

City of Ballarat Planning Scheme

Draft Amendment C217ball

Explanatory Report

Overview

The draft amendment implements recommendations from the Ballarat 11 Waterways Flood Study 2025 (Water Technology) by applying the Floodway Overlay (Schedule 2) and Land Subject to Inundation Overlay (Schedule 2) to rural and urban areas at risk of mainstream flooding and the Special Building Overlay (Schedule 1) to urban areas at risk of stormwater flooding.

This draft amendment proposes to add new flood risk locations into the Ballarat Planning Scheme following recommendations from recent flood investigations.

The flood overlays are sometimes referred to as the FO2, LSIO2 and SBO1 throughout this document.

Where you may inspect this amendment

The draft amendment can be inspected free of charge at:

- The City of Ballarat Council website at <https://mysay.ballarat.vic.gov.au/XXX>;
- During office Hours by contacting 03 5330 5500 to arrange a time to view the amendment documentation at:
 - City of Ballarat Council Offices, Phoenix Building, 25 Armstrong Street South, Ballarat Central, Vic.
- Department of Transport and Planning website at www.planning.vic.gov.au/public-inspection

Submissions

Any person may make a submission about the amendment to the planning authority. Submissions about the amendment must be received by **X Month 2026**.

A submission must be sent to:

Strategic Planning, City of Ballarat:

By post: PO Box 665, Ballarat VIC 3350

In person: 25 Armstrong Street South, BALLARAT CENTRAL VIC

By email: strategicplanningsubmissions@ballarat.vic.gov.au

Panel hearing dates

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

- Directions hearing: x Month year
- Panel hearing: x month year

Details of the amendment

Who is the planning authority?

The amendment has been prepared by Ballarat City Council which is the planning authority for this amendment.

The amendment has been made at the request of the Ballarat City Council and the Corangamite Catchment Management Authority (CMA).

Land affected by the amendment

The draft amendment applies to land in the township of Ballarat and surrounds, as identified in the *Ballarat 11 Waterways Flood Study 2025* (Water Technology), as can be seen in figure 1.

The Flood Overlay and Land Subject to Inundation Overlay controls will affect properties across an expanse of the following waterway catchments,

- Bonshaw Creek
- Canadian Creek and Tributaries
- Chase Waterway
- Kensington Creek
- Little Bendigo Creek and Hit or Miss Gully
- Redan Creek
- Warrenheip Creek and Ryans Drain
- Yarrowee River and Gnarr Creek

This will be to varying degrees where some properties will have a portion of land affected, while others may have the overlay applied to the whole property. The application of the controls can be seen in figures 1.

The Ballarat suburbs specifically affected include;

- ALFREDTON
- BAKERY HILL
- BALLARAT CENTRAL
- BALLARAT EAST
- BALLARAT NORTH
- BLACK HILL
- BONSHAW
- BROWN HILL

- BUNKERS HILL
- CAMBRIAN HILL
- CANADIAN
- DELACOMBE
- DURHAM LEAD
- EUREKA
- GLEN PARK
- GOLDEN POINT
- GONG GONG
- LUCAS
- MAGPIE
- MOUNT CLEAR
- MOUNT HELEN
- MOUNT PLEASANT
- NAPOLEONS
- NERRINA
- REDAN
- ROSS CREEK
- SCOTCHMANS LEAD
- SEBASTOPOL
- SMYTHES CREEK
- SOLDIERS HILL
- WARRENHEIP
- WINTER VALLEY

These suburbs impacted by the proposed LSIO and FO feature a mix of residential, commercial, industrial, commercial and rural land uses. Central areas like Ballarat Central, Bakery Hill and Soldiers Hill are characterised by residential, commercial and heritage precincts, while suburbs such as Alfredton, Lucas and Winter Valley are undergoing significant residential growth. Sebastopol, Delacombe and Warrenheip also include industrial and commercial zones supporting business activity in addition to residential. Outer suburbs like Napoleons, Ross Creek and Durham Lead maintain rural and agricultural uses with some rural residential developments. Historical areas such as Eureka and Golden Point reflect a meeting point between Ballarat's gold rush heritage and residential while Canadian, Black Hill and Mount Clear offer residential areas with large areas of natural, open space. Growth areas, particularly in Ballarat's west are seeing increasing urban expansion, particularly towards Smythes Creek, Bonshaw and Cambrian Hill.

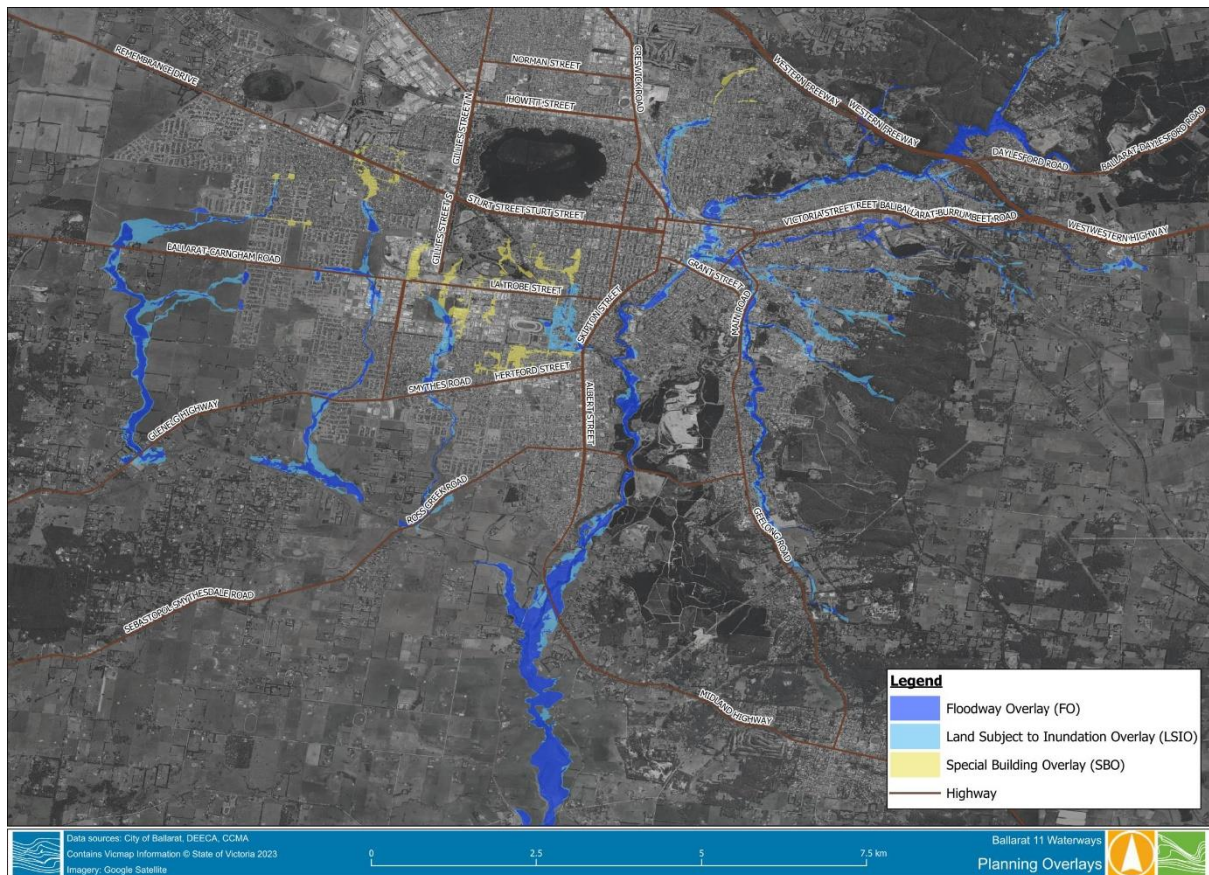


Figure 1 - Map of draft Overlays - FO, LSIO, SBO, Source: Summary Report - Ballarat 11 Waterways Flood Study 2025 (Water Technology).

The Special Building Overlay will be applied to urban areas affected by stormwater flooding which occurs when the capacity of the stormwater system is exceeded.

The Ballarat suburbs specifically affected by the Special Building Overlay Schedule 1 include,

- ALFREDTON
- BALLARAT CENTRAL
- BALLARAT NORTH
- DELACOMBE
- INVERMAY PARK
- NEWINGTON
- REDAN
- SEBASTOPOL

The application of the Special Building Overlay is generally within residential areas in the upper reaches of the Bonshaw, Gnarr, Kensington and Redan Creeks and The Chase Waterway, except for the industrial and mixed use areas in Delacombe and Alfredton affected by overland flows in the upper reaches of the Redan and Bonshaw Creeks.

A mapping reference table can be found at Attachment 1 to this Explanatory Report.

What the amendment does

The draft amendment implements recommendations from the *Ballarat 11 Waterways Flood Study* (Water Technology, July 2025) for identified riverine flood prone land in Ballarat by introducing new schedules to the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO).

The draft amendment also seeks to include the Special Building Overlay (SBO) to areas with an identified risk of stormwater flooding.

The FO2, LSIO2 and SBO1 are based on a design flood event that has a 1 per cent chance of occurring in any given year, known as the 1 per cent Annual Exceedance Probability (AEP). They have been based on climate change projections to 2100 under a RCP8.5 climate change scenario.

Specifically, the draft amendment proposes to change the following:

Overlays maps

- Amends planning scheme maps 04LSIO-FO, 16LSIO-FO, 17LSIO-FO, 18LSIO-FO to add the Land Subject to Inundation Overlay (Schedule 2) and the Floodway Overlay (Schedule 2) to flood prone land within the broader Yarrowee River catchment. These maps already show LSIO-FO overlays within the Burrumbeet River catchment to the north.
- Insert new Planning Scheme Map Nos. 19LSIO-FO, 20LSIO-FO, 21LSIO-FO, 23LSIO-FO, 24LSIO-FO, 25LSIO-FO, 26LSIO-FO, 27LSIO-FO, 28LSIO-FO, 29LSIO-FO, 30LSIO-FO, 31LSIO-FO, 32LSIO-FO, 33LSIO-FO, 34LSIO-FO, 36LSIO-FO, 38LSIO-FO, 39LSIO-FO, 40LSIO-FO, 14SBO, 16SBO, 17 SBO, 20SBO, 21SBO, 22SBO, 26SBO, 27SBO, to flood prone land within the broader Yarrowee River catchment.

Planning scheme ordinance

- Inserts a new Schedule 2, '*Flooding from Yaluk (Waterways – Wadawurrung Language) Yarrowee River Catchment*' to clause 44.03 Floodway Overlay which includes floodway objectives to be achieved, a statement of risk, permit requirements, application requirements and decision guidelines.
- Inserts a new Schedule 2, '*Flooding from Yaluk (Waterways – Wadawurrung Language) Yarrowee River Catchment*' to clause 44.04 Land Subject to Inundation Overlay which includes inundation objectives to be achieved, a statement of risk, permit requirements, application requirements and decision guidelines.
- Inserts a new Schedule 1 to Clause 44.05, '*Flooding from Urban Stormwater Drainage Systems*', Special Building Overlay which includes a statement of risk, permit requirements, application requirements, and decision guidelines.

- Amends the Schedule to Clause 72.03, What Does this Planning Scheme Consist Of, to update the list of maps in the City of Ballarat Planning Scheme
- Amends the Schedule to Clause 72.08, Schedule to Background Documents, to introduce a new background document as listed below;
 - *Ballarat 11 Waterways Flood Study (Water Technology, July 2025)*

Strategic assessment of the amendment

Why is the amendment required?

The draft amendment is required to implement recommendations from the findings of the *Ballarat 11 Waterways Flood Study* (Water Technology, July 2025). The draft amendment will ensure that planning controls reflect the most recently mapped flood risk from rivers and overland flows from the urban drainage system for 11 waterways in Ballarat.

The draft amendment provides a community benefit by formalising the best available riverine flood risk data into the planning scheme and applying it to future land use and development. The City of Ballarat, with the support of the Corangamite CMA, commissioned flood investigations for 11 waterways in Ballarat to understand, and respond to, flood risk across the city.

The *Ballarat 11 Waterways Flood Study* (Water Technology, July 2025) was undertaken by Water Technology and provides the best available information on riverine flooding in Ballarat. The Ballarat City Council currently does not have any flood controls in place within the broader Yarrowee River catchment.

The amendment identifies land that is likely to be within the 1 per cent AEP flood extent. Climate change projections have been factored into the proposed planning controls using a time horizon of 2100.

The Study provides recommendations for making changes to the City of Ballarat Planning Scheme for areas identified as being at risk of riverine and stormwater flooding. A key implementation task from the Study is to update flood controls and mapping within the Ballarat Planning Scheme.

The planning scheme amendment is necessary to establish regulatory controls that address and mitigate flood risks within Ballarat. Given the increasing frequency and intensity of flood events due to climate change, along with the ongoing development pressures within urban areas, it is essential to proactively manage flood-prone locations. By implementing specific controls, the amendment will help reduce potential harm to people, properties, and infrastructure, ensuring the city's resilience to flood events. The application of the Flood Overlay and Land Subject to Inundation Overlay will also support sustainable urban growth by clearly guiding development towards safer areas, protecting vital environmental assets, and enhancing public

safety while minimising future recovery costs.

Applying a Special Building Overlay (SBO) to land with identified flood risk is essential for safeguarding both current and future developments. This overlay provides a targeted planning tool that requires additional assessment of building design, location, and floor levels in areas vulnerable to flooding. By setting these standards, a SBO helps to prevent damage to properties and ensures that new buildings are constructed with resilience to potential flood impacts. It also assists in managing the city's broader flood mitigation efforts, reducing the risk to human life, and thus ensuring that emergency services can operate effectively during flood events. The SBO thereby contributes to a safer and more sustainable urban environment by promoting development practices that acknowledge and respond to the flood risks specific to these areas.

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

Section 4 of the *Planning and Environment Act 1987* sets out the objectives for planning in Victoria, including the following:

- To provide for the fair, orderly, economic and sustainable use, and development of land.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To balance the present and future interests of all Victorians.

The draft amendment responds to these objectives by:

- Recognising areas which are at risk of flooding.
- Applying appropriate planning controls to flood prone areas in order to protect life and property.
- Ensuring high risk areas have appropriate planning controls applied.

The amendment will assist landowners and occupiers to understand the potential flood risk and guide development on their land. It will assist the Ballarat Council to make more informed decisions on development of land affected by flooding.

The amendment will ensure development is managed safely in and around the floodplains which will assist in creating localities where communities can live, work and play safely and provide for a more efficient recovery from future flooding events.

How does the amendment address any environmental, social and

economic effects?

Environmental effects

The draft amendment identifies flood-prone areas. Locations of environmental significance, such as swamps, billabongs and wetlands, have an important role to play in supporting biodiversity, recycling nutrients and maintaining water quality – all of which can be impacted by inappropriate development in flood prone areas. The identification of these flood-prone areas will ensure that development is compatible with local environmental conditions including flood risk and drainage conditions.

The draft amendment will ensure that new development is appropriately designed and located for flood risk in a manner that maintains the free passage and temporary storage of floodwaters to minimise compromising natural systems.

Social effects

This draft amendment will ensure that development is undertaken in an orderly and safe manner. Flooding can have significant consequences for individuals and for local communities. The impacts can include loss of life, loss of property and temporary or permanent displacement. Flooding may affect people and communities differently. Health, mental health and social vulnerability may be exacerbated for people living in exposed communities and can make normally resilient people vulnerable.

Specific groups within communities exposed to flooding may be further disadvantaged. For example, people with disability may be more disadvantaged than people without disability in responding to a flood event. This may be because people with disability may face barriers to receiving or understanding emergency warnings. Ensuring appropriate development occurs reduces the chance of socially vulnerable people living in flood prone areas. Over the long term, applying appropriate planning controls will reduce the compounding impacts of social vulnerability.

Economic effects

The draft amendment is expected to have positive economic effects for the municipality. Flooding carries significant costs for the community, individual landowners and occupiers, and the government. The identification of flood risk through planning scheme mapping will provide increased certainty to the community and local businesses and reduce future economic loss from flooding.

Flood damage can disrupt communities and in extreme cases, cause extensive and costly damage to public and private assets, causing agricultural and industry losses, personal hardship and loss of life. By careful planning of new development, having regard to flood risk, future economic impacts of flooding can be reduced.

The publicly available flood risk information will assist current and future landowners make informed choices prior to purchasing and developing land. This information

will assist in establishing future industries, tourism and community facilities in appropriate locations. Additionally, minor buildings and works are exempt under the proposed schedules to avoid unnecessary planning regulation.

Does the amendment address relevant bushfire risk?

The draft amendment will not increase the risk to life, property, community infrastructure or the natural environment from bushfire, as it identifies flood risk. The draft amendment does not make any recommendations in regard to the intensification of development.

The draft amendment meets bushfire policy in Clause 13.02 of the Ballarat Planning Scheme. Much of the land affected by this draft amendment is unlikely to be intensified for urban purposes without subsequent planning approval. This will require consideration and assessment against the purpose and decision guidelines of the Bushfire Management Overlay, where applicable.

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

The draft amendment complies with the form and content requirements of the Ministerial Direction *The Form and Content of Plannings Schemes*, section 7(5) of the Act.

Direction No. 11: Strategic Assessment of Amendments

The draft amendment complies with Minister Direction No. 11, *Strategic Assessment of Amendments*, under section 12 of the *Planning and Environment Act 1987*. The draft amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

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

The draft amendment is consistent with the following clauses of the Planning Policy Framework and will assist in achieving their objectives, as follows:

Clause 11 – Settlement

The draft amendment is consistent with identifying that planning for settlements must have regard to “*health, wellbeing and safety*” and supports “...*anticipate and respond to the needs of existing and future communities...*”.

The draft amendment supports this principle by documenting the extent of flooding now and into the future.

Clause 11.01-1S – Settlement

The draft amendment is consistent with the objective “*to facilitate the sustainable*

growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements” by ensuring that development within flood prone areas is regulated to minimise impacts to human life and property.

It is consistent with *“minimising exposure to natural hazards, including increased risks due to climate change”* and *“support metropolitan and regional climate change adaption and mitigation measures”* by identifying flood prone land that takes into regard climate change.

Clause 12.03-1S – River and riparian corridors, waterways, lakes, wetlands and billabongs

The draft amendment is consistent with the objective *“to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs”*. It implements the following strategies: *“address the impacts of use and development on drought and flooding events at a catchment and site scale to protect the health and natural function of waterway systems and their surrounding landscape and environment”*; and *“design and site development to maintain and enhance the natural environment of waterway systems by avoiding impeding the natural flow of waterways and future flood events”*.

Clause 13 – Environmental risks and amenity

The draft amendment is consistent with strengthening the resilience and safety of communities by assisting in identifying, preventing and minimising the risk of harm to the environment, human health and amenity. It achieves this through ensuring that development and risk mitigation measures do not detrimentally interfere with important natural processes. The draft amendment prepares for and responds to the impacts of climate change.

Clause 13.01-1S – Natural hazards and climate change

The draft amendment is consistent with the objective *“to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning”* by implementing the following strategies: *“identify at risk areas using the best available data and climate change science”*; *“direct population growth and development to low risk locations”*; *“site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards”*.

It assists with climate change adaptation responses through implementing planning controls based on climate change which will guide decision making processes such as where the intensification of development is appropriate.

Clause 13.03-1S – Floodplain Management and Clause 13.03-1L Floodplains – City of Ballarat

The draft amendment is consistent with the objective in assisting with the protection of the following:

- “Life, property and community infrastructure from flood hazard, including

coastal inundation, riverine and overland flows.

- The natural flood carrying capacity of rivers, streams and floodways”.

Clause 19.03-3S – Integrated water management

The draft amendment is consistent with the strategies: *“Take into account the catchment context; Protect downstream environments, waterways and bays; Minimise flood risks; Provide urban environments that are more resilient to the effects of climate change.”*

The draft amendment assists with integrated water management responses through implementing overlays which will guide planning decision making and help inform a holistic approach to water management. The protection of life and property from flood impacts will ensure that the natural flood storage capacity of waterways remain relatively unencumbered.

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

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

MPS Clause 02.02 – Vision

The draft amendment is consistent with the vision *“Be a leader in sustainable living with ecologically-sound neighbourhoods where people can meet their daily needs within a short walk, ride or bus trip”*.

The draft amendment supports this vision by reducing impacts on the local environment and local neighbourhoods. It will provide more certainty to the community and local businesses on flood risk to inform their decision making.

Clause 02.03-3 – Environmental risks and amenity

The draft amendment is consistent with the following strategic directions:

“Council seeks to:

- *Preserve the natural functions and values of floodplain environments.*
- *Discourage development within floodprone areas that presents an unacceptable risk to life or property”.*

The draft amendment addresses this local policy which identified a gap in responding to flood risk through introducing planning controls.

Does the amendment make proper use of the Victoria Planning Provisions?

The draft amendment utilises the most effective controls available from the Victoria Planning Provisions. Consideration was given to the level of flood risk in terms of the frequency, depth and velocity of flood waters in choosing planning scheme tools.

The draft amendment is consistent with *Planning Practice Note 12: Applying the Flood Provisions in Planning Schemes*.

Corangamite CMA supports the application of the Floodway Overlay, the Land Subject to Inundation Overlay and the Special Building Overlay.

The Floodway Overlay planning tool is applied to waterways, main flood paths, drainage depressions and high hazard areas, at high depths ≥ 0.3 m and velocities ≥ 2.0 m/s for which the impacts of flooding are moderate to high with a depth x velocity of ≥ 0.3 m²/s.

The Land Subject to Inundation Overlay planning tool is applied to land liable to inundation by overland flow, in flood storage or in flood fringe areas from flooding in both rural and urban areas. These areas are of lesser depth and velocity than the FO being less than 0.3 m in depth and less than 0.2 m/s in velocity.

The Special Building Overlay applies to areas within the City of Ballarat that are subject to overland stormwater flooding. This overlay is used to manage development in areas where stormwater drainage systems may be overwhelmed during heavy rainfall events, leading to surface water flooding. Refinements to the extent of the proposed SBO were undertaken by assessing velocity vectors from the hydraulic model to determine where flows change from overland/stormwater flooding to riverine flooding. Shallow overland flows of less than or equal to 5cm were also filtered out.

The planning permit exemptions set out in the overlay schedules correspond to the level of flooding risk for the local conditions.

How does the amendment address the views of any relevant agency?

The draft amendment has been prepared in conjunction with the Corangamite CMA which is the relevant floodplain manager and recommending referral authority under Clause 66.03 of the planning scheme. Department of Transport and Planning have been consulted in the preparation of the planning scheme amendment.

Consultant Water Technology were involved with the configuration of the mapping for the planning controls.

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

The draft amendment is consistent with the objectives and decision-making principles in the *Transport Integration Act 2010*.

Specifically:

The draft amendment supports social inclusion and economic prosperity with respect to *“minimising barriers to access so that so far as is possible the transport system is available to as many persons as wish to use it”* and *“enabling efficient and effective access for persons and goods to places of employment, markets and services”*. It achieves this through providing information on flood risk which can be used to assist in future management and design of the transport system.

This draft amendment is unlikely to have a significant impact on the transport system.

Resource and administrative costs

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

The draft amendment will improve the application and administration of the Ballarat Planning Scheme, by providing greater certainty for the Council, Corangamite CMA, landowners, occupiers, local businesses and the community.

The introduction of new controls will result in a minor increase in the number of planning applications received by council and referred to the Corangamite CMA. It is unlikely that the new planning provisions will have a significant financial burden on Council. It will reduce demands on the Council's emergency management response and recovery resources from flooding events.

ATTACHMENT 1 - Mapping reference table

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Location	Planning Scheme Mapping Reference	Proposed Overlay changes
City of Ballarat (various localities in the Yarrowee Catchment)	As shown by the proposed SBO1 map series: 4SBO, 16SBO, 17 SBO, 20SBO, 21SBO, 22SBO, 26SBO, 27SBO	New SBO1
City of Ballarat (various localities in the Yarrowee Catchment)	As shown by the proposed LSIO2-FO2 map series: 19LSIO-FO, 20LSIO-FO, 21LSIO-FO, 23LSIO-FO, 24LSIO-FO, 25LSIO-FO, 26LSIO-FO, 27LSIO-FO, 28LSIO-FO, 29LSIO-FO, 30LSIO-FO, 31LSIO-FO, 32LSIO-FO, 33LSIO-FO, 34LSIO-FO, 36LSIO-FO, 38LSIO-FO, 39LSIO-FO, 40LSIO-FO	New LSIO2 – FO2

City of Ballarat (northern portion of the Yarrowee Catchment)	As shown by the proposed LSIO2-FO2 map series: 04LSIO-FO, 16LSIO-FO, 17LSIO-FO, 18LSIO-FO	The existing Burrumbeet Catchment overlays LSIO-FO will remain unchanged, and the maps will be amended to add the new Yarrowee Catchment overlays LSIO2 – FO2.
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