30 Fisken Street, Maddingley

Planning Permit No: PA2504105
Application for Planning Permit

Planning Permit Officer Assessment Report
Development Assessment

VICTORIA State Government | Department of Transport and Planning

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Executive Summary

Key Information	Details		
Application No:	PA2403243		
Received:	4 December 2025		
Statutory Days:	82 days as at 25/05/26		
Applicant:	Fisken Bacchus Marsh Pty Ltd c/- ProUrban		
Planning Scheme:	Moorabool Planning Scheme		
Land Address:	30 Fisken Street, Maddingley (Lot B on PS846439)		
Proposal:	Use and development of land for restricted retail premises, trade supplies, convenience restaurants, associated display of signage, alteration of access to a road in Transport Zone 2, and reduce bicycle parking requirements		
Development Value:	$28,929,724		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for the use or development of land for which Clause 53.22 applies.		
DFP eligibility criteria in accordance with 53.22	**Category**		**3**[1]
	Sector		Retail Premises
	Land use		Retail Premises
	Location		Regional
	Alignment with the DFP threshold/criteria		The Minister for Planning has advised in writing that they are satisfied the proposal is of significance having regard to the purpose of Clause 53.22, estimated cost of development and extent to which the development supports or implements planning policy. Evidence of likely feasibility has been provided to the satisfaction of the Minister for Planning.
	OVGA		No
	Invest Victoria		Yes (provided 27 December 2024)
	Quantity Surveyor Report		Yes (dated 12 September 2025)
Why is a permit required?	**Clause**	**Control**	**Trigger**
Zone:	Clause 32.04	Mixed Use Zone (MUZ)	*Use of land for a Restricted Retail Premise (Shop) in the MUZ exceeding 150sqm.* *Use of land for a Trade Supplies (nested under Retail Premise) in the Mixed Use Zone.* *Use of land for a Convenience Restaurant (nested under Food and drink premise) in the Mixed Use Zone exceeding 150sqm.* *Construct a building or construct or carry out works associated with a use in Section 2 of Clause 32.04-10.*

[1] Category 3 is being pursued as the use of the land for a convenience restaurant is not listed in Table 2 to Clause 53.22; and requires a planning permit under the MUZ.

Overlays:	N/A	N/A	N/A
Particular Provisions:	Clause 52.05	Signs	*Permit required to display business identification signs, internally illuminated signs and pole signs under Category 3.*
	Clause 52.34	Bicycle Parking	*Waiver of bicycle parking and end-of-trip facility requirement of Clause 52.34-5*
	Clause 52.29	Land Adjacent to the Principal Road Network	*Alteration of access to a road in Transport Zone 2 (Parwan Road)*
Cultural Heritage:	The land is not in an Area of Aboriginal Cultural Heritage Sensitivity.		
Bushfire Prone:	The subject site is located within a designated Bushfire Prone Area.		
Total Site Area:	3.704	hectares	
Height:	2	Storeys	

Parking:	**Cars**	**Motorcycles**	**Bicycles**
	443	0	16

Referral Authorities:	Moorabool Shire Council (s52 – Notice) Head, Transport for Victoria (s55 – Determining Referral)
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: • Notifying owners and occupiers of adjoining properties. • Erection of two public notice signs on Parwan Road and Fisken Street frontages. Two (2) objections have been received.
Delegates List:	Approval to determine under delegation received on **5 May 2026.**

Proposal

Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
Pre-application request received	13 February 2024
Pre-application eligibility granted (PPA-261)	19 November 2025
Application lodgement	5 December 2025
Further information requested	2 January 2026
Further information received	20 February 2026
Decision Plans	Architectural Drawings and Elevations prepared by Architecture HQ dated 23 January 2026.
Other Assessment Documents	Landscape Plans prepared by Thomson Hay Landscape Architects dated 5 February 2026. Vegetation Assessment Report prepared by Okologie Consulting dated 15 December 2017. Traffic Impact Assessment prepared by O'Brien Traffic dated 12 November 2025. Traffic Impact Assessment Addendum Report prepared by O'Brien Traffic dated 16 February 2026. Waste Management Plan prepared by O'Brien Traffic dated 15 February 2026. Stormwater Management Plan prepared by Dryside Engineering dated 13 February 2026. Technical Memorandum prepared by Dryside Engineering dated 21 April 2026. Arboricultural Impact Assessment Report prepared by Axiom Tree Management dated 17 February 2026. Sustainability Management Plan prepared by Sustainable Design Consultants dated October 2025 Planning Report prepared by ProUrban Advisory dated 20 February 2026

2. The subject of this report is the decision plans (as described above).

Proposal Summary

3. The proposal can be summarised as follows:

Key Information	Details
Proposal:	Use and development of land for restricted retail premises, trade supplies, convenience restaurants, associated display of signage, alteration of access to a road in Transport Zone 2, and reduce bicycle parking requirements
Total Site Area:	3.704 hectares

Gross Floor Area:	Total area of buildings: 13944.41sqm
Height:	6.5m - 9.4m
Setbacks:	North: 12.85m South (Parwan Road): 5.12m to Convenience Restaurants, 1.6m to Restricted Retail tenancy 1 East: 11.3m West (Fisken Street): 30m
Land Uses:	8009.2sqm Restricted retail premise 5415.21sqm Trade supplies 520sqm Convenience restaurants (x2) within buildings
Car Parking:	443 spaces comprising: • 413 spaces allocated to Restricted retail premises and Trade supplies • 15 spaces allocated to Convenience Restaurant (Padsite A) • 15 spaces allocated to Convenience Restaurant (Padsite B)
Bicycle Parking:	16 spaces

4. Specific details of the application include:

Retail use and development

Use and development of a large-format retail centre laid out as follows:

- Seven (7) restricted retail premises and a trade supplies premises (Bunnings) are proposed within an L-shaped building, together with two single-storey convenience restaurants along the southern boundary.
- The development is setback 30m from Fisken Street and at least 1.5m from Geelong-Bacchus Marsh Road.
- The convenience restaurants front Geelong-Bacchus Marsh Road, have a maximum height of 6.5m, and provide car parking generally to the rear.
- The restricted retail and trade supplies building is double storey with a maximum height of 9.1m.
- The trade supplies building is setback 12.85m from the northern boundary, and the restricted retail building is setback 11.3m from the eastern boundary.
- The Bunnings tenancy adopts standard Bunnings finishes, while tenancies T1 to T7 will incorporate tenant-specific branding.
- The western elevations are internal to the site, while the eastern façades of tenancies T1 to T7 comprise raw precast concrete panels (PC1) reflecting the adjoining industrial context.
- The convenience restaurant buildings incorporate concrete panels, timber-style cladding, Colorbond and brick.
- New boundary fencing is proposed.

Transport and Access

- Buildings and works to construct a sealed at-grade car park with 443 car spaces and 16 bicycle parking spaces.
- End of trip facilities (shower and change facilities) provided for staff use associated with the restricted retail premise and trade supplies (Bunnings Warehouse) tenancy.
- Construction of a new 4-metre wide crossover to Parwan Road (TRZ2) (left-out only), and formalisation of existing unsealed crossover at the south-east corner of the site to facilitate delivery vehicle egress (left-out only).
- Construction of a new crossover at Fisken Street (TRZ3) provides access for passenger and delivery vehicles.
- Loading areas for the restricted retail tenancies are located at the rear of each tenancy. These loading areas are designed to accommodate rigid vehicles up to 12.5 metres in length.
- A separate fenced loading area is provided for trade supplies, accommodating vehicles up to semi-trailer size.
- Loading areas for the two convenience restaurants will be accessed from the internal access road, accommodating vehicles up to 8.8 metres in length.
- Provision of a 1.5m wide footpath along all site frontages.

The proposed site layout is provided below:

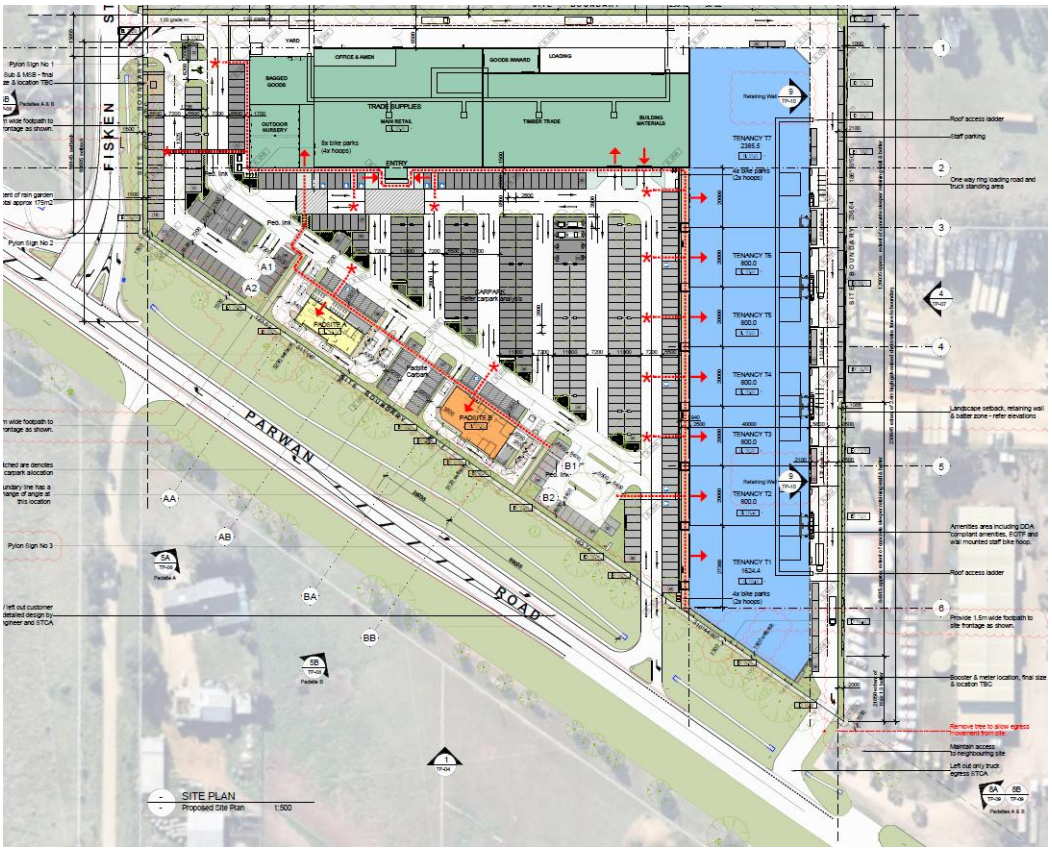


Figure 1: Proposed site layout

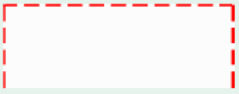
Landscaping & Vegetation removal

- Removal or major encroachment of three (3) trees within the Geelong-Bacchus Marsh Road reserve to facilitate new vehicle crossings to Geelong-Bacchus Marsh Road / Parwan Road.
- These are identified within the Arboricultural Impact Assessment report as Trees 2, 3, and 8 and are deemed 'planted vegetation' that is exempt from Clause 52.17.
- The balance existing trees, Eucalyptus camaldulensis (River Red Gum) and Corymbia maculata (Spotted Gum) in the road reserve of Geelong-Bacchus Marsh Road will be retained and protected during construction works.
- Areas of soft landscaping are proposed throughout the development, including:
    - Tree bays within the car park area with planting of large shade trees;
    - 2m wide landscape setback on the north and east boundary of the site.
    - Feature garden beds and green walls in front of the retail premises.

Figure 2: Proposed landscape plan

Signage

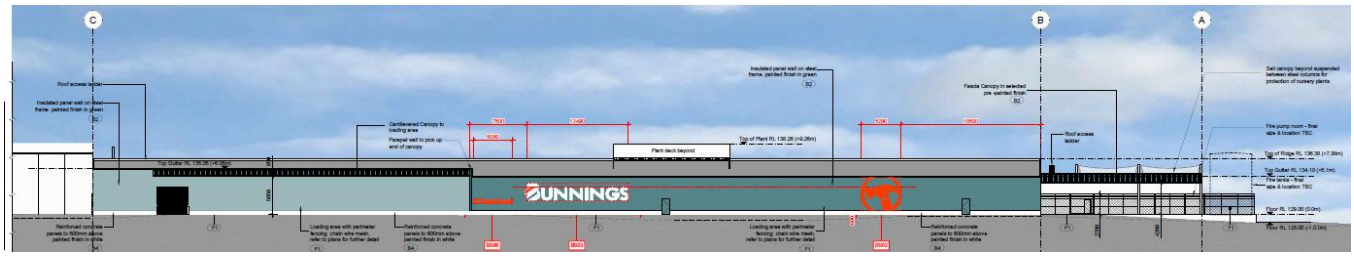
- The proposal includes the display of 3x pole signs along the Geelong–Bacchus Marsh Road and Fisken Street frontages, 3x shopfront “signage zone” business identification signs with detailed tenant branding to be confirmed for each of the 7 restricted retail premises, 4x categories of business identification signs associated with each of the two (2) convenience restaurants and various internally illuminated and non-illuminated business identification signage associated with the restricted retail and trade supplies tenancy (Bunnings Warehouse).
- The proposed overall display area is 388.85sqm.
- Refer to extracts below with detailed list of signage proposed:

Tenancy	Image	Code	Size	Area (sqm)	Illuminated	Quantity
Restricted Retail & Trade Supplies		BS01	3210W x 1610H	5.13	No	X1
		BS02	5290W x 4360H	23.06	Yes	X2
		BS03	13690W x 2280H	31.21	Yes	X2
		BS04	5460W x 640H	3.49	No	X1
		BS06	5065W x 595H	3.01	No	X1
		BS07				
Restricted Retail		LS01	6000W x 2800H	16.8	Yes	X7
		LS02	1900W x 850H	1.61	Yes	X7
		LS03	2000W x 600H	1.20	Yes	X7
Convenience Restaurant		PY01	3150W x 1000H	3.15	Yes	X7 per side
		PY02	3150W x 2000H	6.30	Yes	X1 per side
		PAS01	7000W x 1500H	10.5	Yes	X3
		PAS02	2000W x 2000H	4.0	Yes	X2
		PBS01	3570W x 2300H	8.21	Yes	X1
		PBS02	5000W x 1800H	9.0	Yes	X3

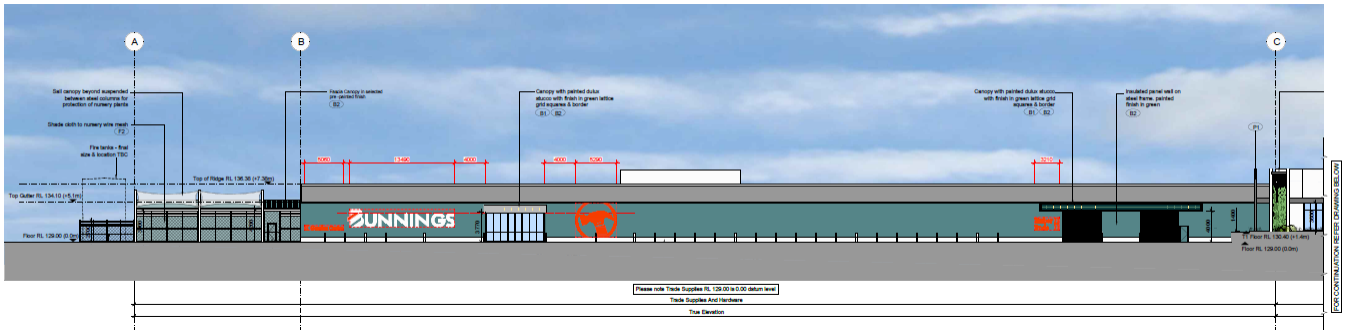
Note:

- Final images to be confirmed by tenant & subject to change.
- All internally illuminated signs to be baffled/low glare treated to reduce light spill.

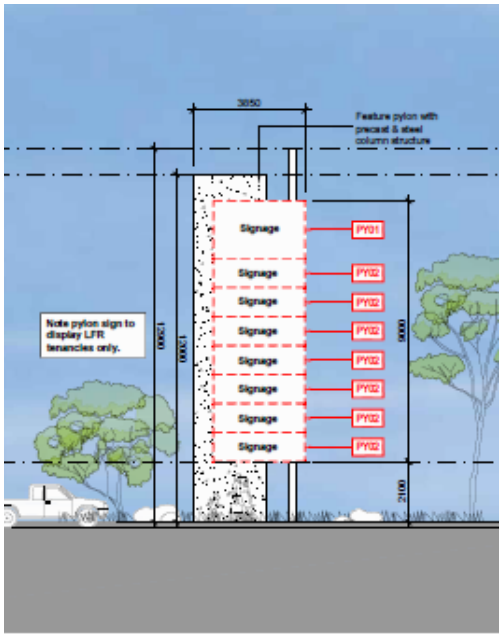
Figure 3: Proposed signage schedule



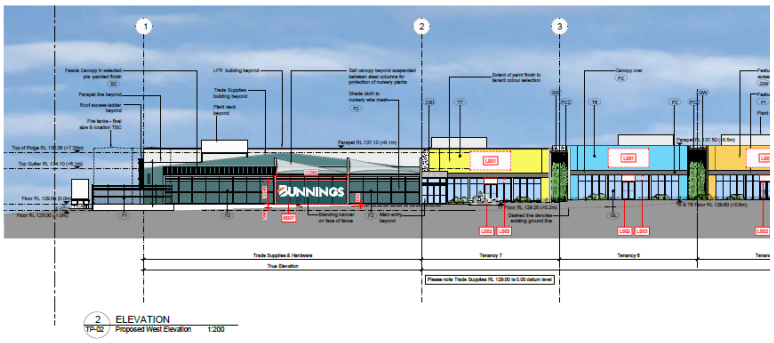
North elevation



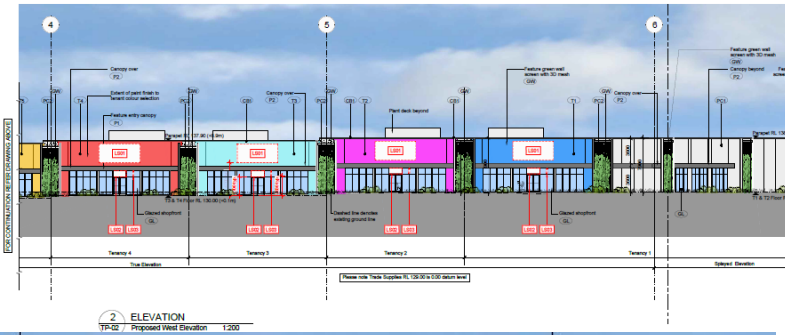
South elevation



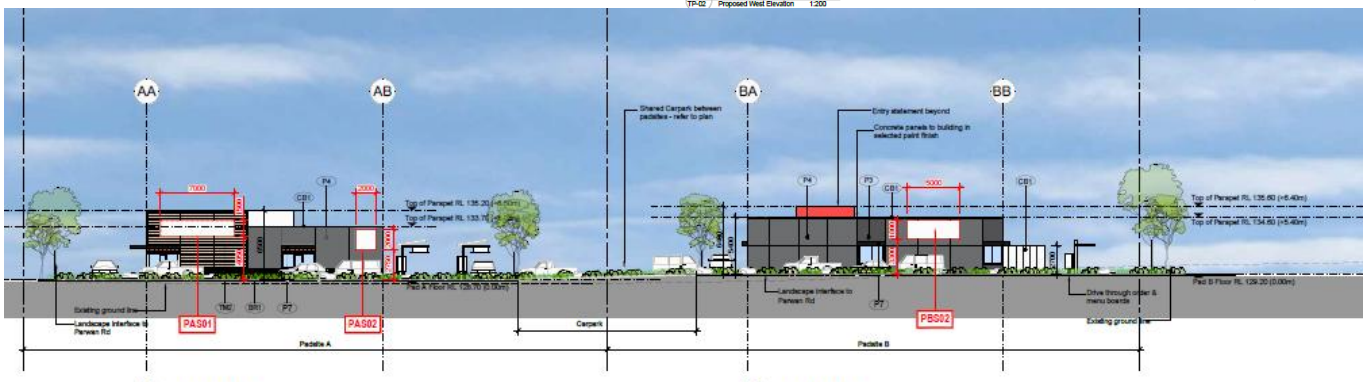
5 ELEVATION
TP-02 Typical Pylon Sign 1:100



2 ELEVATION
TP-02 Proposed West Elevation 1:200



2 ELEVATION
TP-02 Proposed West Elevation 1:200



5A ELEVATION
TP-02 Proposed South-West Elevation 1:200

5B ELEVATION
TP-02 Proposed South-West Elevation 1:200

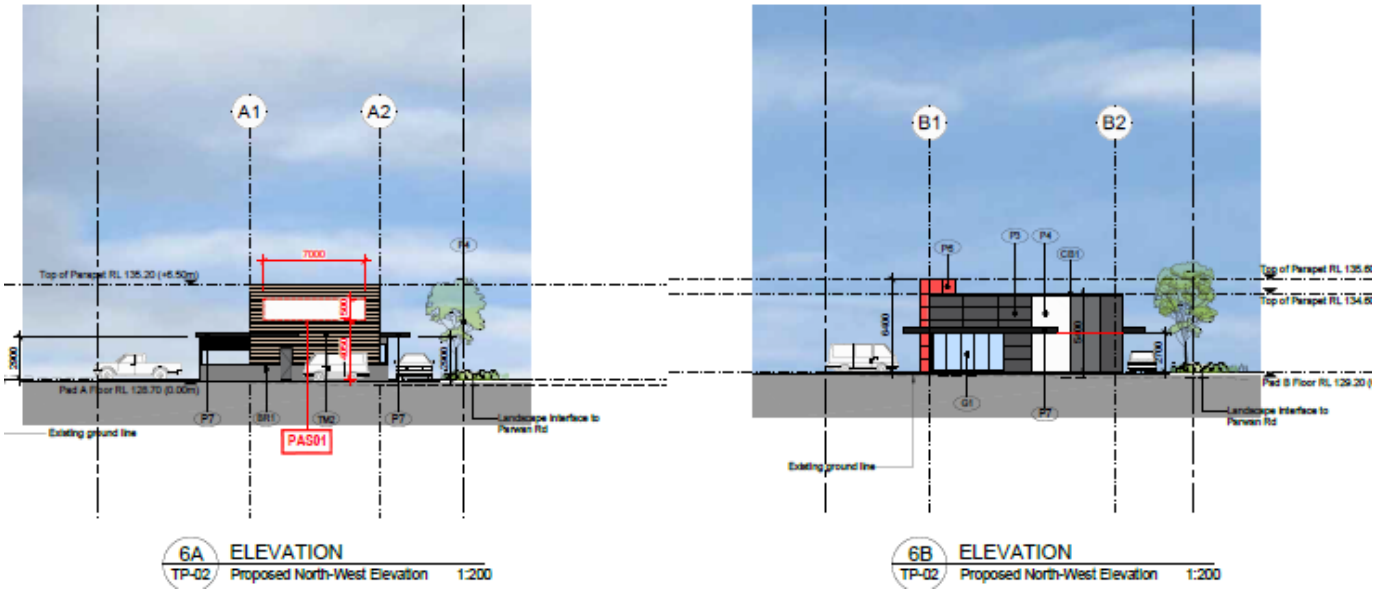


Figure 4: Proposed signage and excerpt of elevations

Operations

- Proposed core hours of operation between 6am and 11pm, 7 days a week.
- Convenience restaurants with 50 patrons each tenancy.
- Private waste collection is proposed.

ESD & Stormwater Management

- The ESD initiatives committed to in the Sustainability Management Plan (SMP) prepared by Sustainable Design Consultants dated October 2025 (V4) include the following:
  - Landscaped areas across the development (7% of the site, approx. 2610sqm) with green walls.
  - Water efficient fittings, fixtures and appliances.
  - Integrated stormwater management including a 760m^3 underground onsite stormwater detention tank, 2000L rainwater tanks per retail tenancy for water reuse onsite, and 160m^3 of raingarden within the car park.
  - Energy efficient HVAC systems, internal lighting and interior design.
  - Hot water provided via electric heat pump or electric boosted solar hot water systems.
  - Individual utility metering for all individual tenancies.
  - Water efficient landscaping and sub-surface drip irrigation system with moisture sensor override, if required.
  - Use of low to zero VOC content materials.
  - West-facing facades including an overhang above the pedestrian walkway and tenancy entrance. Trellised green walls included to walkways associated with restricted retail tenancies T1-T7.
  - Provision of bins to all tenancies to separate waste streams.
  - Building materials with low embodied energy and environmental impacts.
  - Construction waste management plan and recycled materials to reduce environmental impacts.
  - Thermal insulation and HVAC refrigerants used to have an ozone depletion potential (ODP) of zero or not contain any ozone-depleting substances.

- Light external colours including roof sheeting with high solar reflectivity, light-coloured paving and car park materials where possible to reduce urban heat island effect.
- 16 bicycle spaces provided to encourage cycling as an alternative form of transport.
- External lighting designed to minimise consumption during off-peak times.
- Space on the roof allocated for a minimum 99kW solar PV system.

- The proposed interim and ultimate solution to stormwater management and discharge as outlined in the amended Stormwater Management Plan (SWMP) prepared by Dryside Engineering dated 13 February 2026 and a supplementary technical memorandum dated 21 April 2026 is as follows:
  - 2,000L tanks provided to each unit/building to capture roof water and mitigate an increase in minor event runoff and overall reduce the volume of water leaving the site.
  - 760m^3 detention tank in the form of shallow tanks under the car park to reduce peak flows from the 10% AEP Event to pre-developed 5% AEP event and sized using the climate change scenario.
  - 160m^2 of rain gardens – 40m^2 behind the buildings and 120 m^2 in the car park
  - Flows to be detained on site prior to discharging to the existing table drain to the west along the property frontage to Fisken Street until drainage is constructed for the approved industrial subdivision at 40 Fisken St, Maddingley (the ultimate drainage solution).

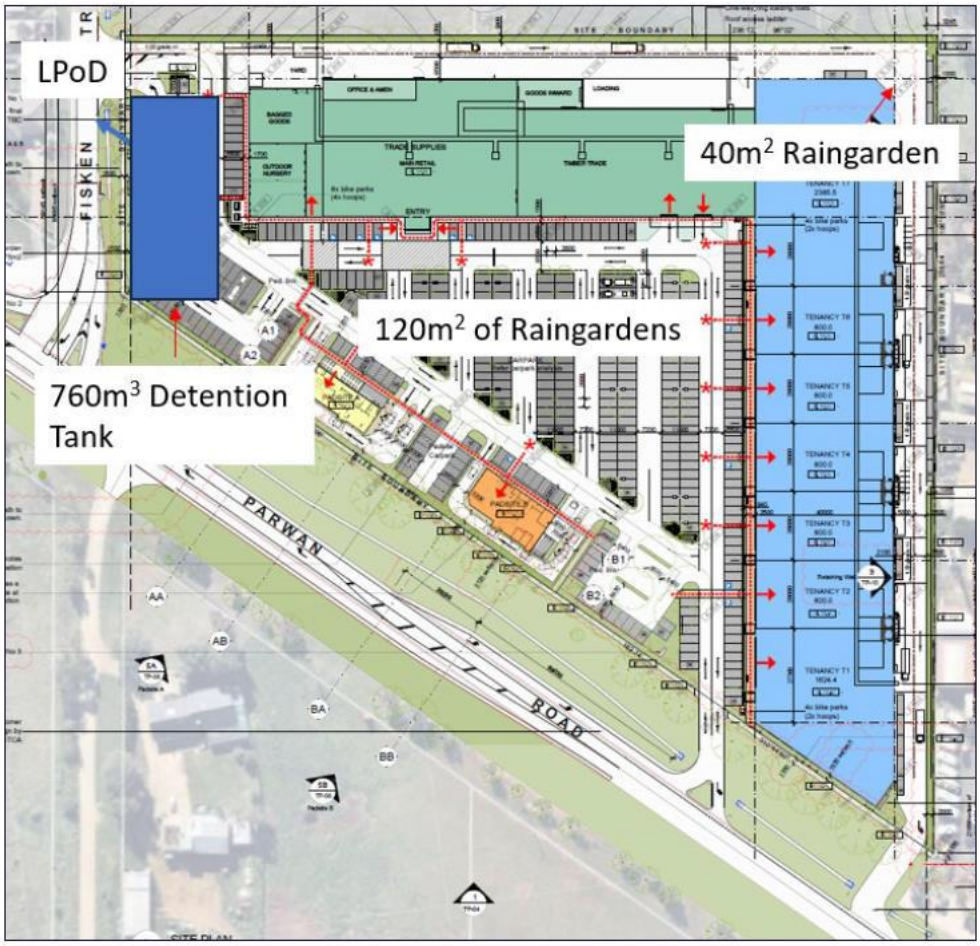


Figure 5: Proposed stormwater management strategy

Subject Site and Surrounds

Site History

5. The following permit history is of relevance:

   Planning Permit PA2018067-1 - 30 April 2019

   - Approved a 53-lot subdivision that encompassed the entirety of 30 Fisken Street site, creating 51 residential lots and two surplus lots.
   - This permit expired on 30 April 2022.

   Planning Permit PA2021234 – 7 December 2021

   - Approved a two-lot subdivision of 30 Fisken Street, separating the subject site (Lot B) from the property located to the north, known as Lot A ("Fisken Street").
   - This permit was acted upon to create the subject site.

   Planning Permit PA2025065 – 21 August 2025

   - Approved a 16-lot industrial subdivision for the land to the north at 40 Fisken Street.

Site Description

6. The site is located on the north side of Parwan Road (Geelong-Bacchus Marsh Road) and the eastern side of Fisken Street (a local municipal road, zoned TRZ3). The site is irregular in shape, with a 162.74-metre interface to Parwan Road and a 75-metre interface to Fisken Street, yielding a 3.7-hectare site area.
7. The site has a gradual fall of approx. 6 metres from southeast to northwest.
8. Access to the site is currently via an unsealed crossover from Geelong-Bacchus Marsh Road (zoned TRZ2) at the southeast corner of the site.
9. The site is a largely flat, undeveloped parcel of land being void of buildings or canopy trees.
10. A number of trees are located outside the title boundary of the subject site, within the 25m-wide road reserve which separates the southern boundary of the site from Geelong-Bacchus Marsh Road.
11. The site is formally described as the following land parcel:
    - Lot B on Plan of Subdivision 846439
12. A title restriction is contained on the Certificate of Title, and states the following:

    The burdened land shall not be developed for the purposes of residential premises, childcare centre, preschool, primary school, education centre or informal outdoor recreation site.

Figure 6: Aerial of site and surrounds (supplied by applicant)

Site Surrounds

13. The site is located 1.5km south of the main Bacchus Marsh activity centre and 550m southeast of Bacchus Marsh Railway Station.

14. The site is in a township edge location within a mixed-use precinct, bordered by residential land to the west, farming land to the north and east, and Special Use Zone (SUZ) land to the south associated with Maddingley Brown Coal (MBC) used for a combination of extractive industry (coal mine), waste and resource recovery centre and landfill.

15. The site's interfaces are as follows:

    - North: Vacant paddocks and a heritage dwelling at 40 Fisken Street, within the MUZ.
    - East: adjoins properties on Vallence Road and a caravan dealership/storage site at 4494 Geelong-Bacchus Marsh Road (MUZ), with residential dwellings further to the northeast at 33 and 43 Vallence Road (MUZ);
    - South: adjoins Geelong-Bacchus Marsh Road within the Principal Road Network (TRZ2), separated by a 25m road reserve containing trees; a rural residential property lies opposite 51 Parwan Road (SUZ1 – Coal mining), and the Maddingley Brown Coal open cut mine is about 400 m further south.
    - West: Single dwellings at 80 Parwan Road and 57 Fisken Street (GRZ);

Figure 7: Aerial of site and surrounds (supplied by applicant)

16. Site inspection has been undertaken, and the following images of the surrounds are provided in Table 1:

Subject site interfacing with Geelong-Bacchus Marsh Road (Parwan Road) facing east

Subject site interface with 4494 Geelong-Bacchus Marsh Road (Parwan Road) trading as caravan sales yard

Intersection of Fisken Street (north) and Geelong-Bacchus Marsh Road (Parwan Road) facing west

Fisken Street (north) facing north-west including existing table drain

Intersection of Fisken Street (north) and Geelong-Bacchus Marsh Road (Parwan Road) facing south

Facing south toward 51 Geelong-Bacchus Marsh Road and Fisken Street south (gravel road, 4t gross load limit)

Boundary conditions between 30 and 40 Fisken Street (existing dwelling in background)

Boundary conditions between 30 and 40 Fisken Street

Table 1: Site inspection photos taken 17 January 2025

Planning Provisions

Municipal Planning Strategy

17. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-2	Environmental and landscape values
02.03-3	Environmental risks and amenity
02.03-5	Built environment and heritage
02.03-7	Economic development
02.03-8	Transport
02.03-9	Infrastructure
02.04	Strategic Framework Plan

18. Amendment C115moor is a current planning scheme amendment that seeks to amend the local planning policy provisions to implement the *Moorabool Retail Strategy 2024*. Relevantly, the proposed amendment includes:

- Amend Clause 02.03-1 Strategic Directions to describe Bacchus Marsh as a Major Activity Centre.
- Amend Clause 02.03-7 Economic Development to include minor changes to existing policy.
- Amend Clause 17.02-1L Business to, among others, expand on the existing bulky goods strategy.
- Amend the Schedule to Clause 72.08 Background Documents to include new background documents including, among others, Moorabool Shire Retail Strategy 2024 (Tim Nott with Hansen Partnership, 2024).

Planning Policy Framework

19. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
11.01-1R	Settlement in Central Highlands
11.01-1L-01	Settlement in Moorabool
11.01-1L-02	Bacchus Marsh
11.03-1S	Activity Centres
Clause 13	**Environmental Risks and Amenity**
13.02-1S	Bushfire planning
13.02-1L	Bushfire planning
13.07-1S	Land use computability
Clause 15	**Built Environment and Heritage**
15.01-1S	Urban design
15.01-2L-01	Building design
15.01-5L	Landscape and neighbourhood character

Clause 17	Industry
17.01-1R	Diversified economy – Central Highlands
17.02-1L	Business
17.02-2S	Out-of-centre development
Clause 18	**Transport**
18.01-1S	Land use and transport integration
18.01-2R	Transport system – Central Highlands
18.01-3S	Sustainable and safe transport
18.02-4S	Roads
Clause 19	**Infrastructure**
19.03-3S	Integrated water management
19.03-3L-02	Integrated water management

Zoning and Overlays

Applicable Zone/s

Mixed Use Zone

20. A planning permit is required to use land for:
    - Restricted Retail Premise (Shop) in the MUZ exceeding 150sqm.
    - Trade Supplies (nested under Retail Premise) in the Mixed Use Zone.
    - Convenience Restaurant (nested under Food and drink premise) in the Mixed Use Zone exceeding 150sqm.
21. A permit is required to construct a building or construct or carry out works associated with a Section 2 use in accordance with Clause 32.04-10.

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.05 Signs

22. In accordance with the MUZ, the subject site falls within a Category 3 area.
23. Pursuant to Clause 52.05-11, a planning permit is required as follows:
    - A ‘business identification sign’ is a Section 2 use, therefore a permit is required.
    - An internally illuminated sign is a Section 2 use, therefore a permit is required.
    - A pole sign is a Section 2 use, therefore a permit is required.

Clause 52.06 Car Parking

24. Clause 52.06 specifies that before a new use commences, the number of car parking spaces must be in accordance with Tabe 1 of Clause 52.06-5. The proposal provides car parking in excess of the requirements of Clause 52.06-5, and therefore a permit is not required.

Clause 52.09 Extractive Industry and Extractive Industry Interest Areas

25. The subject site is within 500 metres of an existing extractive industry operation (Maddingley Brown Coal), as such Clause 52.09 applies.

26. Clause 52.09 includes a series of application requirements, referral requirements, decision guidelines, permit conditions, requirements and notice requirements however none of these provisions relate to this application, given the proposal does not relate to the use and development for extractive industry, accommodation, childcare centre, education centre or hospital.

Clause 52.29 Land Adjacent to the Principal Road Network

27. A permit is required to create and alter access to Geelong Bacchus Marsh Road reserve (Parwan Road) through the construction of two vehicle access points and upgrades to the intersection of Fisken Street (north and south) and Geelong Bacchus Marsh Road (Parwan Road).

28. Pursuant to Clause 66.03, Head, Transport for Victoria is a Section 55 determining referral authority.

Clause 52.34 Bicycle facilities

29. Clause 52.34 specifies that a new use must not commence until the required bicycle facilities have been provided on the land and sets out the requirements for the provision and design of bicycle parking for a variety of uses at Table 1 to Clause 52.34.

30. A permit is required to reduce the standard bicycle parking and bicycle facility requirements. Bicycle parking provision is discussed in the report.

General Requirements and Performance Standards

Clause 53.04 Convenience Restaurant and Take-away Food Premises

31. Clause 53.04 includes requirements for convenience restaurant and take-away food premises that applies only to land in a residential zone.

Clause 53.18 Stormwater Management in Urban Development

32. Clause 53.18 seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Clause 53.22 Significant Economic Development

33. Clause 53.22 Significant Economic Development seeks to facilitate the planning, assessment and delivery of project that will make a significant contribution to Victoria's economy and provide substantial public benefit. The application seeks approval under this provision. The proposal falls under Category 3 (i.e. deemed significant by the Minister for Planning) and proposes uses in Table 2 (Retail Premises) and other land uses not within Table 2.

34. The clause allows the responsibility to waive or vary any building height or setback requirements and application requirements of the planning scheme and also exempts applications from the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Act*.

Referrals and Notice

Referrals

35. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral: Determining	Head, Transport for Victoria	**28 January 2026 (No objection subject to conditions)**

Head, Transport for Victoria

36. Head, Transport for Victoria (HTfV) did not object subject to permit conditions.

37. HTfV is a determining referral authority pursuant to Clause 66.02-11 (Land Use and Transport Integration).

38. Following further consultation with the applicant, the HTfV provided a revised response and conditions on 18 May 2026 and 22 May 2026.

39. These amended conditions clarify the scope of works related to the Geelong-Bacchus Marsh Road (Parwan Road) reserve and clarify the necessary consultation with affected properties, and exclusion of early works from the requirement to construct all road works prior to the commencement of main development works, where approved on an early works plan and subject to an early works construction environmental management plan (or as otherwise agreed to in writing with the Head, Transport for Victoria).

Notice

Municipal Council Comments

40. Moorabool Shire Council (Council) provided comments on 29 January 2026 and 19 March 2026, being supportive of the proposal regarding the strategic direction of the site and planning scheme provisions.

41. However, the Council objects to the proposal given the recommended conditions are not included in their entirety and the Council's position that the outstanding concerns related to the failure to provide adequate stormwater infrastructure to a major commercial development has not been satisfactorily resolved.

42. An assessment of the Council's concerns and recommended conditions is contained in Appendix 3.

43. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d).

44. The applicant was directed to give notice by way of notifying adjoining owners and occupiers.

45. Two (2) objections have been received to date.

46. Key issues raised include:

- Egress on to Geelong - Bacchus Marsh (Parwan) Road
- Fisken Street / Parwan Road intersection
- Impacts to Vallence Road / Parwan Road intersection
- Noise and amenity impacts associated with operating hours
- Visual impact and the eastern boundary
- Traffic increase
- Impact to wildlife habitats

47. An application to which Clause 53.22 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.

Key Considerations

48. The following are deemed the key considerations in assessing the acceptability of the proposal:

    - Strategic Direction and Land Use
    - Built Form
    - Amenity Impacts
    - Transport and Access
    - Vegetation Removal and Landscaping

Strategic Direction and Land Use

49. The proposal supports the objectives of *Plan for Victoria* by facilitating the redevelopment of underutilised land to deliver employment-generating retail uses in a location with access to existing transport and services, thereby contributing to economic growth and liveability outcomes.

50. The *Planning Policy Framework* (PPF) encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, and integrates transport and infrastructure planning.

51. The relevant PPF policies have been considered in assessing the application. The proposal achieves the objectives of the PPF to supports sustainable urban growth by facilitating additional retail and employment opportunities as encouraged by Clause 02.03-1 (Settlement), Clause 11.01-1S (Settlement) and Clause 11.01-1L-01 (Settlement in Moorabool) which encourages directing population and employment growth to Bacchus Marsh.

52. The proposal aligns with Clause 11.03-1S (Activity Centres), Clause 11.03-1L (Activity Centres) and Clause 17.02-2S (Out-of-centre Development) by delivering a restricted retail offer that complements the existing Bacchus Marsh Activity Centre and responds to identified community needs in an out-of-centre location that maintains the established hierarchy of activity centres.

53. The proposal and its locational characteristics deliver on strategic outcomes to deliver a bulky-goods retail offering conveniently accessed from Baccus Marsh and aligns with the Bacchus Marsh Urban Growth Framework Plan principles for determining potential locations for bulky-goods retailing.

54. This is consistent with current local planning policy Clause 17.02-1L Business strategies and its background document, *Moorabool Shire Council Retail Strategy 2041 (MacroPlan Dimasi, 2016)*.

55. The suitability of this site and the need for an out-of-centre bulky-goods retail or ‘homemakers centre’ is also explicitly identified in the Moorabool Retail Strategy 2024, which is proposed to be implemented through planning scheme amendment C115moor via changes to the Local Planning Policy Framework.

56. The proposed land uses align with objectives of Clause 13.07-1S (Land use compatibility) in that it introduces non-sensitive commercial land uses that are compatible with the surrounding residential and industrial uses, and suitable within the buffer area of extractive industry (Maddingley Brown Coal), landfill and waste and resource recovery centre uses that have separation distance requirements.

57. The proposed use of the land for restricted retail, trade supplies and convenience restaurant comply with the restriction on title, which was agreed between the applicant and Maddingley Brown Coal (MBC). The restriction on Plan of Subdivision 846439L restricts the development of residential premises, childcare centre, preschool, primary school, education centre or informal outdoor recreation site.

58. Bushfire risk requirement of Clause 13.02-1S (Bushfire Planning) and Clause 13.02-1L (Bushfire Planning) are separately discussed.

59. The siting, design and layout of the development delivers a coordinated and functional retail environment that integrate with the surrounding context and enhance the quality and amenity of the public realm through design and landscaping outcomes consistent with Clause 15.01-1S (Urban Design), Clause 15.01-1L (Urban Design) and Clause 15.01-2S (Building Design). The new buildings and signs are sufficiently setback from the street, of an appropriate scale and massing, and will have minimal impacts on the surrounding public realm.

60. The proposal is highly consistent with Clause 17.01-1S (Diversified Economy), Clause 17.02-1S (Business) and Clause 17.02-1L (Business) which seeks to support a stronger local economy through the provision of additional employment opportunities within the municipality, delivering an out-of-centre bulky goods precinct that meets community needs and support planned commercial growth in Bacchus Marsh.

Mixed Use Zone

61. The zoning provisions have been considered in the application.

62. The proposed land uses are appropriate in MUZ because:

- The proposal is consistent with the purpose of the zone which seeks to provide for a range of residential, commercial and other uses which complement the mixed-use function of the locality.
- The proposal provides a needed format of out-of-centre retail premise use (restricted retail, trade supplies and convenience restaurants) for the broader municipality and region
- The proposed uses are compatible with the surrounding industrial and residential uses, leveraging access to the Bacchus Marsh activity centre and transport network.
- The land uses are non-sensitive and suitable to be located within the buffer area of extractive industry, landfill and waste and resource recovery centre uses that require a separate distance.
- The site is serviced and necessary utility services are available and provided by the proposal, including stormwater infrastructure.
- A comprehensive assessment of off-site amenity impacts including traffic, noise, and hours of operation is provided in detail below.

Built Form

63. The purpose and decision guidelines of the zoning, as well as planning policy provisions, have been considered in the following assessment of the proposal.

64. The proposal is regarded as a satisfactory response to the MUZ and to the objectives of Clause 15.01-2L-02 for industrial development:

- The proposal is located on Geelong-Bacchus-Marsh Road, a key arterial road forming a primary entrance to the Bacchus Marsh township, and incorporates a coordinated built form, landscaping and signage outcome that support an improved visual gateway outcome into the township.
- The 9.1m height of the building is appropriate for this location noting the surrounding built form generally consists of single and double storey dwellings. There is no maximum building height specified in the MUZ.
- The development exhibits a relatively low building site coverage, with extensive areas allocated to car parking, circulation and landscaping. This provides adequate space for on site car parking and landscape treatment.
- The proposed buildings incorporate materials and finishes consistent with contemporary commercial and industrial design, including concrete panels, metal cladding and articulated façades.
- The proposed built form is setback from the eastern and northern boundaries in excess of 10 metres, to ensure that the proposed built form will not unreasonably impact on the amenity of adjoining allotments.
- The development will be serviced by reticulated water, sewer, power and stormwater infrastructure, ensuring that the site is appropriately connected to available services.

- There is no indication of open storage or display of goods within front setback areas, with the layout directing loading, servicing and operational activities to the rear and internal areas of the site.

65. The proposed convenience restaurants also respond appropriately to the Clause 53.04 Convenience Restaurant and Take-Away Food Premises decision guidelines, as follows:

- The proposed convenience restaurants are appropriately located within a broader restricted retail and trade supplies development. This integrated land use outcome supports the function of the retail precinct.
- The siting of the convenience restaurants is appropriate having regard to amenity and land use interfaces, being located along the Geelong-Bacchus Marsh Road frontage within a Transport Zone 2 context; and set away from nearby residential interfaces, reducing the potential for adverse amenity impacts.
- The built form and design response of the convenience restaurants is considered appropriate, incorporating contemporary materials and architectural treatments, an appropriate scale and height relative to the surrounding context, and a positive presentation to the main road frontage.
- Traffic, access and car parking arrangements are considered adequate to support the use, including a safe and efficient internal circulation, direct access to the primary road network and no unreasonable impacts on the operation of surrounding streets.
- The overall site layout, including loading areas, waste management facilities, lighting and signage, is designed to minimise off-site amenity impacts and ensure compatibility with surrounding land uses.

Amenity Impact

66. Overall, the layout of the development has been designed such that activity is centrally located within the site, with buildings, car parking and loading areas set away from sensitive residential interfaces to the west and north-east. This design approach will assist in minimising noise and light spill toward adjoining residential properties

67. In relation to lighting, a condition of any permit will require the submission of a detailed public lighting plan, to ensure that lighting is appropriately designed and directed, and any light spill and glare is minimised to protect the amenity of surrounding residential areas

68. The proposal includes core operating hours of 6:00am to 11:00pm, seven days a week, with limited back-of-house operations associated with the restricted retail and trade supplies tenancy that may occur outside these hours. Given the proximity of residential interfaces, it is considered appropriate that Sunday trading hours be limited to 6:00am to 10:00pm. Conditions have been included within the recommendation to give effect to the trading hours.

69. It is considered that standard amenity conditions would be sufficient to manage any back-of-house operations occurring outside these hours, including requirements for compliance with EPA noise regulations, as well as controls relating to security alarms, loudspeakers, and the soundproofing of plant and equipment.

Transport, Access, Parking, Loading, and Other Services

Alteration of Access to a Road in a TRZ2

70. The proposal seeks to create and alter access to Geelong Bacchus Marsh Road reserve (Parwan Road). This is supported by a Traffic Impact Assessment Report (TIAR) prepared by O'Brien Traffic dated 12 November 2025 which analyses the need for and includes concept layout plans for the required intersection upgrades and alterations of access to Geelong-Bacchus-Marsh Road (Parwan Road).

71. Assessment of the specific alterations of access and access upgrades are discussed further below.

Fisken Street and Geelong-Bacchus Marsh Road (Parwan Road) Intersection Upgrade

72. The proposal includes upgrades to the intersection of Fisken Street and Geelong-Bacchus Marsh Road, to accommodate projected post-development traffic volumes.

73. Appendix F of the TIAR report includes a concept layout plan for the proposed upgrade of the intersection of Fisken Street and Geelong-Bacchus Marsh Road (Parwan Road) that traffic modelling has indicated will be required.

74. These include the following:

- A channelised right-turn lane (CHR);
- An auxiliary left-turn lane (AUL); and
- A left-turn slip lane on Fisken Street, to separate turning movements and improve sight distances.

75. This will also remove an access point for 80 Parwan Road and impact the vehicle crossing for 78 Parwan Road. Head, Transport for Victoria conditions that require consultation with all affected properties be undertaken prior to works associated with this alteration of access will be included on any permit which may issue.

New Access to Geelong-Bacchus Marsh Road (South-East)

76. Vehicle access to the site is proposed via a new access to Parwan Road (left-in/left-out only).

Formalisation of Access to Geelong-Bacchus Marsh Road - adjacent 4490 and 4494 Geelong-Bacchus Marsh Road

77. Delivery vehicle and back-of-house egress from the site is proposed via a new formalised access point (left-in/left-out only) at the southeastern corner of the site.

78. This is facilitated through the relocation and formalisation of an existing vehicle access serving adjoining properties at 4490 and 4494 Geelong-Bacchus Marsh Road, Maddingley to the south-east, shifted approximately 25–30 metres to be situated along its own frontage.

79. As above, Head, Transport for Victoria conditions that require consultation with all affected properties be undertaken prior to works associated with this alteration of access will be included on any permit which may issue.

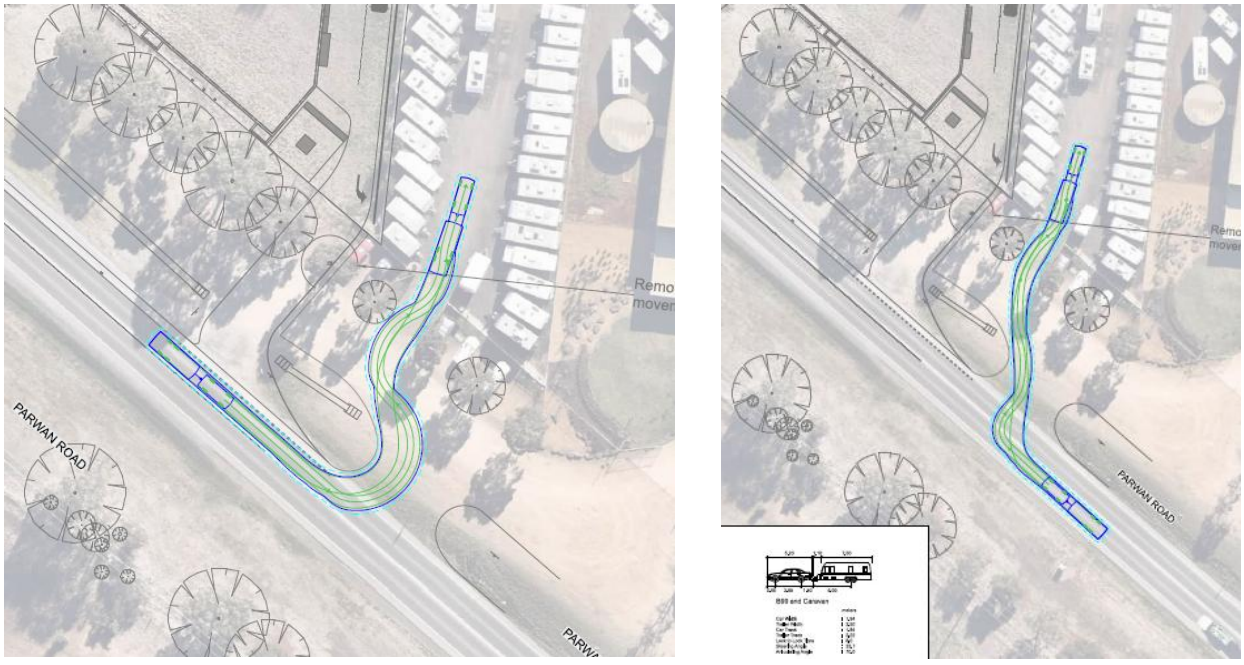


Figure 7: Access and egress to 4494 and 4490 Geelong-Bacchus Marsh Road and swept paths (Appendix D of TIAR)

Fisken Street south and intersection with Geelong-Bacchus Marsh Road

80. The TIAR report indicates that no changes are required to Geelong-Bacchus Marsh Road (Parwan Road) and the intersection with Fisken Street South to accommodate the very low right-turn movements.

81. The reasons provided by the applicant included:

- No additional right-turn movements are anticipated to be generated into Fisken Street (south) by the proposal.
- Low traffic counts undertaken in February 2025 during the PM peak period and over the count period.
- Retention of the existing conditions in the south-eastbound direction (i.e. 3.5m traffic lane and 0.9m sealed shoulder) with shoulder widening to accommodate a 19-metre semi-trailer turning left out of Fisken Street North.

82. The Head, Transport for Victoria has reviewed the proposal and maintains that a left-in and left-out treatment to Fisken Street (south) at its intersection with Geelong-Bacchus Marsh Road is required to create safe access conditions for existing and future uses and developments of Fisken Street (south). This is marked below:

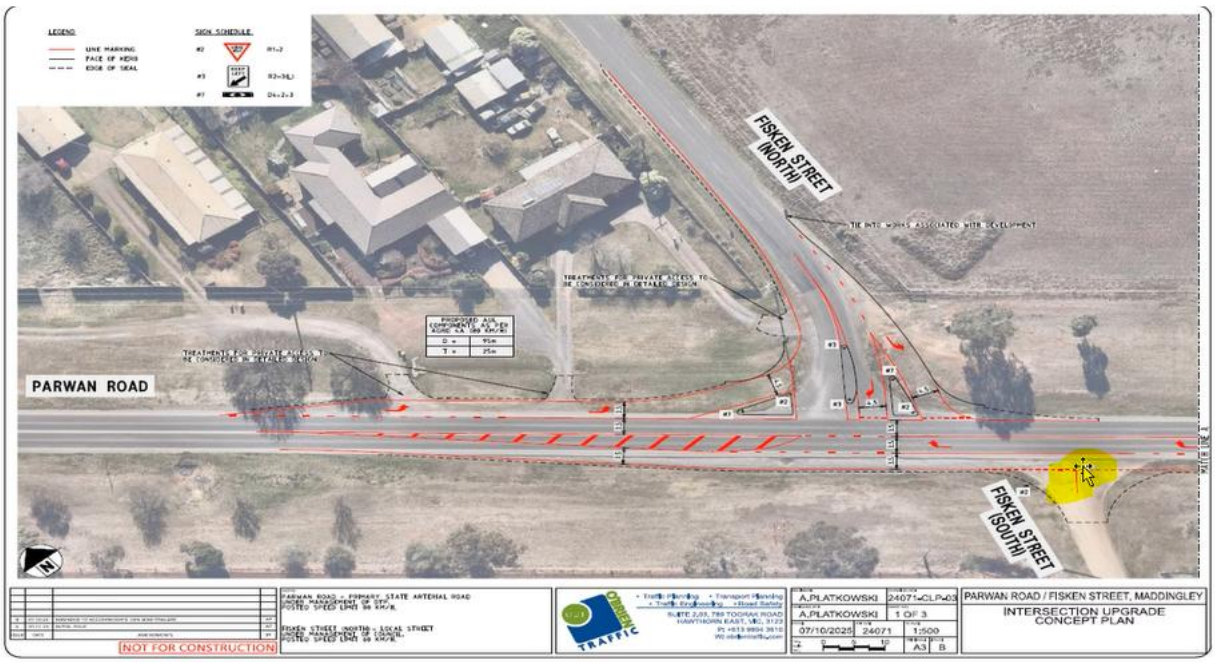


Figure 8: Concept Layout Plan of Fisken Street and Geelong-Bacchus Marsh Road intersection (Appendix F of TIAR)

83. The decision guidelines in Clause 52.29-6 have been considered as follows:

- The views of the relevant road authority have been sought and considered. The entirety of Head, Transport for Victoria conditions will be included on any permit which may issue.
- The Head, Transport for Victoria include a condition that requires all road works to be delivered prior to the commencement of works (excluding early works), unless otherwise agreed to in writing with the Head, Transport for Victoria. A construction traffic management plan and further information regarding construction staging and traffic management is required to be provided to demonstrate that road upgrades are not warranted – this is appropriate to include as a permit condition for further review by Head, Transport for Victoria.
- The effect of the proposal on the operation of the Geelong Bacchus Marsh Road and on public safety are found to be acceptable subject to adherence to conditions outlined by the Head, Transport for Victoria.

Traffic Generation & Traffic Impact

84. The Traffic Impact Assessment Report (TIAR) prepared by O'Brien Traffic dated 12 November 2025 assesses the traffic generation, distribution and impact of the proposed use and development.

85. In terms of the total trip generation, the TIAR notes that the proposed development is expected to generate lower overall vehicle trip generation than the combined total of its individual land uses. This is due to occurrence of internal trips consistent with the RMS Guide to Transport Impact Assessment (2024), which recognises that in multi-tenancy retail developments, a proportion of trips occur entirely within the site and do not add to external traffic volumes.

86. The TIAR assessment of trip distribution anticipates that the development will primarily serve the local catchment, including residents of Maddingley, Bacchus Marsh and surrounding townships.

87. Trip distribution is expected to be:

- Approximately 90% of trips originating from the north and west; and
- Approximately 10% from south and east, reflecting localised catchment and regional road network connections.

88. Overall, as demonstrated by the TIAR, the anticipated traffic generated by the proposal can be readily accommodated within the capacity of the upgraded road network, with appropriate design measures implemented to ensure safe and efficient vehicle movement.

Fisken Street / Site Access intersection and requirement for a basic right-turn (BAR) and basic left-turn (BAL)

89. The Council recommended conditions include the requirement for a Basic Right-turn (BAR) and Basic Left-turn (BAL) at the Fisken Street/site access intersection.

90. The submitted TIAR identifies that Austroads turn lane warrants for a Basic Right-turn lane (BAR) and Basic Left-turn lane (BAL) at the Fisken Street/site access intersection are technically met based on projected traffic volumes. However, it is also noted that meeting 'warrants' does not automatically necessitate provision of turn lanes, and must be considered in the context of site-specific conditions.

91. The TIAR advises that turn lanes are not proposed and are not considered necessary at this location, having regard to the following:

- Fisken Street operates in a lower speed environment, reducing the need for dedicated turn lane treatments.
- The road is characterised by frequent access points and intersections that do not incorporate formal turn lanes, including approved developments in the immediate vicinity such as 40 Fisken Street, Maddingley.
- SIDRA intersection modelling, undertaken without turn lanes, demonstrates that the intersection will operate efficiently, with low degree of saturation, minimal delays, and acceptable queue lengths, which indicate that the intersection can accommodate traffic demand without additional treatments.

92. It is further noted that physical constraints limit the ability to provide a compliant left-turn lane, due to the approved layout of the adjoining industrial subdivision to the north.

93. As such, no further upgrades than what has been proposed on Fisken Street is required to be constructed.

Car Parking

94. As demonstrated below onsite car parking will exceed the requirements of Clause 52.06 (Car Parking) and accordingly, a planning permit is not triggered under clause 52.06-3.

Use	Rate (Category 1)	Area / Patrons	Amount Required	Amount Provided
Trade Supplies	10% of site area	75% of 15,773 sqm (Bunnings)	60 spaces	443 spaces Note: The proposal also exceeds the minimum accessible parking required (1 accessible parking space for every 50 parking spaces or part thereof) with 11 accessible spaces.
Convenience Restaurants	0.3 spaces to each patron permitted	100 patrons (2x 50 patrons each)	30 spaces (2x 15 spaces each)	
Restricted Retail Premises	3 spaces / 100 sqm	25% of 15,773 sqm (Bunnings) 8,009 sqm (T1-T7)	40 + 240 spaces	
Total			370 spaces	

Design Standards for Car Parking

95. The Traffic Impact Assessment Report (TIAR) prepared by O'Brien Traffic dated 12 November 2025 assesses the design and layout of the shared car park for the proposed uses.

96. The layout provides two primary vehicle access points for staff and customers, comprising:

- An 'all-way' access point to Fisken Street located toward the northern extent of the frontage; and
- A left-in, left-out access to Geelong-Bacchus Marsh Road (Parwan Road) located toward the eastern boundary.

97. Access from Geelong-Bacchus Marsh Road incorporates a dedicated left-turn deceleration lane, designed in accordance with the Austroads Guide to Road Design (AGRD Part 4A) for an 80 km/h road environment, including a 95-metre deceleration length and a 3.5-metre lane width.

98. The layout and design requirements of Clause 52.06-9 are assessed and deemed to comply with the required design provisions as follows:

a. The layout provides accessible parking spaces that exceed AS2890.6-2022 dimensional requirements.

b. Standard parking spaces are designed at 5.5 metres by 2.6 metres, with aisle widths of 6.4 metres or greater, exceeding the dimensional requirements of Clause 52.06-9 (Design standards for car parking).

c. The open-air car park design ensures the provision of minimum vertical clearance requirements (2.5 metres above accessible spaces) in accordance with AS2890.6-2022.

d. Swept path analysis, including for a car and trailer design vehicle, confirms that vehicle circulation within the car park and access points can be accommodated.

Access, Loading and Circulation

99. The proposal provides dedicated loading facilities for the restricted retail and trade supplies (Bunnings) tenancy and all restricted retail premise tenancies, designed to accommodate:

- Semi-trailer vehicles for the Bunnings tenancy; and
- Rigid vehicles up to 12.5 metres in length for restricted retail premises (T1-T7).

100. Heavy vehicle movements such as trucks are designed such that:

- Trucks enter the site via Fisken Street, circulate internally in a clockwise direction, and
- Exit via Geelong-Bacchus Marsh Road (Parwan Road) at the eastern boundary of the site.

101. To facilitate safe truck egress, the proposal includes the relocation and formalisation of an existing vehicle access serving adjoining properties at 4490 and 4494 Geelong-Bacchus Marsh Road, Maddingley to the south-east, shifted approximately 25–30 metres to be situated along its own frontage.

102. The relocated access is to operate as a like-for-like replacement, ensuring that existing vehicle movements for adjoining properties can continue to be accommodated without conflict with truck movements.

103. Loading areas for the convenience restaurant tenancies are accessed via the internal road network, which connects to both Fisken Street and Geelong-Bacchus Marsh Road, and are designed to accommodate vehicles up to 8.8 metres in length.

104. The Traffic Impact Assessment Report (TIAR) prepared by O'Brien Traffic dated 12 November 2025 demonstrates that swept path analysis has been undertaken to demonstrate the adequacy of:

- Heavy vehicle movements associated with the Bunnings and large-format tenancies; and
- Vehicle access arrangements to adjoining land following relocation of access points.

105. Overall, the loading arrangement provides a functional and segregated layout for heavy vehicle movements, with access, circulation and loading areas designed to accommodate the operational requirements of the development while managing potential access conflicts with adjoining properties.

106. Having regard to Clause 65.01 of the Moorabool Planning Scheme, the proposal demonstrates that:

- The loading and unloading facilities are adequate to accommodate the operational requirements of the development;
- Traffic flow is appropriately managed through a defined circulation pattern and separation of heavy vehicle movements from customer areas; and
- Road safety impacts are addressed through controlled access arrangements and relocation of conflicting access points.

107. On this basis, the proposal is considered to provide adequate loading and unloading facilities, with no unreasonable adverse impacts on amenity, traffic flow or road safety. A standard condition has been included within the recommendation to ensure that loading and unloading is carried out on the land.

Waste

108. A waste management plan (WMP) prepared by O'Brien Traffic has been provided. Waste is proposed to be collected via a private collection service.

109. Swept path diagrams prepared for the waste collection vehicle raises no concerns from an access perspective.

110. Overall, the proposed waste arrangements for general waste and recycling are appropriate to the use and likely volume of waste generated.

111. A condition of permit will require the implementation of the WMP and the location of all bins and waste collection areas to be shown, particularly for the convenience restaurants and the trade supplies tenancy.

Bicycle Facilities

112. Clause 52.34-1 requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided	End of trip facilities (EOTF) Rate	EOTF required	EOTF provided
Restricted Retail & Trade Supplies	Employee	1 space / 300m^2 of floor area	18	4	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter; plus	**3**	**0**
	Visitor	1 space / 500m^2 of floor area	11	4	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room	**3**	**0**
Restricted Retail Premises	Employee	1 space / 300m^2 of floor area	27	4	If 5 or more employee bicycle spaces are required, 1 shower for the first	3	**7**

					5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter; plus		
	Visitor	1 space / 500m^2 of floor area	16	4	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room	3	**7**
Convenience Restaurant	Employee	1 space / 25m^2 of floor area available to the public for employees.	20	0	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter; plus	3	**0**
	Customer	2	2	0	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room	3	**0**
Total			65 employee 29 visitor bicycle spaces	8 employee and 8 visitor bicycle spaces		9 showers and 9 change rooms	7 shower and 7 change rooms

113. Pursuant to Clause 52.34-2 (Permit requirement), the proposal seeks a reduction to the requirement to provide 57 employee bicycle parking spaces and 21 visitor bicycle parking spaces on-site, as well as a reduction of two (2) EOTF showers and change rooms.

114. The proposed reduction of standard employee and visitor bicycle parking requirements and associated EOFTs is appropriate having regard to the decision guidelines of Clause 52.34-4, given the type of goods to be sold at a restricted retail premise are too large to be conveniently transported by bicycle, and also noting the location of the subject site in relation to the existing bicycle infrastructure network. As such the provision of bicycle parking and EOFTs is considered an appropriate outcome having regard to bicycle parking demand.

Vegetation Removal and Landscaping

115. Three (3) trees are proposed to be removed or will be subject to major encroachments of the notional root zone or the structural root zone to facilitate construction of the south-eastern crossover along Geelong-Bacchus Marsh Road (Parwan Road) reserve.

116. These trees are identified as Tree 2 (Corymbia maculata, Spotted Gum, 11m tall), Tree 3 (Corymbia maculata, Spotted Gum, 9m tall) and Tree 8 (Eucalyptus camaldulensis, River Red Gum, 17m tall) within the Arboricultural Impact Assessment report prepared by Axiom Tree Management.

117. The removal of these trees is exempt from requiring a planning permit under Clause 52.17 Native vegetation as they are considered planted vegetation, being in a row at consistent spacings.

Figure 8: Excerpt of Arboricultural Impact Assessment report by Axiom and proposed tree impacts/removal

118. The proposed landscaping is a satisfactory response to the objectives of Clause 15.01-2L-02 for industrial development and Clause 15.01-5L Landscape and neighbourhood character as follows:

- The site incorporates landscaped buffers along the western and northern boundaries, where the site interfaces with residential and more sensitive land uses. This provides visual screening and separation of activities, assisting in mitigating potential amenity impacts.
- Landscaping is integrated throughout the site and is designed to utilise a mix of trees, shrubs and groundcovers appropriate to the local context, provide screening of built form and car parking areas (particularly along boundaries), define pedestrian and vehicle circulation areas within the car park, and deliver a low-maintenance and functional outcome consistent with a commercial development.
- The proposed scale and siting of development and landscaping protect the visual, aesthetic and environmental values of an area of visual prominence including when viewed from the Bacchus Marsh valley.
- Landscaping conditions requiring the location of WSUD elements as proposed in the SWMS and tree preoteciotn measures will be included on any permit issued.

Sustainability

Environmentally Sustainable Design (ESD)

119. The application is supported by a Sustainability Management Plan (SMP) prepared by Sustainable Design Consultants dated October 2025 (V4) which demonstrates the proposed development will meet best practice requirements through a range of ESD initiatives (refer to Proposal section of this report).

120. Implementation of the SMP via permit condition is recommended and will be included in any permit issued, including required changes to the architectural plans to align with the ESD commitments in the SMP.

Stormwater Management and Water Sensitive Urban Design (WSUD)

121. The application is supported an amended SWMP prepared by Dryside Engineering dated 13 February 2026 and a supplementary technical memorandum dated 21 April 2026 that includes stormwater modelling and a proposed interim and ultimate solution to stormwater management and discharge (refer to Proposal section of this report).

122. MUSIC modelling results demonstrate that the proposed stormwater treatment train will meet the water quality targets and is considered to satisfy the requirements of Clause 53.18 Stormwater Management in Urban Development and the objectives of Clause 19.03-3L-02 to encourage all developments to incorporate best practice water sensitive urban design.

123. The architectural plans do not clearly show the location of all rainwater tanks or raingardens. As such a condition of permit will require all stormwater treatments outlined in SWMP to be shown on architectural and landscape plans.

124. The Council's recommended conditions require that the development must provide an underground drainage system on Fisken Street to connect the proposed stormwater outlet to the existing culvert to the north at the intersection of Fisken Street and the railway line, in coordination with the approved industrial subdivision to the north of the subject site. This would necessitate more than 240m of drainage pipes to drain to the rail reserve.

125. It is considered inappropriate to include conditions that duplicate the underground stormwater drainage requirements of the 40 Fisken Street industrial subdivision.

126. The recommended conditions outlined in the technical memorandum prepared by Dryside Engineering dated 21 April 2026 are suitable for inclusion, noting that the require stormwater detention onsite and discharge to existing table drain at pre-development flows (interim drainage solution), and provision to connect into the underground drainage infrastructure within 40 Fisken Street frontage when available (ultimate drainage solution), enabe a staged approach to discharge into the existing culvert at the railway line approximately 240 metres from the site.

127. Further conditions require a follow-up report 12 months following occupancy to confirm that all measures in the SWMP have been implemented and is operating to the satisfaction of the Responsible Authority.

Other Matters

Early Works

128. The applicant has provided an early works plan that includes bulk earthworks and site preparation works (including excavations associated with the onsite drainage detention and treatment system) and requested permit conditions that allow early works to progress ahead of the endorsement of development plans and associated technical reports for the main development works.

129. The early works does not trigger primary consent under the relevant zone and planning provisions; however, it will have construction impacts to the local and arterial road network, among others, that should be managed. As such, it is considered that conditions of the permit should require the scope of early works to be submitted and approved, subject to the resolution of associated construction management plan considerations including traffic management and construction staging in consultation with the relevant road management authorities.

130. The Council has requested several conditions requiring the endorsement of plans prior to the commencement of any works. It is considered appropriate to exempt the works identified on the Early Works Plan from these requirements, noting that early works such as site levelling, bulk excavation and site preparation works does not affect the design detail and layout of the approved development and infrastructure.

131. An excerpt of the Early Works Plan is outlined below in Figure 8:

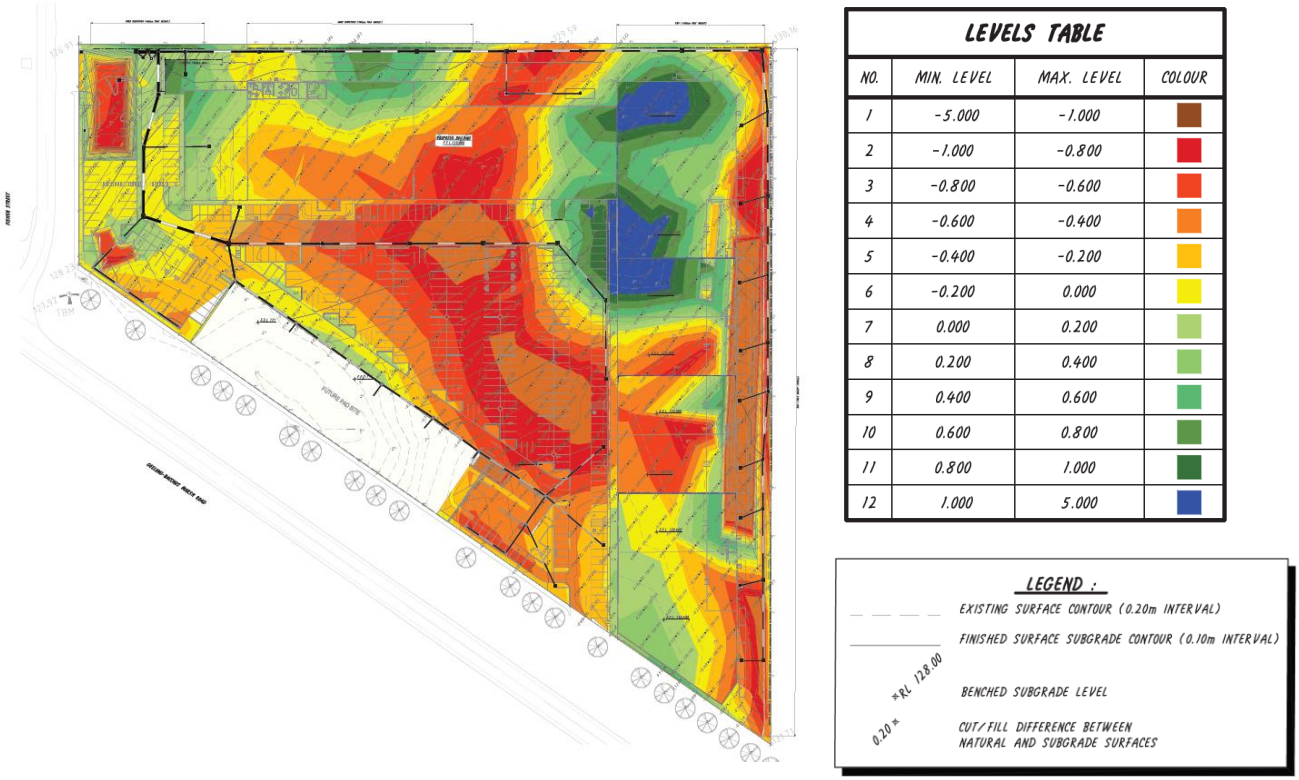


Figure 8: Excerpt of Early Works Plan

Bushfire Risk

132. Amendment VC248 gazetted on 5th May 2026 included changes to the Clause 13.02-1S Bushfire planning policy that apply this policy to all planning and decision making under the Planning and Environment Act 1987 relating to land in a bushfire prone area, in a Bushfire Management Overlay (BMO) area or proposed to be used or developed in a way that may create a bushfire hazard.

133. The site is identified as a Designated Bushfire Prone Area (BPA) and is not within a BMO area.

134. The particular provision Clause 53.02 Bushfire planning does not apply noting that the proposal does not include a proposal for subdivision or buildings and works associated with a sensitive use such as accommodation, education centre, hospital, indoor recreation facility, major sports and recreation facility or place of assembly.

135. Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

136. The overall bushfire risk associated with the proposed restricted retail use at this location is considered low noting that the site and layout has been designed to provide appropriate service and emergency vehicle access and defendable space, and the proposal's reduction in grassed areas further decreases potential fuel loads.

Display of Signage

137. A permit is required under Clause 52.05 to display pylon signs, internally illuminated signs and business identification signs. This zone is in Category 3 of Sign provisions and does not set a maximum display area.

138. Overall having regard to the objectives and decision guidelines of Clause 52.05 Signs, the signage is considered appropriate for a restricted retail development, being proportionate to the built form and compatible with the commercial character of the area. It achieves effective identification while maintaining visual coherence and avoiding signage clutter. In particular:

- The number, scale and distribution of the pole signs is appropriate given the site's extensive arterial frontage, being setback within landscaped areas and integrate with the development, and includes restrained design and illumination to avoid adverse impacts on amenity or driver distraction.
- The storefront and convenience restaurant signage is appropriately scaled and integrated into the building design, supporting tenancy identification and customer wayfinding while not presenting as visual clutter or impacting the safe operation of the car park or pedestrian movement.
- The restricted retail premise and trade supplies (Bunnings Warehouse) business identification signage reflects established corporate branding. The scale, placement and setback of signage ensure it remains proportionate and not visually excessive and facilitates clear business identification.

Recommendation

139. The proposal is generally consistent with the relevant planning policies of the Moorabool Planning Scheme and will contribute to the provision of necessary restricted retail format commercial development, employment growth in the growing Baccus Marsh township and its surrounding regions.

140. It is recommended that Planning Permit No. PA2504105 at 30 Fisken Street, Maddingley be issued subject to conditions.

141. It is recommended that the applicant, objectors, referral agencies and the council be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

[redacted]

Reviewed / Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

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[redacted]

Appendix 1: 'Seriously Entertained' policy assessment

The weight to be given to draft planning scheme amendments and other policies adopted by a municipal council but not yet forming part of the planning scheme, is normally assessed under the concept of 'seriously entertained planning proposal'. This concept was first developed in *Lyndale & Black Pty Ltd v MMBW and Shire of Melton* (1983) 1 PABR 207 (editorial comment 1 PABR 206 and further developed (including for broader application to strategic policies) in *O'Connell Street Developments Pty Ltd v Yarra CC* [2003] VCAT 448*, Whitehorse City Council v Golden Ridge Investments Pty Ltd* [2005] VSCA 195 and *Double LZ Development Pty Ltd v Moreland CC* (Red Dot) [2015] VCAT 1558. An assessment against these principles is provided below:

1. **The form of the planning proposal – a formal planning scheme amendment should be given much more weight than a planning proposal of a less formal nature.**

   Response: C115moor would seek to amend the local planning policy provisions to implement the Moorabool Retail Strategy 2024. The intended form in a statutory planning context is therefore of a highly formal nature.

2. **The stage which the proposal has reached in the planning process – greater weight will be given to a planning proposal which has reached an advanced stage in the planning process.**

   Response: Amendment C115moor is well progressed. However, the Amendment is yet to proceed to independent panel for consideration of submissions received following the exhibition of the Amendment. Therefore there is limited weight that can be given to the proposal.

3. **The seriousness in which the State Government is pursuing the implementation of the planning proposal.**
   Response: Amendment C115moor is consistent with the aspirations for increasing housing supply in Plan for Victoria and achieving mandatory housing targets. A Panel Report has not been released yet.

4. **Whether the grant of the planning permit would impair the objectives of the planning proposal and not merely be inconsistent with the strict letter of the planning proposal.**
   Response: The grant of planning permit supports the objectives of the proposed planning proposal, being the proposed planning policy under Amendment C115moor. The Moorabool Retail Strategy 2024 is informed by the Bacchus Marsh Strategic Bulky Goods Assessment 2018 which both explicitly identifies the subject site as part of the preferred long-term location for a bulky goods retail site within Bacchus Marsh.

5. **Whether the adopted policy/proposal has been the subject of an adverse independent Panel report and/or departs from the recommendations of the Panel in a material way.**
   Response: The Amendment C115moor is yet to proceed to independent panel for consideration of submissions received following the exhibition of the Amendment.

6. **The time at which the adopted policy was prepared and, potentially, the lapse of time between this and the consideration of an application (wherein the planning context may have further changed or evolved).**
   Response: The Amendment C115moor is based on a recent strategic study, the Moorabool Retail Strategy 2024. There are few changes to the planning context that would materially affect the strategic merit of the Amendment.

In summary, the proposed planning framework in Amendment C115moor presents a well-progressed but not significantly advanced planning scheme amendment that is sought to be formalised through new local planning policy provisions and strategic directions.

Whilst the Amendment is not considered 'seriously entertained' and should be given limited weight when assessing the application, the grant of planning permit supports the objectives of the proposed planning policy under Amendment C115moor and its background document, the Moorabool Retail Strategy 2024 to direct restricted retail development to a bulky goods precinct in Bacchus Marsh that has convenient access to Geelong-Bacchus Marsh Road, is efficiently serviced and well connected, and is suitably sized and designed to enhance the local environment.

Appendix 2: Objection summary and response table

Objection issue	Response
Egress on to Geelong - Bacchus Marsh (Parwan) Road: The proposed design shows a 'left-in, left-out' access arrangements for both light and heavy vehicles with the site and Parwan Road. Section 8.2 of the Traffic Impact Assessment notes that 90% of the trips would originate from the north or west of the subject site, of which most trips appear to return in the direction that they originated (Figure 24). From experience on transport infrastructure projects and observing driver behaviour, it is unclear as to how this arrangement would be enforced or precluded right-hand turns from the site, which raises concerns for road safety on a busy road that is part of the Principal Road Network. It also seems unlikely that delivery vehicles would take a circuitous route via Woolpack Road and the Avenue of Honour to return to Bacchus Marsh.	The proposed egress to Parwan Road is proposed to operate on a left-in, left-out basis for both light and heavy vehicles. A permit condition will require appropriate signage and linemarking on engineering plans to prohibit right-turn movements from the site, and Head, Transport for Victoria conditions requiring left-in/left-out treatment to Fisken Street south of Geelong - Bacchus Marsh (Parwan) Road will be included. Such access treatments are commonly implemented across the road network, particularly where sites interface with higher order roads, to maintain safety and traffic flow efficiency. While this may require some vehicles to undertake more circuitous routes, these are a recognised and accepted outcome of managing access constraints on principal road corridors.
Fisken Street / Parwan Road intersection: The proposal includes a modification to the existing t-intersection for Fisken St and Parwan Road, which would result in conflicting right turn lanes for each road. The traffic assessment does not include road safety assessment, or any discussion of the risks of these types of intersections, noting that they can lead to queuing of traffic and/or dangerous movements when people get tired of waiting. We note that the traffic surveys undertaken are based on an inconsistent 1-hour time (8-9am, 7.45-8.45am), and that these were not undertaken on consecutive days to provide a clearer picture of traffic movements in the area. The surveys also do not provide information about the queuing of cars on Fisken Street observed, while we note that queuing of up to 10 cars on Fisken Street during the AM peak hour is a frequent occurrence. There should be consideration of traffic lights at this intersection to manage road safety, and detailed justification provided as to why these are not included.	As outlined in Section 2.4 of the O'Brien Traffic report, the traffic surveys were undertaken at various times, including between 6am and 10am on Thursday 31 August 2023 (when the peak hour was recorded between 8am and 9am), and between 6am and 6pm, on Wednesday 25 February 2025 (when the peak hour was recorded between 7:45am and 8:45am). The variation in peak hour timing between survey days is not uncommon and reflects normal day-to-day fluctuations in traffic patterns. There is no requirement for traffic surveys to be undertaken on consecutive days, and in this instance, the 2025 survey was completed to supplement and update the earlier 2023 data. In relation to the operation of the Parwan Road and Fisken Street intersection, the O'Brien Traffic Addendum Report (15 February 2026) addresses the Department of Transport and Planning condition requiring a left-in, left-out treatment for the southern leg of Fisken Street. This design outcome removes the potential for conflicting right-turn movements into Fisken Street South. It is also noted that the existing volume of right-turning vehicles into Fisken Street South is low. In relation to any AM peak hour queuing on Fisken Street, it is noted that the proposed development will generate a very low number of trips during the AM peak hour as the majority of the tenancies will not be open. Accordingly, the proposal has demonstrated it is not anticipated to materially alter existing AM peak traffic conditions or exacerbate queuing at the Parwan Road and Fisken Street intersection.
Vallence Road / Parwan Road intersection: The traffic assessment appears to have a very localised focussed, which does not consider or assess the next intersection on Parwan Road with Vallence Road, which is	Vallence Road is a dead-end road located approximately 240 metres southeast of the proposed customer access point. Based on its function and connectivity, there is limited traffic engineering basis to expect that the proposed development would generate trips to or from Vallence Road.

200 metres away from the Bunnings exit. There is no discussion on safety implications or consideration of the impact of traffic movements on Vallence Road. Further to this, it can be observed that the line of sight for Vallence Road is currently non-compliant with AustRoads requirements, notably the Safe Intersection Sight Distance (SISD) of 175-200 metres and Minimum Gap Sight Distance (MGSD) of 225 metres or more. Impacts on the Vallence Road intersection should be included within the proposal's investigation area, noting that there is a risk that the changed road layout and additional induced road traffic will have detrimental safety outcomes for the users of Vallence Road.	The Traffic Impact Assessment appropriately focuses on intersections and links likely to experience measurable change as a result of the development. Given the separation distance and the absence of a direct functional relationship between the site access and Vallence Road, impacts at this intersection are not anticipated to be material. While concerns regarding existing sight distance and safety conditions at the Vallence Road intersection are noted, these represent established network conditions. The proposal is not expected to introduce traffic volumes or turning movements of a magnitude that would alter safety outcomes at this location. Accordingly, there is no requirement for the development to address pre-existing deficiencies at the Vallence Road and Parwan Road intersection.
Noise and amenity impacts associated with operating hours: Section 3.3 of the Planning Report sets out that the core trading hours of the Bunnings Warehouse are 6am - 11pm, while 'back-of-house operations for Bunnings Warehouse may need to take place outside of standard trading hours'. It is unclear as to whether this includes deliveries to the 'back of house'. If so, we have concerns regarding compliance with Regulation 114 of the Environment Protection Regulations 2021 (and the noise limitations more broadly within these regulations), which place limitations on the times that unreasonable noise can be emitted. Noting that most of the properties fronting Vallence Road are used for residential purposes, it is unclear as to whether this has been assessed and any impacts have been appropriately mitigated, and/or whether the delivery hours will be limited to day-time hours.	All uses will be required to comply with applicable EPA noise provisions, including those relating to unreasonable noise. This regulatory framework provides appropriate controls to ensure that potential off-site amenity impacts, including those affecting nearby residential properties, are appropriately managed. Any future operational details, including delivery hours, will need to be implemented in a manner that achieves compliance with these requirements.
Visual impact and the eastern boundary: From reviewing the advertised documentation, it is unclear as to the specification and height of the fencing on the eastern boundary, if any. Drawings 2364-D03 and D04 of the Landscape Report show that the landscaping proposed on the northern part of this boundary is limited to low-level shrubs that typically only grow to 1 metre high and would not exceed the internal retaining wall. It is a concern that this is unclear and may result in a visual impact to the residential properties along Vallence Road.	The eastern interface of the site predominantly adjoins land zoned for commercial and industrial purposes, rather than sensitive residential interfaces. As such it is appropriate that the landscape response has been concentrated along the northern boundary and north-eastern corner, where there is a more direct relationship with adjoining residential areas. The Landscape Plan provides for the planting of 23 *Eucalyptus polyanthemos* (Red Box) trees along the northern boundary and north-eastern corner, each with an anticipated mature height of approximately 15 metres. These canopy trees will be complemented by a mix of understorey shrub planting, with species selected to achieve mature heights ranging from approximately 2.5 metres to 10 metres.
We have lived here for 18 ½ years. During that time we have seen an increase in traffic including an excessive amount of trucks and buses and congestion at the rail crossing in Fisken st which borders our property. The train schedule has increased so that there is often two trains, many times every hour, that follow each other which causes the boomgates to be down for a significant time. The proposed retail complex will not only impact the traffic and noise in our	It is acknowledged that traffic conditions in the area have and will continue to change as Baccus Marsh township grows. The assessment of this application focuses on the incremental impacts attributable to the proposed development. Based on the TIAR, the development is not expected to result in a material increase in traffic volumes in the vicinity of the objector's property, nor to significantly alter existing traffic conditions on Fisken Street.

area but also cause an unsafe environment for foot traffic as there is no footpaths or curb and channels. Safely reversing out of our driveway will become extremely hard as many of the trucks and buses that come down the hill, do so at speeds 60kms or over. An increase in the local traffic will make this almost impossible to enter or reverse from the driveway as the view is obscured up and down the hill and doesn't give us enough time to judge a safe exit.	Accordingly, the proposal is not anticipated to materially exacerbate existing issues associated with congestion, vehicle speeds, or rail crossing operations.
If this retail development is given the green light then the wildlife habitats which includes foxes, kookaburras, wedgetail eagles and also kangaroos in the paddocks which border Fisken st will be impacted.	The proposed use and development of the site is strongly aligned with strategic planning and land use policy which directs increased growth and development to this area. In addition, it is noted that there are no existing trees, native vegetation or significant habitat areas identified within the site.

Appendix 3: Assessment of Moorabool Shire Council concerns and recommended permit conditions

Council concerns 29/1/26	Council officer comments	DTP assessment
Stormwater Management Plan inconsistencies	Dryside Engineering Version 02, Date: 25 August 2025. SWMS summary shows 500m3 detention tank, and 160m2 of raingardens which is supported by the calcs in Fig 6-1. The MUSIC model screenshot shows 2000l rainwater tanks to be provide to each 'unit'. The model does not show the 500m3mtank before LPoD, or explain what a 'unit ' is in this commercial context. 2000L tanks are not shown on plan. This seems to be a documentation error, It is assumed the MUSIC modelling was undertaken on the single large tank and the report should be updated/corrected to reflect this modelling.	The amended SWMP prepared by Dryside Engineering dated 13 February 2026 amends the 500m^3 tank to 760m^3 for detention only and is therefore not included in the MUSIC model. 2000L water tanks are shown on the plans, outside of each building on the amended architectural plans prepared by HQ Architecture dated 23 January 2026. A condition of permit will require all water tanks to be shown as per the SWMP.
Lack of Footpaths/ Pedestrian Connectivity	The landscape plan potentially indicates something like a footpath along the Fisken St interface, but this is not detailed in any way to guarantee its delivery, and not included in the main plans. Council's Infrastructure Design Manual (IDM) which is a reference document of the Moorabool Planning Scheme states at Part 13.2 Council will expect the Developer to provide continuous footpaths for all property frontages and sideages in urban residential and commercial developments. Developers may also be required to establish connective links to existing footpaths where demand is directly related to the development Footpaths should be provided and can requested as part of an amended plans condition.	A 1.5m wide footpath has been included at the frontage of Fisken Street and Parwan Road on the amended architectural plans prepared by HQ Architecture dated 23 January 2026.
Internal pedestrian access	Car park layout does not provide adequate protected pedestrian pathways through raised crossings, separated walking areas protected by kerbs, connections to outside footpath network etc. Refer to Austroads Guide to Traffic Management Part 11, 8.5.2. Internal pedestrian pathways should be clearly delineated on the plans. This could be addressed through the submission of amended plans.	Pedestrian paths have been provided on the plans throughout the car park and are illustrated with a red dashed line on the amended architectural plans prepared by HQ Architecture dated 23 January 2026.
Road Upgrades to support the development	O'Brien Traffic Impact Assessment 12 November 2025. Fisken Street along the property frontage must be upgraded as detailed in the recommendations below to the satisfaction of the Responsible Authority (see proposed permit condition 10). The proposed access on Fisken Street must be constructed to industrial standard with BAR and BAL to the satisfaction of the Responsible Authority. (see proposed permit condition 12).	See response to Council's recommended condition 12 below.
Stormwater Management Plan	Council's Engineers identified stormwater concerns for this site. They noted:	The amended SWMP prepared by Dryside Engineering dated 13

	The SWMP is based on the previous version of the development layout and needs to be amended as following and to the satisfaction of the Responsible Authority: - There is no underground drainage system to which the proposed development can connect to, hence, an underground drainage system must be provided on Fisken Street connecting the proposed stormwater outlet to the existing culvert to the north at the intersection of Fisken Street and the Railway line. This should be done with the coordination of the proposed industrial development to the north of the subject site. - The SWMP should be amended to be inline with the latest version of the development layout The SWMP should be amended to show critical details of the proposed on-site stormwater detention and treatment systems including invert levels and location of the proposed tanks. After an amended SWMP is submitted as above and approved by the Responsible Authority, a drainage layout plan should be submitted to the Responsible Authority for approval, and should incorporate the following (see proposed permit conditions 2 and 3) - The development as a whole must be self draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority. Moorabool Shire Council Engineering Services - Underground piped drainage for the whole development shall cater for 10% AEP storm - Sediment discharges from any construction activities must be restricted within the construction area in accordance with EPA guidelines.	February 2026 aligns with the development layout. Whilst there is no underground drainage system to which the proposed development can connect to, it is inappropriate to include conditions that duplicate the underground stormwater drainage requirements of the 40 Fisken Street industrial subdivision and to require the proponents to deliver more than 240m of drainage infrastructure. The applicant has supplied a Technical Memorandum addendum to the SWMP with recommended conditions to address this. This caters for: 1) detention of stormwater onsite and discharge to existing table drain at pre-development flows (interim drainage solution), and 2) provision to connect into the underground drainage infrastructure within 40 Fisken Street frontage when available (ultimate drainage solution), enabling a staged approach to discharge into the existing culvert to the north at the intersection of Fisken Street and the railway line, when available.
Council additional concerns 19/3/26	**Council officer comments**	**DTP assessment**
Updated Stormwater Management Plan	A further review of the technical documents attached with the notification was undertaken including the Stormwater Management Plan prepared by Dryside Engineering dated 13 February, 2026. The Stormwater Report still refers to an outdated (over 12 months old) Legal Point of Discharge and fails to provide drainage details as a result of the proposed road upgrade and intersection upgrade works. Council's Development Infrastructure requests a further revised Stormwater Management Plan to include accurate and correct details, including: 1 to be consistent with the current Legal Point of Discharge issued on 06 March 2026 (Council Reference: NC:ms SR: 112754). This requires all stormwater must be discharged via an underground stormwater pipe and pit(s), designed by a Drainage Engineer, to the culvert crossing Fisken Street south of the Melbourne to Ballarat rail line at 58 Fisken	The current Legal Point of Discharge issued on 6 March 2026 falls outside the planning remit, however, its appropriateness is queried noting the Council's previous advice 12 months ago (with no change in material circumstances in this period) was to discharge into the existing, open table drain. As above, the acceptance of an interim and ultimate drainage solution put forward by the applicant is supported, enabling a staged approach to discharge into the existing culvert to the north at the intersection of Fisken Street and the railway line, when available. This should factor in the

Street, Maddingley (approximately 37.688998; 144.442401).

Use of the existing, open table drain is not acceptable.

2 details of the proposed external road upgrade works, particularly the drainage design for Fisken Street and the Fisken Street / Bacchus Marsh–Geelong Road intersection

Stormwater Management Plan must take into account the additional drainage generated from road upgrade works including to the intersection.

The applicant is encouraged to consult with the adjacent developer regarding sharing costs or to the timing of the construction of the stormwater infrastructure.

proposed external road upgrade works, particularly the drainage design for Fisken Street and the Fisken Street / Bacchus Marsh–Geelong Road intersection.

Moorabool Shire Council condition	DTP assessment
1. Unless otherwise approved by the Responsible Authority there must be no buildings, tree structures, or improvements located over any drainage pipes and easements on the property.	Delete - This condition is duplicative of a Build Over Easement (BOE) approval process that would assess proposals to build structures or landscaping over easements. There also do not appear to be drainage pipes or easements within the property as the site is vacant.
2. Prior to the approval of Condition 1 Plan of the planning permit, an amended Stormwater Management Plan (SWMP) should be submitted to Responsible Authority for approval.	Accept with changes to include reference to the *Technical Memorandum* prepared by Dryside Engineering dated 21 April 2026 outlining an interim and ultimate drainage solution, condition preamble amended to require endorsement before the development starts (excluding early works). *Before the development starts (excluding early works), an updated stormwater management plan must be approved and endorsed by the responsible authority in consultation with the Moorabool Shire Council. The amended stormwater management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Stormwater Management Plan, dated 13 February 2026 prepared by Dryside Engineering and must:* *a) Include the Technical Memorandum prepared by Dryside Engineering dated 21 April 2026.* The applicant's request to allow early works such as site levelling, bulk excavation and site preparation works in the condition is appropriate to allow, noting this does not adversely affect the design development, detailed design and layout of the approved development.

3. Prior to the construction commencing, engineering drainage plans and detailed computations must be submitted and approved by the Responsible Authority. The drainage plans are to be undertaken in accordance with the Infrastructure Design Manual and Australian Rainfall & Runoff 2019 and shall incorporate (but not limited to) the following: a) Underground stormwater drainage infrastructure from the property outlet to the existing culvert on the intersection of Fisken Street and the Railway line, to the satisfaction of the Responsible Authority. b) The development as a whole must be self-draining to the legal point of discharge. c) All drainage courses within the development must pass through easements or reserves shown on the plan of subdivision. d) All outfall drainage land passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision. e) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority. f) Stormwater runoff must meet the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999); g) The drainage system must be designed to include provision to intercept litter. h) The drainage design must take into account any applicable drainage or flood management strategy.	Accepted in part – modified condition preamble wording to add “in consultation with Moorabool Shire Council” and allow early works to commence. a) Delete. This condition is similar to Condition 36 of Planning Permit PA2025065, which requires the developer of the adjoining site to the north (40 Fisken Street) to deliver the same extent of infrastructure. It is inappropriate to include conditions that duplicate these requirements, and the alternative proposed of an interim drainage solution (discharge to existing table drain) and ultimate drainage solution (connect to underground drainage in Fisken Street outside 40 Fisken Street when available) is the preferred, equitable approach to delivering this infrastructure. Alternate wording proposed – see Assessment section. b) Delete – see Assessment section. c) Delete – redundant as already achieved. d) Delete – drainage outfall is not proposed or required through other land. e) Accept. f) Accept. g) Accept. h) Accept. The applicant’s request to allow early works such as site levelling, bulk excavation and site preparation works in the condition is appropriate to allow from a staging of construction perspective, noting that this does not affect the design detail and layout of the approved infrastructure.
4. The Storm water drainage from the proposed buildings and impervious surfaces must be disposed of to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any wastewater disposal areas. A new Stormwater Point of Discharge permit must be obtained from the Assets Unit of the responsible authority prior to the commencement of the works associated with the permit.	Accepted in part. modified wording to refer to “Moorabool Shire Council” instead of Responsible Authority. Requirement to seek a new Stormwater Point of Discharge permit is deleted as it is not a planning merits issue.
5. Prior to the works commencing on the development, notification including photographic evidence must be sent to Council’s Community Assets and Infrastructure department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority. If photographic evidence cannot be provided, then the damage must be fully reinstated at no cost to and to the satisfaction of the Responsibility Authority.	Accepted – modified wording to refer to “Moorabool Shire Council” instead of Responsible Authority. The applicant’s request to allow early works such as site levelling, bulk excavation and site preparation works in the condition is not accepted. Photographic evidence of existing damage should be established prior to any works to enable appropriate enforcement of conditions.
6. An Environmental/Construction Management Plan for the construction works must be submitted to the and approved by the Responsible Authority prior to the	Accepted – modified wording to add “in consultation with Moorabool Shire Council”.

commencement of construction. All works must be performed in accordance with the approved Environmental/ Construction Management Plan. The Environmental/Construction Management Plan shall include (but not limited to the following items): a) Details of Site security. Moorabool Shire Council Engineering Services • Off Street parking for employees and site access for construction vehicles and equipment. b) Public safety in the event that the construction site is adjacent to public active areas. c) Provisions for loading and unloading. d) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site. e) Details of management of storm water run-off and the proposed sediment and erosion control measures including the location of any rubble grids. f) Details of any air and dust management. g) Details of noise and vibration controls. h) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP); i) Proposed start and completion time of construction activities including the delivery of material to site.	
7. No work shall commence onsite until all approvals are obtained by the relevant authority. The approvals include but not limited to. a) Detailed Designs in the form of Stamped for Construction Plans. b) Approved Environmental Management Plan. c) Approved Construction Management Plan, which is to include Traffic Management Plan (TMP), Project Management Plan (PMP) and d) Any other approvals forming part of other planning Certificate conditions. A copy of all approved documents are to be kept onsite at all times and consent from the relevant authority is required for any departure to the approvals.	Deleted - this is duplicative of other conditions.
8. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).	Accepted.
9. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following: a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities. b) Designated loading areas shall be shown on layout plans. c) The parking areas shall be provided with an asphalt or concrete surface and associated drainage.	Accepted in part – modified wording to refer to “Moorabool Shire Council” instead of Responsible Authority. a) Alternate wording to include reference to Clause 52.06 dimensions which take precedence over the Australian Standard requirements. b) Accepted. c) Accepted. d) Accepted. e) Accepted f) Accepted.

d) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles. e) The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval. Moorabool Shire Council Engineering Services f) The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.	
10. Prior to the issue of any Occupancy Permit for the development, Fisken Street fronting the property must be upgraded to the satisfaction of the Responsible Authority with: a) Kerb and channel and pavement widening as required along the frontage of the site b) Stormwater drainage c) A 1.5m concrete footpath along the frontage of the property. d) Street lighting as required and as per AS. e) Associated landscaping works.	Alternate wording proposed – minor modifications and modified wording to refer to “Moorabool Shire Council” instead of Responsible Authority.
11. Prior to the issue of any Occupancy Permit for the development, an industrial standard vehicle crossing must be provided on Fisken Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be obtained from Council’s Assets Department prior to the construction of the vehicle crossing.	Accepted in part – deletion of requirement to obtain a vehicle crossing permit (inclusion as permit note). Modified wording to refer to “Moorabool Shire Council” instead of Responsible Authority.
12. Prior to the issue of any Occupancy Permit for the development, a basic right-turn (BAR) and a basic left-turn (BAL) must be provided at the access onto Fisken Street to the satisfaction of the Responsible Authority.	Deleted. Basic left-turn (BAL) and Basic right-turn (BAR) is not necessary at the access onto Fisken Street and is deleted as a requirement prior to issue of Occupancy Permit. Refer to Section 8.3 of the Traffic Impact Assessment prepared by O’Briens Traffic and accepted by the Head, Transport for Victoria (H,TfV), which outlines that a BAR is not necessary for the Fisken Street access given its low speeds and has been designed to accommodate the post-development traffic volumes.
13. Prior to the issue of any Occupancy Permit, the intersection of Fisken and Bacchus Marsh Road must be upgraded in accordance with the submitted Traffic Report prepared by O’Brien Traffic (dated 12 Nov 2025) to the satisfaction of the Responsible Authorities.	Accepted in part – minor modifications to specify the intersection of Fisken and Bacchus Marsh Road must be upgraded ‘generally in accordance’ with the Traffic Report, noting that this is subject to detailed design drawings for approval by the relevant road managers. Modified wording to refer to “Moorabool Shire Council” instead of Responsible Authority.
14. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared, submitted and approved by the responsible	Accepted – modified wording to refer to “Moorabool Shire Council” instead of Responsible Authority. a) Accepted.

authority, detailing but not limited to the following: a) location of vehicle crossings b) details of road upgrade works c) details of the underground drainage d) location of drainage legal points of discharge e) standard details for vehicle crossings and legal points of discharge f) civil notes as required to ensure the proper construction of the works to Council standard.	b) Accepted. c) Accepted. d) Accepted. e) Deleted - duplicative of a) and d) f) Accepted, renumbered. g) Additional wording to require location of 1.5m concrete footpath along the Fisken St and Parwan Road frontages of the property to be shown, renumbered.
15. All road, drainage and infrastructure works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.	Accepted – modified wording to refer to Moorabool Shire Council rather than the Responsible Authority.
16. Prior to the issue of any occupancy permit for the development, a security deposit of 5% of the total value of engineering works as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.	Accepted – modified wording to refer to Moorabool Shire Council rather than the Responsible Authority.
Additional Condition – Checking and Supervision Fees The developer must pay Moorabool Shire Council: a. 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development. b. 2.5% of the total estimated cost of works for the supervision of works associated with that stage of the development. c. The fees are to be determined based on the requirements as specified within the Infrastructure Design Manual	Accepted.
Additional Condition – As Constructed Works After all engineering works pertaining to the stage have been completed in accordance with the approved plans and the following “as constructed” details must be submitted in the specified format and approved by the Responsible Authority: a. Drainage construction details in “D-Spec” format. b. Roadworks construction details in “R-Spec” format. c. Open space details in “O-Spec” format. d. As built plans clearing detailing any changes from the as approved drawings	Accepted.

e. CCTV for all stormwater drainage infrastructure f. All relevant test results, including but not limited to, compaction test of each road layer, compaction test of earthworks and certificates for the soil used g. Proof that disposal of all earthworks has been undertaken inline with EPA guidelines and to the satisfaction of the responsible authority.	