



Abiwood

Developments

Joint Ventures

Capital

Professional Development Management

Sustainable Growth
Ballarat City Council
The Phoenix
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4 August 2025

Dear Sir/Madam

**RE: SUBMISSION TO BALLARAT PLANNING SCHEME AMENDMENT C234baI
PROPOSED AMENDMENTS TO THE BALLARAT WEST PRECINCT STRUCTURE PLAN &
BALLARAT WEST DEVELOPMENT CONTRIBUTIONS PLAN**

Entities of Abiwood Pty Ltd have been involved in the development of multiple parcels of land identified in the Ballarat West Precinct Structure Plan (PSP) and associated Development Contributions Plan (DCP).

Pinnacle, Glenelg Highway, Smythes Creek

Abiwood Creekside Pty Ltd are the developers of the Pinnacle estate, Glenelg Highway, Smythes Creek and are subdividing the site under Planning Permit No. PLP/2015/347/D applying to the above-noted address. These are Properties 2, 7 and 16 as identified within the PSP and DCP as shown in Attachment 1.

Planning Permit No. PLP/2015/347/D was issued by Council on 28 August 2015 and amended on 15 April 2020, allowing for a 'staged multi lot subdivision and associated works including creation of access to a Road Zone, Category 1, removal of native vegetation, and creation of a restriction'. It is of note that Council has issued extensions of time for this development, most recently on 29 January 2025, for the completion of the subdivision that now requires all subsequent stages to be certified by 28 August 2030, and once certified, each stage completed within five (5) years of the date of commencement.

To date, 14 of the 26 stages allowed under that Permit have been delivered, seeing the creation of 443 lots, the first phase of the linear reserve along Kensington Creek, and the commencement of the construction of drainage and active open space assets required under the DCP. Of the remaining 12 stages, 4 stages comprise land only for the purpose of open space, be it active, passive, or for drainage or conservation purposes. The other 10 stages will see the delivery of a further 292 lots.

Under the existing DCP, the land at Pinnacle is impacted by the following DCP Projects:

- Drainage item DI_DR_AA/AB – Construction of Drainage Scheme in sub-catchment AA/AB (sub- precinct 1). DI_DR_AA/AB includes, amongst other things Basin – Item No. RB11; and Pipework including Item No. 84, 301 – 313, 234-239, 204. These works have commenced with some of the basin works having been completed and the relevant pipework complete. These works have received credits from Council totaling \$2,172,991.88 (expressed in July 2020 dollars), which Council have attributed to being 76.7% of the existing DCP project, as per a s.173 Agreement entered into with Council. The cost of the design works for this project are yet to be credited as part of this DCP project.

Abiwood Pty Ltd

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- Drainage item DI_DR_AK/AM – Construction of Drainage Scheme in sub-catchment AK/AM (sub-precinct 1). DI_DR_AK/AM, includes amongst other things, Basin – Item No RB12 and Pipework including Item No. 83. These works have commenced, though Council is yet to provide any credits for that work under the DCP. It is suggested that approximately 25% of the existing project is complete. The cost of the design works for this project are yet to be credited as part of this DCP project.
- Drainage item DI_DR_AC/AT – Construction of Drainage Scheme in sub-catchment AC/AT (sub-precinct 1). DI_DR_AC/AT, includes amongst other things Basin – Item No. RB13. Works to this drainage item have not yet commenced.
- Land projects:
 - DI_LA_11 – Land for Active Open Space - MAC (sub-precinct 1);
 - DI_LA_RB11 – Acquisition of land for Retarding Basin 11;
 - DI_LA_RB12 – Acquisition of land for Retarding Basin 12; and
 - DI_LA_RB13 – Acquisition of land for Retarding Basin 13

None of which have yet been completed.

331 Glenelg Highway, Smythes Creek

Abiwood Views Pty Ltd was the previous developer at land to the east of Pinnacle, previously known as 331 Glenelg Highway, Smythes Creek, being Property 3 identified within the existing PSP and DCP and shown in Attachment 1. The delivery of that land undertaken by Abiwood allowed for the provision of land for community facility and active open space projects provided for under the DCP, with that land already vested in Council, along with additional land for mixed use development, which has been on-sold to other parties to develop.

The land at 331 Glenelg Highway was impacted by the following DCP projects, which were dealt with under a s.173 Agreement with Council:

- DI_LA_1 (pt) & DI_LA_2 (pt) seeing 1ha land for an Early Years Hub comprising kindergarten, Maternal and Child Health and a flexible community space and library and 800 additional square metres of land for the widening of Valiant Road to provide for on-street car parking (i.e. land totalling 1.08ha), all vested in Council for the amount of \$1.1m in July 2019;
- DI_LA_11 (pt) 2.977ha land for the Glenelg Highway Active Open Space Reserve vested in Council for the amount of \$2.4m in July 2019;
- DI_OS_3 (pt) being the construction of an additional 4m width of road to satisfy car parking provision associated with the construction of AOS Reserve MAC (sub-precinct 1). The cost of those works were credited at \$82,551.60.

The changes between what was delivered on that land and what was identified within the current PSP was formalised through the approval of an Urban Design Framework (UDF) for the Ballarat West Major Activity Centre (BWMA) as required under section 5.3.3 of the PSP, with an extract of that approved document included as Attachment 2. That UDF had regard to what was already approved within the BWMA area and the site constraints that exist in the area that had not been considered within the preparation of the PSP/DCP, specifically around the fall of the land and the intended land uses to be provided. The active open space was the most impacted due an escarpment with significant fall to the west of the area identified as active open space making the provision of a sporting field on that land unviable and as such that space needed to be substantially reduced. Council had also not required land within parcel 4 (as identified in Attachment 1) to have land set aside for community facilities and a government school in accordance with the PSP/DCP,

with the ultimate development of that land also impacting how 331 Glenelg Highway was developed, and therefore the UDF was used to accommodate address those changes.

SUBMISSION

The proposed amendments to the PSP and DCP affect each of those parcels being developed by Abiwood.

Whilst some of the amendments are expected and welcomed to formalise previous decisions and de-risk the continual development of the land at Pinnacle moving forward, other changes to the documents are considered unreasonable, seeking additional changes that could place further restrictions on existing permitted land moving forward, or unreasonably add to the cost of developing the additional land within Pinnacle and the balance of the undeveloped Ballarat West growth area.

Following consideration of each of the documents, a number of key issues have been identified including:

- Representation of land to the north-east of Pinnacle shown as suitable for conventional residential in lieu of medium density residential ultimately impacting the applied zone and land valuation, with that amended from the Residential Growth Zone (RGZ) to the General Residential Zone (GRZ);
- Inaccurate representation of land along the linear reserve within Pinnacle;
- Additional land sought for Community Facility purposes from land formally known as 331 Glenelg Highway, subsequently impacting on the Development Infrastructure Levy (DIL);
- Increase in housing densities sought within the precinct, with up to 20 dwellings per hectare in conventional residential areas;
- Increase in the Public Open Space Contribution requirement from 5.31% to 5.91%;
- Inaccuracies in the Property Specific Land Use Budget Figures;
- Although seeing an increase in the Net Developable Area (NDA) where the DIL can be applied, an increase in the residential DIL by approximately \$80,000 per hectare, generally resultant of changes such as:
 - Unjustifiable changes to the scope and/or costing of DCP projects;
 - Indexation of the cost of completed DCP projects that ultimately increases the DIL collected;
 - A reduction in the funding gap payable by Council attributed to the external catchment;
- Changes to how Council manages the DCPs as they relate to works-in-kind.

These issues and other less substantive issues, but concerns nonetheless, are discussed below where they appear in the proposed amendment documentation.

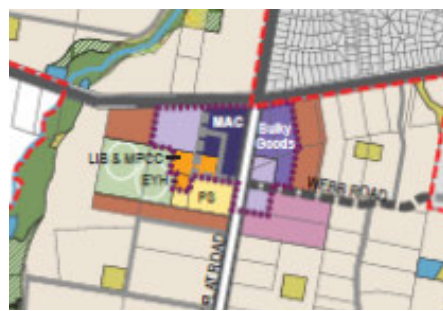
Schedule 2 to Clause 37.07 Urban Growth Zone

Whilst the changes to 'The Plan' at cl.1.0 typically provide for what has been approved under the planning permits for both Pinnacle and 331 Glenelg Highway, and the surrounding area, it unreasonably:

- Alters the underlying applied zone of land on both lots when considered alongside cl.2.2. Specifically, it changes the applied zone of land to the north-east of Pinnacle from the RGZ

where medium density development is sought to the GRZ. Under the current planning controls, the RGZ was applied for approximately 200m into the Pinnacle site, to both the north and south of what was to be active open space. Whilst that active open space area had to be reduced due to an escarpment and was subsequently 'formalised' by Council through their adoption of the BWMAC UDF, the underlying zone does not need to be changed given the proximity of that land to BWMAC, with medium density development still an appropriate development outcome. This is supported by the BWMAC extending to the eastern boundary of Pinnacle and through Council's approval of a three (3) storey residential building abutting the eastern boundary of Pinnacle within the BWMAC bounds. Altering this underlying zone subsequently impacts how the land is valued under the DCP, which will be further discussed.

Furthermore, the plan increases the amount of community facility land on the property that was formally 331 Glenelg Highway, changing the underlying applied zone from a Mixed Use Zone (MUZ) to Commercial 1 Zone (C1Z) and subsequently increasing costs under the DCP for additional community land. Whilst that land is shown as Community Facility land in the Council approved UDF of 20 April 2023, that change itself cannot mandate the collection of additional development levies under the DCP and will be further discussed in the submission below. That document was not formally exhibited and/or advertised for community feedback and should not be used as a means to justify such change (which is further discussed below).



Existing cl.1.0 Plan



Proposed cl.1.0 Plan

- Conventional Density Residential
- Medium Density Residential
- Community Facilities
(ES - Emergency Services, EYH - Early Years Hub
LIB - Library, MPCC - Multi-Purpose Community Centre)
- Educational Facilities
(PS - Primary School, SS - Secondary School,
NGS - Non-Government School)

- Makes changes to the land shown as passive open space along the edge of the creek corridor that would in essence form part of the Pinnacle open space contribution. This is generally in relation to areas of land between the 1:100-year flood level and road reserve that have either received acknowledgment from Council with the delivery of the first phase of the linear reserve within Pinnacle, or in future areas. Any land provided for passive open space purposes above the 1:100-year flood level has been identified in the current documentation as contributing to the public open space contribution and should be remain as such.
- Shows the land along the eastern side of the Kensington Creek within the Pinnacle site as an 'Environmental Offset Area'. That area is not intended to be used or designed as an Environmental Offset Area as defined under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). That outcome was not sought by Council under the planning permit and it was also not their intention to have that area fenced off and protected as required for such under the EPBC Act. That area is instead being used to improve

conservation outcomes having regard to the PSP where under existing (and proposed) s.5.1.3 – Landscape Design it states, amongst other requirements:

Landscaping along creek lines and within encumbered land should:

- *Be planted with species indigenous to Ballarat where possible, enhance and improve biodiversity along creek corridors and provide potential habitat...*

And at s.5.5.3 relating to Bonshaw, Kensington and Winter Creek it states, amongst other requirements:

The following planning and design guidelines must be met:

- *Provide a minimum width of 35 metres of open space on each side of the named creeks (measured from centre line of creek) to provide habitat for significant flora and fauna species, as well as catering for drainage requirements;*

It is noted that it was distinguished in planning documentation to 'replace' (and be generally in accordance with) the 'Potential Offset Area' shown within the PSP on the existing linear reserve, which following investigations was found to not be protecting any significant flora or fauna.

- Under cl.2.3 deletes uses that would be prohibited in the Commercial 2 Zone (C2Z) or MUZ, namely industry and warehouse uses. Whilst the zoning of the abutting land is proposed to be amended under the documentation, should the applied zone be changed back to the MUZ, Pinnacle would have an interface to such land, and such change could compromise the amenity of the residential precinct. It needs to be ensured such amenity throughout the precinct is protected, with any amendment to the PSP/DCP not be used as a means of reducing the amenity expected within the precinct.

Schedule 1 to Clause 45.06 Development Contributions Plan Overlay

The proposed amendments to this clause seek to adjust the levies to 2024 dollars with regard given to the amended proposed DCP and under cl.3.0 to exclude land from the provisions of the DCP, namely an existing or approved dwelling, non-government school and housing provided by or on behalf of the Department of Health and Human Services. It is acknowledged that whilst these exclusions are not currently specified in the Schedule, they are noted within the DCP.

The DCP is identified as being \$80,073.63 per hectare above the current DCP rate, with matters relating to this discussed further under the DCP section below. That increase is substantial and will significantly impact land affordability within the region, along with the viability of development within the precinct.

The proposed amended documentation also deletes information regarding 'The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)' currently sitting within cl.3.0 of the Schedule, its collection and indexation, which remains relevant and should be retained.

Schedule to Clause 53.01 Public Open Space Contribution and Subdivision

The changes to this clause seek to increase the public open space contribution within the PSP area from 5.31% to 5.91%.

There appears to be no justification for this amendment, with this change impacting the viability of projects similar to an increased DCP levy. Although the 0.6% could be considered minor, it requires either a greater land provision or monetary contribution to be provided by Council for open space purposes, again adding to project costs, reducing land affordability and project viability.

Furthermore, this 'shifts the goal posts' in an area where most larger land holdings have planning permits in place and feasibilities have been undertaken based on current public open space requirements.

The amendment sought fails to consider that:

- The PSP area is not increasing in size;
- The density of development within the precinct is unlikely to greatly exceed that anticipated under the existing PSP, with a further submission on such matters below. However, should further open space be required there would be opportunities for such spaces to be available within the future Ballarat West growth corridor that will add to the amenity provided for this precinct; and,
- There is sufficient land within the existing open space areas being provided within the PSP to provide open space opportunities. Within Pinnacle alone, there is approximately 14ha of land along the Kensington Creek corridor (not including land being used for retarding basins), with only approximately 2ha being credited towards the public open space contribution. There is however within that remaining 12ha opportunities for residents to use the land for recreational purposes, with shared paths and picnic tables, and opportunities for play spaces such as football posts, and open courts to be provided within areas between the 1:10 and 1:100-year flood zone. Similar opportunities would exist all along that creek corridor.
- The ASR Research 'Ballarat West Precinct Structure Plan Review – Community and Recreation Infrastructure, Final Report' (May 29th, 2024, V6) notes '*The overall supply of proposed passive open space within the Ballarat West PSP will increase because of a number of key changes that have occurred since approval of the original PSP. Overall supply will increase from 58.15 hectares to 64.88 hectares when measured against current performance targets identified in the PSP Guidelines 2.0 (note: this surplus has been offset by a large corresponding decrease in 22.06 hectares of active open space)*' (pg 42).

The need to increase the public open space contribution amount is therefore unjustified. This would also reduce what Council would need to pay for the overprovision of passive open space land being provided throughout the precinct, noting that such payment sits outside the DCP.

Proposed Amendments to the PSP – Ballarat West Precinct Structure Plan (February 2025)

The documentation provided did not provide a tracked changes version of the PSP, which in part hinders the review process. Such a document would clearly identify changes to objectives, guidelines, etc. ensuring the process is as transparent as possible.

Whilst there are some minor changes required to the PSP, which are outlined in the corresponding table below, the main concerns identified include:

- Plan 8 – Future Urban Structure and Plan 9 – Land Use Budget mirror the plan in Schedule 2 to the UGZ, with the issues previously identified with that UGZ plan of relevance to Plan 8. The applied zoning as per the current UGZ2 requirements continues to be supported under the PSP including, amongst other areas, within the Vision of the amended PSP whereby within s.4.1 it states: *Opportunities will be provided for higher density housing near the activity centres, the education and community hub and areas of open space* and within s.5.2.3 Housing Planning and Design Guidelines, which states: *Higher density housing (in excess of 25 dwelling per hectare) is encouraged in closed proximity to the Major Activity Centre, Neighbourhood Activity Centre and Local Activity Centres*. Each of the facilities identified under that part of s.4.1 are within walking distance/immediately about the eastern boundary of Pinnacle. It is noted that lot sizes of 252 and 256 square metres, representative of medium density development, are provided within Pinnacle towards the eastern boundary where opportunities existed for smaller, flatter lots.
- At s.4.3.1, resultant of the amended urban structure, the increased dwelling yield identified across the PSP area is said to be 1,076 dwellings (15,518 in lieu of 14,442). Table 2 Distribution of Housing Densities breaks this down and shows that this is based on residential densities of 20 dwellings per net developable hectare (NDHa) in the conventional setting and 25 dwellings per NDHa in the medium density residential setting. Given s.4.2.2 seeks an average net density of 16 dwellings per NDHa for the PSP area in lieu of 15, those

calculations are well above the anticipated dwelling numbers in the conventional residential areas. Unless that higher density has been provided for under existing planning permits, it is also likely unachievable given as identified under s.3.7.3, 115 properties have been developed and 72 properties remain undeveloped, many of which are small landholdings of 4ha or less. It is noted that within Pinnacle, a larger land holding within the PSP area, only a density of approximately 14 dwellings per NDHa is being achieved.

- The 'Total Precinct Areas (ha)' in Table 1 Summary Land Use Budget have altered, though other figures relating to the overall PSP area have not been amended (i.e. in s.1.1 where the Sub-Precinct breakdown is given – whilst minor that is inconsistent with the overall Sub-Precinct Areas. That Sub-Precinct breakdown however has been amended in s.2.3 of the amended DCP).
- S.5.2.1 Housing Objectives again seeks to achieve a minimum density of 16 dwelling per NDHa, though encourages a minimum density of 20 dwelling to reflect the updated targets in the PSP Guidelines 2.0. These are conflicting targets and have no regard to the increased pressure the greater density could have on infrastructure within the PSP area, reducing the liveability of the area for existing and planned residents. The target is also conflicting with guidelines within s.5.2.3, which again only seeks the 16 dwellings per NDHa in conventional settings.

The VPA Guidance Note 'Applying the PSP Guidelines in Regional Areas' also notes that the densities expressed in the PSP area need to be adapted to have regard to the relevant objectives and precinct, it is not a blanket rule that the targets must be met in those areas. It considered that some increases in housing density could be achieved without impacting on the low density character of the area to help the precinct to achieve the adapted density target of 20 dwellings per hectare within the walkable catchment of the local town centre, with precincts seeking to achieve on average 18 dwellings per net developable hectare across the remainder of the precinct.

As such, 20 dwellings per hectare across the PSP area on a whole should not be sought. Most of the land within the walkable catchments under the Ballarat West PSP are already developed or permitted. Land undulation also impacts how the land can be developed and will not cater for the higher densities. The available supply of land within the PSP area that is not developed or permitted is generally fragmented, which depending on its location may see densities above the 16 dwellings per hectare being provided, but this should not be resultant of an amendment to the PSP and the appropriateness of any increased density can be considered under a planning permit application.

- The amended PSP also introduces reference under Section 3.7.1 to the Masada Boulevard/Fay Drive precinct was previously zoned Low Density Residential and again under s.5.2.3 Subdivision of Existing Rural-Residential Areas to Conventional Density. Under the current Ballarat Planning Scheme requirements that area is within the Urban Growth Zone Schedule 2, to which the PSP applies and has an applied GRZ. This is a new paragraph so suggests that it was prior to the amendment that this was the case. It may have been prior to the existing PSP, though this should be clarified. It cannot be said that this area now has a changed development outcome if Council is looking to use that as a way of justifying increased housing and subsequently additional community facilities/passive open space.
- S.5.2.1 Housing Objectives has also been amended with the following words added: *Since the Ballarat West PSP was prepared, some of the larger lots at the south-east of Sub-Precinct 1 at Winter Creek have been further subdivided into small lots on the rural and residential interface.* What does this mean? Does this further reduce opportunities to increase the housing target, which under Table 2 has been identified as achieving an additional 972 dwellings within that Sub-Precinct? It is unclear why that statement is noted under the objective.

- Plan 11 – Housing shows land suitable for housing within the Pinnacle development as ‘conventional density residential’. As for reasons previously mentioned, it is still appropriate to identify medium density residential housing outcomes to the north-east of the site. Once the Urban Growth Zone (UGZ) is removed from the land, which whilst some time off, such would also ensure that an acceptable residential zone applies to the land to encourage suitable housing outcomes should the area evolve.
- Plan 12 – Employment and Activity Centres and Plan 13 – Community Facilities shows additional land at 331 Glenelg Highway as being for Community Facilities, similar to that identified in the plan proposed for the UGZ2. For reasons previously mentioned and those to follow, this is inappropriate.
- S.5.4.4 Community Facilities Delivery Statement has been amended to include:

One of the complexities of planning for community hubs is the need to take into account previous decisions and consider how this may impact the eventual delivery of the facilities required. For example at Delacombe Major Activity Centre, at the time of writing there is a live planning permit for a private childcare centre which conflicts with Council’s preferred location for an early years hub. Council recognizes that the landowner has an accrued right to act on the permit prior to its expiry condition. However Council needs to reserve the right to implement the PSP vision in the event that the permit is not acted upon. Therefore the future urban structure plan shows the land as community facilities.

It is submitted that Council lost the right to secure such land when the land required for community facilities was not set aside within Property 4 (as identified in Attachment 1) and again, when Council did not negotiate that outcome with Abiwood Views under the s.173 Agreement for 331 Glenelg Highway. For Council to now want ‘another bite at the cherry’ and ‘reserve their rights’ under an amended PSP and subsequently the DCP with land project DI_LA_1 and construction projects CI_CF_1, CI_CF_2 and CI_CF_3 being further discussed below, is unreasonable. Given the background to this matter, if Council now wishes to acquire this land for community facility purposes they should be acquiring it through compulsory acquisition, not under the PSP/DCP process.

- The change discussed above, has seen changes to Table 6 Community Facilities, including:
 - Early Years Hub in the Sub-Precinct 1 MAC increasing from 0.5ha to 1ha
 - Multi-Purpose Community Level 3 Centre in the Sub-Precinct 1 MAC co-located with the branch library reducing from 1ha to 0.9ha

As previously identified, DI_LA_1 (pt) & DI_LA_2 (pt) saw 1.08ha of land vested in Council at parent property 331 Glenelg Highway for an Early Years Hub comprising kindergarten, Maternal and Child Health and a flexible community space and library and on-road parking in Valiant Road. Which whilst under the current PSP allowance for community facility land in the MAC, Council had previously determined that acceptable.

The amended PSP now seeks to increase the overall land-take within the MAC for community facilities beyond the current requirement of 1.5ha to 1.9ha. This increase is unjustified and adds unreasonable costs to the proposed DCP levy, which will be further discussed below.

- Table 6 – Community Facilities is suggestion a reduction in the number of Neighbourhood Parks, however upon review of Plan 14 – Open Space, the calculations for Sub-Precinct 1 (at least) do not look accurate.
- Figure 9 – Delacombe Community Hub – Indicative Concept Plan does not incorporate the 0.5ha of land required for active open space from the Pinnacle development forming part of

current DCP project DI_LA_11 and shows land set required for a road under Plan 17 – Road Network as being utilised for car parking purposes – that should however be an extension of Kensington Boulevard, which has a 24m road reservation and is shown in Plan 18 as accommodating a future proposed bus route. The concept is therefore unacceptable. If land is to be purchased under the DCP for a particular use, it must be used for such and if concepts are going to be incorporated into the PSP they need to be consistent with other plans.

- S.5.6.4 Growling Grass Frog Conservation Management Plan is a new section within the PSP, which refers to design guidelines that must be met along the Kensington Creek, being a preferred location for growling grass frog habitats. Whilst our land is not identified within the 'Growling Grass Frog Offset Site Trigger Area' as identified in Plan 8 – Future Urban Structure, the Kensington Creek runs through Pinnacle and we need to ensure that this added provision will not add additional requirements/be retrofitted to the land in which we have already received a planning permit. A copy of the referenced Conservation Management Plan has not been provided as part of the Amendment C234ball documentation, which is essential to ensure such.
- Plan 17 – Road Network fails to consider that under planning permits issued for Pinnacle and 331 Glenelg Highway, Council required Valiant Road to connect through to Kensington Boulevard at the western side of Pinnacle. Whilst it is acknowledged that it is a lower order road within Pinnacle (18m wide reservation as opposed to 22m), the plan should at least reflect that the road extends to the western boundary of Property 3 (as identified in Attachment 1) to align with Plan 8 - Future Urban Structure and other plans within the documentation.
- Plan 19 – Walking and Trails fails to identify shared path links through Pinnacle along Kensington Boulevard, which improve connectivity between the MAC and linear reserve.
- S.5.10.1 Utilities and Staging (and subsequent sections) removes reference to the Natural Gas Supply, with the accompanying plan currently at Plan 23 within the PSP also removed. Developments within the PSP area approved prior to 1 January 2024 are able to continue to provide gas supply to their lots. As such, those sections are still considered relevant and as such should be retained. It would be unreasonable of Council to remove that allowance should an amendment to an existing planning permit be sought for example – the continual inclusion of those provisions with wording relating to the change in regulations providing clarification of such.
- Plan 21 Sewerage Network does not distinguish as to whether existing or proposed sewerage assets are permanent or temporary, that is whether they are developer funded interim measures or if they form part of the ultimate Central Highlands Water sewerage servicing strategy for the area. This will ensure that if the assets are to be developer funded, it is clearly identified.

The plan also fails to show the ultimate sewer strategy for the area.

- Attachment 1 Property Specific Land Use Budget does not have regard to what is being provided across Properties 2, 7 and 16 within Pinnacle, failing to identify the 'Environmental Conservation Area' as encumbered land and providing for all passive open space being provided. The table below provides a comparison between the existing and proposed PSP, along with the areas provided on the plan endorsed under our planning permit, included as Attachment 3. It is noted that the endorsed plan has not had regard to the relocation of RB13 as proposed under this amendment, which would see a decrease in drainage land and an increase in both drainage reserve land (by 0.65ha) and unencumbered passive open space (by 0.15ha). It is noted that the endorsed plan has had regard to survey and/or design areas for areas such as the drainage basins and unencumbered passive open space.

Land Use Budget Summary

	Properties	Total Ha	Drainage Reserve	Drainage Basins	Environmental Conservation Area	Active Open Space	Passive Open Space	Total NDA
Current	2, 7 & 16	72.46	14.99	0.62	3.85	5.1	2.84	45.06
Proposed	2, 7 & 16	72.46	13.05	4.13		0.5	1.93	52.85
Permit	2, 7 & 16	71.2	8.01	4.942	3.633	0.502	2.12	51.99

- Attachment 1 Property Specific Land Use Budget does also not have regard to what was provided for on Property 3. Specifically, as already discussed, it increases requirements of Community Facilities on land already permitted for other uses and identified as not required for such purposes by Council. It however also includes a road reserve within it that formed part of the NDA and has had levies collected for that land. The area noted for the 'Road Reserve' in the amendment documentation is the full extent of Valiant Road through the site. What was actually paid for by Council under the existing DCP, was an increase in the width of that road reservation to provide for on-street parking, with that having an area of approximately 800sqm and the construction of that additional road width (this is noted above under the 331 Glenelg Highway projects). It is further noted that Council will have also collected the levies on the additional approx. 1ha NDA on that property after issuing previous subdivision and/or development permits given it was deemed not required or was otherwise unable to be provided due to site constraints. Amending the NDA for this property gives Council an ability to 'double-dip', unless funds already paid for the levy that would not be payable as a result of these changes be paid back to the original contributing party.

Land Use Budget Summary

	Property	Total Ha	Road Reserve	Community Facilities	Schools	Active Open Space	Total NDA
Current	3	8.71	0	1.5	0.56	2.91	3.74
Proposed	3	8.7	0.45	1.9		3	3.35
Permit	3	8.72	0.08	1	0	3	4.64

Proposed Amendments to the DCP – Ballarat West Development Contributions Plan (February 2025)

The documentation provided did not provide a tracked changes version of the DCP, which in part hampers the review process.

Whilst there are some minor changes required to the DCP, which are outlined in the corresponding table below, the main concerns identified include the below, with it noted that cost differences identified have been derived from the City of Ballarat 'Ballarat West Precinct Structure Plan and Development Contributions Plan Review Background Document' exhibited with the PSP:

- The changes to the PSP noted above relating to the additional 0.9ha of land sought within Property 3 for community facility purposes impacts projects identified within the DCP, including community infrastructure items:
 - CI_CF_1 Sub-Precinct 1 MAC co-located 1,800sqm Library
 - CI_CF_2 Sub-Precinct 1 MAC co-located 4,400sqm Multi-Purpose Community Centre
 - CI_CF_3 Sub-Precinct 1 MAC Early Years Hub construction including community meeting road and associated facilities, outdoor areas and parking

And development infrastructure items:

- DI_CF_1 Sub-Precinct 1 MAC Early Years Hub construction including kindergarten, maternal and child health centre and associated facilities, outdoor areas and parking
- DI_LA_1 being 0.9ha of land for Sub-Precinct 1 MAC Library
- DI_LA_3 being 1ha of land for a Multi-Purpose Community Centre comprising multi-purpose community centre, with Early Years Hub comprising kindergarten, maternal and child health and flexible community space.

The amended DCP deletes land project DI_LA_2 being 0.5ha of land for the Early Years Hub, with that now 'incorporated' on DI_LA_3 land (1ha on 331 Glenelg Highway) where Council can essentially deliver projects CI_CF_2, CI_CF_3 and DI_CF_1.

Council's past decisions however have not seen the 0.9ha of land identified as being required under DI_LA_1 set aside for the library and for reasons given above, it is therefore unreasonable for that project and its associated construction project CI_CF_1 be incorporated into the amended documentation. As previously mentioned, should Council require the library facility to be provided they should be compulsorily acquiring the land outside of the DCP. The size of the land required for that asset should also be reconsidered given its noted floor area under CI_CF_1 is 1,800sqm.

It is noted that under Planning Permit No. 2014/832 for the existing Delacombe Town Centre a building of 600sqm was originally set aside for a library, which whilst way below the size sought within the DCP provided some space for a small library facility.

- In addition to the above concerns relating to the MAC community facilities, the project costs have substantially increased overall with the following noted:
 - CI_CF_1 Sub-Precinct 1 MAC co-located 1,800sqm Library increasing from \$8,949,186 to \$16,197,281, an 81% increase. If this library were to be constructed, it would be the same size as that proposed under the current DCP. As such, if the facility can in fact be provided at that scale there should be no escalation on its construction cost beyond the typical indexation, with the 81% increase unjustifiable. As per the comments above however, this project should be removed from the DCP or otherwise revised to enable acquisition of the library built as part of the development in Property 4.
 - DI_LA_1 being the 0.9ha of land for Sub-Precinct 1 MAC Library reducing from \$3,750,000 to \$3,375,000 being a 10% reduction (and noting a 10% land reduction).

These two projects have a net increase on the DIL of \$6,873,095, equating to \$7,380.43 per residential NDHa. It is submitted that this scope is unreasonable and adds unnecessary costs to the DIL, particularly where Council has previously determined that the project is not required (or can otherwise be co-located with other projects).

- CI_CF_2 Sub-Precinct 1 MAC Multi-Purpose Community Centre, and CI_CF_3 and DI_CF_1 both relating to the Sub-Precinct 1 MAC Early Years Hub, with that combined construction cost reducing from \$14,716,125 to \$12,921,950, a 12% reduction, which is reasonable.
- DI_LA_2 has been removed, though shown for costing purposes with DI_LA_3 being 1ha of land for a Multi-Purpose Community Centre /Early Years Hub being reduced from \$5,625,000 to \$3,750,000, showing a 33% reduction across those two projects to align with the reduced land take. It is however noted that Council was able to acquire the DI_LA_3 land for \$1,100,000 in July 2019 and the escalation of that completed DCP project adds \$2,650,000 onto the DIL, or approximately \$2,845 per residential NDHa.

- Project DI_LA_11 relating to the Sub-Precinct 1 MAC land for active open space has been revised to accord with the revised 3.5ha needed for that project. That land has already been vested in Council or set aside for their purchase under the DCP. Whilst there is generally no objection to the reduced project land size, the changes to the applied zone at Pinnacle (as discussed above) effect the land valuation for the 'unpurchased' land. It is submitted that the valuation methodology undertaken for balance of the DI_LA_11 land has also not had regard to the requirements of the DCP.

The project is also noted as having a cost of \$4,625,000 for its revised scope. If that amount is to be collected, what is being 'offered' by Council for the 0.5ha is well below what would be available having regard to what was paid for the 3ha of land on 331 Glenelg Highway (i.e. \$2.4m in July 2019). If the project cost is escalated for this project, that part of the project that has been completed should not be indexed for the purpose of calculating the DIL payable.

- Project DI_OS_3 also relating to the Sub-Precinct 1 MAC active open space has also been revised to provide for the construction of two (2) soccer fields, one (1) cricket pitch and car parking, in lieu of the 2 cricket/football ovals, 1 netball court and car parking within the current DCP. However, this reduced change of scope, noting that there is 4.5ha less land, has resulted in a project cost increase of 62%, with construction costs noted as increasing from \$5,318,298 to \$8,611,293. Unlike Australian football ovals originally intended for this land, soccer fields differ to a cricket ground and therefore it is queried if that facility is appropriately considered and costed to include cricket aspects, with soccer fields also smaller.

The scope of CI_OS_3 relating to the associated Sports Pavilion also appears unaltered, although at a more exorbitant cost, with a medium pavilion to serve the active open space always intended. This project's costs have increased 36% from \$2,518,850 to \$3,435,868.

As such, these two project costs need further review, with the cost of DI_OS_3 expected to be less than that allowed under the current DCP and if not reduced, the cost for CI_OS_3 remain neutral. As proposed, these projects add approximately an additional \$4,520 DIL per residential NDHa.

- Whilst it is acknowledged that some changes to the scope of DCP projects that increase land take and construction cost are due to rectifying errors under the current documentation, and those themselves add to the DIL, there has also been unjustifiable scope changes and cost increases to a number of other projects within the DCP (in addition to those noted above), further impacting the DIL payable. Increasing the DIL in turn impacts affordability, with those costs passed onto the consumer. Any changes to the scope of DCP projects must be necessary due to a change in circumstance within the area, not due to Council's conscious past decisions, which could be seen as a mismanagement of the PSP/DCP. Changes due to cost increases associated with projects should also not be revised unless the scope of that project has been substantially altered, not as they are now being 'gold-plated'. Similarly the cost apportionment relative to the Main Catchment Area (MCA) of the DCP also should not generally be amended unless the scope of the project has been reduced so as to no longer provide facilities for residents beyond the PSP area – it is evident that alone reduces the funding gap payable by Council from approximately 21.7% to approximately only 16.6% of the overall infrastructure cost (pg. 26 of the proposed DCP). The revised scope and associated increased costs of the below projects are examples of such, and although some are minor, they add to the ultimate DIL and are generally opposed:
 - DI_JNC_02 being the Carngham Road / New N-S Road (north) project, currently identified as a 4-arm, 2-lane roundabout but changed in scope to a signalised intersection. It is noted within the Milward Engineering Management Pty Ltd 'Transport Projects Review, Ballarat West Precinct Structure Plan' (14/02/2024) forming part of the exhibition documents that the *'project scope and cost is updated to reflect the change, noting extent of land acquisition reduced. Provision of safer crossing controls for*

vulnerable road users with proximity to neighbourhood activity centre is better delivered by traffic signals'. Reviewing details of this project on pages 42-47 of that document suggests that the change is being proposed primarily due to Council's past decisions and the need to relocate the road further west north of Ballarat-Carngham Road. The development of the surrounding area is otherwise as intended under the PSP, with residential and Neighbourhood Activity Centre (NAC) developments at that intersection – any existing impediments on undeveloped land was the case prior to the gazettal of the current DCP, so not a new circumstance. This change in scope, whilst reducing land take, sees an increase in project costs of 76% from \$1,882,644 to \$3,310,533 or an additional DIL of approximately \$1,533 per residential NDHa. Putting that additional cost onto landowners/developers within the PSP area due to Council's past decisions is unreasonable and change in scope unwarranted. Projects DI_RD_03b and DI_RD_04 are noted as being affected by this project, with the scope of those projects not reducing as a result of the change of scope.

- Similar to the above project, DI_JNC_05 has a revised scope that sees the construction of a 3-arm, 1-lane roundabout at Greenhalgs Road and the new N-S road (south) replaced with a signalised intersection. The Milward Engineering Management Review notes in relation to that intersection that the *'project scope and cost is updated to reflect the change, noting extent of land acquisition reduced. Required land acquisition on northern side for roundabout not possible due to existing urban development'*. Reviewing details of this project on pages 58 to 61 of that document identifies that although there is a decrease in the net dwelling numbers from that of original projections, the project scope is changing to avoid acquiring land other than from Winterfield to the south as the landowner has no plans for development. The document also suggests that the development approved by Council to the north (Yorkdale) did not provide land required for the roundabout. Again, the existing constraints are no different to what was considered under the current DCP and this change is also a result of Council's mismanagement of the DCP. Rather than add \$416,765 onto the DCP project cost, Council should work with the landowner to the south-east to acquire suitable land or provide an alternate interim solution until that land becomes available, given it is not a cross-intersection and particularly as Milward Engineering Management notes that traffic-provisions are likely an overprovision and even the roundabout would operate to below capacity in 2031.

- The Milward Engineering Management Review identifies on page 34:

When developing the DCP estimates, the consultant delivered concept designs rather than detailed designs for each intersection. As intersections went through detailed design, all activities, civil works (to the standard of the day) and ancillary works have been incorporated into the final design.

One such intersection that experienced an approved design considered to be at a much higher standard than the estimate is DI_JNC_08. A review undertaken by consultant GHD recommended that:

1. *The road pavement standards adopted in the DCP for DI_JNC_08 be substituted from the Council (local road) standards to VicRoads (arterial) standards to reflect the relevant road authority standards applicable..*
2. *Design standards regarding roundabout design currently in the DCP are no longer current. Similar DCP projects should be reviewed against current design standard and applied where appropriate.*

Because of this, DI_JNC_08 has an increased project cost of \$1,813,170 from \$1,493,718 (although only 45% apportioned to DCP). The use of concept plans is typical of DCP project designs and funding costs – each design is undertaken in the same manner and the DCP not amended to cover any cost overrun. Whilst in this instance the

cost increase is not exorbitant, amending the DCP to cover such matters would set an undesirable precedence and provide landowners/developers with greater uncertainty around their development costs, with DCP costings being amended more frequently. It is further noted that the DCP only provides for local roads, not arterial roads so that additional funding should come from the State Government if able to be recouped. It is also noted that the Glenelg Highway was an existing sealed road before the works were undertaken. The State Government 'Development Contribution Guidelines' (2003, updated 2007) states that '*A DCP cannot be used to fund the total replacement of an infrastructure item, if the replacement is necessary as a result of poor maintenance*' (pg. 16). As such, it is queried whether this additional cost is as the roads authority required a greater pavement depth than what already existed (which is often the case) and therefore this cost is not something that should be covered by the DCP. If this amendment however is an accepted approach, the same should be applied across all DCP projects with reviews to cover any cost overruns forming part of all DCP reviews/credits. (Also see comments below relating to works-in-kind.)

- DI_CF_2 relating to the construction of Sub-Precinct 1 Early Years Hub – Tait St – DIL component currently has a 50% MCA cost allocation, however that is increasing to 67% under the proposed amendment, with the cost also increasing 76% from \$2,670,178 to \$4,704,420 due to an additional 403sqm extension to accommodate addition three-year old kinder requirements. That is suggesting a cost increase of \$5,047.75/sqm, with the additional 17% suggested as needed to be carried under the DCP adding approximately \$799,751 to the DIL or \$859 per residential NDHa.
- CI_OS_4 a sports pavilion with a 143% cost increase from \$1,976,520 to \$4,803,100 located within the Greenhalghs active open space reserve that decreased in size under project DI_OS_4 from a 10ha land requirement to 9.03ha. The existing project scope notes the construction of a pavilion to serve the active open space, with the revised scope noting that is a medium pavilion. Medium pavilions are also provided for CI_OS_3 and CI_OS_5, with each of those projects being approximately \$1,400,000 cheaper.
- DI_OS_4 for the construction of the Greenhalghs active open space reserve comprising 2 cricket/football ovals, 2 netball courts, local play space, water retention and carparking has an increased cost of \$12,343,805 up from \$6,989,317 seeing a 77% increase. One (1) additional netball court appears to be added to the current project scope, which itself would not justify a \$5,354,488 cost increase. This adds approximately an additional \$5,750 per residential NDHa to the DIL.
- DI_OS_6 an 8-court Indoor Recreation Centre in Sub-Precinct 2 adjacent to the Local Activity Centre (LAC) is currently costed at \$9,243,680, with only 20% of that project cost collected via the DCP (i.e. \$1,848,736). However, that project is noted as having a 201% cost escalation to \$58,004,362, with 50% of that project cost being collected under the DCP, being \$29,002,181. This is a substantial increase in DCP funds to be collected, with the MCA apportionment increasing by 30% and the scope of the project otherwise not being altered. This alone adds \$27,153,445 to the DCP, equating to approximately \$29,158 DIL per residential NDHa.

It is noted that DI_OS_7, the Indoor Recreation Facility at MR Power Park comprising 4-courts, is not being constructed under the revised DCP, though only 20% of its current \$12,479,126 cost was to be collected under the DCP for that project (i.e. \$2,495,825.20). Even removing that project from the DCP, will still see approximately an additional \$26,478 DIL per residential NDHa, being charged for indoor recreation facilities, which is unreasonable.

- The amendment to project DI_OS_1 also results in the regional MR Power Park development being reduced from an 18ha active open space reserve with 2 football/cricket ovals, 1 turf athletics track with rectangular field, 1 netball court, regional play space, site establishment, water supply and car parking to the construction of a 4ha

active open space reserve including 1 football/cricket oval, regional play space, site establishment, water supply and car parking. The scope of this project has therefore reduced by 14ha, with reduced amenity being provided to the residents not only within the Ballarat West PSP area, but the Ballarat region, with it still expected to provide a regional function. The ASR Research 'Ballarat West Precinct Structure Plan Review – Community and Recreation Infrastructure, Final Report' (May 29th, 2024, V6) still sees that as providing a regional function with it *'recommended that the revised Ballarat West PSP identify the MR Power Park as regional open space with a predominately passive open space and informal recreation function (13.63ha) and a smaller active open space function (4 hectares)'* (pg. 44).

Whilst still providing a regional function the cost apportionment to the MCA has been revised from 41% under the current DCP to 100% under the revised documentation. This suggests that the full \$8,434,635 for the project is collected under the DCP, which not only is above the current DCP amount of \$7,230,853 that would be collected, but also for a project that has a land area that is 78% smaller.

- Table 1 Summary Land Use Budget of the PSP and Table 8 Summary Land Budget within the DCP identifies an additional 24.53ha of net developable area (NDA) in which the DCP can be charged, being 21.52ha of residential land and 3.01ha of commercial land, which at today's rates (residential DIL \$341,627.65 per hectare, the commercial \$235,924.55) would see the collection of an additional \$8,061,960 in development contribution levies (it is noted that increased levies were paid at Pinnacle and on 331 Glenelg Highway resultant of the permitted revised land budget). By way of the amendment however, the DIL has increased by \$80,073.63 per hectare for residential development and \$41,377.23 for commercial. This is staggering and will severely impact the delivery of housing throughout the precinct and its affordability.

The above demonstrates that the unjustifiable change in the scope of projects, coupled with the indexation of completed or partially completed projects substantially impacts the DIL payable.

There should be no revised or indexed pricing for completed DCP projects where fixed credits/payments have already been made, with such indexing impacting the overall levies being collected and that money not going to be passed onto former landowners of completed developments.

Similarly, the indexation of partially completed DCP project costs to 23/24 also has the potential to skew the numbers, where fixed credits/payments have already made and only that work not yet completed should be indexed to not unreasonably inflate the DIL.

Whilst the 'Development Contribution Guidelines' (2003, updated 2007) is silent on such matters for the purpose of calculating the levy, the more recently prepared 'Infrastructure Contributions Plan Guidelines' (State Government, March 2021) should be used as a guide having similar application, with the following noted on pages 53 and 63 respectively (highlighted emphasis added):

Indexation and adjustment of levies, values and amounts

The following levies, values and amounts must be annually indexed or adjusted in accordance with the applicable timing and methods specified in the Ministerial Direction:

- standard levies
- the estimated cost of each of the works, services or facilities to be funded from a supplementary levy **that have not yet been constructed**
- estimated values of inner public purpose land
- estimated values of outer public purpose land
- land credit amounts
- land equalisation amounts.

Refer to Part C of the Guidelines for more information about the specific methods of indexation that apply in each development setting.

Do land credit amounts that have been paid need to be adjusted?

No. **If a land credit amount has been paid, its value remains fixed for the remainder of the life of the ICP and is not subsequently adjusted.** The value of any outstanding land equalisation amounts is based on the land credit amount's value at the time it was paid.

- Changes to s.6.1 Provision of Land and Works In-Kind seek to amend how Council manages the DCPs as they relate to works-in-kind. Specifically:
 - Dot point seven (7) has been amended to add the words '*Where the required scope of the item results in a DCP item delivery scope and cost that is materially less than what is in the DCP, credits will be limited to the value of works or land actually provided*'. There is however nothing to suggest that Council will pay for any additional cost associated with the delivery of an infrastructure item undertaken in accordance with increased Council requirements and subsequent costs (which when the developer is undertaking such ultimately reduces costs that would otherwise need to be borne by Council as the development agency). Furthermore, this suggests that Council could also collect the additional levies associated with that project when reconciling the developments DIL obligations, effectively increasing the DIL collected for a completed project. Not only is this effectively changing how the DCP is being managed, but it creates an imbalance, with Council collecting the DIL for the project in full but not crediting it back at the same rate. This is inequitable.
 - Dot point ten has been amended to read (emphasis added) '*Where credit for works-in-kind can't be offset against future levy payments the developer will be reimbursed by City of Ballarat for any excess credit at the time of provision shown in the DCP, so long as there are sufficient DCP funds available to do so.* Council has an obligation as the collecting agency to reimburse DCP costs should the projects be delivered by developers. Whilst the funds may not be immediately available, they do ultimately need to be provided. In most cases the timing of such reimbursement would be dealt with under a s.173 Agreement and it is suggested that is the most appropriate mechanism for any reimbursement to be addressed.

In addition to the above, it is acknowledged that drainage projects within the DCP have been amended to consider the revised drainage strategy undertaken within the Engeny 'Ballarat West PSP Review Drainage Strategy Review' (10 December 2024). A number of projects affect the Pinnacle land including:

- DI_DR_AA/AB – Construction of drainage scheme in sub-catchment AA/AB (sub- precinct 1), including drainage pipes, retarding basins and bioretention areas (RB11). As per above works on this asset have commenced as part of the Pinnacle development.
- DI_DR_AC/AT – Construction of drainage scheme in sub-catchment AC/AT (sub-precinct 1), including drainage pipes, retarding basins and bioretention areas (RB12). Works to this drainage item have not yet commenced.
- DI_DR_AK/AM – Construction of drainage scheme in sub-catchment AK/AM (sub-precinct 1), including drainage pipes, retarding basins and bioretention areas (RB12). As per above works on this asset have commenced as part of the Pinnacle development.
- DI_LA_RB11 – Acquisition of land for Retarding Basin 11 noted as being 1.9ha in lieu of 0.62ha.
- DI_LA_RB12 – Acquisition of land for Retarding Basin 12 noted as being 2.23ha in lieu of 0.5ha.
- DI_LA_RB13 – Acquisition of land for Retarding Basin 13 totalling 2.73ha in lieu of 2.12ha.

Each of the land projects identified include both developable and encumbered land. Under the revised DCP land project DI_LA_RB13 is shifted off the Pinnacle land.

It is noted that is no objection to the amendments to these DCP projects as proposed, with the land area captured under DCP projects DI_LA_RB11 and DI_LA_RB12 corresponding to the ultimate design, which has been undertaken and approved by Council. With the shift in DI_LA_RB13 south, although that can be supported, it is noted that it is generally on land that will otherwise be undeveloped sitting outside the PSP area. Council will need to liaise with that landowner to ensure that the land can be acquired under the DCP and retarding basin developed in a timely manner. Although not ideal, temporary measures will need to be supported on development sites to cater for drainage in the shorter term before that asset becomes available and Council is encouraged to commence discussions for that land in the shorter term.

REQUESTED CHANGES TO AMENDMENT DOCUMENTATION

To address our concerns within the proposed documentation, the following changes are requested, with referenced numbers relating to relevant clauses/sections of the proposed amendment documentation:

Schedule 2 to Clause 37.07 Urban Growth Zone

Council Proposed	Requested Change
1.0 The Plan	- Show land to the north-east of Property 2 as being suitable for Medium Density Residential development aligning with the existing plan at that clause. - With the exception of the EYH land, show the land on Property 3 north of the active open space as Mixed Use. - Show the land on the eastern side of Kensington Creek on Properties 2 and 16 as a 'Potential Future Habitat Area' or similar having regard to its intended outcome. - Show all passive open space land along the linear reserve.

	(Property numbers as per those in Attachment 1)
2.3 Specific provisions – Use of Land Section 3 – Prohibited <i>Any use listed in Section 3 in the Table of uses of the applicable applied zone</i>	Revert back to current prohibited uses with Industry and Warehouse uses prohibited in the MUZ and C2Z

Schedule 1 to Clause 45.06 Development Contributions Plan Overlay

Council Proposed	Requested Change
2.0 Summary of levies payable	- Amend levies payable as shown in the table to accord with any changes made to the DCP. - Reinstate the wording of 'The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)' as worded within cl.3.0 of the current Schedule

Schedule to Clause 53.01 Public Open Space Contribution and Subdivision

Council Proposed	Requested Change
1.0 Subdivision and public open space contribution Land covered by the Ballarat West Precinct Structure Plan – 5.91% of the Gross Developable Area	Revert back to 5.31% of the Gross Developable area as per the existing requirements

Ballarat West Precinct Structure Plan (February 2025)

Ideally before the commencement of any panel hearing, a tracked changes version of the PSP document is circulated for easier cross-referencing and further consideration, though the changes sought at this time include:

Council Proposed	Requested Change
1.5 Monitoring and Review <i>The first review of this PSP was undertaken in 2016.</i> <i>The main features of the review included in the revised document are summarised below:</i>	Having regard to the documents listed, they appear to relate to the current review, not the 2016 review as the wording would suggest. Update to identify: - If there were any amendment to the PSP resultant of the 2016 review; and, - that the 2025 review considered the noted documentation
3.7.1 Existing Lot Density Residential Zoned Land, paragraph commencing with: <i>A concept plan (figure 2) has been included for the Masada Boulevard/Fay Drive precinct which was previously zoned Low Density Residential...</i>	Delete or amend paragraph to be clear when it was zoned for low density.
Plan 8 – Future Urban Structure & Plan 9 – Land Use Budget	- Show land to the north-east of Property 2 as being suitable for Medium Density Residential development aligning with the existing plan at that clause.

	- With the exception of the EYH land, show the land on Property 3 north of the active open space as Mixed Use. - Show the land on the eastern side of Kensington Creek on Properties 2 and 16 as a 'Potential Future Habitat Area' or similar having regard to its intended outcome. - Show all passive open space land along the linear reserve. (Property numbers as per those in Attachment 1)
Plan 9 – Land Use Budget	Ensure parent property boundaries are visible so as the land pertaining to each property number is easily identified (similar to Attachment 1).
Table 1 – Summary Land Use Budget	- Review and align Total Precinct Area (Ha) figures against current DCP or amend other references in PSP to the Sub-Precinct/Precinct size accordingly. - Review figures against final DCP projects
Table 2 – Distribution of Housing Densities	- Review figures having regard to any changes to Table 1 - Recalculate the 'Residential – Conventional Density' figures at 16 dwellings/NRHa
Plan 11- Housing	Show land to the north-east of Property 2 as being suitable for Medium Density Residential development aligning with the existing plan at that clause. (Property numbers as per those in Attachment 1)
5.2.1 Housing Objectives <i>To achieve a minimum density of 16 dwelling per Net Developable Hectare (NDHa) throughout the Ballarat West PSP area and encourage a minimum density of 20 dwellings for subdivisions to reflect the updated targets in the PSP Guidelines 2.0;</i>	Amend to read: <i>To achieve a minimum density of 16 dwelling per Net Developable Hectare (NDHa) throughout the Ballarat West PSP area;</i>
5.2.3 Planning and Design Guidelines, Subdivision of Existing Rural-Residential Areas to Conventional Density Last paragraph: <i>A concept plan (figure 2) has been included for the Masada Boulevard/Fay Drive precinct which was previously zoned Low Density Residential.</i>	Delete or amend paragraph to be clear when it was zoned for low density.
Plan 12 – Employment and Activity Centres	With the exception of the EYH land, show the land on Property 3 north of the active open space as Mixed Use. (Property numbers as per those in Attachment 1)

Plan 13 – Community Facilities	With the exception of the EYH land, show the land on Property 3 north of the active open space as Mixed Use. (Property numbers as per those in Attachment 1)
5.4.4 Community Facilities Delivery Statement Paragraph stating: <i>One of the complexities of planning for community hubs is the need to take into account previous decisions and consider how this may impact the eventual delivery of the facilities required. For example at Delacombe Major Activity Centre, at the time of writing there is a live planning permit for a private childcare centre which conflicts with Council's preferred location for an early years hub. Council recognizes that the landowner has an accrued right to act on the permit prior to its expiry condition. However Council needs to reserve the right to implement the PSP vision in the event that the permit is not acted upon. Therefore the future urban structure plan shows the land as community facilities.</i>	Delete
Table 6 - Community Facilities Early Years Hub: Sub-Precinct 1 MAC – 1ha Multi Purpose Community Centre & Library: Sub-Precinct 1 MAC (co-located): 0.9ha	Show all provided within a co-located 1ha parcel
Table 6 - Community Facilities Neighbourhood Parks Sub-Precinct 1: 10 parks (including MR Power Park)	Check number against Plan 14 – Open Space
Figure 9 – Delacombe Community Hub – Indicative Concept Plan	Amend to show: - the 0.5ha of land at Pinnacle being incorporated in the active open space; - an alternate connecting pathway so as the active open space land is not dissected or alternatively that forming part of the 'running track' if that is in fact utilising the shared path for such purpose; and, - the connecting road (Kensington Boulevard) to the south of the active open space in lieu of car parking. Alternatively this concept and that under Figure 10 can be deleted given they do not currently form part of the PSP
5.5.4 How to make a passive open space contribution Paragraph stating: <i>All land within the Ballarat West Precinct Structure Plan area must make a passive open space contribution specified at 5.91% Gross Developable Area (GDA).</i>	Revert each reference of 5.91% back to 5.31%

And each paragraph thereafter that references 5.91%	
5.6.1 Biodiversity Objectives Third dot point retains reference to the <i>Ballarat West Conservation Management Plan</i>	Delete reference noting it has been removed under s.5.6.2
Plan 17 – Road Network	- Revert traffic signals shown on Ballart-Carngham Road back to a 2-lane roundabout - Revert traffic signals on Greenhalghs Road back to a 1-lane roundabout - Show Valiant Road extending to the western boundary of Property 3 (i.e. north of active open space)
Plan 19 – Walking and Trails	Identify shared path connection along Kensington Boulevard between the linear reserve to the western side of Pinnacle and to the south of the active open space reserve
5.10.1 Utilities and Staging Objectives Has removed reference to gas under: <i>To provide all developed lots, to the satisfaction of the Relevant Authority, with:</i> - Potable water services; - Electricity; - Reticulated sewerage; - Drainage; - Telecommunications.	Add the following objectives: <i>To phase out the provision of new gas connections to new homes by ensuring that any new planning permits issued after 1 January 2024 do not allow for the provision of gas. Where gas is allowed, ensure that the provision of that service to developed lots is to the satisfaction of the Relevant Authority.</i>
5.10.2 Implementation Paragraph noting: <i>Servicing requirements for gas has been removed to be consistent with VC250. This includes the removal of references to gas and Plan 23 (Natural Gas Network)</i>	- Delete paragraph - Reinstate the Natural Gas Network plan, currently Plan 23 of the PSP with amendments as necessary (i.e. if gas is not being extended into a particular area)
Plan 21 Sewerage Network	Distinguish between temporary and ultimate existing and proposed assets
6.1 Glossary of Terms Medium Density Housing: <i>Housing with an average density of 16 to 30 dwellings per net developable hectare</i>	Consider alongside definition of Conventional Density Housing and amend definition to: <i>Housing with an average density of 21 to 30 dwellings per net developable hectare</i>
Attachment 1 Property Specific Land Use Budget Property 2, 7 & 16	Amend figures to accord with actual land take
Attachment 1 Property Specific Land Use Budget Property 3	Amend figures to accord with actual land take and not providing for further additional community facility land

In addition, a copy of the referenced Growling Grass Frog Conservation Management Plan is requested so as the requirements under s.5.6.4 can be further considered.

Ballarat West Development Contributions Plan (February 2025)

Ideally before the commencement of any panel hearing, a tracked changes version of the DCP document is circulated for easier cross-referencing and further review, though the changes sought at this time include:

Council Proposed	Requested Change
2.4 Timeframe to which the DCP applies <i>The DCP has a life of 30 years from the date that the DCP is incorporated into the Ballarat Planning Scheme (Amendment C167, gazetted 30 October 2014).</i>	Replace '30 years' with '40 years' as per the existing DCP life given the date relates back to when it was first incorporated.
CI_CF_1 MAC Library (sub-precinct 1) co-located with Community Centre in MAC	Delete project throughout document
DI_LA_1 MAC Library (sub-precinct 1) – Land	Delete project throughout document
DI_LA_3 MAC (sub-precinct 1) Multi-Purpose Community Centre/Early Years Hub	Revise cost to that actually paid for completed project
DI_LA_11 Sub-Precinct 1 MAC Active Open Space - Land	- Revalue the 0.5ha not yet vested in Council having regard to the required methodology and a RGZ applied zone - Revise cost to have regard to that paid for the 3ha and the valuation for the balance
CI_OS_3 MAC Sports Pavilion (sub-precinct 1)	Revise cost to align with current indexed pricing
DI_OS_3 Sub-Precinct 1 MAC Active Open Space – Construction	Revise cost to align with current indexed pricing
Table 10 – Demand Units by Land Use and Type	Add the Commercial DIL Rate to table
S.5.2 Valuation of Land Part 1. Valuations were to be preliminary	Retain acknowledgment in current DCP under similar s.4.2 and add the following paragraphs after item c. in that part: <i>The level of investigation was less than that associated with a full valuation report and it was acknowledged that valuations were likely to change if additional information came to hand in relation to the specific circumstances of each property.</i> <i>Likewise, it was acknowledged that if the size or alignment of the land requires changed or the nature of the required land changed, that future valuations were also likely to change.</i>
S.5.5 Payment of Contribution Levies and Timing – Community Infrastructure Levy	Add sentence as per current DCP: <i>The development of land for a small second dwelling is exempt from the requirement to pay the Community Infrastructure Levy.</i>
S.6.1 Provision of Land and Works In-Kind Seventh dot point: <i>The credit for the works provided shall be an amount up to the value identified in the DCP, taking into account the impact of adjustments outlined in Section 5.1. Where the required</i>	Delete the sentence: <i>Where the required scope of the item results in a DCP item delivery scope and cost that is materially less than what is in the DCP, credits will be limited to the value of works or land actually provided.</i>

<i>scope of the item results in a DCP item delivery scope and cost that is materially less than what is in the DCP, credits will be limited to the value of works or land actually provided.</i>	
S.6.1 Provision of Land and Works In-Kind Tenth dot point: <i>Where credit for works-in-kind can't be offset against future levy payments the developer will be reimbursed by City of Ballarat for any excess credit at the time of provision shown in the DCP, so long as there are sufficient DCP funds available to do so.</i>	Amend to read: <i>Where credit for works-in-kind can't be offset against future levy payments the developer will be reimbursed by City of Ballarat for any excess credit at the time of provision shown in the DCP or within a s.173 Agreement.</i>

In addition, the following amendments are also requested throughout the document:

- Reconsideration of the revised scope to projects across the board and their apportionment to the PSP area having regard to other examples provided within this submission; and,
- Completed and/or partially completed projects repriced so as they are not indexed to today's dollars and are shown as per the costs incurred for those projects.

CONCLUSION

A number of matters identified above have been possible due to our knowledge of events that have occurred on the land in which Abiwood has been a party to their development.

We implore Council be mindful of the changes in these documents and how they could impact the viability of the delivery of projects, with most land in this PSP area already under development or in the planning stages, and future developments having already been considered based on feasibilities and site outcomes under the existing documents.

It is submitted that any changes to the Ballarat Planning Scheme ordinance and PSP be minimal in nature and deal only with necessary spatial land use allocation changes. Changes to those documents must not be used as a means for Council to seek/force amendments to existing permits. There is concern that if Council makes broader changes when minor permit amendments are sought Council officers will unreasonably refuse to issue amended permits/endorsed plans if the revised requirements are not satisfied. Such would be unreasonable and have the potential to impact the viability of projects, noting approved developments were supported with the required investigative reports prior to their permits being issued.

Whilst it is acknowledged that the scope of some projects need to change and can no longer be delivered as intended under the existing DCP, project scope should not change where circumstances have not otherwise altered. Projects should not be 'gold-plated' and the DCP cost apportionment should not be revised unless in an extreme circumstance. The indexing of completed and/or partially completed projects also needs to be avoided, with that indexation also impacting the DIL. Any additional increase in DIL comes not only at the expense of developers, but also the consumers, with those costs ultimately passed on, impacting affordability.

We would welcome a meeting should you wish to discuss our concerns further in an effort to reduce those matters being considered at any panel hearing. Please do not hesitate to contact the undersigned on [REDACTED] or [REDACTED] should you wish to discuss.

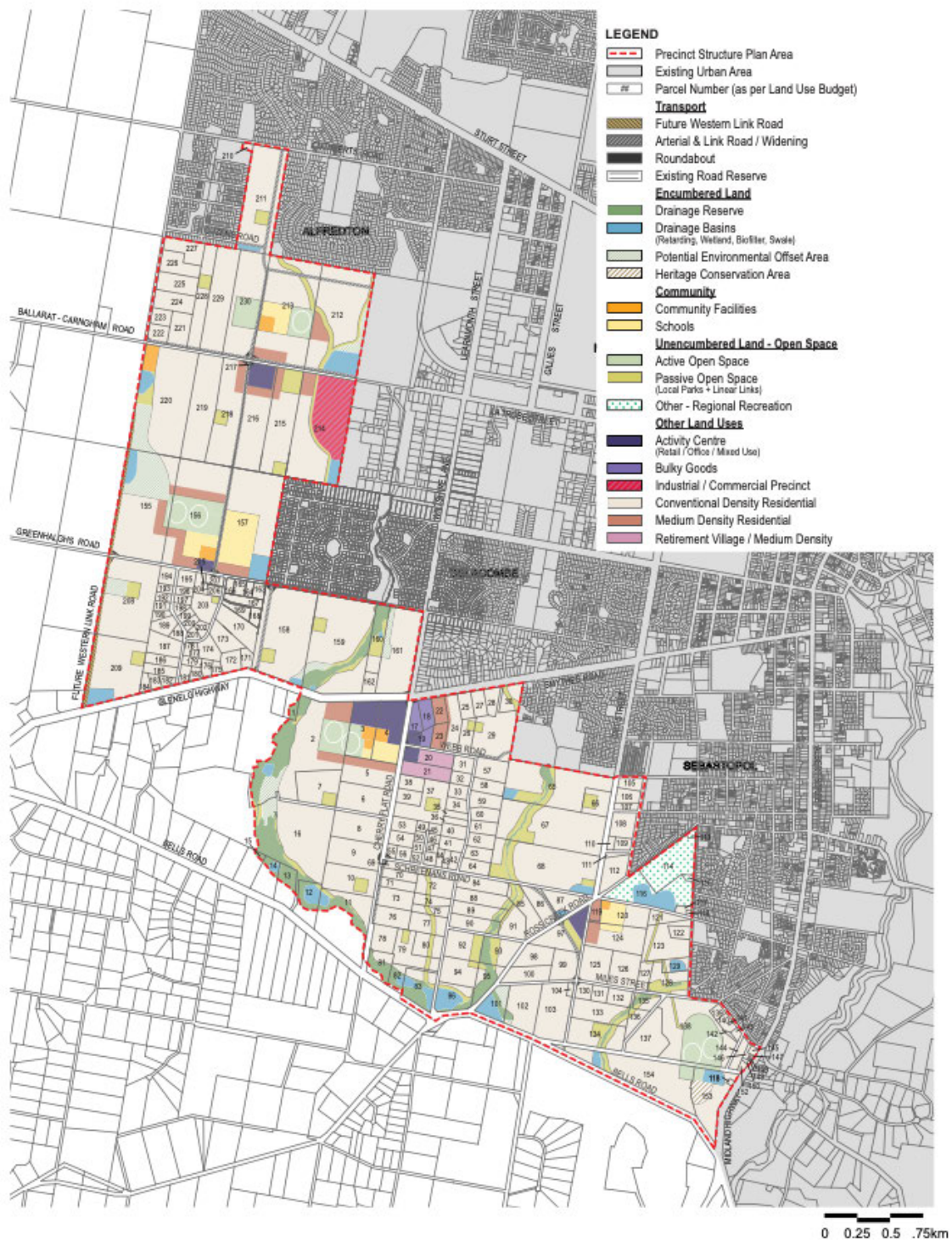
Kind regards

[REDACTED]

[REDACTED]
Development Manager

ATTACHMENT 1 – PLAN 9 LAND USE BUDGET FROM CURRENT BALLARAT WEST PRECINCT STRUCTURE PLAN (June 2012)

Plan 9 Land Use Budget



ATTACHMENT 2 – EXTRACT FROM THE BALLARAT WEST MAJOR ACTIVITY URBAN DESIGN
FRAMEWORK (March 2017 Update)

3 ELEMENTS AND USES

3.1 Introduction

A wide range of elements and uses are to be accommodated within the Major Activity Centre. These elements will need to be integrated and support each other to ensure that a highly usable and legible activity centre is developed for Ballarat West. The impact of uses on the quality of the built environment and the relationships between uses need to be carefully considered in structuring the activity centre to ensure a vibrant and viable centre is achieved where commercial, employment and community opportunities can all be easily accessed.

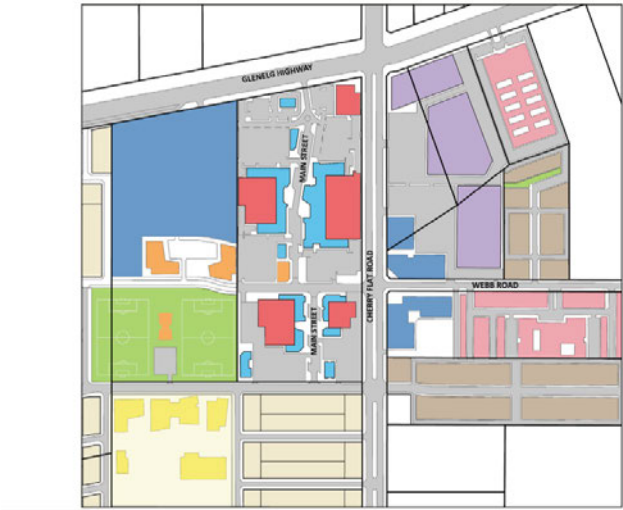


FIGURE 3.1

KEY		core retail		mixed use		medium density
		specialty retail		community facilities		retirement living
		bulky goods		education facilities		conventional residential
						open space

STAGE 5A

STAGE 5B

STAGE 5C

STAGE 5D

STAGE 5E

STAGE 5F

STAGE 5G

STAGE 5H

STAGE 5I

STAGE 5J

STAGE 5K

STAGE 5L

STAGE 5M

STAGE 5N

STAGE 5O

STAGE 5P

STAGE 5Q

STAGE 5R

STAGE 5S

STAGE 5T

STAGE 5U

STAGE 5V

STAGE 5W

STAGE 5X

STAGE 5Y

STAGE 5Z

PASSIVE OPEN SPACE

STAGE 5A **STAGE 5B** **STAGE 5C** **STAGE 5D** **STAGE 5E** **STAGE 5F** **STAGE 5G** **STAGE 5H** **STAGE 5I** **STAGE 5J** **STAGE 5K** **STAGE 5L** **STAGE 5M** **STAGE 5N** **STAGE 5O** **STAGE 5P** **STAGE 5Q** **STAGE 5R** **STAGE 5S** **STAGE 5T** **STAGE 5U** **STAGE 5V** **STAGE 5W** **STAGE 5X** **STAGE 5Y** **STAGE 5Z**

RB 11

RB 12

RB 13 (WITHIN PINNACLE TITLE ONLY)

GLENELG HIGHWAY

CHERRY PLANT ROAD

10/10/2019

10/10/2019