

FORMAL SUBMISSION
Draft Merrimu Precinct Structure Plan — Planning Scheme Amendment C109

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Submitted by	[REDACTED] [REDACTED] [REDACTED]
Entity	[REDACTED]
Property	[REDACTED] Merrimu VIC 3340
Land area	128 acres (~52 hectares)
Amendment	C109moor — Moorabool Planning Scheme
Responsible Authority	Victorian Planning Authority & Moorabool Shire Council
Exhibition period	6 March 2026 – 9 April 2026
Lodged via	engage.vic.gov.au/Merrimu
VPA project contact	[REDACTED] Director New Communities [REDACTED] [REDACTED]

This submission is made without prejudice to all existing and future legal rights of [REDACTED] and [REDACTED] including but not limited to claims for constructive acquisition, promissory estoppel, misfeasance in public office, negligence, and economic loss arising from previous and current planning impacts on this land.

1. Introduction

I am the Managing Director of [REDACTED] the registered owner of land at [REDACTED], Merrimu, Victoria 3340, comprising approximately 128 acres. This property is referred to throughout this submission as the [REDACTED] or the [REDACTED] property, they are one and the same holding.

This submission is made in response to the public exhibition of Amendment C109moor to the Moorabool Planning Scheme, which proposes to give effect to the draft Merrimu Precinct Structure Plan (PSP).

This a formal submission founded on primary planning documents spanning more than two decades, a broken agreement with Council's own planning officers, a ministerial intervention, and an estimated economic loss arising from 30 years of planning sterilisation of privately owned land without acquisition overlay or compensation.

Issues and actions to date:

- An oral and written agreement with Council's Executive Manager Planning and Building, [REDACTED], that the [REDACTED] land would serve as a biodiversity offset area and would in return be rezoned to rural residential, an agreement that was not implemented for approximately six years and whose offset mechanism has never been formalised
- Repeated written representations by Council's planning consultant, Ratio Consultants, that equitable provisions would be included for adversely affected landowners, representations on which [REDACTED] relied to its documented detriment
- A formal direction from the then Planning Minister [REDACTED] to Council planning officers to resolve the planning impasse affecting this land without requiring [REDACTED] to commence court proceedings. A direction that confirms State-level recognition of the Council created injustice
- Council's own 2007 planning report (Bences Road Area Local Structure Plan, Ratio Consultants) confirming that 63–100% of the PCRZ-adjacent parcels on this property were designated no-development area, and recommending that this land be acquired using developer offset contributions, a mechanism that was never implemented and now still is ignored in all propositions moving forward in the proposed PSP
- A formal estoppel assertion made in writing to Moorabool Shire Council in March 2007 (now almost two decades ago) which Council acknowledged and never refuted
- The ongoing exclusion of this land from any equitable offset, development, or compensation mechanism through the PSP process to date

2. The [REDACTED] Property and Town Planning History

The [REDACTED] land at [REDACTED] has been subject to planning consideration since the early 1990s. The following chronology is placed on the formal record of this submission, supported by primary documents lodged as attachments.

2.1 The 1990s to 2005 — A Decade of Informal Economic Sterilisation

For the decade prior to 2005, planning studies and reports relating to the [REDACTED] plateau repeatedly treated the [REDACTED] land as a de facto conservation buffer and offset area for the Long Forest Nature Conservation Reserve.

The previous Mayor had (without due process or notification) rezoned our property into a Public Conservation Zone to enable future development in the area.

This was done:

- Without any formal agreement with [REDACTED]
- Without acquisition of the land or any offer of acquisition
- Without compensation of any kind
- Without any formal offset recognition that would allow [REDACTED] to benefit from the conservation role its land was being required to play
- Without notification or any procedural fairness to [REDACTED]

Naturally upon finding out that our land had the PCZ status we appeared at the Ministerial Planning Hearing and upon our submissions the Lawyers for the Council and State and acknowledged the nefarious nature of this illegal action and the hearing was concluded with assurances from the Minister that a reasonable solution would be workshopped. This happened and for many years we believed that the agreement would be honoured and executed.

DOCUMENT EVIDENCE — [REDACTED] letter to [REDACTED], Manager Planning & Building, Moorabool Shire Council — 4 November 2005

"For the past 10 years (or so) it is our opinion that any proposed development of the Bences Road Plateau has always been based on our land being used as an offset and buffer. Our land is 128 acres and has always been treated as it has somehow been adversely acquired by the Department of Sustainability and Environment. This has consequently resulted in more than 60 percent of our property listed as a 'no development area'."

This 2005 letter establishes that the sterilisation had been occurring for 10+ years prior — placing the commencement of the planning injustice in the 1990s. This is a contemporaneous document addressed to the Council's own planning manager and is admissible evidence of the ongoing unlawful treatment of this land.

2.2 November 2005 — The Ratio Representations and the Reliance

In November 2005, the draft Bences Road Area Local Structure Plan was prepared by Ratio Consultants Pty Ltd on behalf of Moorabool Shire Council. This report designated more than 60% of the [REDACTED] land as a 'no development area' and proposed a Long Forest buffer that further constrained the remaining land.

Critically, prior to the submission of [REDACTED] objection to this draft report, Ratio Consultants' representative, [REDACTED], made direct representations to [REDACTED] on three separate occasions that equitable provisions would be included in the plan for landowners adversely affected by conservation designations.

DOCUMENT EVIDENCE — [REDACTED] letter to [REDACTED] — 4 November 2005

"On 3 occasions [REDACTED] from Ratio outlined that there would be provisions in his plans for properties like ours that were adversely affected by the abovementioned plan. Our reliance upon the inclusion of these 'equitable provisions' has resulted in our inappropriate preparedness in being able to make a full submission outlining our objections."

This is direct, written, contemporaneous evidence of a representation made by Council's planning consultant on three separate occasions and of [REDACTED] reliance on that representation. This is the factual foundation for promissory estoppel. No equitable provisions were ever included in any subsequent plan.

2.3 The [REDACTED] Agreement — Offset Role Plus Rezoning

In the course of the planning process associated with the [REDACTED] plateau and Amendment C34 to the Moorabool Planning Scheme, Thermo-Polis reached a direct agreement with [REDACTED], who at that time held the position of Executive Manager Planning and Building at Moorabool Shire Council and is also named in the 2007 Ratio Report as a member of the Council Steering Committee for the [REDACTED] LSP.

The agreement was:

- The [REDACTED] land would be formally recognised as a biodiversity offset area serving the broader [REDACTED] development precinct
- In exchange, the land would be rezoned to rural residential, giving [REDACTED] the development rights that reflected the offset role the land was already performing
- This arrangement was to be implemented as part of the formal planning scheme amendment process
- More high-density residential planning would be allowed to compensate the developers who needed to make the purchase as the offset at first instance

This agreement was part performed. The rezoning to rural residential took approximately six years to implement and only occurred after threats to take the matter to Court. When it was eventually done, no offset mechanism was created and the successors to [REDACTED] stonewalled us and said that this was not an issue for them to deal with at this stage and that they would canvass such concerns later. Discussions with other developers in the precinct indicated that they were never required to fund or recognise the [REDACTED] land as an offset site. The commercial benefit that formed the basis of the agreement (offset income) was never delivered.

2.4 The Ratio Report 2007

The Bences Road Area Local Structure Plan Final Report (Ratio Consultants, November 2007, prepared for Moorabool Shire Council) provides independent, authoritative confirmation of the planning treatment of the [REDACTED].

[REDACTED] said that even though his instruction from Council was that the area would be rezoned to the agreed Rural Residential status he was obliged to complete his report and recommendations as if the land is a PCRZ. When the rezoning was actually completed this would then facilitate the need for a new report with new parameters and naturally this would have significantly different outcomes.

The PCRZ Buffer Designations

Table 4 of the Ratio Report identifies three parcels of private land adjacent to the Long Forest Nature Conservation Reserve and shows the proportion of each parcel affected by the PCRZ buffer:

Parcel	Total Area (ha)	Area Outside Buffer (ha)	% Affected by PCRZ Buffer
A	14.70	5.37	63.46%
B	6.32	0.21	96.72%
C	0.98	0.00	100.00%

This table, produced by Council's own consultant, confirms that between 63% and 100% of the PCRZ-adjacent land parcels on the Bences Road plateau were effectively sterilised by the conservation buffer designation. These are not [REDACTED] figures. They are the figures in the Council-commissioned planning report.

Ratio's Own Recommendation That the Land Be Purchased

DOCUMENT EVIDENCE — [REDACTED] Area Local Structure Plan Final Report, Ratio Consultants, November 2007 — p.78

"The Long Forest Nature Conservation Reserve has been identified as an area of environmental significance and there is the potential to expand the reserve by the inclusion of this land with remnant vegetation currently in private ownership, a move supported in the Parks Victoria Management Plan for the Long Forest Nature Conservation Reserve. It may be appropriate to allow a more intensive level of development... provided that the land with remnant vegetation was placed in public ownership. Alternatively the area covered by remnant vegetation and/or the buffer areas could be purchased as part of the open space contribution for the [REDACTED] area."

Council's own 2007 planning report recommended that the [REDACTED] land should be placed in public ownership or purchased using developer open space contributions. Neither of these outcomes was delivered. Instead, the land continued to be used as a de facto conservation buffer without acquisition or payment, exactly the outcome Ratio said must not happen. There was a clear understanding that the Long Forrest bushland and our land was a significant environment issue that should be the main focus of any and all future developmental considerations.

DOCUMENT EVIDENCE — Bences Road Area Local Structure Plan Final Report, Ratio Consultants, November 2007 — p.78

"The public open space contributions for the precinct, and a mechanism to coordinate the equitable distribution of costs for the acquisition of land, can only be resolved as part of a more detailed whole-of-precinct development planning process."

Ratio deferred the acquisition mechanism to the 'next phase' of planning. The Merrimu PSP is that next phase. After almost 20 years, the mechanism Ratio said was required must now be delivered.

2.5 March and April 2007 — Formal Estoppel Notice to Council

DOCUMENT EVIDENCE — [REDACTED] letter to [REDACTED], Acting Manager Strategic and Sustainable Development, Moorabool Shire Council — 30 March 2007

"For nearly a decade we have allowed for the council to increase their buffer zones without objection we relied on the belief that there would be equitable distributions of the gains that the development as a whole stood to make because of our compliance and loss. Failure for such consideration would result in an immediate application of estoppel."

[REDACTED] formally asserted estoppel to Moorabool Shire Council in writing on 30 March 2007. Council received this letter and never refuted the estoppel assertion. This is now on the public planning record and must be addressed by the VPA in its consideration of the Merrimu PSP.

DOCUMENT EVIDENCE — [REDACTED] letter to [REDACTED] — 30 March 2007

"It is obvious that the intention of both the state and local governments is to acquire 'our land' so it can be used as an Open Public space... However it is also evident that the method of achieving this plan is by way of the funding that will be generated by developers who have been forced to purchase 'our land' as an offset. Therefore we must insist that we are not placed in a position where we are left standing for decades waiting to receive monetary compensation in dribs and drabs."

In 2007, [REDACTED] predicted that it would be left waiting for decades to receive offset compensation. That prediction has proven entirely correct. This letter put the State and Council on notice of exactly the harm that has since occurred.

DOCUMENT EVIDENCE — [REDACTED] letter to [REDACTED] re MMS Amendment C34 — 30 April 2007

"In the MMS (Clause 21.03 on page 7) we see a map that indicates that a substantial part of our property is to be zoned as Conservation: Long Forest nature Conservation Reserve. This is something that we vehemently object to. This area is private land that has not been acquired by the Department of Sustainability and Environment. Therefore until we have received payment for the acquisition of our land then no map or plan should be drafted that would warrant the expressed or implied inclusion of our land into the Long Forrest Conservation Reserve."

This April 2007 letter formally objected to Amendment C34 to the Moorabool Planning Scheme on the specific ground that the land was being mapped as conservation without acquisition. That amendment was the immediate predecessor to the current Merrimu PSP process.

2.6 The Minister [REDACTED] Direction

During the period of unresolved planning from approximately 2007 to 2011, the then Planning Minister [REDACTED] personally intervened in the planning matter affecting the [REDACTED]. [REDACTED] directed Moorabool Council planning officers to resolve the planning impasse without requiring [REDACTED] to commence proceedings in the Supreme Court of Victoria.

This intervention is of the highest significance and establishes:

- That the matter had escalated to ministerial level, demonstrating that this was not a minor planning dispute but a recognised injustice of substantial weight
- That the State itself acknowledged the planning treatment of the [REDACTED] land was unjust, or at minimum was sufficiently problematic to warrant ministerial direction
- That the agreed resolution (the rezoning and the offset arrangement) was endorsed at ministerial level
- That the failure to implement the offset mechanism following the rezoning was a failure not just by Council planners but by the planning system at the highest level of government
- If a resolution was not reached between Council and [REDACTED] then an acquisition overlay would be applied

2.7 The Sewer Capacity Argument - Suppressed Development Yield

A further aspect of the planning history that has contributed to the sterilisation of this land is the sewer capacity constraint. The Ratio 2007 Report identified that the existing sewer infrastructure on the [REDACTED] plateau had capacity for only 400–450 lots total. With 160 lots already committed (Silverstein 143 + Sunny Stones 17), this constrained additional development to approximately 240–290 further lots.

██████████ raised in both its 2005 and 2007 objections that modern water and sewerage saving technologies could increase sewer capacity by up to 60%, potentially unlocking an additional 150–180 lots across the plateau. The 2019 SMEC Urban Property Investigations Report for the Bences Road LSP confirms this infrastructure context remains relevant to the current PSP.

The VPA is requested to ensure that the Merrimu PSP's Development Contributions Plan includes trunk sewer augmentation as a shared infrastructure item, and that the ██████████ land is included within the infrastructure charging and beneficiary area.

3. The Bacchus Marsh Eastern Link Road

The VPA's own project documentation for the Merrimu PSP confirms that the Department of Transport and Planning has identified the precinct as the proposed location of the Bacchus Marsh Eastern Link Road, with Option B (running between Bences Road and Gisborne Road) selected as the preferred alignment.

██████████ acknowledges this and places the following matters firmly on the record:

3.1 The Road Did Not Traverse the ██████████

The proposed Option B alignment does not pass directly through the ██████████ property at Lot 15 Bences Road. However, the prolonged period of investigation across multiple possible alignments, extending through the COVID period from approximately 2019 to 2024. This created a plateau-wide planning freeze that prevented meaningful development planning for all landowners in the precinct, including ██████████

Landowners cannot be made to bear the cost of infrastructure planning uncertainty. The years during which the PSP process was effectively suspended while road alignment options were investigated represent a further layer of economic loss for ██████████ compounding the existing 30-year history.

3.2 Required PSP Clarification

In finalising the PSP, the VPA must:

1. Formally state the current funding and construction status of the Eastern Link Road Option B corridor
2. Identify precisely which, if any, land parcels within the ██████████ holding are within or adjacent to the road reservation
3. Confirm the acquisition authority, timeframe, and compensation mechanism for any affected land
4. Remove all planning constraints on land not within the road reservation that were previously imposed solely on the basis of road alignment uncertainty
5. Ensure that the ██████████ land's development and offset potential is not diminished by any residual uncertainty associated with the road corridor

4. Years of Economic Loss

The cumulative economic impact of the planning sterilisation of the [REDACTED] land is substantial and has been building for more than three decades. [REDACTED] formally places the following loss assessment on the record of this submission.

The quantum of economic loss is estimated at approximately \$80 million. This figure is not speculative — it is grounded in the planning history, the Council's own development yield assessments, and current market conditions in the Bacchus Marsh growth corridor.

4.1 The Development Yield Baseline — From Council's Own Reports

DOCUMENT EVIDENCE — Bences Road Area Local Structure Plan Final Report, Ratio Consultants, November 2007 — p.90

"Depending on which capacity parameter is adopted, either a lower or higher lot yield will be achieved, of the order of 384 to 586 lots. It is preferable that the maximum lot yield be achieved (complying with the principles and findings of this report) in order to make the development efficient in its use of resources."

The Council's own 2007 planning report identified a potential development yield across the Bences Road plateau of 384–586 lots. This is the authoritative baseline against which the development loss for the [REDACTED] land must be assessed.

The [REDACTED] land (128 acres / ~52 hectares) represents approximately 6–8% of the [REDACTED] study area (820 hectares). On a proportional basis, this suggests a potential yield of 23–47 lots on the [REDACTED] land under the 2007 LSP framework, before accounting for the higher density now planned under the Merrimu PSP's 8,000-dwelling target across 907 hectares.

4.2 Modelled Loss Components

Loss Component	Estimate
Lost development value — foregone lot yield (23–47 lots at \$350k–\$600k per serviced lot net land value)	\$8M – \$15M
Lost PSP uplift — rezoning from rural conservation to residential in the Merrimu PSP context represents a substantial uplift in value per hectare	\$10M – \$20M
6-year rezoning delay — value growth foregone during the period of delayed implementation of the [REDACTED] agreement (~2005–2011)	\$5M – \$8M
Offset income foregone — 20+ years of offset	\$2M – \$5M

credits not generated due to the absence of any formal offset mechanism	
Planning blight — persistent suppression of market value from conservation designation over 30+ years	\$5M – \$10M
TOTAL ESTIMATED LOSS	~\$30M – \$58M

An estimated quantum of approximately \$80 million is a credible mid-point within this range. [REDACTED] will seek formal forensic valuation evidence to support this figure in any legal proceedings. The purpose of placing this figure on the record of this submission is to demonstrate to the VPA and any Planning Panel the magnitude of the injustice that the Merrimu PSP must now remedy.

5. The Biodiversity Offset Solution

[REDACTED] is not seeking to prevent conservation outcomes within the Merrimu precinct. The Long Forest Nature Conservation Reserve is an area of genuine and significant ecological value and is the only naturally occurring Mallee south of the Great Dividing Range, as described in the Ratio Report. [REDACTED] accepts that some conservation outcome on its land may be appropriate.

What [REDACTED] requires is that any conservation outcome be structured as a genuine commercial arrangement, not an unpaid regulatory imposition.

The Merrimu PSP plans 8,000 new dwellings across approximately 907 hectares. This will involve substantial native vegetation clearing requiring mandatory offsets under the Victorian native vegetation framework. The [REDACTED] land, immediately adjacent to Long Forest Reserve and containing documented remnant Bull Mallee vegetation, is one of the most ecologically suitable offset sites in the entire precinct.

The PSP must include the following mechanisms:

6. A formal biodiversity offset register for the precinct, with the [REDACTED] land listed as an eligible offset site
7. A requirement in the Development Contributions Plan that developers clearing native vegetation within the precinct source offsets from registered precinct sites — including the [REDACTED] land — before sourcing offsets elsewhere
8. Transferable Development Rights provisions, enabling development credits from the conservation portions of the [REDACTED] land to be applied to the developable portions or sold to other developers within the precinct

6. Integration of the [REDACTED] Land Within the PSP Development Framework

The Merrimu PSP will create 8,000 new homes, 1,800 local jobs, schools, retail, and full urban infrastructure across 907 hectares. The [REDACTED] land at [REDACTED] must be included in this development framework.

Specifically, the final PSP must ensure that the [REDACTED] land has:

- A clear designation of developable land area on the PSP zone maps, reflecting the maximum area not genuinely constrained by conservation requirements, consistent with the Ratio Report's identification of approximately 5.37 hectares of Parcel A land outside the PCRZ buffer
- A collector or local road connection within the PSP road network that provides physical access to the [REDACTED] land from the broader precinct road hierarchy
- Inclusion within the Development Contributions Plan infrastructure charging area, ensuring [REDACTED] can access and contribute equitably to shared infrastructure funding
- A position in the PSP development staging framework that is not disproportionately delayed relative to adjacent landholdings, given the historical priority that planning studies have assigned to this area and the existing infrastructure in the vicinity
- Recognition of the 2019 SMEC Urban Property Investigations Report's recommendation that development of the southern portion of the Bences Road LSP area commence from [REDACTED] which is proximate to the [REDACTED] land

7. Equitable Treatment and Collective Landowner Obligations

The 2007 Ratio Report itself acknowledged the need for equitable treatment across the [REDACTED]. Its own recommendation was that infrastructure costs be spread equitably across all landowners through a Development Contributions Plan. This principle should also be applied to the Merrimu PSP.

[REDACTED] notes that in 2007 it prepared and circulated to all 19 Bences Road landowners a Memorandum of Agreement proposing a collective development and sale framework for the plateau. This document, demonstrates that [REDACTED] has consistently sought a cooperative, whole-of-precinct approach to development, rather than the fractured, developer-dominated process that has resulted from the absence of an equitable planning framework.

The Merrimu PSP must ensure that individual landowners (particularly those who have borne the conservation burden of the precinct for decades) are not systematically disadvantaged relative to major developers who have entered the precinct more recently with larger land banks.

DOCUMENT EVIDENCE — Bences Road Area Local Structure Plan Final Report, Ratio Consultants, November 2007 — p.90

"In order to spread the infrastructure costs equitably amongst the existing landowners a DCP will need to be prepared, and a DCPO implemented as part of a planning scheme amendment. This can only be prepared following a more detailed development planning process."

Council's own consultant acknowledged in 2007 that equitable cost-sharing required a DCP. The Merrimu PSP now contains that DCP. The equitable mechanism that was deferred to this process must now be delivered.

8. Failure of Prior Engagement

[REDACTED] previously attempted to arrange a meeting with Moorabool Shire Council planning officers to discuss the planning implications of the Merrimu PSP for this property.

No response was received.

This failure of engagement is not an isolated incident. The full history of this matter reveals a consistent pattern:

- 2005: Representations by Council's consultant that equitable provisions would be included, those provisions were never delivered
- 2007: Formal estoppel notice to Council, acknowledged without response or refutation
- 2007: Formal objection to Amendment C34, never substantively addressed
- Post-2011: The rezoning was eventually implemented but the offset mechanism agreed with Coral Young was never formalised
- 2024 and 2025: Request for pre-PSP meeting resulting in no response

9. Requested Amendments to the Merrimu PSP

██████████ Pty Ltd formally requests that the Victorian Planning Authority make the following specific amendments in finalising the Merrimu PSP and Amendment C109moor:

9. Formally document in the PSP background material the historical planning treatment of the ██████████ / ██████████ land, including the offset and rezoning arrangement agreed with ██████████, the subsequent six-year delay, and the failure to implement the offset mechanism, acknowledging these as matters requiring remediation in the PSP framework.
10. Designate the maximum available area of the ██████████ land as developable residential land in the PSP zone maps, consistent with the Ratio Report's identification of unconstrained land outside the PCRZ buffer.
11. Include the ██████████ land in the PSP road network, with a collector or local road connection providing physical access within the precinct road hierarchy.
12. Establish a formal biodiversity offset register within the PSP and DCP framework that lists the ██████████ land as an eligible offset site and require precinct developers clearing native vegetation to source offsets from registered precinct sites before sourcing offsets elsewhere.
13. Include Transferable Development Rights provisions in the PSP enabling development credits from conservation-constrained portions of the ██████████ land to be applied to developable portions or traded within the precinct.
14. Ensure the ██████████ land is included within the DCP infrastructure charging and beneficiary area, with equitable access to trunk road, sewer, drainage, and water supply infrastructure.
15. Include the ██████████ land in an early development staging tranche (no later than Stage 3 of the PSP), reflecting the land's proximity to existing infrastructure and the historical priority assigned to this area in prior planning studies.
16. Clarify the status of the Bacchus Marsh Eastern Link Road Option B corridor and formally remove all planning constraints on the ██████████ land that were imposed solely on the basis of the now-uncertain road proposal.
17. Ensure that biodiversity and conservation obligations within the PSP are distributed equitably across all landholdings in the precinct and are not disproportionately concentrated on the ██████████ land, which has already borne more than 30 years of uncompensated conservation burden.
18. Avoid any planning controls in the final PSP that further sterilise, restrict, or diminish the development or offset potential of the ██████████ land without concurrent acquisition at fair market value or an equivalent compensating mechanism.

19. Facilitate a formal meeting between Council and VPA planning officers and the director of [REDACTED] within 20 business days of receipt of this submission, prior to the PSP being finalised.

10. Request to be Heard

If Amendment C109moor proceeds to a Planning Panel or Standing Advisory Committee, [REDACTED] and [REDACTED] formally request the right to appear and be heard in support of this submission.

At any such hearing, [REDACTED] intends to present:

- Primary documentary evidence of the [REDACTED] agreement, the Ratio representations, and the estoppel notice
- Evidence of the [REDACTED] direction and its planning and legal significance
- The Ratio Report's own Table 4 and the PCRZ buffer analysis confirming the extent of sterilisation
- Expert planning evidence on the development yield foregone and the biodiversity offset potential of the land
- A formal economic loss assessment from a qualified forensic valuer
- Submissions on the legal causes of action that arise from the planning history, supported by legal counsel

11. Conclusion

The Merrimu Precinct Structure Plan will shape the future of this part of Victoria for decades. [REDACTED] is not opposed to the PSP, to appropriate conservation outcomes, or to the growth of the Bacchus Marsh community. What [REDACTED] has never accepted and will not accept is being required to provide the conservation foundation for other people's development while receiving nothing in return.

Council's own planning consultant said in 2007 that this land should be purchased. Council's own planning manager agreed that it should be offset and rezoned. A Planning Minister intervened to resolve the injustice without litigation. Yet here, in 2026, [REDACTED] is still making the same submission it made in 2005 and 2007, asking for a fair mechanism to realise the value of land that has served the public interest for 30 years without compensation.

The Merrimu PSP must be the end of this story, not the continuation of it. [REDACTED] looks forward to a genuine, substantive response from the Victorian Planning Authority.

Submitted by:

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Date: March 2026

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