

From: [REDACTED]
To: [REDACTED]; Merrimu PSP (DTP)
Cc: [REDACTED]
Subject: [EXTERNAL] Draft Merrimu Precinct Structure Plan | Submission on behalf of [REDACTED], Merrimu (Property ID [REDACTED])
Date: Thursday, 9 April 2026 12:56:34 PM
Attachments: [image001.png](#)
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[image005.png](#)
[2025-04-09 Let-VPA Submission to Merrimu PSP \(\[REDACTED\]\).pdf](#)

Dear [REDACTED]

[REDACTED] acts on behalf of [REDACTED] who are owners of the land at [REDACTED], Merrimu (Property ID [REDACTED]).

On behalf of our client, we are pleased to provide the attached submission in response to the Merrimu Precinct Structure Plan draft amendment package exhibited by the Victorian Planning Authority (VPA) on 6 March 2026 via the Engage Vic website.

Our client requests that the proposed Amendment be referred to the Standing Advisory Committee (SAC) and reserves the right to provide further submissions throughout the SAC process.

We look forward to working with the VPA through this process.

Please contact our office if you have any questions in relation to the submission.

Kind regards,

[REDACTED]

We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.

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9 April 2026

Director, New Communities
Victorian Planning Authority
Department of Transport and Planning

via email: merrimu@transport.vic.gov.au

Dear [REDACTED]

Submission on behalf of [REDACTED]

Draft Amendment C109moor – Merrimu Precinct Structure Plan and Development Contributions Plan

This submission has been prepared by [REDACTED] on behalf of [REDACTED] in respect to the Merrimu Precinct Structure Plan (PSP), Merrimu Development Contributions Plan (DCP), and draft Amendment C109moor (**Amendment**) to the *Moorabool Planning Scheme* (Planning Scheme).

[REDACTED] owns the land at [REDACTED], Merrimu (**Site**), which is located at the western edge of the Merrimu PSP area.

This submission has been prepared in response to the draft amendment package exhibited by the Victorian Planning Authority (VPA) on 6 March 2026. Whilst several documents associated with the amendment have been exhibited, this submission draws particular focus on the draft Merrimu PSP.

We note that [REDACTED] has also prepared a separate submission on behalf of [REDACTED]. Several matters raised within these submissions are consistent for both parties.

On behalf of [REDACTED], we commend the VPA and Moorabool Shire Council (**Council**) for the extensive work undertaken to date and for reaching this milestone in the progression of the Merrimu PSP.

We note that our client is currently in the process of engaging specialist consultants in hydrology, ecology, traffic engineering, and urban design, to assist in reviewing the exhibited documents, including background reports, and to provide further advice with regard to how the proposed Amendment may affect its land.

Our client requests that the proposed Amendment be referred to the Standing Advisory Committee (**SAC**) and reserves its right to provide further submissions throughout the SAC process.

This submission has been prepared having regard to the *Precinct Structure Planning Guidelines: New Communities in Victoria 2021 (Guidelines)*, the *Applying the PSP Guidelines in Regional Areas Guidance Note 2021 (Guidance Note)*, and the other relevant guidance materials included in the Practitioner's Toolbox.

1 Site Overview

The Site is approximately 15.16ha in area and is identified in the PSP and DCP as **Property ID** [REDACTED]. It is formally described as [REDACTED] on Title Plan [REDACTED].

Plan 2 – Place Based Plan (**Plan 2**) of the PSP designates the Site for a range of land uses including residential, the future Bacchus Marsh Eastern Link Road, encumbered local and other uncredited open space, and areas of landscape value.

The precinct's defining escarpment edge passes through the southern portion of the Site and delineates the area of 'landscape value' identified in Plan 2.

2 Waterway and Drainage Assets

The draft PSP identifies a drainage asset (**WL-05**) within the Site, occupying a total of 3.17ha (based on *Table 35 - Property Specific Land Use Budget*). This represents 20.91% of the Site's total area.

The purpose of and rationale behind WL-05 is unclear from the exhibited documentation. Other than being shown in Plan 10 - Water, WL-05 is not described at any other point in the PSP or DCP.

It is relevant to note that Guideline 74 (**G74**) (Drainage, waterways and integrated water management) specifically states:

"Stormwater assets should be designed to maximise developable land area and be located as close to the escarpment edge as possible, subject to:

- *evidence that this location mitigates or avoids risks associated with soil type and land capability*

to the satisfaction of Melbourne Water and the responsible authority."

Notwithstanding G74, the location of WL-05 as shown in Plan 10 appears to have been located some distance from the escarpment edge and in a location that compromises the net developable area (**NDA**) of the Site.

Requirement 8 (**R8**) poses further risk to the future development capacity for the Site requiring that '*lots facing drainage reserve must have a road or open space buffer between them and a wetland and waterway*'.

It is unclear from the information exhibited whether the nominated 3.17ha drainage asset includes allowance for this buffer area or whether this buffer would be required in addition to the land set aside for the drainage asset.

We understand that the Merrimu North Drainage Scheme (**DS**) and O'Connell Road DS are both interim drainage schemes and Melbourne Water is yet to release the relevant Development Services Scheme (**DSS**) for the precinct.

While we recognise that the PSP anticipates 'Progressive certainty' – that is, responding to changes to the size, type, staging or location of DSS assets – further clarity and detail regarding the anticipated drainage needs (demands and assets) and implications this has for NDA within the precinct is essential to understand in finalising the PSP documentation. The size of WL-05 should be reduced, its role within the broader

precinct clarified, and its location moved to the edge of the escarpment should be implemented to reduce the extent of the Site encumbered by the drainage asset.

As noted above, we are in the process of seeking further hydrological advice – with specific regard to WL-05 and the Merrimu DSS – and would seek to make further submissions in this regard at a SAC.

3 Bacchus Marsh Eastern Link Road (BMELR) Alignment

The proposed BMELR alignment will occupy 4.15ha of our client's Site.

We appreciate that *Option B Alternative* has been identified by Transport Victoria as the preferred alignment of the BMELR, however, there has been no further update on the status of the project since February 2025. We also appreciate that the draft PSP has considered the preferred alignment for the BMELR while recognising that:

- The alignment of the road is still subject to planning approval (including Environment Effects Statement (EES)).
- There are no funding or timing commitments for the BMELR project.
- A Public Acquisition Overlay (PAO) is yet to be implemented, and the timing for this is also unknown.

The options assessment for the BMELR suggests that the preferred alignment is centred on the top of the escarpment. Initial concept designs (dated 2023), however, require significant excavation and would result in destruction of the escarpment and sensitive environmental/ecological areas proximate to the subject Site. This, in itself, is in stark contrast to the series of Objectives, Requirements and Guidelines throughout the draft PSP which seek to protect – physically and visually – the escarpment, recognising it as a defining, valued feature of the precinct.

Given that the BMELR is still in its very early stages and that the Merrimu PSP has further progressed, the BMELR's alignment should be guided by the vision and findings of the PSP. The alignment of the BMELR should be informed by the objectives and directions of the draft PSP, not vice versa. A coordinated approach between the two projects is essential, particularly when considering the significant impacts on the future development of the PSP that the alignment of the BMELR may have.

In addition to the obvious impacts that the current preferred BMELR alignment will have on the escarpment and the significant visual and landscape character of the area, we submit that the BMELR alignment appears to be incompatible with other significant objectives of the PSP including, but not limited to, the following:

- *Objective 24 (O24): To provide a continuous linear parkland along the escarpment edge with integrated active transport links.*
- *Objective 29 (O29): To retain and protect features of the natural environment that make an important contribution to biodiversity, local character, amenity, cultural, geological items, and ecology.*
- *Objective 33 (O33): To minimise visual impact of development on sloping landforms with site responsive subdivision design, including larger lots as appropriate.*

4 Residential Development Capacity & Landscape Values

The PSP identifies 3.58 ha of the Site for future residential development.

The Site is within the 'Balance' housing catchment area shown on *Plan 3 - Housing*, which has a target density (average) of 15 dwellings or more per Net Developable Hectare (NDHa). The remainder of the lot is identified for the BMELR reservation, WL-05 and landscape value area. *Plan 5 - Public Realm* also

identifies the area along the escarpment as a linear reserve, and a large portion of the residential land as 'potential Victorian Grassland Earless Dragon (VGED) habitat'.

The VGED potential habitat is understood to have been identified in the *Existing Ecological Conditions Report* (Ecology & Heritage Partners (EH&P), 2025). These VGED potential habitat areas were established through investigations by EH&P on behalf of Bacchus Marsh Developments (BMD) and in consultation with the VPA, Council and the Commonwealth Government through a EPBC referral being completed in parallel with the PSP. We understand that VGED surveys were not undertaken for the Site – resulting in the areas identified being “quarantined in perpetuity” (p. 41 of the *Existing Ecological Conditions Report*).

What is clear through the above is that the potential for the future development of the land for residential purposes is highly constrained under the current draft PSP.

Our client submits that the draft PSP has not appropriately considered the capacity for the Site to contribute to the future delivery of housing within Merrimu, nor has it considered the strategic location of the Site at the entry point to the precinct.

Further strategic work needs to be undertaken to ensure that the future development for the Site can be realised. The nominated 3.58Ha of NDA as identified in Table 35 cannot be treated as accurate for the purposes of calculating the land use budget for the precinct until such a time as the various identified environmental constraints of the Site – including potential VGED habitat – has been rectified. Furthermore, having regard to the BMELR alignment as discussed above, targeted VGED surveys across all remaining areas of the precinct should be a priority prior to the PSP progressing further.

Landscape Value areas

The purpose, vision and objectives of 'Landscape Value' areas as identified throughout the draft PSP is unclear.

While parts of the PSP imply that Landscape Value areas are 'uncredited open space' areas not intended for residential development (see for example, Section 3.1 - Viable densities, Plan 5 - Public Realm, Plan 13 - Infrastructure and Development Staging, Plan 15 - Land Use Budget, Table 34 - Summary land use budget, Table 35 - Property-specific land use budget), other parts of the PSP suggest that these areas are suitable for appropriately designed, low-density residential development.

We have provided below excerpts of those parts of the draft PSP which imply an anticipated degree of development within landscape value areas:

- **R40:** *Subdivision and development of those areas identified as “landscape values” within Plan 2 - Place-based Plan must provide sufficient detail concerning the future ownership and management of the land.*
- **G40:** *Public recreation and open space areas should be located adjacent to significant landscape value areas, conservation areas and waterways to create and or enhance any buffer area.*
- **R54:** *Subdivision and development applications for land on slope greater than 10% must be responsive to site constraints and implement appropriate construction methods to minimise cut and fill and minimise visual intrusion.*
- **R55:** *Subdivision and development applications for land west of the break slope line included in Plan 6 - Topography must limit visual impact of development in sensitive locations.*
- **R62:** *Residential development within landscape value areas must minimise visual impact on the existing landscape and environment.*
- **R63:** *Residential development within landscape value areas must not be visible from Bacchus Marsh Road or the Western Freeway.*

Our client is of the strong opinion that the landscape value areas should be accounted for in the land use budget and inconsistencies (i.e., assertions which suggest that landscape value areas are undevelopable) within the draft PSP should be rectified.

Lower density, sensitively designed residential development within landscape value areas would align with objectives of the PSP which seek to provide a range of housing options (O6) and achieve a transition in density between existing low-density areas and the conventional residential areas (G8). Objectives, Requirements and Guidelines which suggest otherwise should be updated accordingly, and these areas should be accounted for in the land use budget accordingly.

5 Other Considerations

In addition to our above submissions, we would like to make the following comments on Requirements and Guidelines of the draft PSP:

1. **Requirement 7 (R7):** *Subdivision of land adjacent to an interface with escarpment, as set out in Plan 3 - Housing, must provide for an interface outcome consistent with the relevant cross section in Appendix 4 - Road Cross Sections and Functional Layout Plans.*

Comment:

There is no relevant cross section included at Appendix 4.

It is unclear from the information provided how residential properties interfacing with the escarpment are envisioned to be developed. Further, the linear park proposed along the escarpment would mean that development on the escarpment would not be able to occur.

The current wording of the PSP and conflicting Requirements, Guidelines and plans throughout the document make it difficult to understand what the vision for the future development of these areas is.

Clarification on:

- a) the vision for the future development of lots along the escarpment;
- b) the indicative design and form of the linear open space area;
- c) the funding mechanism for the linear open space/reserve along the escarpment; and
- d) the referenced cross sections at R7

should be provided.

2. **Requirement 23 (R23):** *Development must not encroach on land that has been reserved within the PSP for the future delivery of the Bacchus Marsh Eastern Link Road.*

Requirement 24 (R24): *Subdivision and development must not encroach on the route and alignment of the planned Bacchus Marsh Eastern Link Road.*

Comment:

R23 and R24 appear to be a duplication of each other, although R23 relates only to development whilst R24 addresses both subdivision and development.

We submit that R23 should be deleted.

3. **Requirement 38 (R38):** *Land designated for parks and open space must be finished and maintained to a suitable standard, prior to the transfer of land, to the satisfaction of the responsible authority.*

Comment:

The wording of R38, in our view, is problematic given that it is mandatory and 'suitable standard' is not defined in the PSP or the Guidelines. It is unclear how, as a Requirement, this will be implemented or enforceable.

We submit that R38 should be changed to a Guideline, or otherwise amended to remove any ambiguity.

4. **Guideline 44 (G44):** *Land identified as part of the linear parkland along the escarpment should be developed in accordance with relevant cross sections in Appendix 4.*

Comment:

There is no 'relevant cross section' contained within Appendix 4 for the linear parkland along the escarpment. Details of the purpose and extent of the linear parkland are also unclear throughout the draft PSP document. Further detail in this regard should be provided.

We also note that the linear parkland is truncated by the BMELR alignment and the interface treatment in this section – including guidelines for ensuring connectivity of the linear parkland across the BMELR – should be included.

5. **Objective 34 (O34):** *To minimise visual impact on the existing and surrounding rural landscape and ensure that urban development retains existing view lines wherever possible.*

Comment:

Given the substantial extent of excavation and anticipated cut through the prominent escarpment by the BMELR it is unclear how O34 can be realistically achieved.

Further regard to the significant change to the landscape expected to be caused by the current BMELR alignment should be included within the PSP. Alignment of the BMELR along the base of the escarpment may assist in alleviating this to some degree, although we acknowledge that the BMELR alignment is not within the scope of the PSP. Further engagement with Transport Victoria should be undertaken to rectify the alignment and ensure consistency between the two projects is achieved.

6. **Requirement 63 (R63):** *Residential development within landscape value areas must not be visible from Bacchus Marsh Road or the Western Freeway.*

Comment:

As with the above comments, it is unclear how R63 – as a mandatory requirement – can be realistically achieved.

The draft PSP includes no details regarding prominent or important view lines throughout the precinct or from major transport routes. Further, the eventual delivery of the BMELR on the current preferred alignment is highly likely to alter visibility of the Merrimu PSP area from both Bacchus Marsh Road and the Western Freeway, resulting in developments which are misaligned with the direction of this requirement.

We submit that R63 be changed to a guideline and that further analysis on important view lines around the precinct should be included within the PSP document.

6 Conclusion

In conclusion, the draft Merrimu PSP, DCP and Amendment as exhibited imposes significant and unresolved constraints on the development potential of [REDACTED]

Our client respectfully submits that:

- The draft PSP, DCP and Amendment be referred to a Standing Advisory Committee.
- The location, size and purpose of WL-05, be reviewed and clarified throughout the documentation, having regard to the planning, implementation and development impacts.
- Further engagement with Transport Victoria is undertaken to ensure that the BMELR alignment is consistent with the vision, objectives, requirements and guidelines of the Merrimu PSP, and that a coordinated approach is employed.
- Further targeted ecological studies be undertaken to confirm the true extent of potential VGED habitat, and to ensure that the alignment of the BMELR is practical and achievable, and that residentially zoned land is not unreasonably encumbered.
- The role and development expectations of landscape value areas be better articulated throughout the documentation, allowing for a degree of low-density residential development, increasing residential capacity within the precinct and providing greater certainty to affected landowners.
- Duplicative, ambiguous or unenforceable requirements and guidelines throughout the draft PSP – specifically with respect to matters relating to escarpment interfaces, visibility of residential development, linear park delivery, and design standards – be revised and refined.

Our client reserves the right to make further submissions through the SAC process. We look forward to continuing to work constructively with the VPA.

Please contact the undersigned via email or on [REDACTED] should you wish to discuss any aspect of this submission further.

