

Draft Greater Bendigo Planning Scheme
Amendment C296gben
Referral 18 – Bendigo Regional Employment Precinct

VPA Projects Standing Advisory Committee Report

Planning and Environment Act 1987

10 July 2026

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Woi Wurrung People as the traditional custodians of
the land on which our office is located. We pay our
respects to their Elders past and present.

Planning and Environment Act 1987

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Referral 18 - Bendigo Regional Employment Precinct

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Tim Hellsten, Chair

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Sophie Osborn, Member

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Peter Edwards, Member

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Glossary and abbreviations

ACHS	Aboriginal Cultural Heritage Strategy
AP#	Access Point [number]
Background Report	Bendigo Regional Employment Precinct Background Report, VPA, December 2025
BREP	Bendigo Regional Employment Precinct
CHMP	Cultural Heritage Management Plan
Committee	VPA Projects Standing Advisory Committee
Council	Greater Bendigo City Council
CVA	Bulop Bayowayi landscape DJAARA Cultural Values Assessment (redacted), DJAARA, 29 April 2026
D#	Document [number] (refer Appendix C)
DJAARA	Dja Dja Wurrung Clans Aboriginal Corporation (Registered Aboriginal Party)
DPO34	Development Plan Overlay Schedule 34
draft Amendment	Draft Greater Bendigo Planning Scheme Amendment C296gben
Drainage Strategy	Drainage/Stormwater Management Strategy
DTP	Department of Transport and Planning - New Communities (formerly VPA)
DTP-Transport	Department of Transport and Planning – Transport Services
EPA	Environment Protection Authority Victoria
GBILDS	<i>Greater Bendigo Industrial Land Development Strategy, 2020</i>
HTfV	Head, Transport for Victoria
IN1Z	Industrial 1 Zone
IN3Z	Industrial 3 Zone
Interface Guidelines	Sensitive use Interface and Development Guidelines
Intersection Strategy	Intersection and Access Strategy
IT#	Intersection [number]
LILO	left-in left-out intersection treatment
LO	Left-out
MTSP	Marong Township Structure Plan
MWFC	Marong Western Freight Corridor
NDA	Net developable area (expressed in Hectares)

PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Greater Bendigo Planning Scheme
PIP	Public Infrastructure Plan
PPN23	Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays
PPN92	Planning Practice Note 92: Managing buffers for land use compatibility
Practitioner's Guide	Practitioner's Guide to Victoria's Planning Schemes
S173 Agreement	Section 173 Agreement
SIFP	Shared Infrastructure Funding Plans
SIP	Shared Infrastructure Plan
SIP Guideline	Draft Bendigo Regional Employment Precinct Guideline for preparing Shared Infrastructure Plan, VPA, May 2026
TIA	Transport Impact Assessment
VPA	Victorian Planning Authority (now part of the Department of Transport and Planning New Communities)

Overview

Amendment summary

The draft Amendment	Greater Bendigo Planning Scheme Amendment C296gben
Common name	Bendigo Regional Employment Precinct
Brief description	To facilitate the master planning of the Bendigo Regional Employment Precinct through the rezoning of land to Industrial 1 Zone, applying a Development Plan Overlay and amending the Greater Bendigo Planning Scheme Planning Policy Framework
Subject land	Land in the identified Bendigo Regional Employment Precinct (see Figure 1)
The Proponent	Department of Transport and Planning, New Communities (formerly Victorian Planning Authority (VPA))
Planning Authority	Department of Transport and Planning, New Communities
Council	Greater Bendigo City Council
Public consultation	1 December 2025 to 13 February 2026
Submissions	27 submissions with 18 provided to the Committee (see Appendix C)

Panel process

The Committee	Tim Hellsten (Chair), Sophie Osborn and Peter Edwards
Supported by	Chris Brennan, Senior Project Officer, Planning Panels Victoria
Directions Hearing	By video, 14 April 2026
Committee Hearing	In person and by video at 1 Spring Street and 2 Lonsdale Street Melbourne on 19, 20, 21, 22, 26, 27, 28 and 29 May 2026
Site inspections	Unaccompanied, 18 May 2026
Parties to the Hearing	Refer Appendix D
Citation	VPA Projects SAC Referral 18 - Bendigo Regional Employment Precinct [2026] PPV
Date of this report	10 July 2026

Executive summary

The Bendigo Regional Employment Precinct (BREP) is a 295 hectare precinct located to the immediate south of the Marong Township and approximately 15 kilometres west of the Bendigo Central Business District.

The BREP has important interfaces to:

- Wimmera Highway and Calder Alternative Highway and proposed future Marong Western Freight Corridor
- Marong Golf Course, Marong Recreation Reserve, Wilsons Hill Reserve and the Marong Cemetery
- rural areas.

The former Victorian Planning Authority (VPA) now Department of Transport and Planning New Communities (DTP) has undertaken detailed planning for the BREP alongside other strategic work undertaken by the Greater Bendigo City Council (Council) to address a significant shortage of industrial land supply in Bendigo.

The objectives for the BREP include to:

- attract a broad range of industry sectors including logistics, transport, advanced manufacturing, mineral processing, food and beverage productions, renewable energy, circular economy enterprises, and data and digital infrastructure
- provide for a mix of large and medium sized industrial lots
- capitalise on the proximity to the state freight network and future Marong Western Freight Corridor, and the adjacent Marong township
- provide at least 3,000 jobs
- recognise Cultural heritage values
- provide for orderly and coordinated development and infrastructure provision.

The draft Amendment proposes to amend the Greater Bendigo Planning Scheme to facilitate the BREP's development including:

- changes to the Municipal Planning Strategy and Planning Policy Framework
- application of the the Industrial 1 Zone (IN1Z) and Development Plan Overlay Schedule 34 (DPO34) to the precinct
- introduction of the 'Draft Bendigo Regional Employment Precinct Guideline for preparing Shared Infrastructure Plan for State Transport Infrastructure' (SIP Guideline) as a background document.

DTP undertook public consultation on the draft Amendment from 1 December 2025 to 13 February 2026. A total of 27 submissions were received including from Council, landholders within and adjoining the BREP, government departments and agencies and Dja Dja Wurrung Clans Aboriginal Corporation (DJAARA) the Registered Aboriginal Party for the BREP land and surrounding Country.

DTP provided 18 of these submissions to the Victorian Planning Authority Projects Standing Advisory Committee (Committee) and sought advice on specific referred issues relating to:

- interfaces treatments, adverse amenity

- Aboriginal Cultural heritage
- zoning for the precinct
- shared Infrastructure Contribution Framework and Section 173 Agreements
- consequential drafting matters.

Draft Amendment document versions

DTP proposed several changes to the draft Amendment document during the Committee's process. These included:

- Day 1 versions
- updated Day 1 versions
- Part B versions
- Part C versions
- a Final version of DPO34 and the SIP Guideline following the conclusion of the Hearing and consideration of drafting comments.

The Committee's conclusions and recommendations are based on the Final versions of DPO34 and the SIP Guideline.

The updated Day 1 version of the DPO34 and SIP Guideline included several significant changes which informed the evidence and submissions provided at the Hearing including:

- changes to DPO34 to:
 - identify an area of approximately 49 hectares to be included in the Industrial 3 Zone (IN3Z) towards the north-western edge of the precinct
 - the Concept plan to delete the identified drainage basins, change precinct access point locations and descriptions and identify different interface types
 - include separate s173 agreement provisions for different infrastructure projects
- changes to the SIP Guideline to:
 - delete two precinct access point projects
 - apply a Net Developable Area approach to infrastructure contributions
 - introduce drainage/stormwater management strategy provisions.

DTP's Final version of DPO34 included the removal of the preparation of a Shared Infrastructure Plan (SIP) as part of the development plan requirement and for it to be prepared separately by Council as further work identified in Clause 72.04.

Strategic context

The strategic basis for development of the precinct for industrial and employment growth at the BREP is clear. There is strong support in:

- state and regional planning strategies identified in the Greater Bendigo Planning Scheme (*Plan for Victoria* and *Loddon Mallee South Regional Growth Plan*)
- state and regional economic strategies (*Victoria's Economic Growth Statement 2024*, *Victoria's roadmap – A 10 Year Plan for Industrial Land* and the *Loddon Campaspe Economic Growth Strategy*)
- the Municipal Planning Strategy and Planning Policy Framework.

The need to address a shortage of unencumbered industrial land in Bendigo to support industries requiring larger land sizes is borne out through extensive industrial land need and supply assessments culminating in the *Greater Bendigo Industrial Land Development Strategy*.

Findings on referred matters

Interfaces treatments, adverse amenity and zoning

The Final version of DPO34, subject to the Committee's recommendations, provides appropriate guidance to manage potential adverse amenity impacts to existing and planned sensitive uses within and external to the precinct in concert with the provisions of the IN1Z provisions, Clauses 53.10, 65.01 and 65.02 and planning policy.

The IN1Z is the appropriate zone to apply to the entirety of the BREP. It best reflects the BREPs strong policy support and economic importance to address critical local and regional shortages in industrial land supply particularly for large lots and to accommodate the range of industrial activity and employment outcomes uses sought.

The IN3Z should not be applied to the BREP as part of this Amendment.

Aboriginal Cultural heritage

The Final version of DPO34:

- includes appropriate landscape protection measures for identified interfaces with culturally sensitive environments
- appropriately requires the preparation of an Aboriginal Cultural Heritage Strategy in consultation with DJAARA including an assessment of impacts on Aboriginal cultural heritage values as part of a development plan.

The DPO34 should be amended so the requirement for the Aboriginal Cultural Heritage Strategy is informed by the most recent versions of any Cultural Heritage Management Plan or Cultural Values Assessment which pre-date its preparation.

Shared Infrastructure Contribution Framework and Section 173 Agreements

Transport projects

Further work is required to finalise the design and apportionment of intersection IT2 based on DTP's revised concept plans locating the roundabout approximately 40 metres south of Wimmera Highway. This includes some apportionment to the State government as part of the future Marong Western Freight Corridor project. The Final version of DPO34 and SIP Guideline however includes appropriate mechanisms to resolve the design and apportionment of intersection IT2 subject to the Committee's recommended changes.

The SIP Guideline reference designs for intersections IT3 and IT5 are appropriate but minor enhancements, including improving pedestrian accessibility, are necessary but can be resolved as part of a DPO34 development plan Intersection and Access Strategy.

The proposed precinct access points are generally appropriate in DPO34 subject to amending the Concept plan to:

- identify a 'potential precinct access point' south of access point AP5
- not specify potential precinct access point turn movement descriptions.

Drainage

The Final version of DPO34 and the SIP Guideline will appropriately coordinate drainage infrastructure delivery.

Contribution framework

For the BREP, the preparation of a SIP and requirement for managing contributions through s173 agreements is an appropriate and strategically justified mechanism for the funding of transport and drainage infrastructure.

Consistent with the Final version of the DPO34 (Document 85) the requirement for the preparation of the SIP should be removed and required to be developed by Council through further work (through Clause 74.02) to be guided by the SIP Guidelines. The requirements for permits to be accompanied by Section 173 Agreements consistent with a SIP remains.

Notwithstanding the above, DPO34 should be amended consistent with the Committee's version in Appendix F to:

- move the Public Infrastructure Plan (PIP) requirement to the development plan stage which will allow for implementation planning at a larger scale prior to the permit stage
- not specify apportionment percentages for intersections IT2, IT3 and IT5 in the Intersection and Access Strategy requirement.

The SIP Guideline provides appropriate mechanisms to flag potential contributions in a transparent manner and will support the preparation of a SIP including its costings, Net Developable Area charges and basis on which contributions will be made. The Final version of the SIP Guideline (Document 87) should however be amended to:

- exclude the high-level cost estimates for intersections IT2, IT3 and IT5
- provide guidance in relation to indicative apportionment for intersections IT2, IT3 and IT5 including a bespoke approach for IT2 to consider apportionment to the BREP, the future residential development to the east and the future Marong Western Freight Corridor project
- include the concept designs for intersections IT3 and IT5, and a revised concept design for IT2 based on the extract of the IT2 plan in DTP's Part C Submission (Document 69).

Consequential drafting matters

The Committee supports the:

- Day 1 version of Clause 02.03 (Document 19c)
- consultation version of Clause 11.01-1L
- Part B version of Clause 11.03-6L-04 (Document 59f)
- the Part C version of Clause 66.04 (Document 68c) subject to removing references to 'Clause 33.03 (IN3Z)'
- the Part B version of Clause 74.01 (Document 59g) subject to deleting the reference to applying the Industrial 3 Zone to the BREP and part of the Marong Township Structure Plan (MTSP) area.

The Committee recommends the Final version of DPO34 be amended to replace the reference to 'super lots' in Clause 2.0 with more appropriate terminology and include other drafting corrections and changes shown in the Committee's version in Appendix F.

Recommendations

Based on the reasons set out in this Report, the Committee recommends:

1. **Draft Greater Bendigo Planning Scheme Amendment C296gben be prepared and approved subject to the changes recommended in this Report.**

Development Plan Overlay

2. **Amend Development Plan Overlay Schedule 34 as shown in Appendix F and make the following changes to 'Map 1 – Bendigo Regional Employment Precinct – Concept plan':**
 - a) **Remove the 'MTSP residential growth areas' mapping designation and interface type from the legend.**
 - b) **Insert a new "Marong framework plan new development precincts" interface type and apply its mapped extent generally consistent with Figure 9 of this Report.**
 - c) **Remove the mapped extent of the Industrial 3 Zone and its legend reference.**
 - d) **Identify a 'potential precinct access point' south of primary precinct access point AP5.**
 - e) **Remove potential precinct access point turn movement references to 'LLO' and 'LO'.**

Other Greater Bendigo Planning Scheme clauses

3. **Amend the Clause 66.04 Schedule to be generally consistent with the Part C version (Document 68c) subject to deleting references to 'Clause 33.03 (IN3Z)'.**
4. **Amend the Clause 74.01 Schedule to be generally consistent with the Part B version (Document 59g) subject to deleting references to application of the Industrial 3 Zone to the Bendigo Regional Employment Precinct and part of the Marong Township Structure Plan area.**
5. **Amend the Clause 74.02 Schedule to include:**
"A shared infrastructure plan for the Bendigo Regional Employment Precinct, with regard to the Bendigo Regional Employment Precinct Guideline for Preparing Shared Infrastructure Plan (2026)."

Guideline for Preparing Shared Infrastructure Plan

6. **Amend the Final version of the Guideline for Preparing Shared Infrastructure Plan (Document 87) to:**
 - a) **Amend references to the Shared Infrastructure Plan informing the Drainage/Stormwater Management Strategy and Intersection and Access Strategy to identify that the Shared Infrastructure Plan will implement or be informed by these strategies.**
 - b) **Amend references to 'Industrial Zones' to refer to 'Industrial 1 Zone'.**

- c) **Amend the references to the Section 173 Agreement permit condition requirement to state “the Shared Infrastructure Plan will be implemented by a Section 173 Agreement required by a condition of a permit” or similar.**
- d) **Amend the content describing intersection IT2’s functional role, traffic nexus, strategic context and cost apportionment to reflect the need for further work to resolve the preferred roundabout design, costing and subsequent apportionment.**
- e) **Amend the descriptive content and Table 1 to:**
 - **delete the high-level cost estimates column, and the explanation of high level cost estimates of intersections**
 - **clarify that the apportionment figures for intersections IT3 and IT5 are indicative apportionment figures to be finalised in accordance with the Intersection and Access Strategy**
 - **delete the apportionment percentage for intersection IT2 and identify the need for design (including whole of project life considerations), costs and apportionment to be determined through the preparation of the Intersection and Access Strategy**
 - **note that the design of Access Points AP1, AP4 and AP5 are to be prepared as part of the Intersection and Access Strategy**
- f) **Delete the recommendation in Section 4.3 that the Marong Township Shared Infrastructure Funding Plan incorporate the identified detail for IT2, IT3 and IT5.**
- g) **Amend DTP-Transport Services’ role as a development agency to include intersection IT2.**
- h) **In Appendix A:**
 - **delete the Shared Transport Infrastructure Cost Estimate**
 - **include a revised preliminary concept design for IT2 based on the extract of IT2 plan at paragraph 74 of Department of Transport and Planning’s Part C Submission (Document 69)**
 - **include Day 1 (V2) version concept designs for IT3 and IT5.**
- i) **Retain the Marong Transport Network Assessment at Appendix B as background information only, noting that the Intersection and Access Strategy under the Development Plan Overlay Schedule 34 will provide revised and updated information to inform the Shared Infrastructure Plan.**

Part A The Committee's approach

1 The Committee

1.1 Terms of Reference and the referral letter

The VPA Projects Standing Advisory Committee (Committee) was appointed by the former Minister for Planning on 22 July 2020. The Committee's purpose is set out in its Terms of Reference dated 17 July 2020 (see Appendix A) as follows:

... to provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

The Terms of Reference explains the Victorian Planning Authority (VPA) will provide a letter of referral to the Committee Chair:

...seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter.

The Department of Transport and Planning New Communities (DTP and formerly VPA) referred the draft Greater Bendigo Planning Scheme Amendment C296gben (draft Amendment) to the Committee on 18 March 2026 (see letter of referral at Appendix B). This is Referral 18 to the Committee.

The Terms of Reference requires the Committee to consider:

- a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
- b. The referred submissions
- c. *Plan Melbourne 2017-2050 (Plan Melbourne)*
- d. Any relevant Regional Growth Plan or Growth Corridor Plan
- e. The applicable Planning Scheme
- f. Relevant State and local policy
- g. Any other material referred to it.

(i) Response to the Terms of Reference

Table 1 sets out the Report outcomes specified at section 20 of the Committee's Terms of Reference and the relevant chapters where the matters are addressed.

Table 1 Response to Terms of Reference outcomes

Outcome	Report Chapters
Whether the referred elements of the draft amendment are appropriate.	Chapters 4 to 7
A summary and assessment of the issues raised in submissions referred to the Committee.	Executive Summary and Chapters 4 to 7
Any other relevant matters raised in the course of the Committee process.	Chapters 1, 4 to 7
A list of persons who made submissions considered by the Committee.	Appendix D
A list of tabled documents.	Appendix E

(iii) **Response to letter of referral for advice on 'Key Issues'**

Table 2 sets out the 'Key Issues' set out in Table 1 of the letter of referral (referred issues) and the relevant chapters where the issues are addressed.

Table 2 Response to Committee referral matters

Referred Issue	Report Chapters
Interfaces treatments, adverse amenity	4
Aboriginal Cultural heritage	5
Zoning for the precinct	4
Shared Infrastructure Contribution Framework and Section 173 Agreements	6
Consequential drafting matters	7

1.2 **Committee approach and process**

(i) **Role of Department of Transport and Planning**

The body formerly known as the VPA became part of the Department of Transport New Communities (DTP) with the machinery of government changes after the last State election. DTP prepared the draft Amendment and presented a whole-of-government response to the draft Amendment.

The Committee notes that the Transport Services division of DTP (DTP-Transport) and Head, Transport for Victoria (HTfV) have different roles and responsibilities in statutory and strategic planning for arterial roads.

For the purposes of this Report the Committee only refers to HTfV when referenced in Hearing documents. The Committee's references to DTP-Transport in its discussion, conclusions and recommendations are intended to encompass both entities as appropriate.

(ii) **Role of Greater Bendigo City Council**

The Greater Bendigo City Council made two submissions to the draft Amendment and at the Hearing for probity reasons, as:

- the wider planning authority (outside of the precinct) and responsible authority under the Greater Bendigo Planning Scheme (Planning Scheme) - identified in this Report as 'Council'
- a major landowner in the precinct - identified in this Report as 'Council as landowner'.

(iii) **Consultation and referred matters**

Project governance and probity including the roles of Council, Development Victoria, DTP (including DTP-Transport) and Coliban Water is explained in the Bendigo Regional Employment Precinct Background Report, VPA, December 2025 (Background Report) and not repeated here.

DTP undertook targeted public consultation on the draft Amendment from 1 December 2025 to 13 February 2026. A total of 27 submissions were received (including a late submission referred to the Committee on 1 May 2026 (D48)) including from:

- Council as both the responsible authority and landowner
- government authorities and servicing authorities including Coliban Water and the Environment Protection Authority (EPA)
- Dja Dja Wurrung Clans Aboriginal Corporation (DJAARA) who are the Traditional Custodians of the precinct land and relevant Registered Aboriginal Party
- precinct landholders
- other individuals and community groups.

DTP provided referred 18 of these submissions (refer Appendix C) to the Committee as 'supporting background material'. The letter of referral sought advice on the following five referred issues, each with specific questions:

- interfaces treatments, adverse amenity
- Aboriginal Cultural heritage
- zoning for the precinct
- shared Infrastructure Contribution Framework and Section 173 Agreements
- consequential drafting matters.

As required by its letter of referral the Committee has only considered those parts of submissions that are relevant to the Table 1 Key Issues.

(iv) Amendment documentation

The draft Amendment was supported by the preparation of extensive background and technical documents. Table 3 summarises the draft Amendment documents and those background and technical document specifically relevant to the referred matters.

Table 3 Draft Amendment documents

Document	D#
Draft Amendment documents	
Draft policy changes: Amended clauses 2.03 and 11.01-1L and new Clause 11.03-6L-04	D2c) & 2d)
Draft Development Plan Overlay Schedule 34	D2f)
Draft Bendigo Regional Employment Precinct Guideline for preparing Shared Infrastructure Plan for State Transport Infrastructure, VPA, December 2025	D3
Background and technical documents	
Bendigo Regional Employment Precinct Background Report, VPA, December 2025	D7
Marong Transport Network Assessment, Stantec 2025	D4j)
Utility Servicing Assessment – Aurecon, April 2024	D4m)
Bendigo Regional Employment Precinct Independent Development Assessment, Charter Keck Cramer, 2025	D4d)

Document	D#
Statement of Cultural Significance	
Statement of Cultural Significance, Bendigo Regional Employment Precinct Marong, DJAARA, November 2025	D6
Documents prepared for Development Victoria	
Transport Impact Assessment, Stantec, April 2025	D5a)
VPA Infrastructure Strategy, Stantec, June 2025	D5b)
Stormwater Strategy, Stantec, March 2025	D5c)

(v) Additional documents including further versions of the draft Amendment

DTP provided (see Table 4):

- additional documents including Day 1 versions of draft Amendment documents
- further versions of the Day 1 documents in response to further submitter discussions and initial review of evidence (Day 1 (V2)).

DTP provided further versions of Amendment documents with its Part B submission (Part B versions) in response to evidence in chief and cross examination which were addressed by parties through submissions.

At the conclusion of the Hearing DTP provided further draft Amendment documents (Part C versions) for party comment culminating in a Final version of the Development Plan Overlay Schedule 34 (DPO34) and Shared Infrastructure Plan Guideline in response.

The Day 1 (V2) document changes were the focus of Hearing submissions and evidence.

Table 4 Additional supporting documents and draft Amendment document versions

Document	Document #
Additional documents	
Correspondence from DJAARA dated 10 April 2026 relating to DPO34 drafting	D15
Bulop Bayowayi landscape DJAARA Cultural Values Assessment (redacted), DJAARA, 29 April 2026 (CVA)	D16
Updated Marong Transport Network Assessment, Stantec, April 2026	D18
Stantec memo – clarification of MTNA, 5 May 2026	D24
Draft Concept Plan Evaluation, Charter Keck Cramer correspondence to DTP, dated April 2026	D17
Correspondence to DTP from Transport for Victoria titled 'MWFC preferred alignment' dated 4 May 2026	D26
Memo to Hardwood Andrews from Matthew Lee of Deepend Services titled 'Economic analysis as input to BREP Am C296gben' and dated 7 May 2026	D25
Day 1 documents	
Clause 2.03	D19c)

Document	Document #
Clause 11.03-6L-04	D19e)
DPO34	D19f)
Clause 66.04	D19g)
Clause 72.08	D19i)
Draft Bendigo Regional Employment Precinct Guideline for preparing Shared Infrastructure Plan for State Arterial Road Intersections and Access Points, VPA, April 2026	D19k)
Day 1 (version 2) documents	
DPO34	D44
Draft Bendigo Regional Employment Precinct Guideline for preparing Shared Infrastructure Plan, VPA, May 2026 (SIP Guideline)	D45
Part B version documents	
Clause 11.03-6L-04	59f)
DPO34	59a)
SIP Guideline (corrected)	62
Schedule to Clause 72.08	59h)
Schedule to Clause 74.01	59g)
Part C version documents	
DPO34	68b)
Clause 66.04	68c)
Final document versions	
DPO34	85
SIP Guideline	87

(vi) Experts and joint expert witness meetings

Table 5 sets out the experts called by parties. Some experts provided evidence on more than one of the referred issues.

Two joint expert meetings were conducted before the Hearing which were followed by joint experts reports identifying agreed positions and matters not agreed on:

- drainage (D39)
- transport (D41).

The joint experts reports are discussed in Chapter 6 this Report.

Table 5 Experts

Expertise	Expert	Party calling expert	Document #
Planning	John Glossop of John Glossop Town Planning	DTP	D38
	Jason Black of Insight Planning	Council	D35
	Andrew Robertson of Tract	Council as landowner	D33
Economics	Patrick Fensham of SGS Economics and Planning	Council	D37
Transport	Tim de Young of Eukai	DTP	D31
	Aaron Walley of Ratio	Council	D36
	John-Paul Maina of Impact Traffic and Transport	Council as landowner	D34
	Henry Turnbull of Cogency	YourLand	D32
Drainage	Nina Barich of Incitus	DTP	D29
	Glenn Ottrey of Engeny	Council	D27
	Jonathon McLean of Alluvium	YourLand	D28

1.3 Committee Report and recommendations

The Committee's Report focuses on the referred issues and deals with these issues under the following headings:

- Managing interfaces & amenity and applying industrial zones
- Aboriginal Cultural heritage
- Shared Infrastructure Contribution Framework
- Drafting matters.

The Committee has:

- based its summaries of the draft Amendment in this Report on the Day 1 (V2) documents
- based its recommendations based on DTP's Final Day DPO34 and SIP Guideline (unless stated otherwise)
- considered all submissions referred by DTP in the context of the referred issues, observations from site visits, and submissions, evidence and other material presented to it during the Hearing
- reviewed a large number of documents and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials which relate to the referred issues have been considered by the Committee in reaching its conclusions including drafting submissions, regardless of whether they are specifically mentioned in the Report.

1.4 Limitations

The post consultation versions of the draft Amendment documents, particularly the DPO34, include changes made by DTP in response to submissions either not provided as background to the Committee or that relate to matters not within the scope of the referred issues. This includes matters relating to:

- contamination (such as Preliminary Risk Screen Assessment, Preliminary Site Investigations and Environmental Audit)
- environmentally sustainable development
- development plan requirements relating to bushfire and landscaping (except where it relates to the Aboriginal Cultural heritage or amenity referred matters).

DTP's Part A submission identified draft Amendment changes in response to non-referred submissions and matters. DTP provided further clarification on these changes identifying those that were out of scope of the referred matters (D59i).

The Committee has not considered drafting not related to the referred issues. The inclusion of those changes in the various versions of the DPO34 and SIP Guideline in this Report should not be read as the Committee's support for them.

2 The Bendigo Regional Employment Precinct and draft Amendment

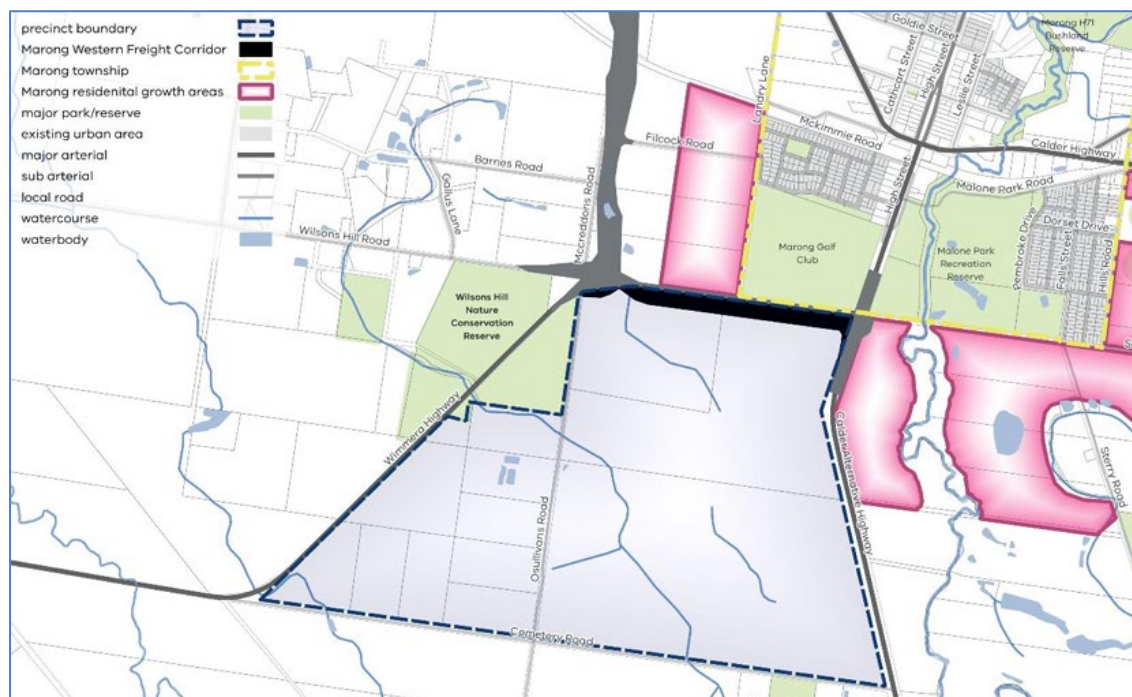
2.1 The precinct and its context

The Bendigo Regional Employment Precinct (BREP) is a 295 hectare future industrial precinct located to the immediate south of Marong, a township of 1,508 residents and approximately 15 kilometres west of the Bendigo Central Business District (refer Figure 1).

The BREP adjoins the:

- Wimmera Highway and Calder Alternative Highway (which in addition to the nearby Calder Highway) are part of the Principal Freight Network
- the planned future Marong Western Freight Corridor (MWFC).

Figure 1 BREP context



Source: Bendigo Regional Employment Precinct Background Report Figure 3 Precinct Context

The BREP is held in the ownership of five landholders across 14 property parcels. Council is the major precinct landowner of 155 hectares of the precinct, along with YourLand (62 hectares).

The BREP is generally flat with some gentle slopes to the north and west. The lowest point is in the southwest corner. The Wilsons Hill irrigation channel runs east to west through the BREP and assists in moving water into the Wilsons Hills Bushland reserve. Dry Creek at the southwest corner of the precinct and an unnamed waterway extend through the site and provide drainage, flood conveyance, ecological and landscape functions. Vegetation within the precinct is highly modified due to agricultural activity and dominated by pasture (non-indigenous grasses and weeds). Remnant indigenous vegetation is present in patches and scattered locations, predominately within road reserves, the periphery of the precinct or along waterways.

The BREP adjoins:

- to the north the Marong Golf Course and Marong Recreation Reserve
- to the east of the Calder Alternative Highway a future residential growth area and a rural area
- to the south a rural area which includes the Marong Cemetery
- to the west the Wilsons Hill Reserve and a rural area.

2.2 BREP objectives and Amendment purpose

The draft Explanatory Report identifies that the BREP is intended to:

- provide for commercial and a wide range of industries which are adaptive to future trends in employment uses
- attract a broad range of industry sectors including logistics, transport, advanced manufacturing, mineral processing, food and beverage productions, renewable energy, circular economy enterprises, and data and digital infrastructure
- provide for a mix of large and medium sized industrial lots suitable for logistics, advanced manufacturing, circular economy and higher-impact industries
- capitalise on the proximity to the state freight network and planned MWFC, and Marong township
- provide between approximately 3,000 to 4,000 jobs.

The Background Report identifies that the overarching vision for the BREP is to:

...deliver a regionally significant employment precinct that harnesses diverse and long-term employment opportunities with flow on benefits to the neighbouring Marong Township and broader Loddon-Mallee region.

DTP identified that the objectives of the draft Amendment were to (D43):

- Establish a regionally significant employment precinct [that] supports Bendigo's role as a major regional city under Plan for Victoria, providing long-term capacity for industrial, freight, and employment-generating land uses.
- Facilitate freight and logistics functions by leveraging strategic access to the Principal Freight Network and the broader regional road network, supporting efficient goods movement and supply chain integration.
- Deliver orderly and coordinated development through a structured planning framework that secures integrated land use, infrastructure, and development outcomes.
- Protect and manage interface and environmental values including buffers to sensitive uses, management of biodiversity and waterways, and recognition of cultural heritage values.
- Enable flexible and deliverable infrastructure provision through multiple delivery pathways (shared infrastructure plans, staged delivery), ensuring efficiency, equity, and deliverability.

2.3 The draft Amendment

The following description of the draft Amendment is based on the Day 1 (V2) documents.

(i) Draft Amendment

Specifically, the draft Amendment proposes to:

- make policy changes including to:

- amend Clause 02.03 (Municipal Planning Strategy – Strategic Directions) to identify the BREP as the municipality’s key industrial and employment area
- amend Clause 11.01-1L (Settlement – Marong) to recognise the BREP within the Marong Framework Plan, linking its growth with the Marong Township and future infrastructure planning
- insert new Clause 11.03-6L-04 (Bendigo Regional Employment Precinct) to guide the coordinated development, sequencing, and infrastructure delivery of the precinct with the following policy objective:
 - Encourage the coordination and consolidation of shared infrastructure and open space to maximise developable land and support the precinct’s industrial and employment functions.
- change the planning controls to:
 - rezone land in the BREP from Farming Zone to a mix of Industrial 1 Zone (IN1Z) and Industrial 3 Zone (IN3Z) to facilitate industrial use and development
 - apply DPO34 to ensure integrated planning, staging, and delivery of shared and state infrastructure through Section 173 Agreements under the PE Act (s173 Agreements)
- make related changes to general and operational provisions including:
 - permit referral requirements to HTfV and Coliban Water (Clause 66.04)
 - identifying the updated Day 1 (V2) SIP Guideline as a background document (Clause 72.08).

(ii) Development Plan Overlay

The draft DPO34 includes:

- precinct objectives including relating to delivery of shared and required infrastructure, interfaces, recognising and protecting Aboriginal Cultural landscape and values
- requirements before permits are issued
- permit requirements including for an Acoustic Assessment Report, Preliminary Risk Screen Assessments, Preliminary Site Investigations and Sodic and dispersive soil management plan
- permit conditions including for:
 - Shared Infrastructure (excluding State Arterial Road Intersections and Access Points) and State Arterial Road Intersections and Access Points each with specific s173 Agreement requirements
 - Construction Environment Management Plan and an Environmental Audit
- documents to be prepared before a development plan is approved including:
 - precinct wide Drainage/Stormwater Management Strategy (Drainage Strategy)
 - precinct wide Shared Infrastructure Plan (SIP)
- development plan requirements including:
 - site master plan
 - bushfire management plan
 - design response
 - landscape concept plan
 - Aboriginal Cultural Heritage Strategy

- Transport Impact Assessment (TIA)
- Sodic and Dispersive Soils Assessment
- Flood Risk and Waterway Management Report
- Sensitive use Interface and Development Guidelines (Interface Guidelines)
- a Concept plan (refer Figure 2)
- three Notes relating to intersection IT2, access point AP1 and drainage corridors and basins.

The key Day 1 (V2) changes (inclusive of version 1 changes) to the Concept plan include:

- an Industrial 3 Zone area
- identification of four sensitive interface types
- deletion of drainage basins
- removal of potential local access roads and rearrangement of the indicative connector road
- amended access points including deletion of AP3, amended location of potential AP2 and AP5
- clearer designation of Dry Creek.

Figure 2 Bendigo Regional Employment Precinct Concept plan (Day 1 (V2))



Source: Day 1 (V2) DPO34

(iii) Shared Infrastructure Plan Guideline

The SIP Guideline includes:

- an introduction identifying its purpose and aims, implementation contributions model through s173 Agreements, scope exclusions, when a precinct wide SIP is required, who can prepare it (development plan proponent) and approve it (Council) what it addresses, liability determination, implementation and agreement requirement and strategic context

- Drainage/Stormwater Management Strategy provisions
- transport infrastructure provisions including strategic basis and development contributions principles, charge area (all land) and individual project justification (role, nexus, context, design notes and cost apportionment)
- project delivery timing table which identifies for each project scope, indicative timing, status and design basis, estimated cost and apportionment
- relationship to Marong Township Shared Infrastructure Funding Plan
- exclusion of land required for transport projects
- infrastructure contribution charges basis - Net Developable Area (NDA) and modelled traffic demand at full build out
- implementation provisions including application of s173 Agreements, roles of Council and the road authority (DTP-Transport), collecting agency (Council) and development agencies (Council for interim IT2 and DTP-Transport for IT3 and IT5) and other administrative arrangements
- Preliminary Concept Design and high-level Cost estimate appendix
- Marong Transport Network Assessment appendix.

The six infrastructure projects and key SIP Guideline details are summarised in Table 6.

Table 6 Shared Infrastructure Plan projects

Project	Project scope - description	Delivery	Estimated cost and apportionment
IT2	Calder Alternative Highway/Wimmera Highway/Salvarezza Road intersection (single lane four-leg roundabout)	Short term (10 years or earlier)	\$9,154,855 83% apportionment to BREP for 3 legs (balance to MTSP)
IT3	Calder Alternative Highway/Calder Highway intersection (signalisation)	Commencement of BREP/Marong Township Shared Infrastructure Plan	\$8,011,162 37% apportionment: to BREP
IT5	Calder Highway/Allies Road intersection (signalisation)	Short term (10 years or earlier)	\$3,082,003 33% apportionment: to BREP
AP1	Connection into MWFC roundabout at Wimmera Highway/Wilsons Hill Road/McCreddons	Interim treatment trigger prior to MWFC Ultimate treatment post MWFC	Subject to design and SIP 100% apportionment: to BREP
AP4	Controlled T-intersection at Wimmera Highway (north of Cemetery Road)	Development plan trigger	Subject to design and SIP 100% apportionment: to BREP
AP5	Roundabout intersection at Calder Alternative Highway (Eastern intersection)	Development plan trigger	Subject to design and SIP 100% apportionment: to BREP

Source: Committee summary based on Day 1 (V2) SIP Guideline Table 1

The key changes included in the Day 1 (V2) SIP Guideline include:

- deletion of two access point projects:
 - AP2: LILO (left-in/left-out) access to Wimmera Highway (Landry Lane)
 - AP3: LILO access to Calder Alternative Highway (south of IT2)
- changes to simplify the way in which contribution rates are determined (from a gross Floor Area basis to an NDA basis)
- introduction of drainage/stormwater management strategy content and guidance.

Separate to this Amendment, Council is currently preparing a Shared Infrastructure Funding Plan to apportion contributions towards infrastructure identified in the Marong Township Structure Plan including intersections IT2, IT3 and IT5.

3 Strategic context

3.1 Strategic context

DTP(D14) provided a detailed analysis of the relevant Municipal Planning Strategy and Planning Policy Framework Planning (D14) which is not repeated here. The strategic merits of the Amendment were not at issue in the referred submissions, and DTP's summary was consistent with the submissions of Council and the planning evidence.

Table 7 summarises the strategic planning context relevant to the Amendment.

Table 7 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clause 02.04 (Strategic Framework Plans) - Clause 02.03-7 (Economic development)
Planning Policy Framework	- Clauses 11.01-1S (Settlement), 11.01-1R (Settlement – Loddon Mallee South), 11.01-1L (Settlement – Marong), 11.02-1S (Supply of urban land), 11.02-2S (Structure planning), 11.02-3S (Sequencing of development), 11.03-1S (Activity centres and precincts) and 11.03-2S (Growth areas) - Clauses 12.01-1S and 12.01-1L (Protection of biodiversity), 12.01-2S (Native vegetation management), 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs, 12.05-2L (Urban Forest Interface – Greater Bendigo), 12.06-1S (Sustainable Environment) - Clauses 13.01-1S (Natural hazards and climate change), 13.02-1S (Bushfire planning), 13.03-1S and 13.03-1L (floodplain management), 13.04-1S (Contaminated and potentially contaminated land), 13.05-1S (Noise management) and 13.07-1S (Land use compatibility) - Clauses 14.01 (Agriculture) and 14.02-2S (Water quality) - Clause 15.01-1S and 15.01-1L (Urban design), 15.01-2S (Building design), 15.01-2L (Environmentally sustainable development), 15.01-6S (Design for rural areas), 15.03-2S (Aboriginal Cultural heritage) and 15.03-2L (Aboriginal Cultural heritage – Greater Bendigo) - Clauses 17.01-1S (Diversified economy), 17.01-1L-01 (Diversified economy – Greater Bendigo), 17.01-2S (Innovation and research), 17.02-1S Business), 17.03-1S (Industrial land supply) and 17.03-1L (Industrial land supply – Greater Bendigo), 17.03-2S (Sustainable industry) and 17.03-3S (Significant Industrial Land) - Clauses 18.01-1S (Land use and transport integration), 18.01-2S (Transport system), 18.01-3S (Sustainable and safe transport), 18.02 (Movement networks), 18.02-1S (walking),

Relevant references	
	18.02-2S (Cycling), 18.02-3S (Public transport), 18.02-4S (Roads), 18.02-4S-02 (Calder freeway and Calder Highway environs), 18.02-5S (Freight), 18.02-5L (Freight links – Greater Bendigo) and 18.02-5R (Freight links – Loddon Mallee South) - Clauses 19.03-1S (Development and infrastructure contributions plans), 19.03-2S (Infrastructure design and provision), 19.03-2L (Infrastructure planning, design and provision – Greater Bendigo), 19.03-3s and 19.03-3L (Integrated water management)
Operational provisions	- Clause 53.01 (Uses and activities with potential adverse amenity impacts)
Ministerial directions	- Ministerial Direction 1 (Potentially Contaminated Land) - Ministerial Direction 11 (Strategic Assessment of Amendments) - Ministerial Direction 19 (Amendments that may result in impacts on the environment, amenity and human health) - Ministerial Direction No. 22 (Climate change considerations)
Planning practice notes and guidance documents	- Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays (PPN23) - Planning Practice Note 46: Strategic Assessment Guidelines (PPN46) - Planning Practice Note 92: Managing buffers for land use compatibility (PPN92) - EPA Separation Distance Guidelines (Publication 1940) - Greater Bendigo Industrial Development Guidelines 2025 (D40c)) - Practitioner's Guide to Victoria's Planning Schemes (Practitioner's Guide) - Development Contributions Guidelines, 2007 - Regional DCP Toolkit – Development Contributions Information Manual, 2020
Recently gazetted Planning Scheme amendments	- Greater Bendigo Planning Scheme Amendment C282gben (implementing Greater Bendigo Industrial Land Development Strategy and giving effect to the Greater Bendigo Industrial Development Guidelines 2025) - Greater Bendigo Planning Scheme Amendment C263gben (implementing the Marong Township Structure Plan)

3.2 Strategies and studies relevant to the precinct

The Background report and DTP's Part A submission included an overview of the key studies and strategies supporting the draft Amendment. These are summarised below.

(i) State strategies

Plan for Victoria identifies the BREP as a key strategic employment area.

Victoria's Economic Growth Statement 2024 recognises Bendigo as a priority location for industrial expansion to support regional employment and investment with the BREP identified as Bendigo's designated greenfield employment precinct.

Victoria's roadmap – A 10 Year Plan for Industrial Land identifies Bendigo as a regional employment hub with the BREP recognised as a State-significant industrial area with support for its long-term protection, coordinated infrastructure delivery and staged development.

(ii) Regional strategies

The *Loddon Mallee South Regional Growth Plan* (2014) provides context to Bendigo's long term growth direction and rationale for employment land planning. This includes for areas such as Marong that are strategically located and connected to new and existing infrastructure so as to attract manufacturing and other value-adding industries to strengthen the regional economy.

The *Loddon Campaspe Economic Growth Strategy* (2019) highlights the role of Greater Bendigo in facilitating the provision of industrial land to serve regional workforce demand.

(iii) Local strategies and policy

Extensive industrial land supply, economic and related analysis has been undertaken in the last decade to inform the BREP:

- Bendigo Freight Study (2017)
- Bendigo Industrial Land Review (REMPLAN, 2019)
- Marong Township Economic Assessment (Urban Enterprise, 2019)
- Industrial Land Site Assessment Economic Impact Analysis (REMPLAN, 2020)
- Review of Future Industrial Land Supply in Bendigo (SGS, 2023).

The *Greater Bendigo Industrial Land Development Strategy* (2025) (GBILDS) (D40b), a background document and referenced in Clause 17.03-1L, is the culmination of previous strategic work. It provides a 30-year framework for industrial supply and identifies priority projects to address the shortage of large, serviced industrial lots in Greater Bendigo (currently less than 11 years supply) in a coordinated and sequenced manner. The BREP is identified as the highest priority for short to medium term industrial land delivery while the nearby Marong Business Park is identified as long-term industrial supply area.

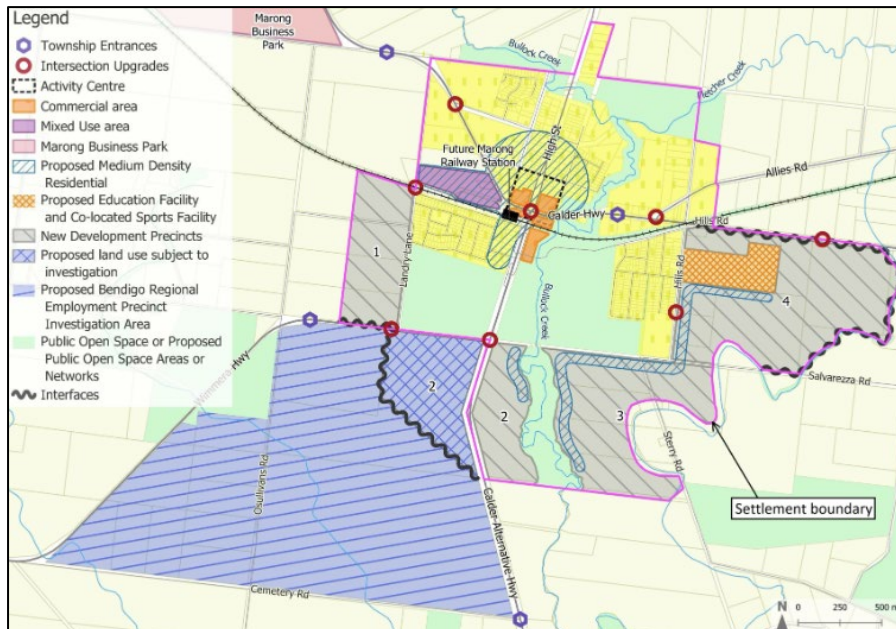
The *Marong Township Structure Plan* (2024) (MTSP) (D40a) is a background document and reference document in multiple policy clauses. It anticipates the Marong Township will reach a population of 8,000 by 2050. It provides for the residential growth of the township on multiple fronts including located to the BREPs northern edge (north of Wimmera Highway) and eastern edge (east of Calder Alternative Highway).

The Clause 11.01-1L Marong framework plan (Figure 3) identifies:

- the BREP adjacent residential growth areas as 'New Development Precincts' numbers 1 and 2 (referred to in this Report as residential growth areas 1 and 2)

- land within the current BREP extent as:
 - Proposed land use subject to investigation (north-east corner of precinct)
 - Proposed Bendigo Regional Employment Precinct Investigation Area.

Figure 3 Marong framework plan



(iv) Marong Western Freight Corridor

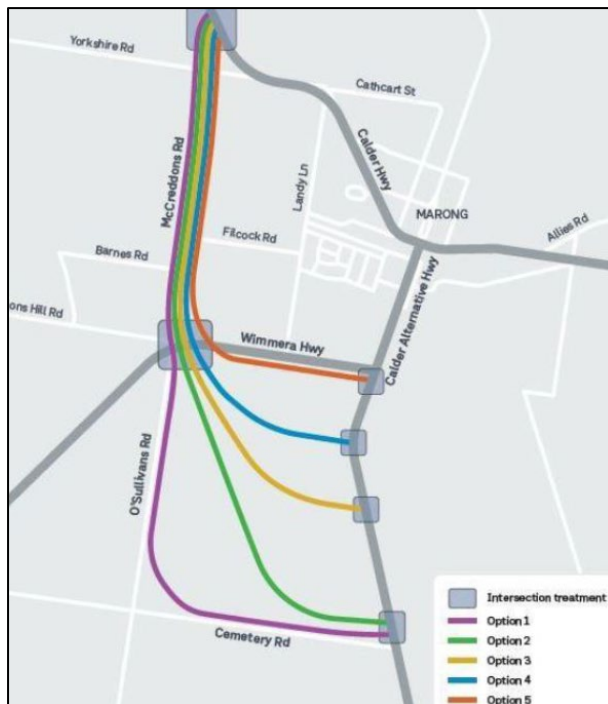
The Background Report identifies that the BREP's location on the Calder Alternative Highway, a national key freight route, provides strategic connectivity to Melbourne, regional Victoria and interstate corridors will be enhanced with the planned MWFC as a regionally significant freight and logistics hub.

The planning and delivery of the MWFC has been identified as central to the long-term success of the BREP. Following its identified need in the Bendigo Freight Study, strategic work has been underway to evolve the freight corridor from a strategic concept to a defined corridor to inform future planning. This included work undertaken through:

- the Greater Bendigo Transport Strategy and technical investigations to refine corridor options
- more detailed assessments in 2023
- DTP-Transport identifying a preferred alignment in 2024.

The preferred alignment is included in the BREP framework with a separate process to be undertaken to deliver the planned route. The project is currently unfunded.

The Committee received correspondence before the Hearing from the Department of Transport and Planning on behalf of HTfV (D26) advising it preferred MWFC alignment is Option 5 (refer Figure 4) and this should be used as part of the planning for BREP.

Figure 4 Transport for Victoria MWFC alignment options

Source: HTFV Document 26

The DPO34 identifies the MWFC alignment consistent with Option 5. Further detail of Option 5 was included in the evidence of Mr De Young, Mr Walley and Mr Robertson (refer Figure 5). DTP's opening submission presentation outlined Option 5 preliminary concept design included:

- a five leg, dual lane roundabout at Wimmera Highway, McCreddons Road and Wilsons Hill Road, with one leg providing access to the BREP
- a three leg, dual lane roundabout at the Calder Alternative Highway with a northbound free flow lane onto the MWFC
- four lanes (two in each direction) within the BREP with a service lane utilising part of the existing Wimmera Highway.

Figure 5 Transport for Victoria MWFC Option 5 alignment detail

Part B Issues

4 Managing interfaces & amenity and applying industrial zones

4.1 Referred matters

The referred matters are whether:

- The controls included in DPO34 manage potential adverse amenity impacts to existing and planned sensitive uses within and external to the precinct.
- It would be appropriate to rezone part of the precinct to Industrial 3 Zone (IN3Z), and if so, to what extent.

4.2 Key issues

A key change to the draft Amendment is the proposed application of the IN3Z to approximately 49 hectares of the BREP as shown in Figure 2. This represents approximately 17 per cent of the precinct, located in the north-east corner of the precinct predominantly within the YourLand land holdings and proximate to the Marong township and its identified MTSP residential growth areas to a depth of 300 metres from the Calder Alternative Highway and Wimmera Highway.

The key issues are:

- whether the DPO34 provides appropriate tools to manage future amenity impacts within the precinct and at its interfaces
- whether the IN3Z is required in addition to the DPO34 to manage potential external interface amenity impacts
- whether the IN3Z should be applied in the context of the precinct's regional industrial employment role
- if the IN3Z is to be applied how should it be applied.

4.3 Background

The Committee sets out the relevant planning provisions and guidance for the consideration of these matters below with emphasis added to particular terminology referenced in evidence and submissions.

(i) Industrial 1 Zone

Zone purpose:

To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The following conditions apply to industry as a Section 1 (no permit required) use:

Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.

The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:

- The threshold distance, for a purpose listed in the table to Clause 53.10.

- 30 metres, for a purpose not listed in the table to Clause 53.10.

Must not:

...

Must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

The IN1Z:

- requires an application for 'industry' or 'warehouse' uses (if the section 1 conditions are not met) to be accompanied by information including purpose of the use and types of processes and the likely neighbourhood effects from noise, emissions, traffic and lighting
- includes use decision guidelines that require consideration of the effect:
 - on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects
 - of nearby industries on the use
- has development decision guidelines requiring among other matters consideration of streetscape character, built form, landscape, non-industrial interfaces, parking, access and loading and lighting.

(ii) Industrial 3 Zone

Zone purpose:

- To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.
- To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.
- To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

The IN3Z:

- requires a permit for an 'industry' use but identifies 'service industry' and warehouse as conditioned Section 1 as of right uses
- requires that the use of land must not adversely affect the amenity of the neighbourhood including the emission of noise, lighting. Vibration, odours, fumes, dust etc
- requires an application for industry or warehouse to be accompanied by information similar to that in the IN1Z
- includes use decision guidelines that require consideration of the effect on:
 - nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects
 - nearby industries
- has development decision guidelines similar to the IN1Z and requires consideration of impacts on nearby industries and non-industrial interfaces.

(iii) DPO34

The Day 1 (V2) DPO34 includes:

- objectives including:
 - To design and locate development, waterways, roads and infrastructure to manage land use compatibility with sensitive interfaces.
 - To provide active frontages to roads and open space to provide for passive surveillance and an attractive interface.
- a 'Clause 2.0 Requirement before a permit is granted requirement that:
 - The permit will not cause adverse amenity impacts or unacceptable risk to the existing sensitive land uses or prejudice the future new development precincts listed in the Marong Framework Plan;
- a 'Clause 3.0 Conditions and requirements of permits' for an Acoustic Assessment Report for a sensitive use
- 'Clause 4.0 Requirements for a development plan' for:
 - a site master plan to identify nearby sensitive uses
 - a design response which includes the layout, built form and interface treatments with key locations, features and roads
 - a landscape concept plan which identifies:
 - tree protection and retention
 - landscape buffers
 - treatments (including design measures) to complement the setting of the surrounding area and rural setting transition and to manage potential light spill, emission and noise impacts on particular interfaces
 - vegetation screening to Calder Alternative and Wimmera Highways
 - Interface Guidelines.

(iv) Planning guidance**Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays**

PPN23 identifies that in relation to managing land use:

Unlike most overlays, the IPO(Incorporated Plan Overlay) and DPO enable a plan to make provision for use as well as development. In drawing up a plan, it will almost always be necessary to think about relationships between future uses as well as future development. A plan that controls physical development without considering use may result in incompatible uses becoming established on adjacent sites.

Neither the IPO nor the DPO can change the scope of the discretion provided in the zone applying to the land. They cannot be used to 'schedule in' or 'schedule out' a permit requirement. If a use does not require a permit in the zone, the overlay cannot introduce a permit requirement. If a use is prohibited in the zone, the overlay cannot remove that prohibition.

Planning Practice Note 92: Managing buffers for land use compatibility

In addition to guidance for application of the Buffer Area Overlay, PPN92 provides guidance on land use compatibility and buffers, the role of planning policy including Clause 13.07-1S and the operation of Clause 53.01 threshold distances. In relation to land use conflict, it identifies that greenfield areas:

...are typically still in the process of being developed, and therefore may not suffer from existing land use conflict. However, while buffers for industries and other uses established in greenfield areas often remain intact, it is crucial that zones and other land use planning tools

are used to prevent land use conflict from occurring in the future – especially in the face of strong urban growth pressure.

Practitioner's Guide

IN1Z:

This is the main zone to be applied in most industrial areas. It includes additional requirements for land in proximity to residential areas. A schedule to the zone allows the maximum floor space to be limited for office use.

IN3Z:

This zone is designed to be applied as a buffer between the Industrial 1 Zone or Industrial 2 Zone and residential areas, if necessary. It may also be applied to industrial areas where special consideration is required because of industrial traffic using residential roads, unusual noise or other emission impacts, or to avoid inter-industry conflict. A schedule to the zone allows the maximum floor space to be limited for office use.

The zone provides for some retailing, including convenience shops, small-scale supermarkets and associated shops in appropriate locations.

In relation to mapping of zones the Practitioner's Guide identifies:

A zone boundary should align with title boundaries or other clearly defined feature such as a road centreline or watercourse.

The planning scheme does not generally contain special provisions for land in more than one zone. The exception being clause 64.03 that deals with the subdivision of land in more than one zone. If land is in more than one zone, the provisions of each zone apply to that part of the land included in the zone.

4.4 Strategic basis for the Amendment

No evidence or referred submissions opposed the strategic basis for the draft Amendment. There was strong agreement among the planning experts and parties that there is a sound strategic basis for the identification and development of the BREP. The Committee agrees, noting the precinct's important role as a regional industrial and employment area is identified in:

- state and regional planning strategies identified in the Planning Scheme (Plan for Victoria and Loddon Mallee South Regional Growth Plan)
- state and regional economic strategies (Victoria's Economic Growth Statement 2024, Victoria's roadmap – A 10 Year Plan for Industrial Land and the Loddon Campaspe Economic Growth Strategy)
- state and local level planning policy.

The need to address a shortage of unencumbered industrial land to support industries requiring larger land sizes within Bendigo is borne out through extensive industrial land need and supply assessments culminating in GBILDS.

The rezoning of the precinct and application of DPO34 (along with policy changes) are important steps in:

- formally recognising the precinct through an industrial zone which signals its purpose and will facilitate its development
- providing a framework for the coordinated development of the precinct including infrastructure planning pending further detailed work.

The Committee considers the proposed policy changes are generally appropriate (subject to minor drafting as discussed in Chapter 7) and consistent with the objectives and strategies within the Municipal Planning Strategy and Planning Policy Framework.

Apart from its regional role, the location of the BREP at the southern edge of the Marong Township means that it will:

- provide both employment and services to the township as it grows
- have both freight route, township entry and planned residential growth area interfaces as identified in the MTSP.

The management of these interfaces including through the DPO34 provisions, IN1Z and potential application of the IN3Z are addressed in Chapter 4 and in the context of relevant Ministerial Directions, Planning Practice Notes and other guidance.

Through its recommended changes, the Committee is satisfied that Amendment delivers net community benefit and sustainable development as required by Clause 71.02-3 including through:

- providing for a significant supply of unencumbered industrial zoned land to support a mix of large and medium sized industrial lots suitable for a diverse range of industry sectors
- providing for significant local and regional employment and economic investment
- supporting the Principal Freight Network
- providing appropriate mechanisms for managing interfaces and coordinating the delivery of infrastructure.

4.5 Evidence and submissions

Submissions raised a range of residential and rural amenity concerns relating the development of the BREP including:

- safety and noise from additional vehicle movement including heavy vehicles
- impact on air quality and of odours, noise and light spill (including at night) on nearby residents and nearby rural activities
- impact on the ability to undertake rural activities on nearby properties
- visual impacts on the setting of the township and rural landscape with the need for buffers and treatments to soften the interface including setbacks, landscaping and retaining native vegetation.

Submitter 27 was concerned about the noise impacts of industrial activity and new roads on farming properties within the BREP and the ability to continue farming.

Evidence

Interface treatment and adverse amenity

All planning experts considered the Day 1 (V2) DPO34 and IN1Z provisions provided appropriate management of potential adverse amenity impacts to existing and planned sensitive uses within the precinct.

The planning experts largely agreed that outside of Cultural heritage interfaces, the primary sensitive interfaces to the BREP from an amenity perspective were to the

planned residential growth areas 1 (to the north) and 2 (to the east) identified in the Marong Framework Plan.

Planning experts largely supported the Day 1 (V2) drafting of DPO34 as suitable to manage adverse amenity impacts at the precinct interfaces.

Mr Black considered the IN1Z included sufficient protection of the BREP's sensitive interfaces through its purpose, Table of Uses, use provisions and decision guidelines. In addition to existing and proposed planning policies (including those specific to the BREP), Clause 53.10 and the provisions of DPO34 relating to land use and development outcomes provided for further consideration of such issues. He suggested the DPO34 could be further strengthened to provide specific land use and development outcomes such as *"finer-grain employment uses and smaller lot sizes adjacent to sensitive interfaces"*.

Rather than apply the IN3Z to manage sensitive interfaces, Mr Robertson proposed the inclusion of a development plan requirement for the preparation of 'Sensitive Interface land use and Development Guidelines' (with relevant Concept plan designation). He advised this would help determine appropriate site edge including:

- built form outcomes, such as minimum setbacks, heights and landscape treatments and cross reference Council's Industrial Development Guidelines
- land use outcomes including directing more intensive land uses to the central parts of the precinct.

Precinct zoning

The planning and economic experts disagreed on whether the application of the IN3Z:

- was necessary to manage sensitive interfaces and amenity
- could be applied in the manner proposed contrary to planning guidance
- was strategically appropriate to reflect the role of the BREP and Planning Policy Framework.

Mr Glossop identified the IN1Z allows for a broad range of industrial activity to occur either with or without a permit and that some industrial uses have the potential for adverse amenity impact including from odour, dust and noise. He supported the application of the IN3Z to advance the strategic objectives for the BREP (as proposed in the Day 1 (V2) DPO34) considering:

- the approach for separating incompatible land uses was consistent with Clause 13.07-1S and using zoning as the primary planning tool to achieve this was consistent with PPN92
- the potential for adverse amenity will be managed in part by the IN3Z along with the DPO34 purpose, development plan requirements and Clauses 13.07 and 53.10
- both industrial zones contemplate a similar land use mix
- the IN3Z however addresses gaps in the framework including where the IN1Z Section 1 'Industry' condition refers to:
 - a 'residential zone' when one might not exist for some time in the case of the identified MTSP growth areas
 - the 'neighbourhood' where the extent of this was unclear in the short term

- the IN3Z requirement for a permit for industry therefore avoids the potential for uses with an adverse amenity potential establishing before the residential precincts are rezoned and developed and creating potential land use conflict
- the use of IN3Z as a 'buffer' or transitional zone with more intensive industrial activities was consistent with the zone purpose and Practitioner's Guide.

Mr Robertson, Mr Black and Mr Fensham did not support application of the IN3Z although accepted its potential role as a 'buffer' to more sensitive uses.

Mr Robertson supported application of the IN1Z (in tandem with his recommended Interface Guidelines) to the whole precinct, identifying:

- it provides an integrated development response
- it avoids creating an arbitrary zone boundary line which is better resolved at development plan stage
- it is consistent with the strategic intent of the precinct
- industrial uses such as manufacturing still need to meet Clause 53.10 requirements and other amenity considerations
- industry and other intensive uses requiring permits will have to meet the amenity application requirements and decision guideline considerations.

Mr Black said the application of the IN3Z in the context of the Practitioner's Guide was not 'necessary' and without strategic benefit given the provisions of IN1Z, planning policy and DPO34.

The evidence of Mr Robertson and Mr Black recommended the Day 1 (V2) DPO34 be amended consistent with the consultation version to delete:

- references to the IN3Z in the Concept plan
- the Clause 2.0 references to lots in more than one zone or location of buildings or works within single lots.

Mr Fensham identified the BREP as:

...a regionally significant industrial area highlighted in three state level strategies including a Plan for Victoria. Bendigo is the economic hub of Central Victoria and yet it doesn't currently have an unencumbered, greenfield industrial precinct connected to the arterial and highway network, unlike Geelong and Ballarat. BREP will fill this gap.

From an economic perspective Mr Fensham supported application of the IN1Z to the whole precinct and did not support the application of the IN3Z. His opinion was:

- the IN3Z was more restrictive because it required a permit for a greater range of industry related uses that would be expected in the BREP
- the IN1Z offered all the potential of the IN3Z to accommodate "*light industry or service uses*" which might have a more local orientation or population servicing role
- the application of the IN3Z risked:
 - potentially constraining the BREP from performing its significant regional role
 - tempering demand and eroding the competitiveness of the BREP by introducing additional regulation (approvals), permit transaction costs and created land transaction uncertainty all of which did not outweigh the potential societal benefits of its application
 - reducing the benefits of an unambiguous zoning with a "*more permissive approval regime favouring key industries*" which would otherwise support a

strong cluster of employment activity, economic agglomeration and circular economy benefits

- the IN1Z appropriately reflects the industrial land supply research and strategies and the identification of the BREP as *"accommodating strategic and large lot users, alongside more typical industry activities"* and state policies confirming the regionally significant status of BREP.

Extent of IN3Z

Mr Glossop considered the proposed 300 metre extent of the IN3Z from Wimmera Highway and Calder Alternative Highway logical and provided a reasonable separation between future residential precincts and more intensive industry. He acknowledged conventional practice was that land should only be in one zone and will follow lot boundaries and road centre lines or alternatively creeks or river corridors. However, nothing in the PE Act or the Planning Scheme required this outcome and he noted examples where land was in more than one zone for good planning reasons for example:

- an Urban Floodway Zone
- a Rural Conservation Zone following a geological form contour
- applying the IN3Z as a transition between historical hard urban residential and industrial interfaces.

Mr Glossop noted that the potential outcome scenario of a lot being created or buildings and works being permitted in two zones before preparation of a development plan was not a significant one given the precinct will undergo significant transformation and longer-term outcomes were more important.

Mr Black considered the Day 1 (V2) proposed mapped IN3Z extent:

- was not strategically justified and was inconsistent with mapping guidance
- created irregular areas between zone boundaries and waterways or collector roads and would make large lots within one zone more difficult to deliver an outcome inconsistent with Clause 17.03-1L (a view shared by Mr Fensham)
- risked creating lots in two zones with different permit provisions.

Mr Fensham said there was no economic analysis including of supply and demand factors to support the proposed IN3Z extent. He was critical of the Charter Keck Cramer April 2026 advice (D17) which accepted the 300-metre depth of the IN3Z rather than analysing if the extent was warranted from an economic perspective.

Council

The submissions of Council and Council as landowner were largely consistent in their position on the tools necessary to manage amenity issues at the BREP interface and in opposing application of the IN3Z.

Interface treatment and adverse amenity

Council submitted the consultation version of DPO34 appropriately managed potential adverse impacts to existing and planned sensitive uses within and external to the precinct subject to changes to the Clause 4.0 development plan as follows:

- design response requirement to:

- refer to its Industrial Development Guidelines as suggested by Mr Robertson which would provide further guidance on siting and design including at sensitive interfaces (included in the DTP Part B version)
- including a provision *"Avoids locating land uses with amenity impacts adjacent to nearby existing or proposed residential areas"* as suggested by Mr Black and consistent with the second purpose of the DPO34
- Interface Guidelines to include reference to preferred 'land use types'.

Council said there was a role for light industrial and population focused uses at the interfaces but these uses were already permitted in the IN1Z which operated alongside other land use planning tools (as recognised in PPN92) including:

- the DPO34 to manage land use compatibility (a role recognised in PPN23)
- Clause 53.10
- Clauses 13.07-1S and 13.07-2S
- the application of permit conditions.

Noting the IN1Z purpose also includes a specific reference to the amenity of local communities, Council as landowner considered that DTP had not demonstrated there was a real risk that could not be managed through the IN1Z in tandem with the DPO34 and the proper exercise of discretion. It observed there was no reason why the responsible authority when exercising its discretion under the IN1Z that the industry use condition reference to neighbourhood would not extend to the consideration of potential amenity impacts on the future use and development of Marong.

Further, given the timing of infrastructure to service the BREP was some 7 years away based on Coliban Water advice and the planning for Marong growth residential areas 1 and 2 was well advanced. This meant that any 'timing' or 'implementation gap' between the rezoning and establishment of both the BREP and the Marong residential growth areas 1 and 2 was misplaced.

Precinct zoning

Council and Council as landowner did not support the application of the IN3Z consistent with the evidence of Mr Black, Mr Robertson and Mr Frensham, stating the:

- IN3Z had not been sufficiently justified
- IN3Z imposed additional regulatory burden and cost through additional and unnecessary permit triggers and imposing additional requirements, contrary to the Practitioner's Guide rules, to reflect an arbitrary zone boundary
- IN3Z supported retail development (including in its purpose) which was not contemplated by the IN1Z
- proposed IN3Z extent was arbitrary, introduced further uncertainty and would dictate infrastructure design and site layout and result in disorderly development
- proposed application of the IN3Z to 17 per cent of the BREP was not insignificant and would potentially make the BREP a less attractive destination for investment compared to other regional precincts with which it would compete
- IN3Z was not conducive to:
 - the strategic significance of the BREP and the provision of land for industrial and employment land in a large and largely unconstrained greenfield setting

- addressing the well understood industrial land supply challenges including those identified in GBILDS.

Council as landowner noted that facilitating housing was an important consideration and noted its *Managed Growth Strategy* (2024) identified reasonable levels of greenfield and township residential supply across many locations in Bendigo. However, there was only one opportunity for the delivery of large-scale industrial development (this precinct?) and in the context of GBILDS which identifies the supply of zoned and serviced industrial land supply is below 11 years and only a handful of sites over 1 hectare remaining. There was therefore a clear imperative to deliver as much industrial IN1Z land for industrial use and development as possible.

YourLand

YourLand's land extends to:

- the Marong Township residential growth area 2 to the east of the Calder Alternative Highway for which planning was well advanced (pending authorisation to exhibit Amendment C286 to rezone residential growth areas 2 and 3)
- the BREP property parcel 2 on the southeast corner of Wimmera Highway and Calder Alternative Highway.

YourLand had no concern about "*internal amenity*" matters and while supporting additional land use and development guidance in DPO34, it said this was not enough alone to manage potential land use conflicts arising in the future.

Application of the IN3Z (to the extent identified in the Day 1 (V2) DPO34 struck the right balance of preserving and protecting the BREP and to consider the planned MTSP growth residential areas. Application of the IN3Z as proposed was:

- consistent with PPN92 to prevent future land use conflict
- the primary way to manage land use conflicts as opposed to a DPO
- avoid issues associated the IN1Z Section 1 industry condition which required:
 - a proponent to self-assess (or Council to manage compliance)
 - an analysis of the neighbourhood at a point in time and given a residential zone or residential neighbourhood may not exist for some time (similar concerns were expressed about the operation of Clause 53.10)
- not inconsistent with GBILDS which did not identify which zones should apply only that it be rezoned "*to enable industrial uses*".

YourLand considered Mr Fensham's concerns about potential regulatory burden of applying the IN3Z overstated. It submitted:

- as the primary landowner within the IN3Z it accepted any burden
- the zone designation would clearly identify to potential land owners and occupiers there was an interface to consider
- the Practitioner's Guide does not say land cannot be in two zones and in this case split zoning did not create a conflict where uses might be prohibited in one zone and permitted in another or be a long term outcome
- modern mapping technology allowed zoning extent to be easily established.

DTP

Interface treatment and adverse amenity

DTP submitted while it was inevitable there will be impacts on exiting uses within the BREP (as new industrial and employment uses are established) a reasonable level of amenity could be afforded through the:

- IN1Z including within its purpose, the industry use conditions, application requirements
- DPO34 for permits issued prior to a development plan and condition requirements for acoustic assessment and landscape protection measures in the development plan
- Clause 65.01
- other regulation such as the *Environment Protection Act 2027*.

DTP submitted the IN3Z was the primary and appropriate tool to manage the external interface amenity to the northern and eastern planned residential areas. The DPO34 also had an important part to play in managing potential adverse amenity impacts including through its:

- objectives
- site masterplan requirements
- development plan design response requirement including reference to Councils Industrial Development Guidelines and the inclusion of Mr Robertson's suggested Interface Guidelines (with the extent of their application to be determined at the development plan stage).

DTP did not support Council's proposal to include additional guidance around discouraging particular land uses. It submitted the DPO was not the appropriate tool to determine land use outcomes.

Precinct zoning

DTP considered that on balance the use of the IN3Z was to be preferred because:

- it was more transparent and a proper use of the Victorian Planning Provisions which recognised the role of the zone as a buffer between IN1Z and residential areas consistent with its purpose, Mr Glossop's evidence and guidance in PPN92 and the Practitioner's Guide and the Clause 74.01 Schedule
- the wider use and application of the IN3Z as a buffer or transition zone was acknowledged by all planning and economic experts
- for greenfield areas it provided a contemporary planning approach
- it avoided the timing gap associated with the IN1Z industry conditions and potentially creating future land use conflict
- the IN3Z could accommodate the range of industrial and employment uses identified in GBILDS, Clause 11.03-6L-04 and anticipated at the edge of the precinct consistent with Mr Fensham's evidence and the Charter Keck Cramer advice
- its application was modest, with the balance of IN1Z sufficiently large to achieve agglomeration benefits.

DTP submitted issues of split zoning (land in two zones) can be managed through the DPO34. Further the two zones are similar in the uses they permit or prohibit and their

location would not require rigid physical interfaces. In terms of permit transaction costs the requirement to obtain a use approval for industry could be reduced by combining it with a development application which was required in both the IN1Z and IN3Z.

DTP considered the extent of the control, while not precise in its setting, was a reasonable and meaningful buffer which provided an appropriate level of assessment at the interface. It would not sterilise or prohibit any land uses and was supported by Mr Glossop and the Charter Keck Cramer advice and the Deepend memo.

4.6 Discussion

The Committee has discussed issues relating to interfaces with locations and features that have Cultural heritage significance in Chapter 5.

Managing adverse amenity impacts within the BREP

Managing potential adverse amenity impacts to existing uses including rural enterprises within the precinct is likely to be an issue during early development of the BREP as new industrial and other related uses establish. This potential short-term impact is not unusual for greenfield developments. However, before more intensive land use activities can establish (anticipated to be at least 7 years away) further planning is required including preparation of:

- a master plan to identify road layouts including providing for local access only along Osullivans Road
- a Landscape Concept Plan including design responses to ensure light spill, emissions and noise impacts will be minimised.

The provisions of the IN1Z for a Section 1 industry use (in addition to other activities such as service station or warehouse) require the consideration of neighbourhood impacts to determine if a permit is required for use in addition to any applicable Clause 53.10 threshold separation distances to sensitive uses. Where a use permit is required in the IN1Z, information is required to accompany an application addressing a range of amenity considerations. The decision guidelines for development include consideration of design matters such landscape treatments, storage, parking and site access, loading and service areas and lighting which can be used to manage land use amenity interfaces with more sensitive existing uses.

While some non-industrial uses are likely to establish within the BREP it is unlikely many sensitive uses will be 'planned' to locate within the core of the precinct. However, for future permitted sensitive uses that may seek to establish in the BREP (such as a child care centre, employment training centre, tertiary institution or caretaker's house) the DPO34 requires an Acoustic Assessment Report be prepared which includes the implementation of any identified noise attenuation measures. This is important to avoid any reverse amenity impacts on established uses or compromising the role of the precinct and zone purpose.

The Day 1 (V2) DPO34 and provisions of the IN1Z provide a proportional response to managing interfaces with existing uses within the precinct and facilitating its future development.

Managing potential adverse amenity impacts of the BREP on external existing and planned sensitive uses

BREP has significant interfaces with rural and future residential growth areas and these interfaces require management to avoid adverse amenity impacts and conflict. Impacts could include:

- direct or indirect impacts on future residential areas from noise, dust, odours, light spill and other emissions from a range of industrial related uses
- noise and safety or other impacts from vehicle movements to and from the BREP
- broader visual impacts of new built form including on the landscape character of the Marong township, its entry character and rural edges.

Planning for the separation of incompatible land uses is a key role for strategic planning as identified in planning policy (including Clauses 13.05-1S, 13.06-1S and 13.07-1S) and PPN92.

The key question is whether the policy and land use setting around the BREP requires additional changes to the DPO34 or the application of the IN3Z to manage potential land use conflict at the external interfaces with future residential development (noting existing residential areas are substantially distant from the BREP).

In considering this the Committee has turned its mind to:

- the level of potential risk to be managed
- whether the existing provisions of the IN1Z and proposed DPO34 along with the policy and decision-making guidance in the Planning Scheme are adequate to respond to the potential level of risk.

The BREP does not have direct abutting or hard-edge interfaces with existing Farming Zone land or existing or proposed MTSP residential zones. All of its edges have road frontages which create property to property boundary separations of at least 30 metres at the southern edge, 50 metres along Calder Alternative Highway and (as proposed) up to 70 metres along Wimmera Highway to accommodate the future MWFC. This is in addition to building setbacks that will likely apply along BREP's arterial road frontages or any bushfire setbacks or linear reserves along Wimmera Highway within Marong residential growth area 2 (as shown within YourLand's Masterplan Constraints (D67d) and Development Plan Overlay Framework Plan (D67f).

The Calder Alternative Highway and Wimmera Highway are part of the Principal Freight Network and anticipated to continue to carry extensive truck movements 24 hours a day, a role which will only grow with the future implementation of the MWFC. This is in addition to additional car movements as Marong's identified growth areas establish. As such the major roads present a significant existing and future contextual amenity impact in themselves.

While the IN1Z does not include a permit requirement for use of land for industry (unless the extensive associated conditions are not met as discussed above) a permit is required for development (as it also is in the IN3Z). This would enable consideration of site layout including setbacks, landscaping, location of parking and loading areas and arrangements for baffling plant or lighting and so on to address potential visual and offsite impacts as discussed above. This is in addition to the DPO34 Final version

measures to manage interface amenity through the inclusion in a development plan including:

- a design response (including the detailing of the "*layout, built form and interface treatment*" and reference to Council's Industrial Development Guidelines)
- details of landscape protection measures which include vegetation screening along Wimmera Highway and Calder Alternative Highway interfaces to mitigate views into larger lots
- Interface Guidelines which also reference Council's Industrial Development Guidelines.

Referencing Council's Industrial Development Guidelines is appropriate as they are a Planning Scheme background document and referenced in Clause 15.01-1L. The guidelines identify subdivision and landscaping strategies including:

Provide separation and landscape buffers between industrial areas and adjacent residential, rural and sensitive environmental areas to minimise potential amenity impacts.

Design landscape buffers in industrial areas to include screen planting and noise attenuation measures such as mounding where required to protect the amenity of surrounding uses.

The Industrial Development Guidelines apply to BREP (in lieu of other site specific BREP Guidelines) and usefully include subdivision and development guidance for:

- interfaces to adjoining sensitive land uses and rural areas
- landscaping, external lighting, storage area locations, the location of parking areas, vehicle access, loading and servicing areas.

The Interface Guidelines are an important addition to the DPO34 to guide preferred built form at the BREP interface in addition to the Industrial Development Guidelines noting there is some overlap in their role.

There is some role for the Interface Guidelines to provide high level planning for land uses that might be more suited as interface uses noting:

- that the threshold distances for many of Clause 53.10 would prevent their location outside the BREP core
- highway location frontages (including those closer to Marong) will be attractive for a range of lower impact employment and industry compatible uses with setback areas often used for display and visibility purposes
- areas closer to Marong will potentially provide opportunities for uses which service the town that spatially are not readily accommodated within the identified MTSP's Activity Centre, identified mixed use and commercial areas
- the Development Plan Overlay (consistent with PPN23) can make provision for use (but not regulate it) as well as development.

This might entail the Interface Guidelines identifying the types of uses that would be encouraged to locate at the interface in addition to supporting design guidance around lot sizes, building siting and landscaping. The development plan process will tease out the detail of these guidelines and what they include for land use strategic planning and design responses. The Committee further notes the rather unique situation where YourLand (currently at least) has control of both the interface land within the BREP and the eastern growth area 2 and provides YourLand with the ability to influence the land use planning outcomes in a way which minimises potential land use conflicts.

The Interface Guidelines development plan provisions should:

- be referred to as a 'Sensitive Interface Land Use and Development Guidelines' to reflect this role
- include guidance for land use
- refer to the "Marong framework plan new development precincts" as these areas are clearly identified in Clause 11.03-1L while the mapping for the 'MTSP residential growth areas' is only identified in a background document.

Related changes should be made to the DPO34 Map 1 Concept Plan to identify this interface type in the legend and map its extent broadly as proposed by Mr Robertson (refer Figure 6) in place of the 'MTSP residential growth areas' interface mapping.

Figure 6 Spatial application of Sensitive Interface Land Use and Development Guidelines



Source: Robertson evidence Figure 22 (D33)

Is the Industrial 3 Zone required?

The application of an industrial zone to the precinct is entirely appropriate and consistent with the Planning Policy Framework and key strategies. The question is whether the IN3Z should apply to a portion of the precinct – on this the experts differed.

The EPA did not make submissions on the appropriate land use zone.

The Committee considers the IN1Z along with the DPO34 (subject to its recommended changes), policy considerations and the operation of Clauses 65.01 (including orderly planning) and 65.02 provide the right mix of planning tools to manage potential amenity impacts or future land use conflict. The application of the IN3Z while not without some merit, is simply not necessary for the BREP and its interface context.

The 'delay gap' identified by DTP, YourLand and Mr Glossop between development commencing on the BREP and zoning of adjoining Marong growth areas is unlikely to be a significant issue based on current servicing timeframes and current rezoning requests. Regardless this is not a basis for applying the IN3Z.

The Committee is not critical of DTP's proposed application of the IN3Z in response to submissions. It is a reasonable response and utilises a zone which is clearly contemplated to manage residential and IN1Z interfaces consistent with the zone purpose and Practitioner's Guide. It is widely applied that way in the Planning Scheme

and in many other locations and planning schemes. And, as identified in the detailed IN1Z and IN3Z land use control comparisons in the evidence of Mr Robertson and Mr Fensham, there is little to set the zones apart in terms of land uses that can be permitted. This extends to the considerations in the decision guidelines.

The key land use difference between the zones is that 'Industry' (subject to meeting conditions) does not require a planning permit in the IN1Z. This includes for a newly establishing industry proposal (which will still need a development permit) but also a new industry later occupying an existing building. The Committee observes that in newly developing employment precincts the occupying use may often not be known at the development permit stage.

The proposed designation of the IN3Z boundary (as identified in the DPO34 Concept plan) is problematic. While its depth from highway frontages may have some rationale to support the creation of a mix of lot sizes and depths to allow for service or internal roads, its boundary does not follow any title boundaries or other clearly defined feature such as a road centreline or watercourse. This is contrary to the Practitioner's Guide.

The Committee accepts that:

- current mapping techniques allow zone boundaries to be more readily determined
- there are examples of zone boundaries using other spatial approaches such as odour buffers or topographic features
- where a lot straddles two 'like' zones it is not anticipated this will create significant land use conflicts or challenges in land use or development application decision making
- Clause 64.03 deals with the subdivision of land in more than one zone. If land is in more than one zone, the provisions of each zone apply to that part of the land included in the zone
- the Day 1 (V2) DPO34 seeks to address this where a permit for subdivision or development is sought prior to the approval of a development plan.

Ultimately however there is no clear strategic basis for the broad brush 300 metre IN3Z depth proposed by DTP, and there is a possibility that this could compromise a coherent and logical development plan outcome.

The opportune time to explore the need for additional interface zoning controls is after the preparation of a development plan that includes property parcel 2 (YourLand land) and preparation of Sensitive Interface Land Use and Development Guidelines. This would allow for more nuanced application of the industrial zones, if necessary, informed through a more comprehensive planning exercise.

Recognising the strategic role of the BREP

The Committee is comfortable the mix of IN1Z and DPO34 (with changes) are the right tools to manage potential amenity impacts at the BREP interfaces. The IN1Z is also considered the appropriate zone from a broader strategic perspective to achieve an appropriate land use outcome for the precinct.

Its development of the BREP is important economically to address critical local and regional shortages in industrial land supply particularly for large lots.

Planning for the delivery of BREP should apply the industrial zoning that best reflects the primacy of the BREP to accommodate significant industries and activities and deliver regional industrial and employment outcomes. The choice of zones should support this desired outcome. The IN1Z best signals and supports these outcomes in addition to supporting the objectives of planning in Victoria and the interests of net community benefit.

4.7 Conclusions and recommendations

The Committee concludes:

- The Final version of DPO34, provides appropriate guidance to manage potential adverse amenity impacts to existing and planned sensitive uses within and external to the precinct in concert with the provisions of the IN1Z provisions, Clauses 53.10, 65.01 and 65.02 and planning policy subject to changes to:
 - Map 1 Concept plan to include a 'Marong framework plan new development precincts' interface type (mapped consistent with Figure 6) and remove reference to the IN3Z
 - amend Clause 2.0 to remove reference to subdivision which does not create lots in more than one zone, and buildings and works being in one zone
 - amend Clause 4.0 to rename the Interface Guidelines to reflect land use considerations and refer to the Marong framework plan.
- The IN1Z is the appropriate zone to apply to the entirety of the BREP.
- The IN3Z should not be applied to the BREP as part of this Amendment.

The Committee recommends:

Amend the Development Plan Overlay Schedule 34 as shown in Appendix F to:

- **Amend 'Map 1 – Bendigo Regional Employment Precinct – Concept plan' to**
 - **remove the 'MTSP residential growth areas' mapping designation and interface type from the legend**
 - **insert a new "Marong framework plan new development precincts" interface type and apply its mapped extent generally consistent with Figure 9 of this Report**
 - **remove the mapped extent of the Industrial 3 Zone and its legend reference.**
- **Amend 'Clause 2.0 Requirement before a permit is granted' to remove the following dot points:**
 - **Any subdivision does not create any lots(s) in more than one zone**
 - **Any buildings or works are located wholly within a single zone.**
- **Amend 'Clause 4.0 Requirements for a development plan' to amend the Sensitive Interface Use and Development Guidelines to:**

"A Sensitive Interface Land Use and Development Guideline to guide the preferred land use and building form for areas identified as 'Marong framework plan new development precincts' sensitive use interface in Map 1. Interface treatments to be considered should have regard to the *Greater Bendigo Industrial Development Guidelines 2024*."

5 Aboriginal Cultural heritage

5.1 Referred matter

The referred matter is whether:

The cultural heritage requirements in the DPO34 are appropriate.

5.2 The issues

The issues are whether the DPO34:

- Aboriginal Cultural Heritage – Interface Treatment requirement is appropriate
- Aboriginal Cultural Heritage Assessment requirement is appropriate
- Cultural heritage requirements appropriately retain and protect Aboriginal cultural values.

5.3 Background

(i) Background Document

The Background Document records:

In accordance with the Statement of Significance provided by DJAARA, the BREP is located on a highly significant part of the Bullock Creek cultural landscape of Djandak (Dja Dja Wurrung Country). This landscape is associated with traditional living-ways, travel routes, water resources and burial traditions, and it retains both tangible and intangible heritage. Historical records highlight the connection of the Malcolm family, in particular Caroline Malcolm, whose testimony in 1865 provided evidence of the last members of the Bullock Creek group. Her recognition as an Apical Ancestor underpins DJAARA's legal standing and enduring cultural connection to the area. The land parcel itself incorporates important features including Dry Creek and sightlines from O'Sullivan's Road across a rise that contains mature native vegetation of environmental and cultural value.

Wilsons Hill Bushland Reserve forms part of this setting and contributes to the ecological and cultural landscape. It supports mature vegetation and has traditionally held strategic value through sightlines and orientation across Country. The reserve is also closely tied to principles of Caring for Country, which emphasise stewardship of flora, fauna and water resources. The Marong-Bullock Creek Cemetery, formally gazetted in 1861, is a further key feature that reinforces the long-standing Dja Dja Wurrung presence in the Marong area. A historic travel route once traversed the BREP site, connecting the Marong Hotel with the cemetery, linking places of community gathering, inquest and burial. Together, these elements demonstrate a layered cultural and historical setting, where the physical landscape is inseparable from the stories, practices and continuing presence of Dja Dja Wurrung people.

(ii) Cultural Values Assessment

DJAARA:

- provided a Statement of Cultural Significance and proposed drafting recommendations for DTP's consideration in relation to the draft Amendment
- prepared a Cultural Values Assessment (CVA) for the BREP (as part of its Day 1 advice) which identifies known cultural connections to the land, as well as the broader cultural landscape that surrounds and intersects the precinct.

The CVA (redacted for sensitive information) identifies six key cultural elements within or adjoining BREP:

- sight lines to the Big Hill range (recognised under DJAARA's Recognition and Settlement Agreement)
- gatjin (water), including Bulop Bayowayi, Dry Creek and Wilsons Hill Channel
- travel routes crossing the precinct
- the Marong-Bullock Creek Cemetery
- 'upside down Country' from historic mining around Dry Creek and Wilsons Hill
- galk galk (trees), including Cherry Ballart on O'Sullivan's Road, Blackwood, Eucalyptus, Sheoak, Red River Gum and a Bunjiyl's nest within mature trees.

The CVA supports the inclusion of an Aboriginal Cultural Heritage Strategy (ACHS) requirement in DPO34, to be prepared in consultation with DJAARA and to accompany any development plan. The CVA also recommends the establishment of a clear and transparent consultation assessment pathway, setting out expectations and roles of all stakeholders.

(iii) Draft Amendment

The consultation version of the DPO34 included:

- an objective to recognise, celebrate, protect and appropriately interpret the Aboriginal cultural values of the Marong area and Bullock Creek, including their tangible and intangible significance to the Dja Dja Wurrung People
- a requirement that the development plan include a plan prepared in collaboration with the DJAARA that:
 - identifies any tangible and intangible Aboriginal Cultural heritage values and the works required to improve the land for its intended purpose, including interpretive signage, landscape buffer distances, and interface treatments
 - responds to the recommendations of any Cultural Heritage Management Plans (CHMPs) and CVA, prepared for the precinct land
 - is accompanied by an Aboriginal Cultural Heritage Assessment prepared by a suitably qualified heritage advisor to the satisfaction of DJAARA.

DTP's Day 1 (V2) DPO34 changes:

- amended the Concept plan to show the interfaces to Aboriginal Cultural heritage sensitive areas (namely Dry Creek, Wilsons Hill Nature Conservation and Bushland Reserve and Marong Cemetery)
- amended the objective to include reference to the 'cultural landscape' of Bullock Creek
- required a development plan to provide details of landscape protection measures including a:
 - buffer and development setback of at least 50 metres from the Marong Cemetery, Wilsons Hill Bushland and Nature Conservation Reserve and Dry Creek
 - design response to minimise visual impact and overshadowing and ensure a respectful interface with the Aboriginal significance of Marong Cemetery
 - design response to identify the opportunities for environmental and ecological restoration within the buffers
 - design response that minimises light spill, noise, emission and waste impacts on sensitive interfaces

- development plan to include an ACHS that is prepared in consultation with DJAARA and which:
 - recognises and maps Aboriginal cultural values
 - provides recommendations for how development can respond to CHMP and CVA recommendations and include design responses such as interpretive signage, landscape buffer distances and interface treatments
 - identifies specified matters to be included in the assessment of impacts on tangible and intangible Aboriginal Cultural heritage values such as connection to the wider Cultural heritage landscape and recording findings of ground surface surveys and site walkovers.

DTP's Final Version retained these changes and accepted some minor drafting clarifications proposed by Council.

5.4 Evidence and submissions

Referred submissions raised concerns about:

- duplication with existing Cultural heritage assessments and the CHMP process
- uncertainty in relation to operation of the requirement to prepare a ACHS in collaboration with DJAARA
- the role of the ACHS and whether it should be guiding implementation of DPO34, rather than being a part of a development plan.

Evidence

Mr Glossop observed the CVA:

- supports a landscaped buffer and sensitive design response in proximity to sites of Cultural heritage significance
- recommends modifications to existing landscape protection measures and the inclusion of an ACHS.

He considered it appropriate the DPO34 incorporate these requirements and the DPO34 is appropriately drafted to incorporate the recommendations of the CVA.

Mr Glossop also considered preparation of the ACHS *"in consultation with DJAARA to the satisfaction of the responsible authority"* is an appropriate statutory planning requirement from a drafting and implementation perspective.

Mr Black's evidence considered:

The requirement for an Aboriginal Cultural Heritage Strategy as part of the preparation of a Development Plan for the BREP duplicates the cultural heritage assessment already undertaken in support of the Amendment, through the Cultural Values Assessment, as well as of the further work that will be required by individual landowners as part of future permit application processes and in accordance with their obligations under the Aboriginal Heritage Act 2006, including any Cultural Heritage Management Plans.

Dja Dja Wurrung Aboriginal Corporation

Regarding the Day 1 DPO34 DJAARA's advised it:

- considered the CVA provided a sound and appropriate base to support its recommendations for changes to the DPO34

- supported a requirement for an ACHS as part of a development plan to enable early consideration of Cultural heritage in the design and planning stages of the development
- supported the requirement for the ACHS to be prepared in consultation with DJAARA and to the satisfaction of the responsible authority
- identified the nominated consultation approach only met the minimum requirements under the PE Act, and requested a strengthened consultation assessment process so that it meets the requirements of the Recognition and Settlement Agreement between the State and Dja Dja Wurrung People.

DJAARA's submission (D51):

- confirmed the CVA provided a sound and appropriate evidence base to support the inclusion of its recommendations within the DPO
- emphasised the importance of early consideration of Cultural heritage and the need to be able to incorporate updated Cultural heritage knowledge post the CVA into future development plans.

Council

Council generally supported the Amendment's recognition and protection of Cultural heritage and subsequent changes to the DPO34 which:

- distinguished between landscape buffers and Cultural heritage sensitivity buffers in the Concept plan
- clarified the rationale of the 50 metre buffer adjacent to the Marong Cemetery.

Council however proposed further refinements to DPO34 including:

- removal of the requirement for the ACHS to respond to CHMPs and the CVAs
- wording which clarified that the ACHS should be developed in consultation with DJAARA rather than to its satisfaction given a development plan must be to the satisfaction of the responsible authority.

Council as landowner took no specific position on the Aboriginal Cultural heritage issues. It observed there was merit in considering the existing areas of Aboriginal Cultural heritage sensitivity early in the strategic planning process. It also observed it was unfortunate that the ACHS requirement did not avoid consideration of the same issues at both the development plan stage and the CHMP stage. However this was a limitation under the current legislative framework.

DTP

DTP submitted the Day 1 (V2) DPO34 was appropriate in respect of Cultural heritage requirements, and consistent with DJAARA's Day 1 Advice.

The requirement to respond to a CHMP yet to be prepared should be retained, given the ACHS could express recommendations for responding to issues that may be identified subsequently through the CHMP process.

DTP also submitted that the ACHS is part of the development plan preparation and should be approved by the responsible authority, but that it was appropriate that the assessment of impacts on tangible and intangible Aboriginal Cultural heritage values be prepared to the satisfaction of DJAARA.

5.5 Discussion

Interface with culturally sensitive areas

The Committee is satisfied that the application of landscape protection measures in relation to interfaces with culturally sensitive environments is appropriate. The Committee accepts the evidence of Mr Glossop that the landscape protection measures are supported by the CVA and appropriately incorporated into DPO34.

These measures are strategically supported by:

- Clause 15.03-2S (Aboriginal Cultural heritage) which requires planning authorities to ensure the protection and conservation of places of Aboriginal cultural heritage significance
- Clause 15.03-2L (Aboriginal Cultural heritage - Greater Bendigo) which requires development at Marong to be sensitively designed and sited to avoid Aboriginal Cultural heritage places and values.

The Committee considers the proposed 50 metre buffer and design response requirements are supported by:

- pending registration of Marong Cemetery as an Aboriginal Place on the Victorian Aboriginal Heritage Register
- the CVA which identifies:
 - Dry Creek as a culturally significant feature associated with traditional living practices, travel routes and resource gathering
 - Wilsons Hill as a culturally sensitive landscape feature with associations to the Djaara creator Bunjil and recognised strategic sightlines across Country that are tied to the DJAARA principle of Caring for Country.

The Committee considers the Final DPO34 Concept plan addresses concerns raised in Council's submissions about the buffer shown adjacent to areas of Aboriginal Cultural heritage sensitivity, and the need to distinguish it from the landscape buffer.

Aboriginal Cultural Heritage Strategy requirement

The Committee commends DTP's early engagement with DJAARA as the Traditional Owners of the BREP land and acknowledges the work undertaken by DJAARA to inform the draft Amendment. It is appropriate, and consistent with the PE Act, to provide opportunities for meaningful engagement and to incorporate advice from DJAARA in strategic planning documents such as the Amendment.

The Final version of DPO34 requirements in relation to preparation of an ACHS appropriately provide for a broad consideration of Cultural heritage at an early phase of the planning for the BREP, rather than relying on the CHMP process. The CHMP process under the *Aboriginal Heritage Act 2006* has a more limited focus on tangible and physical elements and their appropriate protection and management. A formal CHMP will be required at the subsequent permit or works stage.

The Committee supports retaining a requirement for the ACHS to provide recommendations for how development can respond to CHMP and CVA recommendations and include design responses. As the first development plan may be prepared prior to a CHMP the current drafting is uncertain. This requirement should be

reworded to respond to any CHMP and CVA prepared prior to the ACHS (and if more than one then the latest version).

The Committee considers that requiring an ACHS and further assessment of impacts on tangible and intangible Aboriginal Cultural Heritage values is not duplicative but will require additional work to be done. It will also act as a mechanism to ensure that an updated assessment of Cultural heritage considerations will inform any development plan prepared under DPO34, and that further consultation is required with DJAARA.

The Committee notes DJAARA's request for guidance about the establishment of a consultation assessment pathway in relation to the ACHS, which sets out expectations and roles of all stakeholders. However, the Committee accepts the evidence of Mr Glossop that the drafting of the consultation requirement in relation to the ACHS is appropriate in the context of the DPO control. The Committee notes that outside the amendment process, it is open to DJAARA and the Council to explore the development of additional engagement guidance in relation to strategic planning of the BREP within the broader context of the Recognition and Settlement Agreement (which is an agreement with the State) and Council's Reconciliation Plan (Barpangu).

The Committee considers it appropriate to delete references to the ACHS being prepared to the satisfaction of the responsible authority given this duplicates the overall requirement that a development plan be to the satisfaction of the responsible authority.

5.6 Conclusions and recommendations

The Committee concludes:

- The Aboriginal Cultural heritage requirements in the DPO34 are generally appropriate.
- It is appropriate to include landscape protection measures which respond to the identified interfaces with culturally sensitive environments, including the 50-metre buffer and design response requirements in the Final Version of DPO34.
- It is appropriate to include the requirement for preparation of an ACHS as part of a development plan as set out in the Final version of DPO34.
- It is appropriate that the ACHS be prepared in consultation with DJAARA and to the satisfaction of the responsible authority, and that it include an assessment of impacts on Aboriginal Cultural heritage values to the satisfaction of DJAARA.
- It is appropriate to require the ACHS respond to the recommendations of the most recent versions of any CHMP or CVA which pre-dates it.

The Committee recommends:

Amend the Final version of Development Plan Overlay Schedule 34 as shown in Appendix F to amend the 'Clause 4.0 Requirements for a development plan':

- **introductory text to identify that "A development plan must include the following requirements to the satisfaction of the responsible authority"**
- **requirement for an Aboriginal Cultural Heritage Strategy to:**
 - **respond to the recommendations of the most recent versions of any Cultural Heritage Management Plan or Cultural Values Assessment**
 - **delete the requirement for the Aboriginal Cultural Heritage Strategy to be prepared "to the satisfaction of the responsible authority".**

6 Shared Infrastructure Contribution Framework

6.1 Referred matter

The referred matter is whether:

- The DPO34, Shared Infrastructure Plan and Section 173 Agreement requirements (including cost apportionment for State infrastructure items) will appropriately coordinate infrastructure delivery.

This chapter considers the role of the SIP Guideline which was referred to in the consultation and Day 1 (V2) versions of the DPO34 but deleted in subsequent versions.

6.2 Key issues

The key issues are whether the draft Amendment:

- appropriately identifies the key transport infrastructure projects required to support the BREP
- appropriately apportions the cost of the transport infrastructure projects including for State infrastructure items
- should identify other infrastructure such as precinct drainage
- DPO34 provisions and the SIP Guideline will appropriately coordinate infrastructure delivery.

6.3 Transport projects

(i) Background

To support BREP development, DPO34 and the SIP Guideline identified:

- three arterial road intersection projects (IT2, IT3 and IT5)
- three BREP 'primary precinct access point' on the arterial road network (AP1, AP2 and AP5)
- a 'potential precinct access point' (as a LILO) on Wimmera Highway.

Existing T-intersections IT3 and IT5 on the Calder Highway are to be signalised to improve capacity and safety and are required to service the additional traffic generated by the BREP (and the MTSP growth area).

The DPO34 requires contributions to these State infrastructure projects through s173 Agreements consistent with the precinct wide SIP. While funding contributions towards these works were generally not in dispute, the apportionment for IT2 (due to Hearing proposed design changes) was.

Throughout the Hearing, the number, type and locations of access points including potential access points evolved. However, it was agreed by the experts and parties that these works would either be fully funded by the BREP (for the primary Access Points) and developer funded for the secondary or potential access points. DTP removed the identification of secondary access points from its Part B and Final versions of the Concept plan.

Due to the BREP's size, unknown timing of the MWFC and potentially long development timeframes, a key issue centred on the delivery of interim access points to service potentially fragmented sites across the precinct.

(ii) Transport joint experts report

The transport joint experts report recorded consensus on many of the transport infrastructure issues and assisted in narrowing the disputed matters.

The points of agreement included (Committee's summary):

- the traffic generation rates in the 2025 Stantec Marong Transport Network Assessment are appropriate, but no expert directly considered the implication of the IN3Z zoning change
- the MWFC is not required to support BREP and the MTSP, and the MWFC option 5 (proposed road reservation along the BREP's northern boundary) was appropriate for planning purposes however, the preferred alignment is not a final decision or funded¹
- installing a roundabout at IT2 is appropriate, subject to finalising the preferred location and design, noting cost apportionment needs to be resolved
- signalisation and cost apportionments for IT3 and IT5 was generally appropriate (subject to some minor design amendments, principally to enhance pedestrian access)
- the locations of AP1, AP4 and AP5 are generally appropriate (based on Day 1 DPO34 concept plan) however Mr Turnbull did not agree on the location of AP5 considering flexibility should be maintained by not specifying the location in the Concept plan and allow their locations to be determined at the development plan stage
- AP1 - any interim design (prior to delivery of the MWFC) should allow for an easy conversion into the ultimate MWFC roundabout design, and the design can be resolved as part of preparation of the TIA and SIP
- AP4 - DPO34 could nominate the project as an unsignalised T-intersection allowing full turning movements, subject to the safety of the right-out movement being demonstrated as part of the TIA at the development plan stage
- AP5 - should be configured as a roundabout
- 100 per cent cost apportionment to BREP was appropriate for AP1, AP4 and IP5
- the connector road network should connect the three primary access points, with the location subject to further planning at the TIA/development plan stage
- the location and control of the secondary 'potential access points' in the ultimate scenario is appropriate
- secondary potential or interim access points (which ultimately require HTfV approval) should be shown on the Concept plan to facilitate discussion.

¹ Transport for Victoria Marong western freight corridor <https://transport.vic.gov.au/news-and-resources/projects/marong-western-freight-corridor>

(iii) Draft Amendment changes

DTP's Part B and Part C versions of the DPO34 included:

- changes to the Concept plan to reintroduce a LILLO potential access point at the Calder Alternative Highway 'elbow'
- changes to the conditions for permits relating to the funding of State Infrastructure intersections and access points including the description of AP1 and AP4
- development plan requirement changes to:
 - include provision of a precinct wide Intersection and Access Strategy (Intersection Strategy) which describes IT2, IT3, IT5, AP1, AP4 and AP5 and their apportionment
 - amend the SIP requirements to describe the above projects and their apportionment

DTP's Part B version of the SIP Guideline included minor adjustments to clarify individual transport project details.

6.3.1 Intersection IT2

(i) Marong Western Freight Corridor

Parties were generally optimistic that the MWFC will be finalised through a separate progress. However, YourLand submitted while the concept of the MWFC was supported:

- it is 'planned only' and subject to further enquiry and funding
- delivery of the project is highly uncertain
- the impacts are significant including:
 - restricting development opportunities in the north of the precinct
 - requiring complex resolution of interim access arrangements from the Wimmera Highway.

While the MWFC will ultimately be resolved through a separate process, there are significant implications for BREP and notably YourLand's property parcel where DTP advised a preferred 70 metre road reservation accommodating four lanes (two in each direction) is proposed.

Providing a sufficient and reasonable road reservation width for the MWFC is appropriate and potential flow on consequences, in particular to the preferred position of IT2 proposed roundabout.

Through this lens, the Committee notes Mr Walley's opinion that:

- a 34 metre road reservation would suffice, and based on the available traffic modelling, the northern corridor would be expected to carry around 7,800 vehicles per day in front of BREP - well below the typical threshold of 18,000 to 20,000 vehicles per day
- higher traffic loads will occur on Calder Highway and Calder Alternative Highway, yet both existing highways would remain a single lane in each direction

- based on traffic capacity, the existing road network (in particular, Wimmera Highway north of BREP) would have sufficient capacity to act as the MWFC east-west section without widening or major upgrades.

Mr DeYoung accepted Mr Walley's analysis, but noted that DTP may have considered other matters which informed the MWFC concept design.

Mr Turnbull argued for an alternative alignment which was considered during the initial option assessment but in oral evidence was resigned that Option 5 along BREP's northern boundary was more likely.

DTP maintained that the MWFC material clearly shows a four lane road which has informed the preferred road reservation although this was unable to be tested.

The Committee acknowledges that a multi-criteria assessment has identified route 5, but the detail supporting a proposed 70 metre road reservation should be confirmed as part of the Intersection Strategy due to its significant impacts to the BREP and its associated transport infrastructure planning.

(ii) Evidence and submissions

Evidence

Mr Turnbull identified the Day 1(V2) SIP Guideline IT2 roundabout (Stantec Plan):

- was not compatible with DTP-Transport's plan for the MWFC and would be demolished if or when the MWFC was implemented on its proposed alignment
- provided poor connectivity to the Marong growth area 2 to east by utilising the Salvarezza Road Reserve which required the removal of vegetation.

In response to Mr Turnbull's evidence and further discussions with DTP-Transport, DTP provided two alternative concept plans (with its closing submission) proposing the roundabout be positioned on the MWFC alignment, 40 metres south of the Wimmera Highway/Calder Alternative Highway intersection to further improve access to the future residential land (see Figures 7 and 8).²

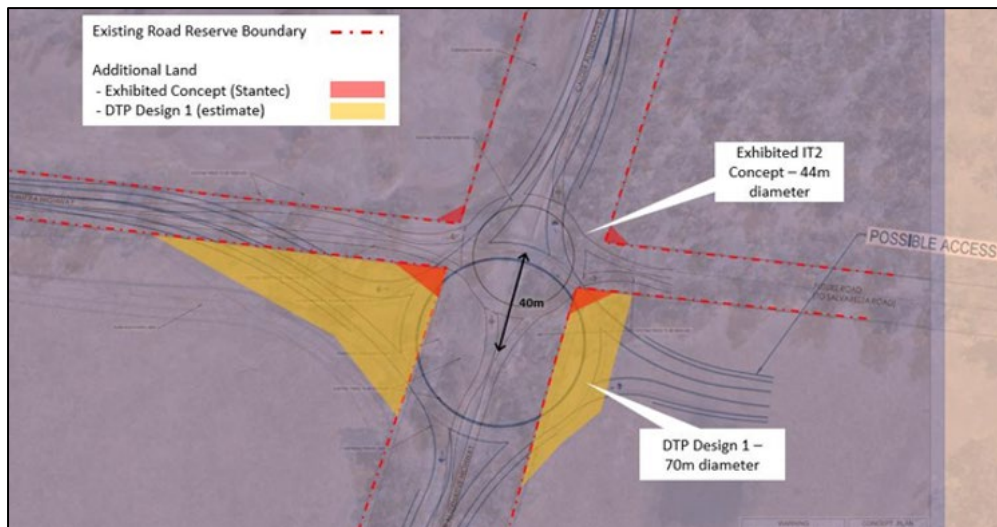
Key elements of these revised DTP concepts included:

- realigning Wimmera Highway to the south requiring greater land acquisition
- for Concept 1 – a 70-metre diameter central island designed for two circulating lanes (the ultimate MWFC configuration)
- for Concept 2 – a smaller central island (52 metre diameter) accommodating a single circulating lane.

The Committee provided the opportunity for parties to provide further comments on the alternative concepts, informed by their traffic experts. Mr Walley and Mr Turnbull, and Mr De Young provided subsequent memorandums on the IT2 design concepts.

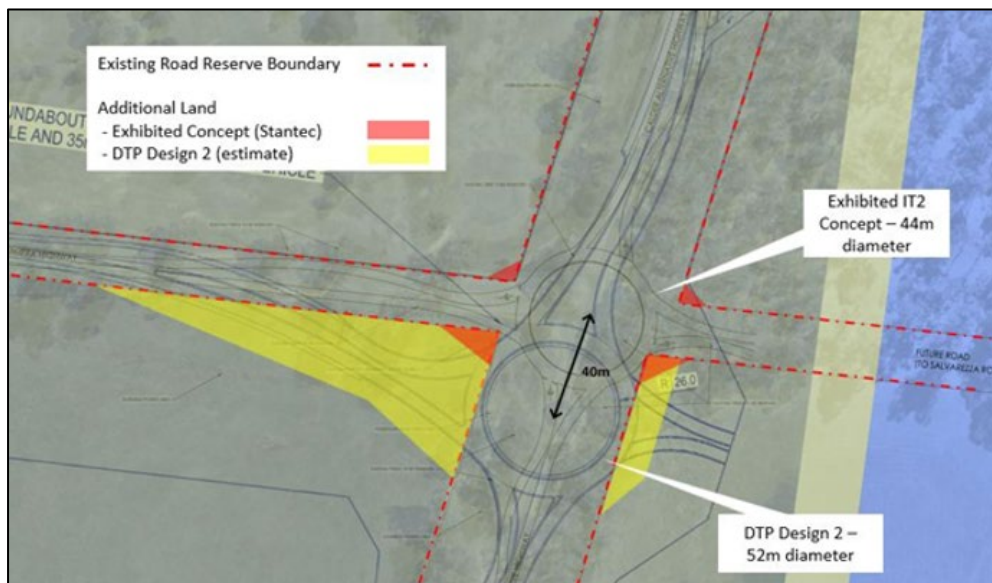
² Mr Walley's diagrams for the two IT2 concepts are reproduced in Figures 7 and 8 for clarity

Figure 7 Consultation IT2 location and DTP Concept 1 (large roundabout)



Source: Walley (Document 83)

Figure 8 Consultation IT2 location and DTP Concept 2 (small roundabout)



Source: Walley (Document 83)

Mr DeYoung:

- considered the smaller roundabout was a 'basic and essential' design for IT2 and was appropriate for the BREP
- the smaller roundabout cost apportionment remained the same
- significant future rework would be required if the smaller roundabout was then later rebuilt in accordance with the ultimate MWFC design with a larger roundabout
- the larger roundabout design:
 - represents a logical design for IT2 in the context of the ultimate design envisaged by MWFC as it minimises future rework
 - is significantly larger than would otherwise be required for the BREP and the township in the absence of the future MWFC project

- cost apportionment to BREP and the township should be limited to the construction cost of the small roundabout only as the larger roundabout includes works that go beyond a basic and essential design for the BREP with the additional cost to be attributed to the MWFC project
- the decision on which roundabout is constructed can be resolved at a later date through the precinct wide Intersection Strategy.

Mr Walley reached similar findings to Mr DeYoung, and in particular, IT2 should be built in its ultimate location. On the matter of apportionment, Mr DeYoung elaborated during oral evidence that there was no reason or need to improve Wimmera Highway/Calder Alternative Highway intersection other than for increased traffic associated with BREP and growing Marong residential development whereas Mr Walley's opinion was that the single lane roundabout at IT2 should consider external use, similar to how IT3 and IT5 were analysed.

Mr Turnbull considered the:

- proposed IT2 alternative location should utilise the smaller roundabout as:
 - it reflects DTP's plans for the MWFC, takes into account native vegetation constraints and more closely resembles the form likely to be ultimately be approved for construction and provides slightly better access outcome for Precinct 2B [residential] than the Day 1 plan
- cost of delivering the smaller roundabout is likely to be higher than the cost of delivering the same sized roundabout in the Day 1 location because of additional land requirements and civil construction works associated with the Wimmera Highway deviation to match the new roundabout location
- apportionment should include an external component, similar to IT3 and IT5 given the limited benefit to BREP, external use, and cost-savings benefits to the future MWFC delivery.

Mr Turnbull maintained that IT2 should be relocated to the Calder Highway 'elbow' (approximately 400 metres south of Wimmera Highway). His reasons were:

- it provides direct access to BREP
- for Marong growth area 2 it takes into account environmental constraints and better aligns with the optimal crossing location of Bullock Creek
- it meets sight distance requirements
- it allows for an interim T-intersection to access the Marong growth area 2
- it removes the need for roundabout control at Wimmera Highway/Calder Alternative Highway as providing separate left and right turn lanes out of Wimmera Highway onto Calder Alternative Highway provided sufficient capacity and less costly upgrade
- it doesn't preclude the construction of MWFC in the future, if required.

Mr Maina:

- was sceptical of the Stantec modelling and traffic distribution assumptions and considered that IT2 would need to be upgraded when about 62 per cent of the BREP was delivered, noting that the critical movement is the right turn movement (west to south) for large trucks

- considered a revised trigger can be determined as part of DPO34 requirement for an Intersection Strategy.³

Mr Black also agreed that the IT2 apportionment should be reviewed.

Council

Council submitted that further work is required to resolve the alternative roundabout concept, in particular land acquisition. In relation to apportionment of the intersections:

- it should ensure the share of usage properly equitably considers existing traffic volumes, consistent with the approach for IT3 and IT5. Using the same analysis for IT3 and IT5 would result in BREP contributing 53 per cent to IT2 rather than 83.33 per cent
- apportionments should be identified in the SIP Guideline as indicative and subject to adjustment as part of a development plan and removed from DPO34.

YourLand

YourLand:

- submitted the driver for the location of IT2 was not BREP, but the MWFC preferred alignment and DTP should fund its upgrade
- had already advanced a large body for technical work to provide access to the Marong growth area 2 (as part of draft Amendment number C286gben) from Calder Alternative Highway at the 'elbow' to facilitate easier access to an internal river crossing and avoid the need for substantial tracks of vegetation to be removed
- reluctantly accepted the IT2 alternative location although it was less than desirable and did not integrate well with the residential precinct to the east compared to a roundabout at the 'elbow' on Calder Alternative Highway
- said further work was required to finalise the design which can be resolved as part of the TIA and Intersection Strategy.

YourLand submitted it was unclear whether some of the state-based infrastructure like IT2 is driven by the BREP or whether they are simply upgrades which result from the precinct being on a major transport route. It submitted the apportionment should be considered in light of:

- whether the projects merely serve the BREP or are required to deliver it
- the findings of the Access and Intersection Strategy
- the apportionment for BREP and the Marong Township growth areas.

DTP

DTP noted there will become a point when the existing Wimmera Highway/Calder Alternative Highway intersection will reach capacity and the roundabout will be required, with the Marong Transport Network Assessment estimating this would occur at:

- 58 per cent of BREP build out, or
- 45 per cent of the combined development of BREP and Marong growth area 2.

³ During the Hearing, the traffic experts generally referred to the preparation of a Traffic Impact Assessment, however, for clarity and consistency with the DPO34 the Committee notes that these investigations would primarily form part of the precinct wide Access and Intersection Strategy

DTP maintained that there is sufficient technical work available to support the proposed apportionment of IT2.

In relation to IT2 and the evolution of the concept designs with the alternative roundabouts now shown south of Wimmera Highway, DTP noted:

This roundabout design would facilitate access to the future residential development to the east, but also minimise the extent of redundant works required in the future as of the delivery of the ultimate two-lane roundabout contemplated for the MWFC project

DTP accepted the need to confirm the design and cost of the intersections including IT2 through a development plan and/or SIP, but submitted the question of apportionment can be appropriately guided by the work that has been completed to date.

It concluded IT2 should be apportioned 83 per cent to BREP (assuming the smaller intersection footprint) and identified the Part C version of DPO34 *"provides an appropriate mechanism to confirm the design, and if appropriate adjust apportionment should the larger roundabout be adopted."*

In response to issues raised, DTP proposed further drafting changes to DPO34 and the SIP Guideline which included:

- the concept plan for the smaller roundabout should be included as it informs the preparation of the Intersection Strategy
- cost estimates removed from the SIP Guideline
- cost apportionments included in DPO34 and SIP Guideline.

(iii) Discussion

The proposed IT2 roundabout is considered essential and appropriate to safely accommodate additional BREP (and future residential development) traffic on the surrounding road network.

The traffic expert comments on the modified IT2 concepts were received after the Hearing had closed. Accordingly, the Committee can only provide high level commentary on matters of design and apportionment.

Further work is required to resolve the preferred roundabout design, costing and subsequent apportionment, and to establish its partial apportionment to the State government including as part of the MWFC project. The Committee's view based on the information before it is that MWFC project (the State) should contributing towards the cost of IT2 if the costs of moving it further south are higher than the original location and design to meet the needs of the BREP.

A whole of life costing for the treatment of IT2 should be considered to ensure efficient and cost-effective infrastructure delivery. While the traffic experts did not specifically state this, their commentary reflects this view:

- Mr DeYoung alluded to delivering the larger roundabout in the interim to minimise rework (and potential less cost in the future)
- Mr Walley considered that the roundabout should be built in its final location
- Mr Turnbull identified that building the original \$8 million roundabout at Wimmera Highway would require it to be demolished when the MWFC roundabout is delivered.

Relocating the roundabout 40 metres south of the existing Wimmera Highway alignment provides tangible benefits for the future construction of the MWFC as it matches its preferred alignment and provides the groundwork for the future MWFC preferred roundabout. Similarly, shifting the roundabout further south clearly provides benefit to the future eastern residential precinct by providing a somewhat enhanced access arrangement. The determination of apportionment should also consider this outcome.

The BREP does not require a larger roundabout or for it to be relocated or the additional land acquisition and construction costs to realign Wimmera Highway. It is difficult to see why the BREP should be burdened with this cost. This is particularly the case when the timing of the MWFC is unknown and only a preliminary concept design has been developed. Additionally, the planning of the BREP includes a 70-metre road reservation width along the Wimmera Highway of 70 metres to accommodate the future MWFC which has resulted in reduced NDA.

The Committee does not agree with DTP that the apportionment can be guided by the work completed to date. The design detail continues to be fluid and the proposed apportionment does not appear fair or reasonable, with the mechanism to resolve it unsettled. The apportionment of IT2 should be reviewed from a first principles perspective taking into consideration what elements of the alternative design are essential to facilitate the BREP, the residential development to the east and the MWFC. These matters do not appear to have been adequately assessed or considered, rather the Day 1 roundabout apportionment appears to be applied to a substantially different project. Having said that, the Committee generally accepts the original premise that IT2 upgrade was only required because of the additional BREP and MTSP traffic – without this traffic no works would be required. However, as discussed, the revised roundabout options fundamentally change this equation.

The Committee considers the optimal solution for this intersection (including apportionment) can ultimately be found through preparation of the Intersection Strategy and the final precinct wide SIP. This includes further advice from civil construction experts to identify the cost and timing implications in taking the small roundabout and expanding to the large dual lane treatment if or when MWFC is delivered. Potentially building the ultimate larger central island in the short term may be more cost effective as per Mr DeYoung's observation – but the Committee understands that an earlier financial contribution to the project may not be considered desirable by the State.

Including an alternative MWFC IT2 reference design in the SIP Guideline is appropriate to guide discussion on its design (including whole of life considerations) and apportionment including if necessary to the MWFC project.

The Committee acknowledges the evidence of Mr Turnbull and YourLand position that IT2 could be shifted further south to the 'elbow' on Calder Alternative Highway (approximately 400 metres south of Wimmera Highway). This location would still service the BREP and provide additional access advantages to the proposed eastern residential precinct. Notwithstanding this, the Calder Alternative Highway's function as a State freight route as well as its higher order traffic movement function needs to be

considered against the impact of access points at both the Wimmera Highway intersection (that will require some upgrading) and, on the elbow, and at AP5 (in addition to other potential BREP access points).

Similarly, the Committee can see merit in Mr Turnbull's proposal that providing separate left and right turn lanes out of Wimmera Highway which would be less costly than a roundabout, but this needs to be balanced against the higher order traffic movement functions of the Calder Alternative Highway.

The Committee accepts that the:

- IT2 revised roundabout designs provide full movement access into the residential land albeit not in YourLand's preferred location
- the spacing between IT2 and AP5 (both roundabouts at a major intersection and precinct access point) is approximately 800 metres which is the generally preferred spacing in a non-urban environment.

The Committee generally agrees with DTP's Final day DPO34 changes such as showing the amended location of IT2 and removing cost estimates. The issue of apportionment needs to be further resolved for IT2 and the specific apportionment details should be removed from the DPO34 for this reason. Chapter 6.5 addresses the Committee's approach to apportionment.

(iv) Conclusions

The Committee concludes:

- Further work is required to finalise the design and apportionment of IT2 based on DTP's revised concept plans locating the roundabout approximately 40 metres south of Wimmera Highway including whole of life costing considerations and some apportionment to the State as part of the future MWFC project.
- The alternative MWFC IT2 reference design should be included in the SIP Guideline.
- The Final version of DPO34 and SIP Guideline includes appropriate mechanisms to resolve the design and apportionment of IT2. This includes engaging with DTP-Transport with the inclusion of the Committee's recommendations relating to changes to the DPO34 description and apportionment of IT2, IT3 and IT5 projects and the SIP Guideline as discussed in Chapter 6.5.

6.3.2 Intersections IT3 and IT5

(i) Evidence and submissions

Evidence

Mr DeYoung supported IT3 and IT5 being upgraded to signalised intersections and funded by BREP as:

- the existing external intersections were previously nominated for upgrade within the MTSP
- IT3 already has existing capacity constraints and a history of crashes
- IT5 was identified with existing safety issues such as speeding vehicles and truck rolling (potential roll overs).

He considered:

- it appropriate to refine the intersection designs, in particular, to include enhance/additional pedestrian crossing facilities – these works would be minor in nature but can be readily resolved during detail design and part of the Intersection Strategy preparation (also identified by Mr Walley)
- the apportionments (shared between BREP, Marong Township and State) were generally satisfactory but should be refined once the detailed design is finalised.

There was no substantial dispute amongst the traffic experts to these findings, however Mr Turnbull noted that traditionally the State would have funded these intersection works but accepted the position of the other traffic experts that apportionment should be shared between BREP, MTSP and the State.

Council

Council:

- was generally comfortable with the proposed scope of works and apportionment for IT3 and IT5
- agreed with the experts that the final design can be resolved through the Intersection Strategy which can inform the SIP
- noted the costings for IP5 are likely to be inaccurate (there is a \$3 million variation for this roundabout between the SIP Guideline and MTSP costings costings)
- submitted the costings should be removed from the SIP Guideline.

DTP

DTP considered there was sufficient technical work available including expert evidence to support the proposed apportionment of IT3 and IT5 acknowledging that minor ‘tweaking’ will occur through the preparation of a development plan and/or the SIP. Further, a significant portion of BREP traffic will use both intersections and directly result in the need for the works.

DTP’s Part B and Part C versions of the DPO34 and SIP Guideline included changes to address these issues.

(ii) Discussion

The apportionment of IT3 and IT5 apportionment is generally acceptable and the reference designs and costings should be reviewed in consultation with DTP-Transport as the road authority prior to the finalising the Amendment.

These infrastructure works are considered essential and appropriate to safely accommodating additional BREP traffic.

IT3 and IT5 were relatively uncontested, in terms of scope of works and apportionment. The traffic experts identified minor enhancements to both designs which can be readily addressed as part of the TIA and then used to inform the SIP. The Committee considers the DTP’s minor changes to the Amendment documents to address these issues is appropriate.

The Committee appreciates Mr Turnbull’s position that these works would have traditionally been funded by the State but agrees with the other traffic experts that the

traffic modelling demonstrates that a significant amount of BREP traffic is projected to utilise both intersections and as such, a contribution to these intersections upgrades is warranted. The Committee does hold reservations that IT3, with a recognised crash history, may continue to experience ongoing road crashes. This may necessitate one or even both signalised intersections being delivered early, even prior to the BREP being developed from other funding sources to address principally a road safety issue. This is a matter for consideration through a separate process.

(iii) Conclusions

The Committee concludes:

- The SIP Guideline reference designs for IT3 and IT5 are generally appropriate.
- The Final version of DPO34 and SIP Guideline include appropriate mechanisms to resolve the design and apportionment of IT3 and IT5 including engaging with DTP-Transport with the inclusion of the Committee's recommendations for changes to the DPO34 description and apportionment of transport projects and the SIP Guideline identified in Chapter 6.5.

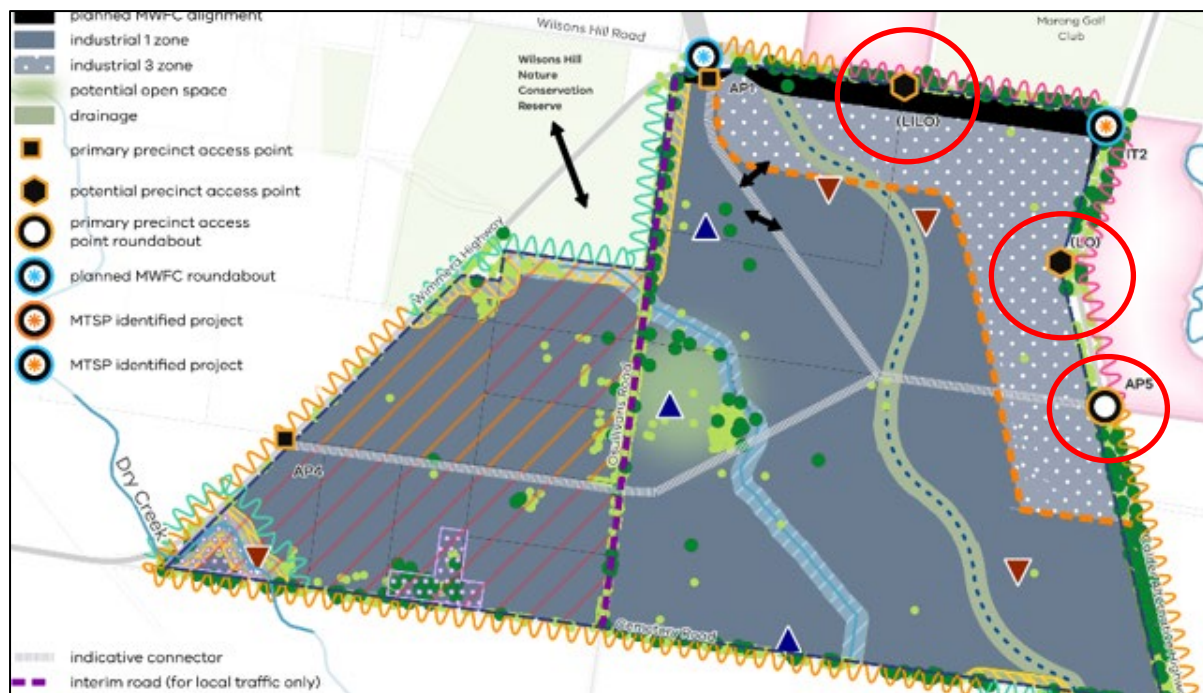
6.3.3 Access Points AP1, AP4 and AP5 and potential access points

(i) Background

The number and location of BREP access points evolved throughout the Hearing in response to submissions and traffic evidence.

Notable changes in the Final DPO34 Concept plan (Figure 9) includes:

- AP5 relocated approximately midblock along the Calder Alternative Highway to allow the connector road to be positioned along the title boundary between YourLand and Council owned property parcels and to align with the amended indicative connector road
- AP2 (LILO) and AP3 downgraded from primary precinct access points to potential precinct access points as a LILO and left-out (LO) respectively
- the deletion of the LILO south of AP5 roundabout.

Figure 9 Final version DPO34 Concept plan

(ii) Evidence and submissions

Evidence

The traffic experts:

- agreed the BREP access points were satisfactory, although Mr Turnbull disagreed with the location of AP5
- agreed AP1 did not need to be delivered as a roundabout in the interim with an unsignalised intersection considered satisfactory but further work was required to finalise the appropriate interim solution which can occur during the Intersection Strategy preparation
- interim and/or secondary intersections should be shown on the Concept plan. If not shown there was a greater likelihood that DTP might not consider an intersection on an arterial road at the identified location.

Mr De Young explained the BREP's abutting roads to the north, east and west are state Highways with the primary function to move freight and traffic and as such provided limited access to abutting properties. Generally, access is provided with major intersections at 800 metre spacings and secondary LLO (or LO) at 400 metre spacings to minimise disruption to through traffic. The other experts agreed with these spacings, however, Mr Turnbull noted that in time with abutting land development, Calder Alternative Highway would transition into a more urban environment where potentially closer intersection spacings could be realised.

Mr Walley supported the proposed precinct access treatments and had undertaken a more rigorous assessment of them, including intersection capacity analysis of the identified access point locations. He acknowledged that further consultation with DTP-Transport would be required to finalise the concept designs taking into a range of factors including sight distance, intersection location and spacing.

Mr Maina noted the:

- benefit of AP1 to the BREP will be realised once the MWFC is operational
- AP5 proposed roundabout has capacity to accommodate 100 per cent of BREP traffic
- the Day 1 LILO south of AP5 has limited utility and could be excluded from the Concept plan or alternatively shown as a potential access point.

Mr Turnbull's opinion was:

- DPO34 should maintain flexibility by not nominating BREP access points to enable alternative suitable outcomes based on the detailed background work yet to be completed.
- AP1 could be moved approximately 150 metres further east of Osullivans Road to address potential sight distance issues and then reconnect into the MWFC proposed roundabout when delivered.
- AP4 required full access with options available to improve and address safety if required (signalisation or a roundabout).
- AP5 should be relocated to its original consultation position. This would allow an additional roundabout to be constructed at the 'elbow' of Calder Alternative Highway which would provide appropriate access to the eastern residential precinct as well as appropriate development access to the BREP.
- Secondary access points/intersections should allow full movement to enable the logical/progressive /cost effective development of the BREP. For example, the proposed LILO on the Wimmera Highway would mean that you cannot turn right out of BREP at this location and you cannot practically return into Marong and Bendigo.

Council

Council submitted:

- AP1:
 - should commence as an interim unsignalised T-intersection
 - any future roundabout would be a matter for the MWFC delivery, noting the delivery of an interim roundabout will be expensive, require land acquisition and could not be realistically delivered by a BREP landowner
 - interim treatment requires further analysis and can be resolved through the development of the Intersection Strategy
- AP4:
 - it supported the traffic expert findings for an unsignalised T-intersection allowing full turn movements
 - it accepted the DPO34 drafting required the design to be confirmed in consultation with the HTfV and was a matter that can be resolved when the Intersection Strategy is prepared
- AP5 should be shown on the boundary between property parcel 2 and property parcel 14 to allow equitable access and reduce the risk that the other parcel of land may become land locked
- all secondary access points should be shown, or alternatively none shown from a fairness and equity perspective.

Council as landowner:

- supported the revised location of AP5 but that it should be delivered on a single title
- did not hold strong views if the LILO south of AP5 was removed or retained but noted this intersection may have staging benefits, and further, if shown on the concept plan gives it greater weight when considered by HTfV.

YourLand

YourLand submitted:

- Mr Turnbull's evidence should be accepted for resolving access points as he had taken a township wide approach and:
 - had considered how development could occur considering the access limitations associated with the timing and delivery of key transport infrastructure in and around the BREP
 - identified precinct access could be fully realised from the 'elbow' on Calder Alternative Highway.
- the access point locations needed to be viewed at a precinct-wide level for the BREP and the MTSP
- LILO arrangements at Wimmera Highway and west of Landry Lane for example would be problematic and not facilitate access to its land or delivery the precinct, and alternatively a four-way access should be provided
- LO only would be problematic as:
 - all surrounding roads are arterial roads under control of DTP-Transport
 - DTP-Transport does not support unfettered access to its roads
 - if access points are not shown on the Concept plan they will it is highly unlikely to garner DTP support.

DTP

DTP submitted:

- the access point locations are appropriate and have been refined to align with common property boundaries, improving access outcomes and reducing reliance of access via adjoining land
- timing, staging and designs are to be finalised in consultation with DTP-Transport
- AP1, AP4 and AP5 should be subject of shared infrastructure funding arrangements implemented through DPO34
- further detail can be resolved through the SIP, precinct Intersection and Access Strategy
- the amended documentation addresses these issues in particular AP1 and AP4 described in the Part B DPO34 as a "*T intersection – design to be confirmed in consultation with the Head, Transport for Victoria*" and no longer specifying particular turning movements
- lower order precinct access points and the internal road network should be delivered as developer works and not subject to shared infrastructure funding (as such, they would be outside of the Committee's scope)
- secondary or lower order access points do not need to be shown on the Concept plan.

However, DTP explained that it had revised its position and now proposed a LO access point in the 'elbow' to the Calder Alternative Highway on the Part C DPO34 Concept plan.⁴ This interim intersection was to work in tandem with the Wimmera Highway LILO intersection to provide an internal 'loop' access arrangement importantly providing an opportunity for vehicles to circulate through the north east corner of the precinct, left turn onto Calder Alternative Highway and head north back towards Marong and Bendigo (refer Figure 10).

This arrangement would facilitate development proceeding if the northern part of the BREP develops first, ahead of AP5 being delivered. Providing LO only was based on preliminary advice from DTP-Transport that potentially a left turn lane into the precinct at this location, may conflict with the operation of IT2 and AP5. However these matters could be resolved as part of a development plan and planning permit application.

Figure 10 Indicative loop road



Source: Committee

(iii) Discussion

The Committee is generally comfortable with the Concept plan's designation of precinct access points and supports the intent around the BREP local access arrangements. DTP-Transport approval will ultimately be required, in particular, which traffic movements into and out of the precinct are acceptable, both in the interim and ultimate arrangements. These matters will be resolved as part of the TIA and Intersection Strategy.

While the traffic experts identified AP4 as accommodating all traffic movements (which the Committee supports), ultimately DTP-Transport will decide if and how the critical right turn movements can be accommodated.

Mr Turnbull raised valid concerns regarding interim access arrangements for fragmented sites, notably the YourLand in the BREP's north east. The Final version of the Concept plan would facilitate the loop road arrangement allowing vehicles to head north back towards Marong and Bendigo. This could be refined during preparation of the site's development plan. This is one option and other options may be feasible and desirable.

⁴ Concept plan exhibited version originally showed it as AP3, (LILO), Day 1 (V2) removed all reference to this intersection, final version now showed a (LO)

Staging and sequencing of development will play a key role in the delivery of the identified transport infrastructure projects. Notably AP5 (proposed roundabout) providing full movement into and out has capacity to service the entire precinct. But until the internal connector road and roundabout are provided, interim solutions will be required.

There is merit in accommodating interim solutions providing additional traffic movements in the short term. For example allowing right turn movements, and or left turn movements for the potential precinct access points until such time as AP5 is delivered. Once AP5 is delivered the secondary access points maybe downgraded and or removed such as the secondary access location south of AP5 which Mr Maina identified as having limited utility. However it may also be essential in facilitating development in the southeast corner of the precinct if AP5 has not been delivered. Such outcomes can be managed through a TIA or permit conditions, consistent with the precinct wide Intersection and Strategy. Showing the secondary potential precinct access points on the Concept will facilitate conversations with DTP-Transport.

The potential precinct secondary access points should not however specify traffic movements (similar to DTP's suggestion for AP1 and AP4). While DTP was selective as to which potential access points should be shown, the Committee agrees with the traffic experts that showing intersections on the Concept plan facilitates discussions with DTP-Transport.

The identified intersections, in particular the secondary access points are far from certain. Significant work will be required to identify options, develop concepts, assess arterial road management and operations, review and seek approval from DTP-Transport on the proposed access arrangement.

The appropriate time to resolve these matters will be as part of the precinct wide Intersection Strategy and as such, the Concept plan should only provide general guidance, such as showing the primary intersections and potential secondary access locations without specifying which traffic movements are acceptable.

Greater flexibility is required than what is currently suggested by the Final version of the Concept plan which should:

- show all primary and secondary access points
- remove references to traffic movements (e.g. LILLO or LO).

It is appropriate for these matters to be resolved as part of the Intersection Strategy. These suggested changes provide the flexibility to facilitate optimal outcomes being realised in the future.

(iv) Conclusions and recommendation

The Committee concludes:

- The BREP proposed precinct access points identified in DPO34 are generally appropriate.
- A potential precinct access point south of AP5 should be included in the DPO34 Concept plan.
- Potential precinct access points should not specify turn movements in the DPO34 Concept plan.

- Interim and ultimate precinct access arrangements will be resolved as part of the DPO34 requirements for a Transport Impact Assessment and Intersection Strategy in consultation with DTP-Transport.

The Committee recommends:

Amend the Final version of Development Plan Overlay Schedule 34 to Amend 'Map 1 – Bendigo Regional Employment Precinct – Concept plan' to:

- **identify a 'potential precinct access point' south of primary precinct access point AP5**
- **remove potential precinct access point turn movement references to 'LILO' and 'LO'.**

6.4 Drainage

(i) Background

Drainage joint experts report

The drainage joint experts report identified the following points of agreement (Committee's summary):

- the draft Amendment will ensure reasonable overland flows are maintained to neighbouring properties
- the Concept plan in DPO34 and Clause 4.0 are incompatible and have discrepancies
- the Concept plan should be amended to:
 - remove the potential basin locations
 - include a corridor in the southwest corner to depict Dry Creek
- the ability for "*subdivision into super lots, or to realign property boundaries, or create a road, or create or remove easements*" in Clause 2.0 may prejudice a development plan with respect to drainage asset locations
- 'infrastructure' includes drainage and drainage solutions that service multiple property parcels are shared (precinct wide shared drainage infrastructure) should be included in the SIP
- any existing drainage infrastructure that requires upgrading to service development with the precinct should be captured in the SIP
- the SIP should include the metric of how cost of any shared drainage assets will be apportioned
- the SIP Guideline should be amended to enable the inclusion of precinct scale shared drainage infrastructure.

The drainage experts did not agree on whether:

- the framework sufficiently considered the consultation required to develop and obtain agreement to a precinct wide Drainage Strategy
- sufficient mechanisms exist to enable a precinct wide Drainage Strategy if a landowner does not agree to assets on their property parcel.

Draft Amendment changes

The key Day 1 (V2) changes relating to drainage included:

- DPO34:

- requiring the preparation of the Drainage Strategy, Integrated Water Management Assessment and Flood Risk and Waterway Management Report before a development plan is approved
- requiring the Drainage Strategy to not:
 - be prepared as part of a development plan if a drainage strategy applying to the land has already been approved by the drainage authority
 - require land to be provided for drainage assets without the consent of the affected landowner, unless the land is included in a Public Acquisition Overlay.
- SIP Guideline to expand its scope to include drainage infrastructure upgrades and a Drainage/Stormwater Management Strategy chapter which includes principles for the preparation of the precinct Drainage Strategy.

(ii) Evidence and submissions

Referred submissions raised a range of drainage and stormwater issues including:

- the precinct should provide for waterway improvements
- the Wilsons Hill water channel, overland water flows and natural drainage patterns should be maintained
- protection of waterway quality.

Evidence

There was consensus on most drainage issues among the drainage experts including support for a precinct wide Drainage Strategy forming part of the development plan's preparation and its identification in the SIP Guideline. The key differences related to the Drainage Strategy's implementation.

In relation to whether the DPO34 and SIP Guideline framework included sufficient guidance on how the precinct wide Drainage Strategy would be prepared (including who would prepare it and how landowners would be consulted):

- Ms Barich suggested:
 - the Drainage Strategy could be developed separately to the DPO34
 - a landowner could reasonably develop the drainage strategy, it does not necessarily have to be Council.
- Mr Ottrey considered that:
 - a requirement for landowner consultation when developing the Drainage Strategy should be included in DPO34
 - Council should develop the Drainage Strategy
- Mr McLean considered there was insufficient information on how the Drainage Strategy would be implemented.

In relation to resolving disagreement if a landowner does not agree to a drainage asset on their land:

- Ms Barich and Mr McLean both suggested that the Public Acquisition Overlay could be applied at a later stage, with Ms Barich noting that this was already be facilitated by the Day 1 (V2) DPO34.
- Mr Ottrey's opinion was that landowners should not be able to 'opt out' of the Drainage Strategy.

Council

Council submitted:

- the Drainage Strategy needs to be prepared on a precinct-wide basis noting there may be drainage elements which are not 'shared' once the plan is finalised
- it should be responsible for preparing the Drainage Strategy (including as the relevant drainage authority)
- apportionment should be split by catchment areas
- it is important that the Drainage Strategy and funding framework are properly coordinated.

Council generally supported the Part C version of DPO34 but suggested the following revised wording for the Clause 4.0 Development plan Drainage Strategy requirement:

- demonstrate how the strategy has been informed by, and taken into consideration, consultation with all landowners;

Council as landowner:

- noted the lack of clarity or certainty about what shared drainage infrastructure will be required at this stage of the process
- considered there was a lack of detail regarding consultation and how land would be acquired for drainage assets which could be addressed through the use of an Incorporated Plan.

YourLand

YourLand:

- supported the findings of drainage experts
- said clearer guidance was required on how consultation between landowners should occur and how this would inform the Drainage Strategy, in particular the different roles Council plays as landowner, responsible authority and drainage authority
- agreed with Ms Barich that a precinct-wide Drainage Strategy should not preclude the resolution of drainage on a site-by-site basis
- submitted drainage strategies should make provision for interim solutions
- did not agree with Mr Ottery that the Drainage Strategy should be prepared by Council.

YourLand suggested further drafting changes to the:

- DPO34 for the Drainage Strategy to:
 - ensure consultation with BREP landowners occurs
 - include details of the extent of consultation
 - explain how consultation has been considered and informed recommendations
 - identify any drainage infrastructure that serves a single property parcel
 - identify shared drainage infrastructure
- for the SIP Guideline to include reference to the Drainage Strategy required by DPO34.

DTP

DTP:

- generally supported the findings of the drainage joint experts report noting there is a high degree of conformity between the drainage experts
- submitted it had amended the SIP Guideline and DPO34 to include:
 - drainage as a shared infrastructure item and a mechanism for s173 agreement contributions through the DPO34
 - other minor amendments to address drainage joint experts report findings including further detail on consultation mechanisms
- identified the Drainage Strategy would consider a range of options, determine the appropriate drainage solution to deliver a number (but not necessarily all) drainage assets as shared assets
- considered it unlikely that the creation of subdivisions, super lots or changes to property boundaries would compromise a Drainage Strategy due to existing planning controls, the unconstrained nature of the precinct, and limited number of potential applications.

DTP submitted that while it was likely Council would prepare the Drainage Strategy it would probably be prepared by a suitable consultant. There was no reason the task could not similarly be undertaken on behalf of a landowner, with the chances of *"simultaneous warring strategies"* noting Council would still need to be involved as both drainage authority, landowner and approver of the development plan.

DTP submitted the DPO34 Drainage/Stormwater Management Strategy provisions required:

- the identification of how existing flows will be maintained and appropriately managed
- an integrated water management approach to water quality management.

In response to drafting submissions DTP included further minor changes in its Final version of:

- the DPO34 to improve clarity around consultation with affected landowners, and simply text around the preparation of the Drainage Strategy
- the SIP Guideline to include Part B version key changes, remove references to the Stantec 2025 Precinct Stormwater Strategy and make relatively minor changes to assist with its application to the preparation of the Drainage Strategy.

(iii) Discussion

It appropriate for the delivery of drainage infrastructure to be considered through the DPO34 and SIP Guideline. DTP's Final version of the DPO34 and SIP Guideline appropriately addresses the drainage evidence and remaining drainage infrastructure issues to ensure the future coordination and delivery of drainage assets.

A precinct wide Drainage Strategy should be undertaken as part of the preparation of a development plan. Its timing will provide an opportunity to explore different drainage approaches and options, including the potential for discrete or site-by-site treatments or interim works given the potentially long development horizon. Amending the DPO34

Concept plan to remove the location of basins provides greater flexibility in delivering an optimal Drainage Strategy.

It is logical that Council as the drainage authority (and the likely owner and manager of some of the drainage assets) should lead the development of a precinct wide Drainage Strategy. While Council would also be the approver of the final Drainage/Stormwater Management Strategy this is not a unique scenario for regional Council's. Checks and balances are also in place including for landowner review mechanisms as part of the development plan approval process under section 149 of the PE Act. Council's other role of as landowner can be managed, as it currently is for the BREP project by transparent probity measures.

Notwithstanding the above the Committee agrees that if Council was unable to commit to or commence the preparation of the Drainage/Stormwater Management Strategy then another major landowner such as YourLand should be able to. The inbuilt checks in the Final version drafting appropriately allows for this. The Committee thinks this outcome is unlikely given:

- the need for other precinct wide work required in addition to the Drainage/Stormwater Management Strategy to be undertaken to inform a development plan and SIP
- the time frame before substantial precinct development can occur until it is serviced
- Council's major landownership interest in the development of the BREP and the wider strategic support for its development in the Planning Scheme.

The development of the Drainage/Stormwater Management Strategy will ultimately provide greater detail on staging, delivery, potentially interim solutions and allow for costing and apportionments to be resolved in a timely manner when preparing the SIP. The Committee is comfortable that this work can occur at a later date.

Finally, it is acknowledged that the proposed Drainage Strategy requirement along with existing p policy and zone application requirements will ensure appropriate discharge (including flood mitigation) to downstream properties and water quality considerations will be appropriately addressed at the planning permit stage.

(iv) Conclusion

The Committee concludes:

- The Final version of DPO34 and the SIP Guideline will appropriately coordinate drainage infrastructure delivery.

6.5 Applying the DPO34 provisions and SIP Guideline

(i) Background

The proposed mechanism to fund shared infrastructure in the BREP is a SIP together with s173 Agreements. A SIP is a form of informal shared funding arrangement, which may be used as an alternative to a formal Development Contributions Plan that is implemented by a Development Contributions Plan Overlay and regulated by Part 3B of the PE Act.

The following relevant guidance has been considered with emphasis added to particular terminology referenced in evidence and submissions.

Regional Development Contributions Toolkit

The *Regional DCP Toolkit- Development Contributions Manual* (July 2020) provides an overview of three key development contribution funding mechanisms:

- Development Contribution Plans (DCPs)
- Informal Shared funding arrangements
- Section 173 Agreements/planning permits.

The toolkit provides general guidance about when these mechanisms should best be applied, and the advantages and disadvantages associated with their use and implementation. In particular, the Regional DCP Toolkit recommends:

When deciding which funding mechanism to apply it is important to understand DCPs, Informal Shared Funding Arrangements and Section 173 Agreements and their primary functions, when it is best to apply them, and the advantages and disadvantages associated with their use and implementation. It is also vital to understand the development context of the growth area that is being planned. The development context is defined and influenced by a number of key factors including:

- Scale and location of growth;
- Parcel composition and ownership pattern;
- Development type and rates;
- Affordability (market conditions);
- Existing infrastructure and new/upgraded infrastructure required; and
- Delivery of infrastructure.

City of Greater Bendigo's Development Contributions Governance Framework

The City of Greater Bendigo's *Development Contributions Governance Framework* (Aug 2024) provides the following guidance:

A Shared Infrastructure Funding Plans (SIFP) is a simplified DCP that avoids the need for the complexity and cost of a planning scheme amendment process (required for a DCP), while still achieving the same outcomes.

A SIFP details the essential shared infrastructure required to service a new development area and sets out the obligations on landowners relating to works and / or payment of funds to Council. The SIFP is usually implemented via a S173 agreement and is registered on the title of all landowners within the development area.

A SIFP is best suited to areas that have low number of landowners (allows easier negotiation), a small to medium number of projects, and low project complexity.

Unlike a DCP, a SIFP is not governed by the requirements of Part 3B of the Planning and Environment Act relating to DCP preparation, management and reporting, however The City will usually manage these SIFP in a very similar manner.

The Development Contributions Governance Framework recognises the key development policy principles which have been taken from the Victorian development contributions system and underpin development contributions schemes including:

- Need – clearly established need for the infrastructure
- Nexus – clear nexus between the infrastructure and the land it services
- Equity – fair and equitable distribution of funding obligations
- Transparency – justification of the infrastructure and the selected scheme
- Accountability – ensure obligation are monitored and achieved by all parties.

The role of these principles is also recognised in Council's Development Contributions Policy (August 2024).

(ii) Evidence and submissions

Referred submissions raised concerns in relation to the contribution framework for drainage and utilities, state transport infrastructure and cost estimation and apportionment.

Evidence

Mr Glossop recognised that there are a range of ways in which contributions for shared infrastructure can be secured, stating:

- traditionally the use of Development Contributions Plans or Infrastructure Contributions Plans have been the preferred path, providing a transparent mechanism to secure contributions
- other options include voluntary agreements implemented by planning permit conditions or s173 agreements.

Mr Glossop considered there is a clear strategic need for infrastructure in the BREP to be funded and delivered, and also a clear nexus between the development of the BREP and the need to provide infrastructure.

Mr Black provided general support for the use of a SIP implemented through s173 Agreements as the mechanism to coordinate the delivery of infrastructure for the BREP.

Mr Glossop noted he was not qualified to comment on the specifics of the shared infrastructure mechanism, but considered:

- the contributions framework appeared consistent with directions under the PE Act and the Planning Scheme
- it is appropriate to include an infrastructure funding mechanism in the DPO34.

Mr Black did not support the Day 1 (V2) DPO34 and recommended that:

- the SIP should not be prepared as part of the development plan, and the requirement should be deleted from the DPO34
- the responsibility for preparation of the SIP should lie with the Council as the responsible authority, given:
 - the importance of having a single, precinct wide SIP
 - its ability to coordinate the SIP with the draft Marong Township SIFP
- the SIP Guideline provides the framework and technical basis for the SIP, but requires further consideration in relation to the specific State Transport project descriptions, costings and apportionment
- the DPO34 should include:
 - a requirement for each landowner to prepare a Public Infrastructure Plan (PIP) as part of their proposed Development Plans, which sets out infrastructure to be delivered in accordance with the SIP
 - a requirement for a permit condition requiring a s173 Agreement to implement the PIP (and therefore the SIP).

Council

Council did not object to the general concept of a SIP and Section 173 Agreement, which was supported by Mr Black. However, Council had substantial concerns about the form of the SIP requirement.

Council considered the framework in DTP's Part B DPO34 and SIP Guideline, was a poor fit for what is required to properly coordinate infrastructure delivery, submitting it:

- supported a precinct-wide approach to the drainage strategy, updated transport work and SIP
- supported the precinct-wide content of the DPO34 relating to drainage and transport elements
- sought deletion of the reference to the preparation of the SIP from the DPO34 and its inclusion in the SIP Guideline
- as the municipal authority, it should be responsible for preparing the drainage strategy, updated transport work and the SIP
- review rights under section 149 of the PE Act in relation to a SIP prepared under the DPO34 posed significant risks.

Council submitted the SIP Guideline should be:

- retained as a background document to the Amendment
- referenced in Clause 74.02 (Further Strategic Work) to provide guidance to the preparation of the SIP.

Council did not support the inclusion of the SIP Guideline as a policy guideline in Clause 11.03-6L-04 of the Scheme. It considered this would make it unclear as to how the responsible authority ought to consider the document in the exercise of discretion.

In accordance with Mr Black's evidence, Council supported the inclusion of a PIP requirement as part of the development plan in DPO34. The Council's drafting response to the Part C version proposed that the PIP requirement should be in Clause 4.0 as a development plan requirement rather than a permit requirement under Clause 3.0 of DPO34. Council submitted the PIP should be prepared as part of a development plan (which could be for individual landholdings or the broader precinct), and should set out infrastructure to be delivered in accordance with the funding plan prepared by Council. Council proposed alternative drafting which referenced the Intersection Strategy and the Drainage Strategy.

Council's drafting response also supported changes to:

- wording of the consultation requirement in the Intersection Strategy and Drainage Strategy
- delete the apportionment percentages for intersections IT2, IT3 and IT5 and replace these with a general requirement to apportion the cost of each intersection to the precinct on a share of usage basis in the Intersection Strategy.

Council submitted that apportionment of the intersections had not been reliably determined at this point in the process and should not be locked into the DPO34. In Council's view the final apportionments should be determined following the final resolution of the ultimate traffic and drainage infrastructure.

Council supported the inclusion of indicative apportionments in the SIP Guideline subject to adjustment as necessary through the preparation of the SIP and arising from the technical work prepared as part of a development plan. Council's proposed Part B version of the SIP Guideline included suggested changes, clarifications and substantial deletions. Some of the key changes included:

- adding content about the determination of costings and apportionment through the SIP following the preparation of the Intersection Strategy
- amending Table 1 to delete cost estimates and provide guidance in relation to apportionment of the costs for IT2.

Council as landowner

Council as landowner submitted the DPO34, SIP and s173 agreement requirements did not appropriately coordinate infrastructure and fell short because:

- the DPO34 did not sufficiently establish what infrastructure is required – this was a necessary first step to the coordination of infrastructure
- the DPO34 and the SIP are not appropriate for the management of infrastructure delivery. Fundamentally, this is because neither mechanism provides sufficient long-term certainty about the infrastructure to be provided or its costs.

It further submitted:

The preferable approach is to extract the contents of the DPO34 relating to infrastructure (Transport Impact Assessment, Drainage Strategy and Shared Infrastructure Plan) and place them in a schedule to the Incorporated Plan Overlay. The adoption of this approach would provide a fair, orderly and transparent way of determining what infrastructure was required, at what cost, and with what level of apportionment and then provide a shared basis for the preparation of a development plan by any person, private or public.

YourLand

YourLand supported a mechanism to manage the collection of contributions across the BREP to deliver infrastructure. However, it considered a Development Contribution Plan was the preferred pathway to ensure a coordinated approach across both BREP and the MTSP growth areas.

YourLand proposed the Minister for Planning should assume the role of the responsible authority for approving a development plan and granting permits within BREP. This would avoid potential conflicts for Council in its capacity as a landowner and responsible authority in relation to both the development plan approval and shared infrastructure planning.

YourLand queried the status and utility of the SIP Guideline, and proposed that the Committee recommend:

- removing references to the SIP Guideline in DPO34 and as a background document
- rejecting specification of the BREP apportionments in DPO34
- amending the SIP Guideline, if retained, as more than a background document to contain a higher-level summary and key principles:

If the SIP Guidelines go beyond simply being a background document to inform the preparation of Amendment C296, they should be amended to:

- (i) Be confined to a high-level background summary of BREP and the need to

- co-ordinate infrastructure delivery.
- (ii) Identify that the SIP will facilitate the collection of funds to deliver this infrastructure.
- (iii) For intersection works on the State Arterial Road:
 - (A) Consider if contributions are required if they serve or are required to deliver the precinct.
 - (B) Consider the findings of the Transport Impact Assessment as to the final location and design of the intersections. Relevantly, the TIA will be prepared having regard to the concept plan which shows indicative intersection locations.
 - (C) Consider the apportionment for BREP and the MTSP growth areas.
- (iv) That the projects required will be borne out of the Transport Impact Assessment and Drainage / Stormwater Management Strategy

DTP

DTP's Part C submission:

- accepted Council's proposal to identify preparation of the SIP as further strategic work as one acceptable route to carry the SIP forward
- noted that it was not for DTP to determine how the further strategic process would manifest, but considered if the SIP was not a development plan requirement then it would be best if the SIP was progressed through an appropriate future amendment to the Planning Scheme
- submitted further consideration was needed as to how the SIP, the proposed PIP and the ability to grant a permit is reconciled while the process of preparing these plans is ongoing.

DTP's Final version of DPO34 included:

- a mechanism that provided for the Council (or another party) to separately prepare a precinct-wide development plan to inform the preparation of a SIP as a standalone document including requirements for preparation of:
 - a precinct wide Drainage Strategy
 - a precinct wide Intersection Strategy which includes identified intersection and access points and requirements for concept designs and costings together with apportionment and timing information
- a site specific or precinct wide TIA as part of the development plan which includes confirmation of the precinct access points in accordance with the approved SIP
- details about intersections and access points including apportionment percentages in relation to the State intersections moved from the SIP Guideline into the Intersection Strategy requirement.

DTP generally accepted the Council's proposal for deletion of the requirement for the preparation of the SIP from the DPO34 and inclusion in the SIP Guideline. DTP's Final version of DPO34 does not require the SIP be prepared as part of the first development plan in accordance with the SIP Guideline as was proposed in the exhibited and Day 1 (V2) DPO34. Instead DTP's Final versions of DPO34 and the SIP Guideline contemplate that Council will prepare the SIP in its municipal capacity outside the Amendment

process in response to the further strategic work identified in Clause 74.02 and the guidance in the SIP Guideline.

The DTP Final version of the SIP Guideline states that it will operate:

- as a background document under Clause 72.08 of the Greater Bendigo Planning Scheme;
- to inform the preparation of the precinct wide Drainage / Stormwater Management Strategy and precinct wide Intersection and Access Strategy under DPO34;
- as a guide for Council's preparation of a Shared Infrastructure Plan for the BREP in accordance with Clause 74.02 (Further strategic work); and
- as a policy guideline under Clause 11.03-6L-04 to support the implementation of regional employment and industrial growth objectives.

DTP accepted part of the PIP requirement changes advanced by Mr Black and Council. Clause 3.0 of the DTP Final version of DPO34 includes a permit requirement for a PIP which among other things implements the findings of the SIP. The PIP must address the:

- findings of the SIP and what land may be affected or required for the provision of infrastructure works
- provision, staging and timing of road works consistent with the TIA and any supporting traffic assessment
- details of works in lieu set out in the SIP
- details of any interim drainage infrastructure, public open space and land for waterways or drainage.

The Final version of the DPO34 includes requirements for two s173 Agreements as conditions on any permits granted for provision of:

- shared infrastructure (excluding State Arterial Road Intersections and Access Points) such as drainage infrastructure identified in the SIP approved for the precinct and the PIP approved under the relevant permit
- State Arterial Road Intersections and Access Points identified in the SIP approved for the precinct.

The Final DP34 version also requires a s173 Agreement to provide for development contributions or alternative options, in the event that a permit is sought under Clause 2.0 before a development.

The DTP Final version of the SIP Guideline responded to changes proposed by Council and YourLand and included extensive drafting changes. Some of the changes included:

- adding guidance about what the SIP prepared in accordance with the Guideline must address
- clarifying how the design and cost of intersections and access points is to be determined through the preparation of the Intersection Strategy required under the DPO34, in consultation with and to the satisfaction of the HTfV
- deleting the cost estimate for IT2 and update of description of AP4 in Table 1
- simplifying and deleting some of the content of the SIP Guideline.

(iii) Discussion

The Committee does not agree with YourLand's submission that a Development Contribution Plan should be the preferred mechanism for the BREP.

The DPO34 requirements for a SIP and s173 agreements is generally an appropriate and strategically justified mechanism for the funding of transport and drainage infrastructure in the context of the BREP given:

- the industrial context of the precinct and the inherent need for flexibility, compared to a more uniform and predictable residential precinct
- the limited nature of the proposed arrangement which will only include specified transport projects and drainage, and exclude a broader range of infrastructure to be developed with servicing authorities
- the relatively few landowners in the precinct, resulting in the equity and transparency benefits of a Development Contribution Plan being outweighed by its administrative burden and cost.

The Committee agrees with the statement in the SIP Guideline that:

A SIP is best suited to BREP because it has a low number of landowners (which allow easier negotiation), a small to medium number of projects and low project complexity.

The Committee notes Council as Landowner's proposal for an Incorporated Plan Overlay and associated Incorporated Plan and acknowledges that it is a potentially useful strategic option for a precinct of this kind when further work is required to refine the required infrastructure. However, this mechanism would require the preparation of substantial changes to the draft Amendment which is now well advanced, and which is not considered necessary on the basis that the proposed framework (as amended) of a SIP and s173 Agreements can appropriately manage the coordination and funding of shared infrastructure in the BREP.

While the use of a SIP and s173 Agreements is generally consistent with regional and local guidance, the form and implementation of this mechanism requires further consideration as discussed below.

Form of SIP requirement

The Committee agrees with DTP and the Council that DPO34 does not need to include a direct requirement for the SIP to be prepared in accordance with the SIP Guideline, given the drafting links between DPO34 and the SIP, and the proposed status of the PIP Guideline as a background document in the Planning Scheme.

While removing a direct SIP requirement from DPO34 may risk delay in preparation of the SIP, given Council has strong incentives to prepare the SIP to enable the progression of strategic planning for the BREP, and the ultimate development of the BREP, the Committee considers that the risk of delay is low.

While absence of a direct SIP requirement as part of a development plan under DPO34 means that the SIP will not be the subject of any review rights in relation to approval of a development plan under a Development Plan Overlay, the consultation guidance under the SIP Guideline provides meaningful opportunities for landowner consultation. The SIP will also be informed by the Intersection Strategy and the Drainage/Stormwater Management Strategy which are subject to formal consultation requirements with landowners under the DPO34, and that approval of the development plan could potentially be subject to review proceedings under section 149 of the PE Act.

The DPO34 Clause 4.0 requirements for the preparation of the Intersection Strategy and the Drainage/Stormwater Management Strategy as inputs into the SIP provide sufficient

linkage between DPO34 and the preparation of a SIP. This is supported by the inclusion of the SIP as further strategic work under Clause 74.02 which is supported by the Committee as an appropriate approach, together with the status of the SIP Guideline as a background document under Clause 72.08 of the Scheme, and a policy guideline under Clause 11.03-6L-04. This change will also provide the SIP Guideline with a useful role in guiding and setting parameters for the development of the SIP.

The Committee notes the SIP Guideline identify that Council is responsible for preparing the SIP. The Committee agrees that Council is best placed as planning authority and municipal authority to lead the preparation of the SIP, and ensure that it:

- meets policy guidance in relation to development contributions
- is subject to appropriate consultation with landowners and other stakeholders
- is appropriately co-ordinated with the SIFP for the MTSP.

The Committee does not support making the Minister responsible authority for approving a development plan and granting permits within BREP rather than Council to avoid potential conflicts. . Council has managed its involvement in the Hearing process in two separate capacities, in accordance with its probity requirements and expects that the SIP and development plan processes will continue to be managed with care in accordance with probity requirements and relevant policies in relation to development contributions. The Committee was provided with no clear evidence or reasons to suggest that this wouldn't be the case.

The SIP should be informed by the Drainage Strategy and the Intersection Strategy as reflected in the drafting of Clause 4.0 of DTP's Final version of DPO34. The SIP Guideline should remain referenced as a policy guideline for consideration as relevant under Clause 11.03-6L-04. While not supported by Council their inclusion provides Council with a discretion as to their relevance and applicability.

The Committee agrees with DTP that it may be appropriate to prepare a further amendment to incorporate the SIP into the Greater Geelong Planning Scheme at a later date. A process of this kind would ensure that the SIP is subject to the usual exhibition and public consultation processes for planning scheme amendments and should not unduly delay the development of the precinct. If there were broad agreement among landowners following the preparation of the Drainage Strategy and Intersection Strategy and application of guidance in the SIP Guideline such a process may not be required.

The Committee accepts Council's submission (and supported by Mr Black) in relation to the proposed PIP requirement and its proposed drafting in this regard. The Committee is not persuaded by DTP's submission that the PIP requirement should be included in Clause 3.0 as a permit requirement and agrees with Council that the PIP requirement is better addressed within the development plan requirements in Clause 4.0 of DPO34. The Committee supports relocating the PIP requirement to the development plan given this will allow for implementation planning at a larger scale (for individual landholdings or the broader precinct) prior to the permit stage. This is consistent with Mr Black's evidence.

The DPO34 Clause 3.0 requirements for permit conditions requiring section 173 agreements to implement the SIP are appropriate. This is consistent with guidance, such as the Regional Toolkit, supporting the use of s173 agreements as a tool to implement less formal and less complex shared funding arrangements. These requirements are

appropriate to secure the development contributions, by providing an enforceable ongoing obligation which runs with the title to the land on which the s173 Agreements are registered.

The Committee agrees with Council that it is not appropriate to specify apportionment percentages for the three intersections in the Intersection Strategy in the DPO34. From a drafting perspective this level of detail is not necessary or appropriate in the DPO control, given the anticipated further work in relation to design and costing of the intersections. This is particularly the case for IT2, which requires consideration of a number of variables to determine its design and location (refer Chapter 6.3.1). Instead, the Committee supports determining apportionment through the Intersection Strategy, which in turn will inform the preparation of the SIP.

The SIP Guideline should not include high level cost estimates for the three intersections, given the estimates are not current and were not tested in the hearing process, and will be updated through the preparation of the Intersection Strategy.

The SIP Guideline should provide guidance on indicative apportionment for the three intersections, subject to adjustment as a result of the outcomes of the Intersection Strategy. It is appropriate to refer to the indicative apportionment figures for IT3 and IT5 in the SIP Guideline which have been calculated based on share of usage in the work undertaken to date. However, a different approach is required for IT2, and guidance notes should be included in relation to the need to consider apportionment to the precinct, the future residential development under the MTSP and the future MWFC.

(iv) Conclusions

The Committee concludes:

- The preparation of a SIP and related s173 agreements is an appropriate and strategically justified mechanism for the funding of transport and drainage infrastructure.
- The Final version of the DPO34 (including removal of the requirement to prepare a SIP) and SIP Guideline provide appropriate mechanisms to flag potential contributions in a transparent manner and which will support the preparation of a SIP including its costings, NDA charges and basis on which contributions will be made.
- Notwithstanding the above, DPO34 should:
 - be amended to move the PIP requirement to the development plan stage, given this will allow for implementation planning at a larger scale (for individual landholdings or the broader precinct) prior to the permit stage
 - include related changes to the Clause 3.0 s173 Agreement permit conditions to refer to PIP prepared under a development plan rather than a permit
 - not specify apportionment percentages for intersections IT2, IT3 and IT5 in the Intersection and Access Strategy requirement.
- The preparation of the SIP should be identified as a further strategic work in Clause 74.02 and the SIP Guideline as a background document in Clause 72.08 of the Planning Scheme.
- The SIP Guideline general approach to contributions liability is appropriate, including:

- the use of Development Contribution Plan principles of need, nexus, share of usage, transparency and accountability in preparing the SIP
- calculation of the contribution rate according to the cost of the class of development (for example the total cost of State transport items, the total cost of local transport items and the total cost of drainage infrastructure) shared across the applicable NDA
- consideration of cost sharing and apportionment between MTSP and BREP, where infrastructure benefits both the MTSP and BREP
- drainage and stormwater management infrastructure principles
- traffic Infrastructure projects identification and outline of functional role, traffic nexus, strategic context and design note
- Notwithstanding the above, the SIP Guideline should:
 - not include the high level cost estimates for the three intersections, given the estimates are not current, and will be updated through the Intersection Strategy process
 - provide guidance in relation to indicative apportionment for the three intersections, subject to the Intersection Strategy. It is appropriate to refer to the indicative apportionment figures for IT3 and IT5 in the SIP Guideline which have been calculated based on share of usage in the work undertaken to date. However, a different approach is required for IT2, and guidance notes should be included in relation to the need to consider apportionment to the precinct, the future residential development under the MTSP and the future MWFC
 - include the concept designs for IT3 and IT5, and a revised concept design for IT2 based on the extract of the IT2 plan at paragraph 74 of DTP's Part C Submission (Document 69).

6.6 Recommendations

The Committee recommends:

Amend the Final version of Development Plan Overlay Schedule 34 as shown in Appendix F to:

- **Include drafting in the Clause 3.0 Section 173 Agreement requirement for 'Shared Infrastructure (excluding State Arterial Road Intersections and Access Points)' and 'State Arterial Road Intersections and Access Points' to implement the Public Infrastructure Plan approved under a development plan.**
- **Include the Public Infrastructure Plan requirement in Clause 4.0 rather than Clause 3.0**
- **Amend the Clause 4.0 precinct 'Intersection and Access Strategy' development plan requirement in relation to apportionment of intersections to require:**
 - **the cost of intersections IT3 and IT5 be apportioned to the precinct on a share of usage basis**
 - **the cost of intersection IT2 be apportioned to the precinct, future residential precincts identified in the Marong Township Structure Plan and the future Marong Western Freight Corridor project.**

Amend the Clause 74.02 Schedule to include: “A shared infrastructure plan for the Bendigo Regional Employment Precinct, with regard to the Bendigo Regional Employment Precinct Guideline for Preparing Shared Infrastructure Plan (2026)”.

Amend the Final version of the Guideline for Preparing Shared Infrastructure Plan (Document 87) to:

- **Amend references to the Shared Infrastructure Plan informing the Drainage/Stormwater Management Strategy and Intersection and Access Strategy to identify that the Shared Infrastructure Plan will implement or be informed by these strategies.**
- **Amend references to Industrial Zones to refer to Industrial 1 Zone.**
- **Amend the references to the Section 173 Agreement permit condition requirement to state “*the Shared Infrastructure Plan will be implemented by a Section 173 Agreement required by a condition of a permit*” or similar.**
- **Amend the content describing intersection IT2’s functional role, traffic nexus, strategic context and cost apportionment to reflect the need for further work to resolve the preferred roundabout design, costing and subsequent apportionment.**
- **Amend the descriptive content and Table 1 to:**
 - **delete the high-level cost estimates column, and the explanation of high level cost estimates of intersections**
 - **clarify that the apportionment figures for intersections IT3 and IT5 are indicative apportionment figures to be finalised in accordance with the Intersection and Access Strategy**
 - **delete the apportionment percentage for intersection IT2 and identify the need for IT2’s design (including whole of project life considerations), costs and apportionment to be determined through the preparation of the Intersection and Access Strategy**
 - **note that the design of Access Points AP1, AP4 and AP5 are to be prepared as part of the Intersection and Access Strategy.**
- **Delete the recommendation in Section 4.3 that the Marong Township Shared Infrastructure Funding Plan incorporate the identified detail for IT2, IT3 and IT5.**
- **Amend DTP-Transport Services’ role as a development agency to include intersection IT2.**
- **In Appendix A:**
 - **delete the Shared Transport Infrastructure Cost Estimate**
 - **include a revised preliminary concept design for IT2 based on the IT2 plan at paragraph 74 of Department of Transport and Planning’s Part C Submission (Document 69)**
 - **include Day 1 (V2) version concept designs for IT3 and IT5.**
- **Retain the Marong Transport Network Assessment at Appendix B as background information only, noting that the Intersection and Access Strategy under the Development Plan Overlay Schedule 34 will provide revised and updated information to inform the Shared Infrastructure Plan.**

7 Drafting matters

7.1 Referred matter

The referred matter is:

- Please advise on drafting changes to the draft amendment consequential to the advice above.

7.2 Planning policy changes

(i) Clause 02.03

The Day 1 version of Clause 02.03 (Economic Development) amends the strategy to identify the BREP as the preferred location for large or intensive industries with off-site amenity impacts to qualify this is *"where it can be demonstrated the amenity of future residential precincts can be protected"*.

This change is supported (as shown in Document 19c).

(ii) Clause 11.01-1L

The draft Amendment updates Clause 11.01-1L (Settlement – Marong) Marong Framework Plan to show the full extent of the BREP (removing the land use investigation area) and shifting the interface designation to the Calder Alternative Highway interface with the eastern future residential development precinct. Mr Robertson's evidence supported the changes. No further changes were proposed to the clause during the Hearing.

The consultation version of Clause 11.01-1L is supported (as shown in Document 2d).

(iii) Clause 11.03

Iterations of Clause 11.03-6L-04 (Bendigo Regional Employment Precinct) were amended to:

- amend the first strategy relating to facilitating BREP's growth for future industrial employment needs to include *"whilst safeguarding the amenity of sensitive uses including Marong Township residential growth areas"*
- refer to updated versions of the SIP Guideline.

Mr Robertson's evidence supported the changes. No further changes were proposed to the clause during the Hearing.

The Part B version of Clause 11.03-6L-04 is supported (as shown in Document 59f).

7.3 Development Plan Overlay Schedule 34

(i) Clause 1.0 Objectives

DTP proposed several changes to each iteration of the DPO34 objectives that related to the referred issues concerning infrastructure provision, interface treatments, Cultural heritage that were included in the Part C version including:

- amending the first objective to *"ensure" the delivery of "essential infrastructure internally and externally to the precinct"*
- removing references to staged development in the second objective
- amending the third objective to relate to the *"design and location of waterways, roads and infrastructure to manage land use compatibility with sensitive interfaces"*
- including an additional objective for active road frontages and open spaces *"to provide for passive surveillance and attractive interface"*
- amending the final objective to include reference to the *"cultural landscape"* of Bullock Creek.

The drafting changes were not opposed by parties. The Committee considers these drafting changes appropriate, as shown in Appendix F.

(ii) Clause 2.0 Requirement before a permit is granted

DPO34 'Clause 2.0 Requirement before a permit is granted' allows for a permit to be granted prior to the preparation of a development plan to the satisfaction of the responsible authority including:

- subdivision of land to provide for 'super lots' [Committee's parenthesis], realign property boundaries or create a road or easement (including easement removal)
- works for physical infrastructure and services to service the precinct
- extension or alteration to an existing residential or industrial building (and associated works).

Before granting a permit the clause provides that the responsible authority must be satisfied the permit would not prejudice the preparation of a development plan *"and the future use and development of land in an integrated and orderly manner as an employment precinct"* in addition to some specific considerations.

As noted by several drainage witnesses there was a potential for some submissions (including creation of a road) to potentially impact precinct wide drainage infrastructure outcomes (see Chapter 6.4). Most experts when asked about the term 'super lot' considered it to be a commonly used and understood planning term. Council as responsible authority did not identify any particular issue with its use, noting it was used in other Planning Scheme controls. DTP agreed while not defined in either the Planning Scheme, PE Act or *Subdivision Act 1988*, considered it should be given its *"ordinary cadastral or subdivision meaning"*.

The Committee noted its concern at the Hearing that without some qualification (namely by reference to the *'creation of a lot not less than'* a specified area for example 10,000 square metres) the term 'super lot' is unclear in its meaning and has the potential to create confusion. For example can a 'super lot' be created just once or multiple times from the same 'parent lot', what size is a lot before it is no longer a 'super lot'. Such vague terms should not readily be included in the Victorian Planning Provisions even if they are in use in this or other Planning Schemes.

The Committee does not disagree with the intent to allow for some minor subdivision to occur to create large balanced or staged lots to enable an early land acquisition or land

assembly opportunity prior to the preparation of a development plan. This is a common drafting approach and a facilitative one for new precincts, and relevant particularly for larger property parcel landowners such as Council and YourLand. However, neither indicated it was currently exploring the creation of 'super lots' to meet an anticipated need. YourLand and Council as landowner suggested a range of drafting changes none of which were included in DTP's Final version or resolve use of the term.

DTP verbally submitted that however the term was interpreted a permit applicant still had a 'narrow gate' to pass to achieve Council's satisfaction that the preparation of a development plan or its integrated development would not be prejudiced. While the Committee takes some comfort with this qualification when referring to undefined subdivision permit types it is not consistent with the drafting rules of the Practitioner's Guide which identifies that a provision must:

Not set or define the scope of a requirement by reference to terms that are undefined or that are capable of more than one meaning

Given this, the term should be removed and replaced by more appropriate descriptive drafting referring to 'lots less than' a determined area. This area should be determined in consultation with Council and YourLand to ensure a workable provision.

DTP proposed several changes to each iteration of the Clause 2.0 provisions with several of these incorporated into the Final version in response to planning evidence and submissions relating to land being in more than one industrial zone and the operation of a SIP. It added the following discretion limitations for allowed subdivision or buildings and works:

- Any subdivision does not create any lot(s) in more than one zone.
- Any buildings or works are located wholly within a single zone.
- Where a Shared Infrastructure Plan has not been approved by the City of Greater Bendigo, the landowner must enter into an agreement under section 173 of the Planning and Environment Act 1987 providing for development contributions or provide an alternative option to secure the provision of the required shared infrastructure, to the satisfaction of the relevant authorities.
- The permit will not cause adverse amenity impacts or unacceptable risk to the existing sensitive land uses or prejudice the future new development precincts listed in the Marong Framework Plan.

Based on the Committee's recommendation that the IN3Z not apply to the BREP (see Chapter 4.5) the circumstances envisioned by first two dot points (a lot in more than one zone or development across zone boundaries) do not arise and should be deleted.

The inclusion of an adverse amenity impact consideration is an appropriate change and responds to the amenity and interface discussion in Chapter 4. The SIP reference is supported consistent with the Committee's findings in Chapter 6.

(iii) Clause 3.0 Conditions and requirements for permits

The Part B version included additional introductory content before the references to permit conditions as generally recommended by Mr Glossop. These changes were not opposed by parties or other planning experts and are considered appropriate to assist with the application of the provisions in Clause 3.0. These changes are shown in Appendix F.

(iv) Other drafting

The Urban Development Institute of Australia submission sought more flexibility in drafting and submission 7 sought greater clarity.

Subject to minor drafting changes which were generally accepted by DTP, Mr Glossop considered the DPO34 provisions "*facilitative*" rather than "*constraining*".

Subject to its recommendations, the Committee is satisfied the provisions of DPO34 (including a range of more minor drafting changes and corrections) strike the right balance between facilitating the development of the BREP, providing clear guidance for the future planning of the BREP and including an appropriate level of flexibility to respond to further precinct wide DPO34 work be undertaken to inform the SIP (Drainage Strategy, TIA and Intersection Strategy) and development plan(s).

The Committee observes that Council's register of public roads identifies the correct spelling of Osullivans Road not O'Sullivans or OSullivans. This should be updated in DPO34 Tables 1 and 2 consistent with the Committee version in Appendix F.

7.4 Clause 66.04

The referral provisions of the Clause 66.04 (Referral of permit applications under local provisions) have an interrelationship with the referral issue around coordinating infrastructure and the practical operation of DPO34 at permit stage.

Mr Black considered the Day 1 DPO34 unnecessarily complex and would benefit from deleting requirements that duplicate other provisions or technical work already undertaken. He identified however that many of these concerns (other than the PIP requirements) had been picked up in subsequent drafting versions.

In response to the evidence of Mr Glossop, DTP proposed changes to the Schedule referral requirements as they relate to HTfV and Coliban Water (Part C version). The changes clarify that the referral mechanism relates to applications in the IN1Z and IN3Z to the extent of land within DPO34.

The Committee is satisfied that the Part C version of the Clause 66.04 Schedule is appropriate and minimises the number of unnecessary referrals (as shown in Document 68c).

7.5 Clause 72.08

Various iterations of the Clause 72.08 (Background Documents) Schedule referred to updated versions of the SIP Guideline. The Committee is satisfied the SIP Guideline has utility in its modified form, as discussed in Chapter 6. The Schedule should be updated to reflect the date and title of the updated version of the SIP Guideline prepared in response to the Committee's recommendations. The Committee does not identify this action as a specific recommendation as it is a largely administrative change.

7.6 Clause 74.01

The Day 1 and Part B versions of the Clause 74.01 (Application of Zones, Overlays and Provisions) Schedule introduced provisions relating to the additional application of the

IN3Z to the BREP and part of the MTSP area. As the Committee does not support the application of the IN3Z (see Chapter 4.5) the consultation version (D2j) remains the appropriate version of Clause 74.01.

7.7 Recommendations

The Committee recommends:

Amend the Final version of Development Plan Overlay Schedule 34 as shown in Appendix F to:

- **replace the reference to 'super lots' with "lots less than [insert appropriate area]" or similar**
- **include the correct spelling of Osullivans Road throughout.**

Amend the Clause 66.04 Schedule to be generally consistent with the Part C version (Document 68c) subject to deleting the references to 'Clause 33.03 (IN3Z)'.

Amend the Clause 74.01 Schedule to be generally consistent with the Part B version (Document 59g) subject to deleting references to application of the Industrial 3 Zone to the Bendigo Regional Employment Precinct and part of the Marong Township Structure Plan area.

Appendix A VPA Projects Standing Advisory Committee Terms of Reference

Terms of Reference

VPA Projects Standing Advisory Committee

Version 1: July 2020

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority (VPA) on referred projects and plans and associated draft planning scheme amendments.

Name

The Standing Advisory Committee is to be known as the 'VPA Projects Standing Advisory Committee'.

1. The Committee is to have members with the following skills:
 - a. Strategic planning
 - b. Statutory planning
 - c. Civil engineering (infrastructure planning)
 - d. Development contributions
 - e. Road and transport planning
 - f. Biodiversity
 - g. Social planning
 - h. Urban design
 - i. Heritage (post contact and Aboriginal)
 - j. Planning law.
2. The Committee will include a Chair, Deputy Chairs and not less than ten other appropriately qualified members.
3. The Committee may seek advice from other experts where it considers this necessary.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

Background

5. The VPA is responsible for preparing development plans and other proposals in identified metropolitan, growth areas and regional cities and towns. Some of these plans are to be approved through the planning scheme amendment process using the provisions of section 20(4) of the Act.
6. This Committee process allows submissions to be made to the VPA on a draft plan and associated draft planning scheme amendment, with any unresolved issues to be considered by the Committee before the final planning scheme amendment is submitted to the Minister for Planning for approval.
7. The Committee will provide a targeted and timely process to assess the merits of discrete unresolved issues associated with State and regionally significant projects.

Method

8. The Committee may meet, and depending on the nature of the referral and the issues raised, undertake consultation that is fit for purpose. This may be on the papers; through round table discussions or forums;

Terms of Reference | VPA Projects Standing Advisory Committee

or Hearings. There must be a quorum of at least two Committee members, including either the Chair or a Deputy Chair.

9. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Notice

10. As directed by the Minister, the VPA will prepare and give notice of a 'draft Amendment' and receive submissions. The VPA will consider all submissions and where possible seek to resolve issues with submitters prior to referring matters to the Committee.
11. The Committee is not expected to carry out additional public notification or referral of matters but may seek the views of any relevant referral authority, responsible authority or government agency.

Referral

12. Once all submissions are considered, the Chief Executive Officer, VPA (or delegate) will provide a letter of referral to the Committee Chair, seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter. The letter of referral will be a public document.
13. The letter of referral must be accompanied by:
 - a. The relevant plan and associated draft planning scheme amendment and planning permit documentation
 - b. The referred submissions
 - c. Any supporting background material.

Committee Assessment

14. The Committee may inform itself in anyway it sees fit, but must consider:
 - a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
 - b. The referred submissions
 - c. *Plan Melbourne*
 - d. Any relevant Regional Growth Plan or Growth Corridor Plan
 - e. The applicable Planning Scheme
 - f. Relevant State and local policy
 - g. Any other material referred to it.
15. Depending upon the nature of the referral, the Committee can conduct its proceedings through round table discussions, on the papers or, a public hearing, including by video conference if unable to conduct this 'in person'.
16. The Committee will be provided with the written submissions and other supporting material by parties, and may:
 - a. Direct that parties meet, to discuss and further resolve issues, or
 - b. Act as a mediator to seek to resolve issues in dispute.
17. The Committee may direct the VPA and relevant parties to provide additional information on specified matters.
18. The committee must not consider submissions or evidence on a matter that a planning authority is prevented from considering by operation of ss 22(3) and 22(5) of the Planning and Environment Act 1987.
19. The written submission of the VPA is to include:
 - a. an overview of the draft amendment and/or any relevant planning permit and the relevant Plan, including a detailed explanation of the referred elements.

- b. a written response to each referred submission and how the draft plan, amendment or permit might be changed to respond to the submission.

Outcomes

- 20. The Committee must produce a written report for the VPA and the Minister for Planning, providing the following:
 - a. Whether the referred element(s) of the draft amendment or planning permit is appropriate
 - b. A summary and assessment of the issues raised in submissions referred to the Committee.
 - c. Any other relevant matters raised in the course of the Committee process.
 - d. A list of persons who made submissions considered by the Committee.
 - e. A list of tabled documents.
 - f. A list of persons consulted or heard, including via video conference.
- 21. Following the completion of the report the Committee may deliver an oral briefing to the Minister for Planning or the VPA. The briefing may be in person, by video conference or telephone.

Submissions are public documents

- 22. The Committee must retain a library of any written submissions or other supporting documentation provided to it until a decision has been made on its report or five years has passed from the time of its appointment.
- 23. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain 'in camera'. A document may be made available for public inspection electronically.

Timing

- 24. The Committee is required to commence its process by issuing a written notice of the referral of a matter from the VPA to all referred submitters no later than 10 business days from the date of any specific letter of referral received.
- 25. The Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the last day of its proceedings, tabling of submissions or consultation process.
- 26. The VPA must release the report of the Committee within 10 business days of its receipt.

Fee

- 27. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
- 28. The costs of the Committee will be met by the VPA.



Richard Wynne MP
Minister for Planning

Date: 17 / 07 / 2020

Appendix B Letter of referral



Department of Transport and Planning

GPO Box 2392
Melbourne, Victoria 3001 Australia

Ref: BORG-1-26-911

Ms Sarah Carlisle
Lead Chair
Victorian Planning Authority Standing Advisory Committee
Planning Panels Victoria
Via email: office@planningpanels.vic.gov.au

Dear Ms Carlisle,

Bendigo Regional Employment Precinct VPA Standing Advisory Committee Referral

I refer to draft Amendment C296gben to the Greater Bendigo Planning Scheme, which facilitates the use and development of land within the Bendigo Regional Employment Precinct (BREP) primarily for industrial use. The draft amendment proposes to rezone land in the precinct to Industrial 1 Zone (IN1Z), introduce a new Schedule 34 to the Development Plan Overlay (DPO34), update the Planning Policy Framework and make other associated planning scheme changes.

On 9 November 2025, the Minister for Planning approved the Victorian Planning Authority (VPA), now part of the Department of Transport and Planning (DTP) to use a streamlined planning process to progress the draft Amendment and undertake informal public consultation about the matter. Further, the Minister for Planning delegated to the Head of Spatial Planning the power to refer any unresolved submissions directly to the VPA Projects Standing Advisory Committee (Committee).

Between 1 December 2025 and 13 February 2026, DTP undertook a targeted public consultation process for the draft Amendment. A total of 26 submissions were received.

Referral

In accordance with Clause 12 of the *Terms of Reference for the Committee* (July 2020) and delegation provided to the VPA (now DTP), I am writing to refer 'Key Issues' identified in Table 1 below for advice and recommendations. These Key Issues are provided under clause 13.b of the Terms of Reference as 'the referred submissions'. Only the Key Issues identified in Table 1 below are referred to the Committee for advice and recommendations.

DTP will continue seeking to resolve specific issues that have not been referred to the Committee directly with submitters.

The matters not identified as Key Issues in Table 1 are those DTP is confident will be resolved outside of the Committee process or where DTP has formed a clear position that does not require the Committee's consideration.

Under clause 13.c of the Terms of Reference, I also provide all submissions received during public consultation as 'supporting background material'.

The Committee is to limit itself to considering only those parts of the submissions that are relevant to the Key Issues identified in Table 1 of this letter.



Table 1 - Key Issues

Key Issues	Advice Sought
Interfaces treatments, adverse amenity	Please advise whether: - The controls included in DPO34 manage potential adverse amenity impacts to existing and planned sensitive uses within and external to the precinct.
Aboriginal Cultural heritage	Please advise whether: - The cultural heritage requirements in the DPO34 are appropriate.
Zoning for the precinct	Please advise whether: - It would be appropriate to rezone a part of the precinct to Industrial 3 Zone (IN3Z), and if so, what extent.
Shared Infrastructure Contribution Framework and Section 173 Agreements	Please advise whether: - The DPO34, Shared Infrastructure Plan and Section 173 agreement requirements (including cost apportionment for State infrastructure items) will appropriately coordinate infrastructure delivery.
Consequential drafting matters	Please advise: - On drafting changes to the draft amendment consequential to the advice above.

Committee Process

Without limiting its powers under the *Planning and Environment Act 1987*, including the power to regulate its own proceedings, DTP encourages the Committee to consider adopting the following procedures to provide an efficient and timely process for the assessment of the referred issues:

- (a) Conducting proceedings to consider key issues 'on the papers';
- (b) Specifying a time limit for submitters seeking to be heard;
- (c) Requiring presentation of evidence from like witnesses concurrently, commencing with exploratory questions posed by the parties and Committee;
- (d) Regulating the duration of evidence in chief to balance efficiency and fairness;
- (e) Limiting cross examination to matters which are of interest to the Committee; and
- (f) Directing the submitters to focus preparation of submissions and appointment of experts only on the key issues DTP has requested your advice on and raised in Table 1.

The supporting documents required by Clause 13 of the Terms of Reference are enclosed via a link in the accompanying email to this letter. These documents will be available to parties in due course.

Acknowledging that all submissions have been provided to the Committee in full as background information under Clause 13(c) of the terms, the DTP Part A submission will include a DTP position on issues that fall outside of the Key Issues to assist the Committee



to understand DTPs current position on these submissions. If submitters raise issues that are outside of the Key Issues before the Committee during the hearing, DTP may address these issues in writing in its closing submission and any amended documents.

Any engagement by DTP on issues not identified in the Key Issues before the Committee is in furtherance of its efforts to resolve unrefereed issues and is not intended to alter the limited scope of the Key Issues referred to the Committee for advice.

Please be advised that the public release of the Committee's Report will be at the discretion of the Minister for Planning.

If you would like further information, please email Dean Rochfort Executive Director, New Communities at dean.rochfort@transport.vic.gov.au.

Yours sincerely,



Justin O'Meara (DTP)
Head of Spatial Planning and CEO VPA
Housing, Building and Land Delivery

Date: 18/03/2026

Enclosed in email:

- Draft Amendment C296gben to the Greater Bendigo Planning Scheme documentation (public consultation versions)
- Referred submissions Summary Table under clause 13.b of the Terms of Reference.
- Supporting background material under clause 13.c of the Terms of Reference:
 - o All submissions and submitter details
 - o Bendigo Regional Employment Precinct Consultation Report (draft)
 - o Supporting background reports

Appendix C Submissions provided by DTP

Submitter	
1	Hayden (surname not provided)
5	Danica (surname not provided)
7	ASTERIA Services Inc.
8	Monique Clayton
9	Beverley & Chris Graf
10	Gemma Thompson
11	Jan Boynton & Alex Malone
12	Ivan & Raelene Hunt
13	Bryan Palmer
14	Coliban Water
16	City of Greater Bendigo
18	Marong Community Action Group
19	Geoff Shaw
20	Robert Stokes
21	DJAARA
22	City of Greater Bendigo
23	YourLand
26	Urban Development Institute of Australia (Bendigo Chapter)
27	Rhonda Heard (late submission)

Appendix D Parties to the Committee Hearing

Submitter	Represented by
Department of Transport and Planning (New Communities)	Greg Tobin and Aaron Shrimpton of Harwood Andrews, who called expert evidence on: - planning from John Glossop of Glossop Town Planning - transport from Tim de Young of Eukai - drainage from Nina Barich of Incitus Gareth Hatley and Kelvin Lee from the Department of Planning and Transport New Communities provided an introductory presentation
Greater Bendigo City Council (as the Responsible Authority)	Brianna Eastaugh of Maddocks, who called expert evidence on: - planning from Jason Black of Insight Planning - economics from Patrick Fensham of SGS Economics and Planning - transport from Aaron Walley of Ratio - drainage from Glen Ottrey of Engeny
Greater Bendigo City Council (as precinct landowner)	Rupert Watters of Counsel instructed by Bridget Maplestone, Coordinator Strategic Property Management Geater Bendigo City Council, who called evidence on: - transport from John-Paul Maina of Impact Traffic and Transport - planning from Andrew Robertson of Tract
Coliban Water	Tessa Laing
Dja Dja Wurrung Clans Aboriginal Corporation*	Harley Douglas and Jacqueline Grenfell
YourLand	Lucy Eastoe of Hall & Wilcox, who called expert evidence on: - transport from Henry Turnbull of Cogency - drainage from Jonathon McLean of Alluvium
Jan Boynton & Alex Malone*	
Urban Development Institute of Australia, Bendigo Chapter*	Andrea Wilkinson
Bryan Palmer*	

* Did not make verbal submissions at the Hearing either relying on their original submission or a further written submission

Appendix E Document list

No.	Date	Description	Provided by
Referred documents			
1	18 Mar 2026	Referral Letter	Department of Transport and Planning, New Communities (DTP)
2	18 Mar 2026	Draft Amendment C296gben ordinance: a) Explanatory Report b) Instruction Sheet c) Clause 02.03 d) Clause 11.01 e) Clause 11.03 f) Schedule 34 to Clause 43.04 (DPO34) g) Clause 66.04 h) Clause 72.03 i) Clause 72.08 j) Clause 74.01	DTP
3	18 Mar 2026	Draft Shared Infrastructure Plan Guideline: a) Draft Guideline for Preparing Shared Infrastructure Plan for State Transport Infrastructure b) Appendix A – IT2 Concept Design c) Appendix A – IT3 Concept Design d) Appendix A – IT5 Concept Design e) Appendix A – Shared Transport Infrastructure Cost Estimate a. Appendix B – Marong Transport Network Assessment, Stantec (2025)	DTP
4	18 Mar 2026	VPA commissioned background studies: a) Arboricultural Assessment, ENSPEC (2023) b) Biodiversity Assessment, Ecology and Heritage Partners (2023) c) Bushfire Development Report, Terramatrix (2025) d) Economic - Independent Development Assessment, CKC (2025) e) Historical Heritage Assessment, Heritage Insight (2023) Part 1 f) Historical Heritage Assessment Heritage Insight (2023) Part 2	DTP

No.	Date	Description	Provided by
		g) Land Capability Assessment, WSP (2024)	
		h) Landscape and Visual Assessment, Spire (2023) Part 1	
		i) Landscape and Visual Assessment, Spire (2023) Part 2	
		j) Marong Transport Network Assessment, Stantec (2025)	
		k) Sustainable Development Opportunities Report, Hip V. Hype (2024) Part 1	
		l) Sustainable Development Opportunities Report, Hip V. Hype (2024) Part 2	
		m) Utility Servicing Assessment, Auecon (2024)	
5	18 Mar 2026	Development Victoria commissioned reference documents: a) Access Strategy, Stantec (2025) b) Infrastructure Strategy, Stantec (2025) c) Stormwater Strategy, Stantec (2025)	DTP
6	18 Mar 2026	Bendigo Regional Employment Precinct – Statement of Cultural Significance	DTP
7	18 Mar 2026	Bendigo Regional Employment Precinct – Background Report	DTP
8	18 Mar 2026	Consultation documents: a) Submissions 1, 5, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 22, 23, 26 b) Pitching Sessions Summary Report c) Consultation Report d) Vision and Planning Workshop 2023	DTP
9	18 Mar 2026	Submission summary table [submitter contact information removed by PPV]	DTP
Tabled documents			
10	25 Mar 2026	Directions Hearing Committee notice letter	PPV
11	13 Apr 2026	Proposed Directions	DTP
12	16 Apr 2026	Committee Directions, Hearing Timetable outline	PPV
13	24 Apr 2026	Committee letter regarding extension for Part A submission, late request to call evidence	PPV

No.	Date	Description	Provided by
14	29 Apr 2026	Part A Submission, and appendices: a) Background / supporting studies summaries b) Relevant municipal planning strategy and planning policy framework c) Key issue 1 - applying IN3Z on MTSP-interface lands	DTP
15	29 Apr 2026	DJAARA Day 1 advice	DTP
16	29 Apr 2026	DJAARA Cultural Values Assessment BREP 20260429 Redacted	DTP
17	29 Apr 2026	BREP Concept Plan Evaluation Advice – CKC April 2026	DTP
18	29 Apr 2026	Marong Transport Network Assessment – Stantec April 2026	DTP
19	29 Apr 2026	Day 1 Draft Amendment C296gben materials: a) Explanatory Report b) Instruction Sheet c) Clause 02.03 d) Clause 11.01 e) Clause 11.03 f) DPO34 g) Clause 66.04 h) Clause 72.03 i) Clause 72.08 j) Clause 74.01 k) BREP SIP Guideline l) BREP SIP Guideline Appendix A – Shared Transport Infrastructure Cost Estimate m) BREP SIP Guideline Appendix A – Shared Transport Infrastructure Concept Plans	DTP
20	1 May 2026	Submitter location map [Committee use only]	DTP
21	6 May 2026	Email – Suggested Hearing timetable and evidence filing dates	DTP
22	7 May 2026	Committee letter – Revised direction dates, Hearing Timetable v1	PPV
23	7 May 2026	Email – Clarification of which documents were amended through Day 1 material [corrected]	DTP
24	7 May 2026	Stantec Memorandum re Transport Network Assessment	DTP
25	7 May 2026	Deepend Services Memorandum re economic analysis	DTP
26	8 May 2026	Letter to DTP - New Communities regarding Marong Western Freight Corridor Preferred Alignment	DTP

No.	Date	Description	Provided by
27	11 May 2026	Expert statement – Drainage from Glenn Ottrey	Greater Bendigo City Council as Responsible Authority (Council)
28	11 May 2026	Expert statement – Drainage from Jonathan McLean	YourLand
29	11 May 2026	Expert statement – Drainage from Nina Barich	DTP
30	11 May 2026	Site inspection itinerary	DTP
31	13 May 2026	Expert statement – Traffic from Tim de Young	DTP
32	13 May 2026	Expert statement – Traffic from Henry Turnbull	YourLand
33	13 May 2026	Expert statement – Planning from Andrew Robertson	Greater Bendigo City Council as landowner (Council as landowner)
34	13 May 2026	Expert statement – Traffic from John-Paul Maina	Council as landowner
35	13 May 2026	Expert statement – Planning from Jason Black	Council
36	13 May 2026	Expert statement – Traffic from Aaron Walley	Council
37	13 May 2026	Expert statement – Economics from Patrick Fensham	Council
38	13 May 2026	Expert statement – Planning from John Glossop	DTP
39	14 May 2026	Conclave statement – Drainage	DTP
40	18 May 2026	Opening submission, and attachments: 1. Marong Township Structure Plan, City of Greater Bendigo 2. City of Greater Bendigo Industrial Land Development Strategy (2025) 3. Greater Bendigo Industrial Development Guidelines (2025) 4. Greater Bendigo Development Contributions Governance Framework (26 August 2024) 5. Greater Bendigo Development Contributions Policy (26 August 2024)	Council
41	18 May 2026	Conclave statement – Transport	DTP
42	18 May 2026	Opening submission	DTP
43	18 May 2026	Opening presentation	DTP
44	18 May 2026	Day 1 (V2) version of DPO34	DTP

No.	Date	Description	Provided by
45	18 May 2026	Day 1 (V2) SIP Guideline	DTP
46	18 May 2026	Updated (Day 1 v2) changes log	DTP
47	18 May 2026	Updated (Day 1 v2) submissions matrix showing the status of submissions	DTP
48	18 May 2026	Late referred submission 27	DTP
49	18 May 2026	Opening submission	YourLand
50	18 May 2026	Email - Submission regarding drafting of DPO24	UDIA (Bendigo Chapter)
51	18 May 2026	Opening submission	Dja Dja Wurrung Clans Aboriginal Corporation
52	19 May 2026	Email – Clarification of New Customer Contributions for water and sewer services	Coliban Water
53	20 May 2026	Expert presentation – Aaron Walley	Council
54	21 May 2026	Draft DPO34 Concept Plan with 'Dry Creek' shown	DTP
55	21 May 2026	Draft Shared Infrastructure Funding Plan for Marong township	Council
56	21 May 2026	Expert presentation – Andrew Robertson	Council as landowner
57	21 May 2026	Map as presented by John-Paul Maina	Council as landowner
58	21 May 2026	Expert presentation – John Glossop	DTP
59	26 May 2026	Part B ordinance: a) DPO34 (clean) b) DPO34 (tracked changes) c) Document compare between Day 1 version and Part B version of DPO34 d) SIP Guideline (Clean) e) SIP Guideline (tracked changes) [corrected version tabled as Document 62] f) Clause 11.03-6L-04 g) Schedule to Clause 74.01 h) Schedule to Clause 72.08 i) Updated table summarising changes and issues referred	DTP
60	26 May 2026	Hearing Timetable v2	PPV
61	27 May 2026	Part B submission	DTP
62	27 May 2026	Corrected version of Part B SIP Guideline	DTP

No.	Date	Description	Provided by
63	27 May 2026	Comparison showing differences between Documents 59e and 62	DTP
64	28 May 2026	Submission, and appendices: 1. Council position on key issues 2. Examples of IN1Z and residential zones	Council
65	28 May 2026	DPO34 with mark ups	Council
66	28 May 2026	Submission	Council as landowner
67	28 May 2026	Submission, and attachments: a) DPO10 – Surf Coast Planning Scheme b) Panel Report Amendment C282 Greater Bendigo Planning Scheme c) Panel Report Amendment C263 Greater Bendigo Planning Scheme d) YourLand Residential Precincts masterplan extract – Constraints e) YourLand Residential Precincts masterplan extract – Landscape Response f) YourLand Residential Precincts masterplan extract – Development Plan Overlay Framework Plan g) DTP correspondence to City of Greater Bendigo 13 February 2026 h) DPO34 with mark ups	YourLand
68	29 May 2026	Part C submission, and attachments: a) Examples of IN1Z and residential areas 2026 vs 2000 b) DPO34 (tracked changes) – closing version c) Schedule to Clause 66.04	DTP
69	29 May 2026	Closing submission	DTP
70	29 May 2026	Extract of IT2 plan at paragraph 73 of Part C submission	DTP
71	29 May 2026	Extract of IT2 plan at paragraph 74 of Part C submission	DTP
72	29 May 2026	Further revised version of schedule to Clause 66.04	DTP
73	3 Jun 2026	Letter – Drafting comments, and submission regarding IT2	YourLand
74	5 Jun 2026	Memorandum prepared by Henry Turnbull – IT2	YourLand
75	5 Jun 2026	Tracked changes version (Part C) of DPO34	YourLand
76	5 Jun 2026	Tracked changes version (Part B) SIP Guideline	YourLand
77	5 Jun 2026	Tracked changes version (Part B) Clause 11.03	YourLand

No.	Date	Description	Provided by
78	5 Jun 2026	Memorandum prepared by Tim De Young – IT2	DTP
79	5 Jun 2026	Letter - Drafting comments, and submission regarding IT2	Council
80	5 Jun 2026	Tracked changes version (Part C) of DPO34	Council
81	5 Jun 2026	On the papers drafting table	Council
82	5 Jun 2026	Tracked changes version (Part B) SIP Guideline	Council
83	5 Jun 2026	Memorandum prepared by Aaron Walley – IT2	Council
84	12 Jun 2026	Letter - Final drafting reply	DTP
85	12 Jun 2026	Final drafting reply version - DPO4	DTP
86	12 Jun 2026	Final drafting reply table	DTP
87	12 Jun 2026	Final drafting reply version - SIP Guideline	DTP

Appendix F Committee recommended version of DPO34

The Panel recommended changes are based on the Final version of the provisions (Document 85) and are shown as:

Tracked Added

~~Tracked Deleted~~

SCHEDULE 34 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

~~---/20---
C---~~

Shown on the planning scheme map as **DPO34**.

BENDIGO REGIONAL EMPLOYMENT PRECINCT

1.0 Objectives

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C---~~

To ensure that the Bendigo Regional Employment Precinct delivers essential infrastructure internally and externally to the precinct, maximises developable land and supports current and future industrial and employment needs.

To enable development which is supported by the required infrastructure capacity including a freight movement network that meets the needs of the broader region.

To design and locate development, waterways, roads and infrastructure to manage land use compatibility with sensitive interfaces.

To provide active frontages to roads and open space to provide for passive surveillance and an attractive interface.

To recognise, celebrate, protect and appropriately interpret the Aboriginal cultural values of the Marong area and the cultural landscape of Bullock Creek, including their tangible and intangible significance to Dja Dja Wurrung People.

2.0 Requirement before a permit is granted

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C---~~

A permit may be granted to subdivide land or construct a building or carry out works before a development plan has been prepared to the satisfaction of the responsible authority, for the following:

- Subdivision of the land into ~~super-lots~~ lots less than [insert appropriate size] or to realign property boundaries, or create a road, or create or remove easements
- Works required for physical infrastructure or utilities to service the precinct
- Extensions or alterations to an existing building or works associated with an existing residential use
- Extensions or alterations to an existing building or works associated with an existing industrial use.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the preparation of a development plan(s) and a shared infrastructure plan for the precinct and the future use and development of the land in an integrated and orderly manner as an employment precinct, and:

- ~~Any subdivision does not create any lot(s) in more than one zone,~~
- ~~Any buildings or works are located wholly within a single zone~~
- Where a Shared Infrastructure Plan has not been approved by the City of Greater Bendigo, the landowner must enter into an agreement under section 173 of the Planning and

Environment Act 1987 providing for development contributions or provide an alternative option to secure the provision of the required shared infrastructure, to the satisfaction of the relevant authorities.

- The permit will not cause adverse amenity impacts or unacceptable risk to the existing sensitive land uses or prejudice the future new development precincts listed in the Marong Framework Plan; and
- The development meets any applicable utility service requirements.

3.0 Conditions and requirements for permits

Except for a permit granted before a development plan has been approved in accordance with Clause 2.0, a permit must contain conditions to give effect to the provisions and requirements of the approved development plan.

Except for a permit granted before a development plan has been approved, a permit must contain the following conditions and requirements.

Requirements:

The following requirements apply to permits:

Acoustic Assessment Report

A proposal for the use or development of land for a sensitive use (child care centre, employment training centre, tertiary institution or caretaker's house), must demonstrate the site is suitable by providing an acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:

- Assesses noise levels:
 - Considering the cumulative noise from all sources impacting on the proposal including existing road traffic noise, agriculture and industry noise, as well as other potential noise sources.
 - In unfurnished rooms with a finished floor and the windows closed based on average external noise levels measured as part of a noise level assessment.
- Identifies buildings requiring mitigation from noise sources impacting on the proposal, including road traffic noise and industry noise.
- If buildings requiring acoustic mitigation are identified, the report must identify noise attenuation measures required to meet the applicable noise level objectives including Clause 13.05-1S and Environment Reference Standard (Gazette No. S 245, 26 May 2021 as amended from time to time). These noise attenuation measures should prioritise measures that benefit both outdoor and indoor spaces, and must address:
 - Noise compatible design for buildings, with siting, orientation, and internal layout.
 - Potential noise character (tonality, impulsiveness or intermittency).
 - Noise with high energy in the low frequency range.
 - Transient or variable noise.
 - Vibration.

Any noise attenuation measures identified in the acoustic assessment report must be implemented to the satisfaction of the responsible authority.

Preliminary Risk Screen Assessment

A proposal to subdivide land or to use land for a sensitive use (child care centre, employment training centre, tertiary institution or caretaker's house), or to construct or carry out buildings and works associated with these uses, where the land is identified as having a potential risk for contamination in Table 1 or any subsequent lot created by subdivision of a lot identified in Table 1 must demonstrate the site is suitable by providing:

- A preliminary risk screen assessment statement, which has been issued in accordance with the Environment Protection Act 2017 stating that an environmental audit is not required for the proposal; or

- An environmental audit statement which has been issued under Part 8.3 of the Environment Protection Act 2017 stating that the land is suitable for the proposal; or
- A certificate of environmental audit for the land, which has been issued in accordance with Part IXD of the Environment Protection Act 1970; or
- A statement of environmental audit for the land has been issued in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the proposal.

The responsible authority may waive the requirement for a further preliminary risk screen assessment (or environment audit) where it has already been undertaken for the land, and where it is satisfied that the previous preliminary risk screen assessment (or environment audit) considered the relevant land uses.

This requirement does not apply to the construction or carrying out of buildings and works if:

- The buildings and works are associated with an existing sensitive use (residential) included in Clause 62.02-1 or 62.02-2 and the soil is not disturbed.
- The buildings and works are required by the Environment Protection Authority Victoria or an environmental auditor appointed under the Environment Protection Act 2017 to make the land suitable for use; or
- The buildings and works are reasonably required by the environmental auditor appointed under the Environment Protection Act 2017 or the Environment Protection Act 1970 to undertake a preliminary risk screen assessment or environmental audit.

TABLE 1: PRELIMINARY RISK SCREEN ASSESSMENT

Address	Lot Number
OSullivans Road Marong 3515	Lot 5 TP381572
OSullivans Road Marong 3515	Lot 6 TP381572
OSullivans Road Marong 3515	Lot 7 TP381572
OSullivans Road Marong 3515	Lot 8 TP381572
OSullivans Road Marong 3515	Lot 10 TP381572
OSullivans Road Marong 3515	Allot. 5C Sec. 5
OSullivans Road Marong 3515	Allot. 6A Sec. 5
Bendigo-St Arnaud Road Marong 3515	Allot. 7C Sec. 5
211 Bendigo-St Arnaud Road Marong 3515	Allot. 7A Sec. 5
106 OSullivans Road Marong 3515	Allot. 6B Sec. 5

Note: The lot numbers in this table identify the parent title to which this requirement applies. The requirement applies to those lots and to any lot subsequently created through subdivision of that land.

Preliminary Site Investigations

A proposal to use or subdivide land (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision) or construct a building or construct or carry out works associated with the use of the land for a Minor sports and recreation facility, Retail premises, Office, Agriculture, Informal outdoor recreation, Industry or Warehouse on land described in Table 2 must demonstrate the site is suitable for the proposed use by providing a Preliminary Site Investigation (PSI) prepared by a suitably qualified environmental professional in accordance with the National Environment Protection (Assessment of Site Contamination) Measure (National Environment Protection Council, 1999) to the satisfaction of the responsible authority.

Any requirements of the PSI must be implemented to the satisfaction of the responsible authority before the use or development commences.

Sodic and dispersive soil management plan

A proposal to use or subdivide land or construct or carry out earthworks, must demonstrate the site is suitable by providing a sodic and dispersive soils management plan prepared by a suitably qualified professional, that describes, as appropriate:

- How the recommendations of the Sodic and Dispersive Soils Assessment under Clause 4.0 of this schedule will be implemented.
- The extent of any proposed earthworks;
- Soil management practices (including fill) with consideration of anticipated sodic and dispersive soil exposure;
- The management of drainage during all stages of development (including run-off);
- The staging of development;
- Any training and supervision processes proposed for construction contractors to ensure compliance with the sodic and dispersive soils management plan;
- Proposed document monitoring and reporting processes that ensure works are undertaken in accordance with the sodic and dispersive soils management plan;
- Any treatment of soil proposed to be removed from the site;
- Any post-construction monitoring and/or management requirements; and
- Requirements for a site management plan including:
 - The management, volume and location of any stockpiles.
 - Vehicle access and movement within the site area.
 - Any treatment to manage the soil while works are undertaken.
 - Treatments to rehabilitate areas that are disturbed during site works.
 - Any soil treatment to manage the soil to reduce risk to existing or current infrastructure and dwellings.

Public Infrastructure Plan

~~For an application to use or subdivide land or construct a building or construct or carry out works, a public infrastructure plan which addresses the following:~~

- ~~▪ The findings of the shared infrastructure plan and what land may be affected or required for the provision of infrastructure works;~~
- ~~▪ The provision, staging and timing of road works internal and external to the land consistent with the transport impact assessment any relevant traffic report or assessment prepared in support of a permit application;~~
- ~~▪ The detail of any infrastructure set out in the shared infrastructure plan applying to the land which is sought to be provided as “works in lieu” subject to the consent of the collecting agency;~~
- ~~▪ the details of any interim drainage infrastructure;~~
- ~~▪ the details of any public open space and land for waterways or drainage; and~~
- ~~▪ any other matter relevant to the provision of public infrastructure required by the responsible authority.~~

Conditions:

The following conditions must be included in permits to subdivide land, to carry out buildings or works, or for the use of land, unless already addressed via an agreement under section 173 of the Planning and Environment Act 1987 recorded over the title to the subject land:

Shared Infrastructure (excluding State Arterial Road Intersections and Access Points)

Prior to the commencement of buildings and works, the certification of a plan of subdivision or the commencement of a use, an agreement under section 173 of the Planning and Environment Act 1987 must be entered into between the owner of the land and the responsible authority, with respect to shared infrastructure (excluding State Arterial Road Intersections and Access Points) identified in the shared infrastructure plan approved for the precinct (Shared Infrastructure Plan).

The agreement must implement the Shared Infrastructure Plan and a the Public Infrastructure Plan approved under a development plan this permit, or as otherwise adjusted and agreed by the responsible authority and:

- Provide for financial contributions or works in lieu for the delivery of shared infrastructure items set out in the Shared Infrastructure Plan (excluding State Arterial Road Intersections and Access Points), as relevant to the development of the land subject to agreement.
- Where relevant, provide for credit for over-provision when an infrastructure project is delivered as works in lieu.
- The expected timing of provision of each infrastructure item and who is responsible for delivery, as relevant to the development of the land subject to the agreement.
- Identify any land to be vested in Council or managed under private landownership as required for shared infrastructure delivery, waterway corridor(s) and open space.
- Include operational and administrative provisions, including arrangements for the ending of the agreement.

State Arterial Road Intersections and Access Points

Prior to the commencement of buildings and works, the certification of a plan of subdivision or the commencement of a use, an agreement(s) under section 173 of the Planning and Environment Act 1987 must be entered into between the owner of the land, the responsible authority and the Head, Transport for Victoria, with respect to State Arterial Road Intersection and Access Points identified in the Shared Infrastructure Plan approved for the precinct.

The agreement must implement the Shared Infrastructure Plan approved for the precinct and the Public Infrastructure Plan under a development plan approved under this permit, or as otherwise adjusted and agreed by the responsible authority and to the satisfaction of the Head, Transport for Victoria and:

- Provide for financial contributions or works in lieu for the delivery of the works identified in the Shared Infrastructure Plan approved for the precinct and the Public Infrastructure Plan approved under a development plan this permit, which must be designed and costed in consultation with and to the satisfaction of the Head, Transport for Victoria.
- The expected timing of provision of each infrastructure item and who is responsible for delivery, as relevant to the development of the land subject to the agreement.
- Identify any land to be vested in the relevant road authority, as required, for the upgrade of State infrastructure, and any land to be protected for the planned Marong Western Freight Corridor.
- Include design requirements to the satisfaction of the Head, Transport for Victoria for each item identified to be delivered as works in lieu.
- Include operational and administrative provisions, including arrangements for the ending of the agreement.

Construction Environment Management Plan

Prior to the commencement of buildings and works or the certification of a plan of subdivision, a Construction Environment Management Plan must be prepared to the satisfaction of the responsible authority that:

- addresses construction methodology

- outlines processes put into place to manage any impact on biodiversity during construction including:
 - The use of micro-siting techniques, including fencing retained areas of native vegetation;
 - Lopping and trimming of trees, if necessary, rather than removal;
 - Best practice sedimentation and pollution control measures to prevent offsite impacts; and
 - A kangaroo management plan.
- describes how the impact on biodiversity and the natural environment will be managed and minimised.

Environmental Audit

A permit to subdivide land, or to use land or to construct or carry out buildings and works where an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 has been issued stating that the land is suitable for the use or proposed use subject to recommendations must include the following conditions:

- The recommendations that relate to the use and development of the land must be complied with to the satisfaction of the responsible authority before the use or development commences; and
- Written confirmation of compliance with any recommendations in the environmental audit statement must be provided by a suitably qualified professional (with the costs borne by the applicant) to the satisfaction of the responsible authority. Compliance sign-off must be in accordance with any requirements in the environmental audit statement recommendations regarding verifications of works.

Where recommendations of the Environmental Audit Statement require significant ongoing maintenance and/or monitoring, the applicant must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987. The section 173 agreement must be executed on the title of the relevant land prior to the grant of a permit to develop the land, unless otherwise agreed to by the responsible authority. The applicant must meet all costs associated with the drafting and execution of the agreement, including those incurred by the responsible authority.

4.0 Requirements for a development plan

A development plan must include the following requirements [to the satisfaction of the responsible authority](#):

- A development plan must be generally in accordance with the concept plan provided at Map 1 of this schedule.
- A development plan may vary from the layout shown in Map 1 where that variation is necessary to protect or respond to the requirements of this clause and the responsible authority is satisfied that the alternative layout is an acceptable outcome.
- If a development plan is prepared for part of the land in the precinct, it must be demonstrated that the absence of a development plan for the whole of the precinct does not prejudice the orderly and proper development of the precinct to the satisfaction of the responsible authority.

Section 1 - Precinct wide infrastructure requirements

The precinct wide infrastructure requirements of this schedule may be prepared as a first stage of the development plan ahead of the Section 2 requirements with the agreement of the responsible authority.

The first development plan prepared under this schedule must be to the satisfaction of the responsible authority and include the following documents prepared on a precinct wide basis to inform the preparation of a [Shared Infrastructure Plan](#) for the precinct:

- A precinct wide Drainage / Stormwater Management Strategy, which must:
 - be prepared in consultation with the North Central Catchment Management Authority, the relevant drainage authority and affected landowners;
 - demonstrate how the strategy has been informed by, and taken into consideration, consultation with affected landowners;
 - identify the existing and ultimate drainage conditions across the precinct;
 - define the drainage catchment and sub-catchments;
 - identify any drainage infrastructure that serves only the development of a single property, such as on-site detention, water quality treatment, and local reticulation;
 - identify any shared drainage infrastructure that serves more than one property, within the catchment for that drainage infrastructure;
 - demonstrate how continued reasonable flows of water to adjacent properties will be maintained or appropriately managed;
 - identify land required for drainage infrastructure;
 - demonstrate integration with the broader drainage network and downstream systems; and
 - address the staging and delivery of drainage infrastructure, including any interim arrangements.
 - **bBe** accompanied by an Integrated Water Management Assessment that must:
 - be prepared in collaboration with the relevant water supply authority;
 - demonstrate the land use, development and servicing implications of integrated water management;
 - identify opportunities for water efficiency, alternative water supply and reuse, and integrated management of potable water, wastewater and stormwater; and
 - identify opportunities for off-site water reuse, including reuse by adjacent agricultural or farming activities, where appropriate.
 - **bBe** accompanied by a Flood Risk and Waterway Management Report, which addresses the following:
 - Identification of areas subject to flooding from designated waterways in a 1 per cent Annual Exceedance Probability flood event, including consideration of the impacts of climate change on flooding, including depths, levels, velocity and flood hazard.
 - A minimum 30-metre setback of development from the top of bank of designated waterways.
 - Improvements to waterway health
 - Flood risk management of flood risk of development on land subject to inundation.
 - Management of waterways, including but not limited to the construction of any access crossings and/or stormwater outlets.
 - **iIdentify** the contributions of each catchment and sub-catchments for the provision of shared drainage infrastructure
 - **iIdentify** the provision of site-specific infrastructure that are funded by developers.
 - **iIdentify** any land required to facilitate the provision of the shared drainage infrastructure.
- A precinct wide Intersection and Access Strategy, which must:
 - be prepared in consultation with the Head, Transport for Victoria and affected landowners;
 - demonstrate how the strategy has been informed by, and taken into consideration, consultation with affected landowners.

- include the following intersections and access points, which must be designed and costed in consultation with and to the satisfaction of the Head, Transport for Victoria:
 - IT2 Calder Alternative Highway / Wimmera Highway intersection (single lane roundabout treatment);
 - IT3 Calder Highway / Calder Alternative Highway intersection (signalisation);
 - IT5 Calder Highway / Allies Road intersection (signalisation);
 - AP1 Connection into the Marong Western Freight Corridor roundabout at the Wimmera Highway / Wilsons Hill Road / McCreddons Road intersection, or if the connection is required prior to the delivery of the Marong Western Freight Corridor an unsignalised intersection;
 - AP4 Connection into the Wimmera Highway unsignalised T-intersection;
 - AP5 Roundabout intersection with the Calder Alternative Highway;
- include concept designs and costings for each intersection and access point, prepared to the satisfaction of the Head, Transport for Victoria;
- specify the trigger point for the delivery of each intersection or access point;
- apportion the cost of intersections IT3 and IT5 each intersection to the precinct on a share of usage basis; the following basis, unless otherwise agreed by the Head, Transport for Victoria:
 - ~~• IT2 Calder Alternative Highway / Wimmera Highway intersection (single lane roundabout treatment), apportioned 83% to the precinct with the remainder to be apportioned to development of future residential precincts identified in the Marong Township Structure Plan;~~
 - ~~• IT3 Calder Highway / Calder Alternative Highway intersection signalisation; apportioned 37% to the precinct;~~
 - ~~• IT5 Calder Highway / Allies Road intersection signalisation, apportioned 33% to the precinct;~~
- apportion the cost of intersection IT2 to the precinct, future residential precincts identified in the Marong Township Structure Plan and the future Marong Western Freight Corridor project.
- outline any staged delivery or configuration of precinct access points;
- confirm how each property within the precinct contributes to the demand for precinct access points AP1, AP4 and AP5;
- apportion the cost of access points AP1, AP4 and AP5 100% to the precinct, allocated to each property within the precinct on a share of usage basis;

Section 2 - Requirements that may be addressed on either a site specific or precinct wide basis

A development plan must include the following:

- A **site analysis** of the natural, cultural and strategic context of the site.
- A **site master plan** that includes:
 - A plan that considers all features of Map 1, and the indicative locations of all key roads including the areas for the planned Marong Western Freight Corridor, drainage reserves, habitat conservation areas, nearby sensitive uses, open space, shade ways, land uses and interface treatments.
 - Identification of bushfire hazard areas and relevant setbacks.
 - An indicative movement network that is consistent with the Transport Impact Assessment, and including:
 - Public and active transport
 - Road layouts including the areas for the future Marong Western Freight Corridor

- Depict OSullivans Road and Cemetery Road for local access only (avoiding industrial traffic);
 - Any intersection treatments and connections to the surrounding existing and planned transport network.
- Identification of land shown as having a potential risk for contamination as described in Table 1 and 2 and shown on Map 1.
- A **bushfire management plan** to specify how bushfire protection measures will be applied and how they will be met and implemented on an ongoing basis for lots outside of the Bushfire Management Overlay. The plan is to identify and confirm:
 - The design and layout of any subdivision, including lot layout, road design and access points, both pedestrian and vehicular.
 - The staging of development.
 - Management of interim bushfire hazards that occur between completed stages and land that has yet to be developed.
 - The identification of any areas to form the setback between a bushfire hazard and built form.
 - Notation that indicates which authority is responsible for managing vegetation within open space areas and public realms.
 - The details of any bushfire protection measures for individual lots.
 - Multiple points of access and egress for occupants and emergency services at all stages of construction and after completion.
 - Bushfire protection measures to be considered, which include:
 - The provision of perimeter roads along the interface with areas of enduring bushfire hazard.
 - Vegetation on private property to be maintained to a low threat condition.
- A **design response** that supports a variety of different uses and:
 - demonstrates consideration of the topography, provision of passive open space and site features such as vegetation and waterways.
 - includes physical infrastructure such as roads including the areas reserved for the future Marong Western Freight Corridor and reticulated services (rural water, water, sewer and drainage)
 - detailing the layout, built form, and interface treatments including with Marong Cemetery, Wilsons Hill Bushland and Nature Conservation Reserve and Dry Creek and surrounding road and internal waterways consistent with the *Greater Bendigo Industrial Development Guidelines 2024*.
- A **landscape concept plan** that:
 - Includes a landscape design response to the site analysis plan.
 - Demonstrates how views and vegetation have been considered.
 - Identifies significant or native vegetation to be protected and retained in the public and/or private realm, including in adjoining road reserves.
 - Shows how hollow bearing trees and fauna habitats will be protected and retained.
 - Shows how public open space landscaping, including landscaping of roads, streets, walking and cycling tracks, waterways and retarding basins will be planned to create landscape and habitat corridors to transition to the rural setting.
 - Identifies any necessary arrangements for the preservation or regeneration of native vegetation including a tree protection strategy to protect retained trees during subdivision and / or development and after the subdivision and development is completed.
 - Identifies areas of new planting and planting themes, including the size of plants, or which should be indigenous to the area, and how they will provide shade or screening.

- Demonstrates an overall landscaping scheme that complements the setting of the surrounding area.
- Promotes the planting of canopy trees and shading within the public realm and open space
- Identifies details of staging and timing of all landscape works.
- Identifies areas of biodiversity values consistent with Map 1 to demonstrate how these areas will be retained and enhanced and how impacts on fauna habitat will be avoided.
- Details of **landscape protection measures**, which should also include the following:
 - A landscape buffer and development setback of at least 50 metres from the Marong Cemetery, Wilsons Hill Bushland and Nature Conservation Reserve and Dry Creek. No loading bays, service yards, heavy vehicle docks and external mechanical plant is allowed within this buffer.
 - Where development is visible from the Marong Cemetery, a design response to identify appropriate building envelopes that the tallest building element will minimise visual impact and overshadowing and ensure a respectful interface with the Aboriginal significance to the Marong Cemetery.
 - Alignment of the urban design layout to establish and provide view lines in areas shown as “significant slope (for view line)” shown on Map 1.
 - Retention and protection of identified critical and high value trees shown on Map 1 and two high value vegetation patches within the western portion of the site, to form an ecological corridor linking both sides of the site.
 - Provision of adequate development setbacks from existing mature vegetation on roadsides, with indigenous species to be incorporated into landscaping of front setbacks, in accordance with the tree protection measures set out in AS 4970-2009 (Protection of Trees on Development Sites).
 - Implementation of bushfire protection measures as identified in the relevant bushfire management plan.
 - Retention and improvement of water assets within the site, especially around existing high value vegetation patches.
 - Provision of habitat for significant flora and fauna in any stormwater treatment infrastructure.
 - Creation of a landscape buffer or waterway corridor to the south of the Wilsons Hill Bushland Reserve that incorporates the Wilsons Hill Channel.
 - A design response to identify the opportunities for environmental and ecological restoration within the buffer from Wilsons Hill Bushland and Nature Conservation Reserve and Dry Creek.
 - A design response to demonstrate how potential light spill, emission, noise and waste impacts on surrounding Aboriginal and environmental sensitive places and rural living interfaces will be minimised, through measures such as building orientation, setbacks, landscaping, acoustic treatments, screening and lighting design.
 - Provision of vegetation screening along the Calder Alternative Highway and northern Wimmera Highway interfaces (not within the future Marong Western Freight Corridor) to mitigate views into any larger industrial lots. Adoption of building heights for new buildings in proximity to mature vegetation that maintain the characteristic dominance of mature trees.
 - Proposed ecological corridors.
- An **Aboriginal Cultural Heritage Strategy**, which must:
 - recognise and map Aboriginal cultural values, including any existing and potential Aboriginal cultural heritage places within the development plan area and its connection to wider cultural heritage landscapes;

- provide recommendations for how development can respond [to the recommendations of the most recent versions of any](#) Cultural Heritage Management Plan and Cultural Values Assessment recommendations and include design responses such as interpretive signage, landscape buffer distances and interface treatments;
- be prepared in consultation with the Dja Dja Wurrung Clans Aboriginal Corporation ~~to the satisfaction of the responsible authority~~; and
- be accompanied by an assessment of impacts on tangible and intangible Aboriginal cultural heritage values, prepared by a suitably qualified heritage advisor:
 - covering the development plan area, adjoining land and its connection to the wider cultural heritage landscape;
 - including consultation with DJAARA;
 - recording findings of ground surface surveys and site walkovers;
 - identifying cultural heritage values (including landscape cultural values of landforms, waterways and vegetation systems) for registration or further investigation; and
 - to the satisfaction of the Dja Dja Wurrung Clans Aboriginal Corporation.
- **An Environmentally Sustainable Development (ESD) Assessment** that includes:
 - An assessment of the nature of the proposed development, and the site conditions which present opportunities or constraints for achieving sustainable design outcomes.
 - A framework which identifies how the subdivision, use and development of the land can achieve ESD outcomes in accordance with any relevant policies and strategies developed by the City of Greater Bendigo and the Victorian Government, including but not limited to:
 - Opportunities for the subdivision and infrastructure to minimise greenhouse gas emissions and encourage renewable energy generation.
 - Opportunities to reduce greenhouse gas emission from the construction and ongoing operation of any buildings toward net zero.
 - Opportunities for renewable energy and battery energy storage systems (BESS) to be maximised at precinct and lot scale.
 - Opportunities for tree canopy coverage in the public realm including streets.
- **A Transport Impact Assessment** that includes:
 - Confirmation of the location, form, control mechanisms and delivery trigger for the precinct access points having regard to Map 1 and in accordance with the approved Shared Infrastructure Plan.
 - An assessment of the impact of traffic generated by the use and development of the land on the existing and future arterial road network, the precinct internal road network, and existing non-arterial road network in Marong, including traffic volumes, appropriate access and circulation of vehicles.
 - Identification of necessary mitigating works on the existing and future arterial and non-arterial road networks.
 - Identification of any existing and proposed public transport routes, bus stops and associated infrastructure with appropriately dimensioned roads within the subject site.
 - An integrated pedestrian and bicycle path network, incorporated into the road and public open space system.
 - The proposed internal road layout, including all vehicular and pedestrian access points and connections.
 - Dimensions and typical cross sections of the proposed road network having regard to the engineering standards of the relevant road authority.

- Identification of any access provision, land reservation and upgrade works required on the arterial road network.
- The cumulative impacts of traffic generated by previous stages of development of the precinct on the existing and future arterial road network.
- **A Sodic and Dispersive Soils Assessment** prepared by a suitably qualified and experienced professional, that includes:
 - Assessment of existing site conditions (topsoils and sub-soils), including assessment of the extent of sodic and dispersive soils (including laboratory analysis of Exchangeable Sodium Percentage and soil dispersion). Sample locations should consider land gradient, erosion risk mapping, the extent of any existing erosion, landslip or other land degradation, potential surface water receptors and the proposed locations of surface water and stormwater features.
 - Assessment of soils collected from the soil profile, including from the anticipated depth of excavations/land disturbance.
 - Soil assessment at a sufficient frequency to distinguish areas of low sodicity risk (if any) from areas that will require sodicity management and or further assessment.
 - Presentation of site-specific data which links soil and landscape characteristics to the sodic soil risks and the potential for sub-surface erosion (sub-surface structure decline).
 - Risk Assessment with identification and assessment of risks of sodic and dispersive soils to the environment from proposed development activities (including but not limited to surface water and buildings and structures).
 - Recommended approaches to minimise disturbance and or risks from sodic soils at the precinct scale, with consideration of:
 - Proposed staging of the precinct,
 - Soil management practices (including fill) with consideration of anticipated sodic and dispersive soil exposure/disturbance,
 - Potential need for baseline assessment (i.e. baseline turbidity) of surface water features (where risk assessment indicates potential for impact to surface water features).
 - Potential need for further soil assessment.
- **A Sensitive Use Interface Land Use and Development Guidelines** to guide the preferred interface land use and building form for areas identified as ‘[Marong framework plan new development precincts](#) ~~MTSP residential growth area~~’ sensitive use interface in Map 1. Interface treatments to be considered should have regard to the *Greater Bendigo Industrial Development Guidelines 2024*.
- **A Public Infrastructure Plan** which addresses the following:
 - [What land may be affected or required for the provision of infrastructure works;](#)
 - [The provision, staging and timing of road works internal and external to the land consistent with the Transport Impact Assessment and Intersection and Access Strategy prepared under this schedule;](#)
 - [The provision, staging and timing of drainage works internal and external to the land consistent with the Drainage / Stormwater Management Strategy prepared under this schedule;](#)
 - [What, if any, infrastructure set out in a shared infrastructure plan applying to the land is sought to be provided as “works in lieu” subject to the consent of the collecting agency;](#)
 - [The provision of public open space and land for waterways or drainage; and](#)
 - [Any other matter relevant to the provision of public infrastructure required by the responsible authority.](#)

Insert updated Concept plan consistent with the Committee's recommendations.

Map 1 – Bendigo Regional Employment Precinct – Concept plan

Note 1: IT2 Intersection Interim Upgrade (Calder Alternative Highway / Wimmera Highway) will construct a single-lane roundabout. MTSP identifies IT2 for upgrade to four-way intersection (ultimate standard) where the delivery of the planned Marong Western Freight Corridor will construct a dual-lane roundabout.

Note 2: Drainage corridors and basins are to be determined by the precinct-wide drainage / stormwater management strategy.

Note 3: Access Point API (Wimmera Highway / Wilsons Hill Road / McCreddons Road) required prior to the delivery of the Marong Western Freight Corridor to be determined in consultation with and to the satisfaction of the Head, Transport for Victoria. The planned MWFC will construct a five-leg roundabout at API and close the existing OSullivan's Road connection to the Wimmera Highway.