impacts consistent with the requirements of the EP Act 2017. Further detail is included under the response to the Ministerial Direction 1.
- In addition, the removal of the eastern precinct from the amendment has addressed the largest traffic noise impacts, removing the need for additional mitigation measures.
- The views of the Victorian Planning Authority (VPA) have been considered, and are discussed under Ministerial Direction 18 in this report.
- The views of the Department of Transport and Planning (DTP) as the agency relevant to the transportation network have been considered. DTP advised that the amendment will not significantly impact the transport system. Changes requested from the department relating to key infrastructure on Hopetoun Park Road were included in the design, to the satisfaction of DTP.
- The views of Melbourne Water, Southern Rural Water and Greater Western Water have been captured through the DPO7 requirement that a Development Plan include an approved Integrated Water Management Plan, including the requirement that stormwater discharge outlets and flows, and measures to mitigate the steep outfall conditions be to the satisfaction of relevant authorities. Council will ensure that these agencies are involved in the development plan approval process.
- The amendment was referred to Heritage Victoria, Ausnet Gas Services, and Melbourne Airport, all of which responded with no objection.

- The amendment was referred to Resources Victoria, which agreed with the assessment that the EIA on the site is unsuitable for quarrying.
- The amendment was referred to Powercor however no response was provided.

The views of the relevant Traditional Owner organisation, the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, were also sought during the preparation of the cultural heritage advice. The escarpment, top of escarpment and alluvial terraces were identified as being of greater aboriginal cultural heritage significance. Impacts on these areas will be minimised through a 20 metre development setback from the top of escarpment to be maintained as a lineal reserve, and the preparation of a Cultural Heritage Management Plan prior to development.

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

The amendment will not have a significant impact on the transport system. While the proposal will result in increases in traffic to Hopetoun Park, additional traffic generation has been considered as part of the rezoning proposal and appropriate mitigation measures (as agreed to by DTP as part of pre-application consultation) are proposed. Accordingly, it is considered that the proposal is appropriate in the context of the requirements of the Transport Integration Act 2010.

Resource and administrative costs

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

This amendment is not expected to have significant impact on the administrative costs of the responsible authority. Whilst Council resources will be required to facilitate the approval of a Development Plan and subdivision permit once the subject land is residentially rezoned, beyond that there will be limited need for further planning approvals for dwellings. A future commercial rezoning will be required to deliver the local activity centre. The additional resourcing that will be required to put the planning framework in place for the subject land is not unreasonable and is necessary to ensure ongoing availability of residential land consistent with the Municipal Planning Strategy in Bacchus Marsh.