

Ballarat Planning Scheme

Amendment C234ball

Explanatory Report

Overview

The amendment proposes to implement into the Ballarat Planning Scheme the *Ballarat West Precinct Structure Plan (PSP) February 2025* and *Development Contributions Plan (DCP) February 2025*, by revising Schedule 2 to the Urban Growth Zone, Schedule 1 to the Development Contributions Plan Overlay and other operational provisions to facilitate the delivery of infrastructure within the Ballarat West PSP area. Specifically, Schedule 1 to the Development Contributions Plan Overlay proposes to introduce revisions to infrastructure costs and to the Development Infrastructure Levy (DIL).

Where you may inspect this amendment

The amendment can be inspected free of charge at the Ballarat City Council website at: www.ballarat.vic.gov.au

And:

The amendment is available for public inspection, free of charge, during office hours at the following places:

Ballarat City Council

The Phoenix Building

25 Armstrong Street South

Ballarat VIC 3350

The proposed amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment.

Submissions about the amendment must be received by **Monday 4 August 2025**.

A submission must be sent to:

Sustainable Growth, Ballarat City Council

By post: The Phoenix, 25 Armstrong Street South, Ballarat VIC 3350

In person: The Phoenix, 25 Armstrong Street South, Ballarat VIC 3350

By email: growthareas@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: in the week commencing 3 November 2025
- Panel hearing: in the week commencing 1 December 2025

Details of the amendment

Who is the planning authority?

This amendment has been prepared by Ballarat City Council as the planning authority for this amendment.

The amendment has been made at the request of Ballarat City Council.

Land affected by the amendment

The proposed amendment applies to land designated within the Ballarat West Precinct Structure Plan. The land is generally bounded by properties along Cuthberts Road (Alfredton) to the north, part of Midland Highway (Sebastopol) and M R Power Park (Sebastopol) to the east, Winter Creek to the south and properties along Dyson Drive (part of Alfredton and Winter Valley) and the proposed Link Road (Winter Valley) to the west.

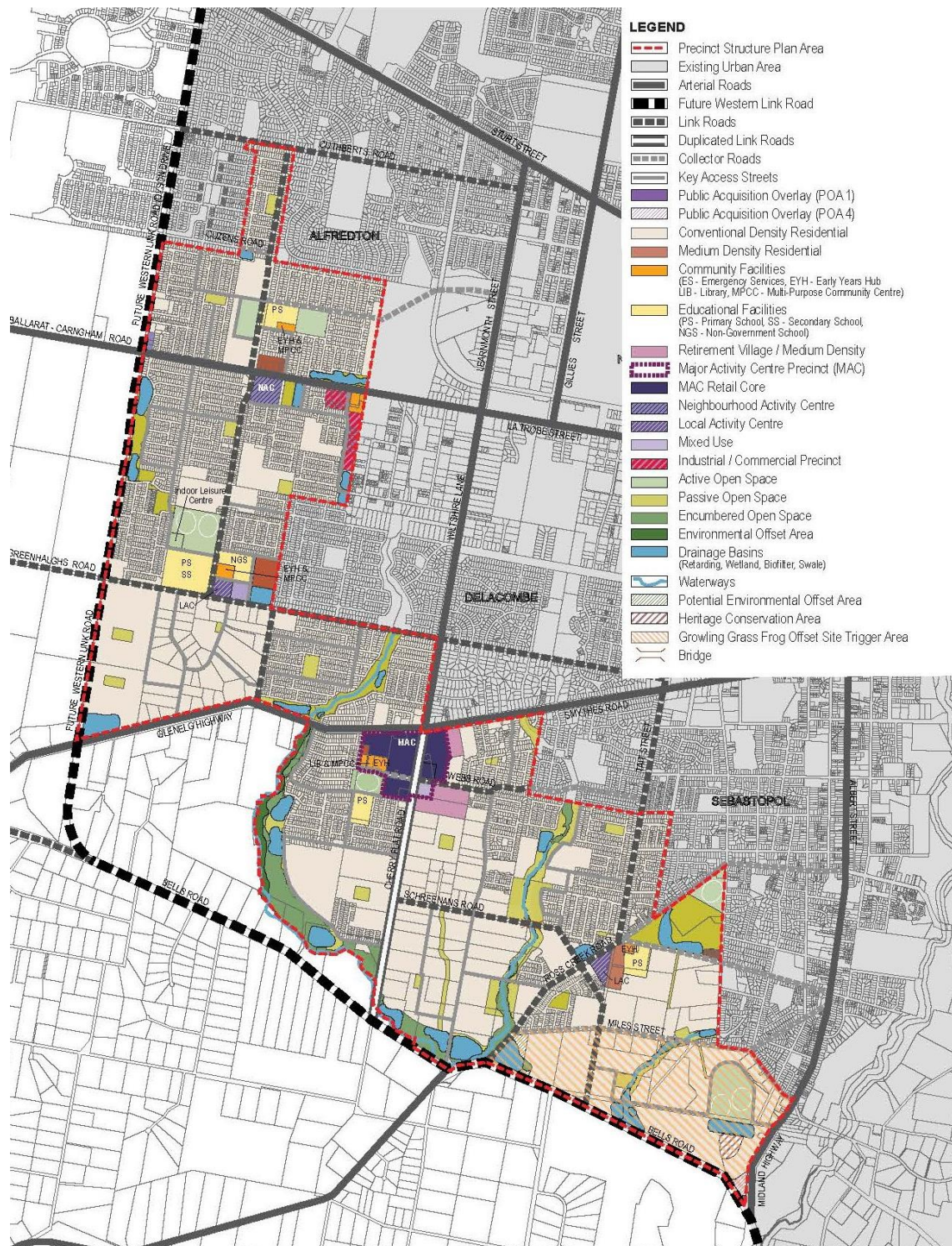


Figure 1: Ballarat West Precinct Structure Plan Area

What the amendment does

The amendment proposes to implement the findings and recommendations of various technical reports summarised in the *Ballarat West Precinct Structure Plan Review Background Report 2025*, City of Ballarat. The background report recommends that *Ballarat West Precinct Structure Plan (PSP) February 2025* and *Development Contributions Plan (DCP) February 2025* are revised and incorporated

into the Ballarat Planning Scheme.

Specifically, the amendment makes the following changes:

- Amends the Schedule 2 to Clause 37.07 Urban Growth Zone to:
 - Include a revised future urban structure plan dated February 2025;
 - Update 2.5 – Specific provisions Buildings and works to reference latest Building Regulations and *Small Lot Housing Code (Victorian Planning Authority, November 2024)* or as amended;
 - Update Section 3 – Prohibited Use to ensure consistency with the permissible uses under the relevant Applied Zones in the Ballarat Planning Scheme;
 - Update 3.0 Application requirements for subdivision, use and building and works applications within the Noise Emission Buffer to reflect the latest Environment Protection Authority A guidelines for noise emissions;
 - Update 3.0 Application requirements for development with the Growling Grass Frog Trigger Area;
 - Update 4.0 Conditions and requirements for permits:
 - the Growling Grass Frog Trigger Area to refer to Plan 8 in the Ballarat West PSP;
 - Delete the first bullet point: “Create no more than one additional lot” to remove ambiguity over whether subdivision of un-serviced lots can involve multi-lot subdivision;
 - Update the requirement for existing dwelling to connect to reticulated sewerage water system or wastewater to reflect the changes in Amendment VC203;
 - Update requirements for potentially contaminated land to reflect the latest Planning Practice Note 30 Potentially Contaminated Land and the *Environment Protection Act 2017*;
 - Remove the Development Contributions Plan condition as there is currently an incorporated Development Contributions Plan for Ballarat West.
 - Update the dates of the relevant documents.
- Corrects an error in the Schedule 2, Clause 37.07 Urban Growth Zone to update the Applied Zone from Commercial 1 Zone to Commercial 2 Zone in Table 1 (Land as shown on Plan 1 of this schedule) for “all other land in the precinct on which sensitive uses are not permitted in accordance with Part 5.2 of the incorporated Ballarat West Precinct Structure Plan”;
- Amends the Schedule to Clause 45.06 Development Contributions Plan Overlay to introduce revised charges in the Development Infrastructure Levy (DIL), which is paid by developers and the Community Infrastructure Levy (CIL) which is paid by homeowners. The proposed changes to both levies are shown in **Table 1** and **Table 2**, below;
- Updates the Schedule to Clause 45.06 Development Contributions Plan

Overlay to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*;

- Updates the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision the amount of contributions for public open space from 5.31% of Gross Developable Area to 5.91% of Gross Development Area;
- Amends the Schedule to Clause 72.04 Incorporated Documents by inserting the following documents:
 - *Ballarat West Precinct Structure Plan* (February 2025);
 - *Ballarat West Development Contributions Plan* (February 2025);
 - *Small Lot Housing Code* (Victorian Planning Authority, November 2024)

Table 1: Proposed changes to DIL charges

Charge area	Original DIL (Jan 2012)	Current DIL (Indexed July 2024)	Proposed revised DIL (July 2024)
Residential (per hectare NDA)	\$201,470.84	\$341,627.65	\$421,701.28
Commercial (per hectare NDA)	\$147,753.24	\$235,924.55	\$277,301.78

Table 2: Proposed changes to CIL charges

Original CIL (Jan 2012)	Current CIL (July 2024)	Proposed CIL (July 2024)
\$900 per dwelling	\$1450 per dwelling	\$1450 per dwelling

Strategic assessment of the amendment

Why is the amendment required?

The PSP and DCP were incorporated into the Ballarat Planning Scheme in 2012 and 2014 respectively.

The primary purpose of the PSP is to facilitate a new growth area in Ballarat West that will deliver around 14,500 dwellings accommodating around 36,000 people.

The accompanying DCP includes funding mechanisms and an implementation strategy required to deliver key infrastructure including transport, drainage and community infrastructure.

Significant development has occurred in the PSP area since 2014 with around 40% of developable residential land titled, 13% under construction and 47% undeveloped. The review is required to respond to on the ground changes that have occurred through development since the PSP and DCP were incorporated into the Ballarat

Planning Scheme and where appropriate and reasonable, update objectives to reflect current state planning policy.

The amendment is also required to ensure that all the required precinct wide infrastructure is planned for, can be delivered and funded in a timely and fiscally responsible manner. The review has found that there is a need to update the scope and costings of projects which are included in the revised DCP.

Legislation requires that the council, as the planning authority, periodically undertakes a full review of the content of the PSP and DCP to ensure that the documents are effective in delivering development and infrastructure outcomes that meet the community's needs. The review considers things like updated population projections in Ballarat West, changes in planning policy and changes in infrastructure specifications and costings.

The amendment is required because both the PSP and DCP are incorporated documents and the revised versions will need to be incorporated into the planning scheme. Associated Victoria Planning Provisions such as the Schedules to the Urban Growth Zone and Development Contributions Plan Overlay will also need to be amended.

The review has been informed by the following:

- The Victoria Planning Provisions including the Planning Policy Framework in the City of Ballarat Planning Scheme
- *Victorian Planning Authority PSP Guidelines 2.0*
- Development Contributions Guidelines- Department of Sustainability and Environment 16 June 2003- as amended March 2007
- Ballarat West Precinct Structure Plan Review - Community and Recreation Infrastructure ASR, May 2024
- Transport Projects Review, Ballarat West Precinct Structure Plan, Milward Engineering, February 2024
- Ballarat West PSP Review Drainage Strategy Update Engeny December 2024
- Opteon Solutions Land Value Assessments for the Ballarat West DCP Review June 2024
- *Ballarat West Precinct Structure Plan*, SMEC, February 2025
- *Ballarat West Development Contributions Plan*, Urban Enterprise, February 2025

As part of the review, the council has undertaken an audit of the land uses, infrastructure and biodiversity throughout the PSP area. The findings of the audits have informed the proposed changes to the plans in the Ballarat West PSP and Ballarat West DCP.

The review recommended the following changes to the Ballarat West PSP and DCP documents:

Ballarat West Precinct Structure Plan

The amendment proposes to incorporate the *Ballarat West Precinct Structure Plan, 2025* to:

- Update the plans to reflect the land use changes informed by the review of the community and recreation infrastructure, road and intersection infrastructure, drainage infrastructure and potential Growling Grass Frogs habitat in Ballarat West.
- Inclusion of additional Growling Grass Frog objectives and planning and design guidelines in open space and biodiversity sections of the PSP.
- Amends Plan 7 Environmental Issues to remove sites with Low Potential for Contamination in accordance with Ministerial Direction 1 and Planning Practice Note 30.
- Update to Table 1 Summary Land Use Budget and Attachment 1: Property Specific Land Budget that reflects the land use changes in the Ballarat West area.
- Update to Table 2 Distribution of Housing Densities and Attachment 2: Property Specific Land Use Budget – Housing Yield that reflects the land use changes in the Ballarat West area.
- Update reference of private schools to non-government schools.
- Update land allocation for the government primary school and community hub at Carngham Road Neighbourhood Activity Centre/Hub.
- Update to the Ballarat West PSP informed by the review of the community and recreation infrastructure, road and intersection infrastructure, and drainage infrastructure.
- Update references to State Government, council plans and strategies to reflect current editions such as A Plan for Victoria.
- Update references to reflect current legislations such as *Aboriginal Heritage Regulations 2018*.
- Update references to Clause 52.01 Public Open space Contributions to Clause 53.01 Public Open Spaces Contributions.
- Update reference from Clause 81.01 to Schedule to Clause 72.04.
- Update reference requirements for potentially contaminated land to reflect the latest Planning Practice Note 30 Potentially Contaminated Land and the *Environment Protection Act 2017*.
- Update the total floor area from 20,000sqm to 23,000sqm for the Major Activity Centre in Table 5 Activity Centre and Employment Hierarchy (page 57) to be consistent with what has been constructed and approved.
- Remove references to gas in the Ballarat West PSP in accordance with Amendment VC250.
- Remove Plan 23 Natural Gas Network (Page 92) in accordance with Amendment VC250.
- Remove Plan 22 Central Highlands of Water Ease of Servicing (Page 91) at the request of Central Highlands Water.
- Insert new concept plans to provide guidance for community and recreation infrastructure:
 - M R Power Park Community Facilities

- Delacombe Major Activity Centre Community Facilities
 - Ballarat-Carngham Road Community Facilities
 - Greenhalghs Road Community Facilities
 - Two linear link open space reserves
- Insert a concept plan for the Masada Boulevard/Fay Drive precinct to provide guidance to landowners of how existing parcel configuration could be further developed in the future, having regard to the orderly planning of the area.
 - Insert a cross section for Key Access Streets as part of the recommendations in the Transport Projects Review prepared by Milward Engineering.
 - Add a new intersection between Webb Road and Schreenans Road in the Ballarat West PSP.
 - Add reference of the 18 metres road width for local access streets in accordance with the Infrastructure Design Manual in the Ballarat West PSP.
 - Remove Attachment 3 (Small Lot Housing Code) in the Ballarat West PSP.

Ballarat West Development Contributions Plan

The amendment proposes to incorporate the *Ballarat West Development Contributions Plan, 2025* to:

- Index the values of transport, community and recreation and drainage infrastructure to 2024/2025.
- Update infrastructure project costs and specifications associated with changes to drainage, transport, and community and recreation infrastructure.
- Update references to Clause 52.01 Public Open space Contributions to Clause 53.01 Public Open Spaces Contributions.
- Update the Housing Yield table to reflect 'as-built' development and increasing the density on undeveloped land to up to 20 dwellings per hectare to better reflect market trends and densities outlined in the VPA's Precinct Structure Planning Guidelines: New Communities in Victoria.
- Updated land valuations in accordance with *Land Valuation Assessment for the Ballarat West Development Contributions Plan Review, Opteon, June 2024*.
- Update land areas associated with changes to drainage, transport, and community and recreation infrastructure.

Community and Recreation Infrastructure

The council has engaged ASR Research to undertake a review of the community and recreation infrastructure in the Ballarat West area. ASR Research made the following recommendations in their report:

- Adopt the VPA's Benchmark Infrastructure costs of Community and Recreation Infrastructure and incorporate these into the Ballarat West DCP.
- Adopt changes and costings for Early Years Hubs in Ballarat West to meet State Government's Three-Year-Old kinder reform program and incorporate these into the Ballarat West DCP. This applies to the Early Years Hubs that have not been delivered in the Ballarat West area.

- Update the names and descriptions of community and recreation infrastructure to be consistent with naming and description conventions used in contemporary PSPs and DCPs.
- M R Power Park
 - Identify M R Power Park as a regional open space with predominantly passive open space and informal recreation function (13.63 hectares) and a smaller active open space function (4 hectares). This is a change from the existing PSP where the whole of the park is classified as Active Open Space.
 - Removal of the construction of the indoor recreation facility for M R Power Park and relocate the indoor recreation facility to Community Hub 3.
 - Adjust the cost apportionment of the construction of the MR Power Park Reserve
- Ballarat West Major Activity Centre Precinct
 - Removal of the Early Years Hub (comprising kindergarten, Maternal and Child health and flexible community space)
 - Update the project description for Community Hub 2 to include Early Years Hub and library.
 - Decrease the size of the library from 1 Ha to 0.9 Ha.
 - Decrease the size of the Active Open Space reserve from 8 Ha to 3.5 Ha.
 - Decrease the size of the Primary school (non-DCP Project) from 3.5 Ha to 3.42 Ha.
- Winterfield North Local Activity Centre
 - Decrease the size of Active Open Space reserve from 11 Ha to 10.30 Ha.
 - Adjust the cost apportionment of the construction of the indoor recreation centre.
 - Relocate the Early Years Hub to the western side of the link road.
 - Relocate the Government secondary school and private primary school from the western side of the link road to the eastern side.
- Carngham Road Neighbourhood Activity Centre/Hub
 - Relocate the Government primary school and the Early Years Hub in sub-precinct 4.
 - Update the project description of the construction of the Active Open space reserve to apportion the 4 Ha that has been constructed and the remaining 4 Ha that is yet to be constructed.
- Decrease the size of the active open space reserve of Mining Park from 12.22 Ha to 11.13Ha to accommodate the increase in area of Drainage Basin RB29 based on the Engeny review.

The changes to the open space discussed above have reduced the overall Active Open Space in the PSP from 38.61Ha to 18.63Ha and increased the Passive Open Space from 35.58Ha to 47.92Ha.

Transport Infrastructure

The council has engaged Milward Engineering to undertake a review of road and intersection projects in Ballarat West. Milward Engineering made the following recommendations:

- Road projects
 - Increase the length of the north-south link road between Greenhalghs Road and the northern boundary of sub-precinct 2 from 670m to 758m.
 - Increase the length of the north-south link road between Greenhalghs Road and Glenelg Highway from 400m to 462m.
 - Increase the length of Cherry Flat Road between Schreenans Road and Bells Road from 190m to 750m.
 - Increase the length of Cobden Street between Ross Creek Road and Miles Street from 378m to 400m.
 - Decrease the length of Cobden Street between Miles Street and Bells Road from 491m to 480m.
- Intersection projects
 - Update the project description from roundabout to signalised intersection between Ballarat-Carngham Road and the new north-south road in sub-precinct 4.
 - Update the project description from roundabout to signalised intersection between Greenhalghs Road and the new north-south road in sub-precinct 2.
 - Update the costing for the intersection between Glenelg Highway to new north-south road (Innsbruck Road) from local road standard to the arterial road (Department of Transport) standard.
 - Incorporate a new roundabout concept design for the intersection at Cherry Flat Road and Schreenans Road and the intersection at Ross Creek Road / Schreenans Road extension / Cobden Street

Drainage Infrastructure

The council has engaged Engeny to undertake a review of the status of the current Stormwater Strategy and its implementation in Ballarat West. Engeny made the following recommendations:

- Update the drainage sub-catchments and drainage assets (comprising of underground pipes and retarding basins).
- Adjustment to the sizes and locations of multiple drainage pipes.
- Update the drainage modelling based on future densities of 20 dwellings per hectare in accordance with the VPA's Precinct Structure Planning Guidelines: New Communities in Victoria.

Strategic Planning Preparation Costs

- The amendment includes strategic planning preparation costs as a project.

- The original DCP did not include strategic planning costs associated with the preparation of DCP. It is assumed this is because at that time legislation in the Planning and Environment Act 1987 or Ministerial Guideline did not enable planning costs as a project.
- In 2015 the Act amended S. 46(1)(b) to allow the inclusion of, *“....reasonable costs and expenses incurred by the planning authority in preparing the plan and any strategic plan or precinct structure plan relating to, or required for, the preparation of the development contributions plan (the plan preparation costs).”*
- In light of the legislative change and that it is now common practice to include strategic planning costs in DCPs, it is appropriate to include the costs associated with the preparation of the PSP and DCP. The total costs amount to \$432,465.

This amendment is also required to:

- Correct errors and inconsistency in the Schedule to the Urban Growth Zone. These have been identified through the day-to-day use of the Ballarat Planning Scheme and if left unaddressed, will lead to confusion for the community and council officers administering the Scheme.
- Remove the requirement for subdivision application within Rural Interface Area identified in plan 11 of the Ballarat West Precinct Structure Plan as the area identified as ‘rural interface’ on plan 11 of the PSP has been developed as conventional residential density.

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

The proposed amendment is consistent with the objectives of planning in Victoria by encouraging and facilitating appropriate and considered change in the Ballarat West Precinct Structure Plan area. The amendment implements the relevant objectives in Section 4 of the Planning and Environment Act 1987 (the Act), in particular:

(a) Provide fair, orderly, economic and sustainable use, and development of land.

The amendment will result in fair, orderly, economic and sustainable use and development of land by enabling future development and infrastructure that addresses the needs of the future community of Ballarat.

(b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.

The amendment will ensure that consideration is given to ecology in particular with regard to the habitat of the Growling Grass Frog.

(c) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.

The amendment will protect public utilities by planning for development and infrastructure in a responsible and orderly manner.

(d) Facilitate development in accordance with the objectives;

The amendment facilitates development in accordance with State, regional and local policy.

(e) Balance the present and future interests of all Victorians.

The amendment will consider the interests of all Victorians by ensuring that the sustainable development of this community continues to benefit existing and future users of the land.

How does the amendment address any environmental, social and economic effects?

Environmental

There will be some positive and negative environmental impacts as a result of the review.

It is proposed to remove most of the environmental offset areas in the PSP. The reasons for this are:

- The environmental offset areas in the Ballarat West PSP have not been used to secure any first party native vegetation offsets
- It is likely that this is because legislation has changed twice since the BWNVPP was prepared and that the native vegetation guidelines now allow for third party offsets
- Providing offset areas in an urbanised setting may increase risk to life and property from the threat of bushfire
- The removal of the offsets will make the Ballarat West PSP consistent with Schedule 2 to the UGZ which was amended under Amendment C203 in 2017 to delete the requirement for offset areas to be used for native vegetation offsets.

The amendment proposes to update the stormwater strategy for the precinct and has given consideration to climate change in the management of peak flow from a projected increase in rainfall intensity.

The stormwater strategy also seeks to improve the social and environmental outcomes by managing the risk of pollution from stormwater runoff recommending the inclusion of gross pollutant traps in wetland assets to help reduce the load of litter entering the system.

As the amendment seeks to continue development that is already occurring there will be a neutral impact on air quality and buffer distances.

Social

The amendment will ensure that infrastructure is delivered in a timely and fiscally responsible manner. Furthermore by providing greater certainty around the scope and funding of infrastructure, the amendment will facilitate the delivery of housing.

Of particular social importance will be ensuring that the community and recreation infrastructure is fit for purpose for the existing and future community both in terms of the scope and cost of the facilities.

The amendment proposes a modest increase in the housing yield which will provide for more housing and more choice of housing in the Ballarat West PSP area.

Economic

The amendment will have some economic effects due to the increase in development levies which may impact the viability of some developments. There is also the possibility that some developers may decide to pass the additional cost onto future homeowners.

The amendment will also provide for economic benefits and opportunities, particularly in the construction industry as it will facilitate infrastructure provision and housebuilding activity.

In consideration of the environmental, social and economic effects there will be both positive and negative; overall the amendment will deliver net community benefit as the planning and infrastructure outcomes are essential for a sustainable community to be realised in a fiscally responsible manner.

Does the amendment address relevant bushfire risk?

The amendment meets bushfire policy in Clause 13.02 of the Ballarat Planning Scheme because it meets the objective of strengthening the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

It meets that objective by providing greater certainty that infrastructure will be delivered that will contribute to the resilience of the PSP area. For instance provision of road upgrades will provide safer access and egress. Delivering land allocated for open space will facilitate more robust land management which will help reduce the risk of grass fire.

The Country Fire Authority (CFA) will be formally consulted when the planning scheme amendment is exhibited.

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

This amendment complies with the Ministerial Direction – *Form and Content of Planning Schemes* under section 7(5) of the *Planning and Environment Act 1987*.

Direction No. 1 – Potentially Contaminated Land

This amendment does not change the location of sensitive uses currently identified in the Ballarat West PSP and the land is already zoned to allow for the uses to occur

‘as of right’.

The Ballarat West PSP and Schedule 2 to Clause 37.07 Urban Growth Zone identifies areas which are subject to low, medium and high contamination including areas which are subject to an Environmental Audit Overlay. It is noted that under *Planning Practice Note 30 Potentially Contaminated Land July 2021* there is no longer a “low” classification of potential contamination. In light of the removal of the low classification in Direction No.1 it is proposed to amend the relevant map in the PSP.

Since the incorporation of the PSP into the Ballarat Planning Scheme no new uses with the potential to contaminate have been introduced in the Ballarat West PSP area. Moreover, remaining undeveloped land is either vacant or is used for rural residential style housing which also has no potential to contaminate land.

In summary the amendment complies with Direction No.1 as it does not introduce any new sensitive uses and has no undeveloped land other than previously identified land that has been affected by potential sources of contamination.

Direction No. 11 – Strategic Assessment of Amendments

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

This direction seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment. Council has undertaken a thorough review and examination of the Ballarat West PSP and DCP and associated planning scheme ordinances and has determined that updates are required to ensure the documents reflect the need to deliver housing and infrastructure that meets the needs of the existing and future community. The review was informed by a range of studies:

- Review of community infrastructure by ASR Research.
- Review of transport infrastructure by Milward Engineering.
- Review of drainage infrastructure by Engeny
- Land valuations undertaken by Opteon.

Direction No. 12 – Urban Growth Areas

This direction applies to the preparation of a planning scheme amendment that provides for changes to an incorporated precinct structure plan or proposes changes to provisions in a schedule to the Urban Growth Zone.

The Ballarat West PSP and DCP were developed by the council in accordance with the PSP Guidelines prepared by the Growth Areas Authority (now Victorian Planning Authority) in 2009. The review of the Ballarat West PSP and DCP documents identified the need to update some of the infrastructure projects together with ensuring that the plan reflects development that has occurred to date and is expected to continue into the future.

By undertaking this review council has responded to changing circumstances including the need to review the Development Infrastructure Levy to ensure funds are collected to make an ongoing contribution to the delivery of the infrastructure needed to service the Ballarat West PSP area.

Direction No. 19 – Preparation and Content of Amendments that may significantly impact the environment, amenity and human health

The council has sought the views of the Environment Protection Authority (EPA) to inform itself on whether the amendment could result in the use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

With regard to the EPA's response on the amendment, some technical advice was given on specific questions regarding mapping and updated EPA policy references.

The EPA's views of the Urban Growth Zone Schedule 2 (UGZ2) were that they would ordinarily consider that the Environmental Audit Overlay (EAO) is the most appropriate planning tool to defer audit system requirements. They stated that, given that a decision has already been made to defer audit system requirements via the UGZ2, EPA have no further comment to make on this approach, noting that Ministerial Direction No. 1 and PPN30 include 'other appropriate measure' as a means to defer audit system requirements (albeit without supporting guidance).

The amendment proposes to revise the UGZ2 so that it is consistent with Ministerial Direction No. 1. This includes replacing the requirement for an environmental site assessment (ESA) with the requirement for a preliminary risk screen assessment (PRSA). EPA note that this approach aligns with Ministerial Direction No.1 but recommend the wording be updated so that it is consistent with the wording of the EAO.

In addition, given that a PRSA requires the oversight of an auditor, EPA state that the amendment should consider the implications that this may have for developments where ESAs are currently underway. The council has considered that it is appropriate for any ESAs for any proposed sensitive use for the remaining undeveloped land to be assessed through the planning application process (prior to the issue of the planning permit). The recommendations of the PRSA will determine

if an environmental audit is required for site suitability.

The EPA also commented that given the considerable time that has elapsed since the Ballarat West PSP was gazetted, the council should review land yet to be developed, and consider whether this has been used for any land use or activity that has the potential to contaminate, since that time.

The council has reviewed land yet to be developed and as mentioned above, since the incorporation of the PSP into the Ballarat Planning Scheme, no new uses with the potential to contaminate land have been introduced in the Ballarat West PSP area and remaining undeveloped land is either vacant or is used for rural residential style housing which also has no potential to contaminate land.

The EPA has provided its opinions on the amendment and this has been reflected in the proposed amendment documentation and this explanatory report.

In summary as this amendment does not change the location of land used for sensitive uses and buffer areas currently identified in the Ballarat West PSP, the use and development of land as proposed would not result in significant impacts on the environment, amenity and human health due to pollution and waste.

Ministerial Direction on the Preparation and Content of Development Contributions Plans

This amendment proposes to change Schedule 1 to Clause 45.06 Development Contributions Plan Overlay to exempt the following from paying the development infrastructure levy or a community infrastructure levy:

- non-government schools
- housing provided by or on the behalf of the Department of Health and Human Services.
- a small second dwelling.

A new category that will be funded by the DIL is the plan preparation costs.

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

The proposed amendment is consistent with the following clauses of the Planning Policy Framework and will assist in achieving objectives of the clauses:

- *Clause 11.02-3S Sequencing of development:* This amendment proposes changes to the Ballarat West PSP and DCP documents to ensure that adequate funds can be collected to acquire land and the construction of essential infrastructure required to service the growth of the precinct.
- *Clause 11.03-2S Growth areas:* This amendment proposes to encourage

average overall residential densities in Ballarat West area from a minimum of 15 dwellings per net developable hectare to up to 20 dwellings per net developable hectare. This amendment will also support Clause 11.03-2S with the increase of average residential densities to guide a diversity of housing type and distribution throughout Ballarat West.

- *Clause 12.01-1S Protection of biodiversity and Clause 12.01-2S Native Vegetation management:* This amendment proposes to include additional objectives in the Ballarat West PSP to strengthen protection measures for the Growling Grass Frog and a more transparent decision making framework for permit applications that have the potential to impact habitat. No changes are proposed to the management of native vegetation identified in the Ballarat West PSP and Native Vegetation Precinct Plan, and therefore the commitment to the protection of biodiversity is maintained.
- *Clause 13.02-1S Bushfire planning:* This amendment is within a bushfire prone area. Council is required to consider the strategic implications of the amendment on the potential for bushfire and implement the requirements of Clause 13.02 should any applications be submitted for subdivision or development.
- *Clause 13.04-1S Contaminated and potentially contaminated land:* This amendment does not propose any changes to land allocated for sensitive uses and does not include land which has the potential for contamination beyond that which has been previously identified.
- *Clause 13.07-1S Land use compatibility:* This amendment does not propose any changes to previously identified land use buffers which protect community amenity and human health from potential adverse off-site impacts.
- *Clause 16.01-1S Housing supply and Clause 16.01-2S Housing affordability:* This amendment maintains an area identified for the delivery of residential development and supports a diversity of housing styles and sizes that are located close to jobs, transport and services. The Ballarat West PSP identifies land suitable for high, medium and conventional residential densities.
- *Clause 17.01-1S Diversified economy and Clause 17.01-1R Diversified economy – Central Highlands:* This amendment does not propose any changes to the Major Activity Centre, Neighbourhood Activity Centre and Local Activity Centre. These employment areas are significant to the municipality and will continue to facilitate growth in employment in these areas.
- *Clause 18.01-1S Land use and transport integration and Clause 18.01-2:* This amendment proposes to update road and intersection projects to the Ballarat West DCP to ensure that adequate transport infrastructure is delivered to service the growth of the community. This amendment also supports the efficient, co-ordinated reliable movement of people and goods, including walking and cycling networks and reducing reliance on private motor vehicles.
- *Clause 18.02-1S Walking, Clause 18.02-2R Cycling and Clause 18.02-4S*

Roads: This amendment maintains the walking, cycling and road networks to facilitate sustainable transport as envisioned in the Ballarat West PSP.

- *Clause 19.02-2S Education facilities and Clause 19.02-4S Social and cultural infrastructure:* This amendment supports the future planning of education and early childhood facilities to meet the existing and future education needs of communities. This amendment does not propose to change the number of community facilities and ensures that the design of community places can be adapted as the population changes and different patterns of work and social life emerges.
- *Clause 19.02-6S Open space:* This amendment seeks to maintain the integration of open space within subdivisions. This amendment will also incorporate concept plans to provide guidance to enhance connections between major parks, activity areas and along waterways in Ballarat West.
- *Clause 19.03-1S Development and infrastructure contribution plans:* This amendment proposes changes to the Ballarat West DCP to ensure that infrastructure can continue to be delivered in a timely and fiscally responsible manner.
- *Clause 19.03-3S Integrated water management:* Changes are proposed to the size and location of drainage assets within the Ballarat West PSP to cater for future growth, minimise flooding risk, and provide an urban environment that is more resilient to the effects of climate change.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is supported by the Municipal Planning Strategy (Clause 02) of the Ballarat Planning Scheme to reflect the key principles set out in the Ballarat West PSP and Ballarat West DCP.

The amendment will encourage development that provides a range of housing choice and diversity to meet the needs of a growing and changing community and demand for different housing types. The amendment will also ensure that services and infrastructure is in keeping with the population and housing growth in Ballarat West into the future.

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

The amendment makes appropriate use of the Victoria Planning Provisions by applying:

- The Urban Growth Zone to manage development in a PSP area. This amendment proposes to amend Schedule 2 to Clause 37.07 Urban Growth Zone to reflect changes identified in the explanatory report.

- The Development Contributions Plan Overlay to collect funds for development of essential infrastructure to service the growth of the precinct. This amendment proposes to amend Schedule 2 to Clause 45.06 Development Contributions Plan Overlay to reflect changes identified in this explanatory report.
- The Schedule to Clause 72.04 Incorporated Documents to include the documents to be read in conjunction with the Ballarat Planning Scheme, as well as the updated *Small Lot Housing Code*.

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

This amendment has been prepared in consultation with the following agencies:

- Diocese of Ballarat Catholic Education Limited (DOBCEL)
- Central Highlands Water (CHW)
- Corangamite Catchment Management Authority (CCMA)
- Department of Transport and Planning (DTP)
- Department of Education (DE)
- Department of Energy, Environment and Climate Action (DEECA)
- Department of Health (DH)
- Department of Justice and Community Safety (DJCS)
- Homes Victoria (HV)
- Sports and Recreation Victoria (SRV)
- Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC)
- Environment Protection Agency (EPA)

In preparing the Ballarat West Community and Recreation Infrastructure Review (which informed the amendment), several state government agencies were informed. The agency inputs are as follows:

- The Department of Justice and Community Safety provided an initial response that the current PSP had allocated 2 hectares of land for emergency facilities on Ballarat-Carnham Road, which has since been developed into residential uses. The revised Future Urban Structure Plan has been updated with the emergency services and police station re-allocated to another location on Ballarat-Carnham Road.
The Department had requested that this land be reinstated as part of the review to accommodate a variety of service. If more land is required, it is recommended that this be addressed through the provision in one of the future western growth areas.
- The Department of Health provided comments that long-term planning is required for Aboriginal-led service delivery to be co-located with community hubs or early years hub. A statement will be included in the revised PSP to reflect this.

- Sports and Recreation Victoria (SRV) provided comments that the Construction of Indoor Recreation Centre adjacent to the Greenhalghs Road Active Open Space Reserve (8 courts) at Community Hub 3 will support the demand for sports participation and programming in Ballarat West.

Homes Victoria (HV) provided comments on the locational preferences and expectations for social and affordable housing.

The Department of Education were also consulted on the preferred sizes and locations of government schools in Ballarat West. The changes requested by the Department are reflected in the concept plans that will be incorporated into the revised Ballarat West PSP and DCP.

Major Activity Centre Precinct

The future government primary school site in the Major Activity Centre Precinct in the current Ballarat West PSP is not consistent with the Department's site selection criteria. The Department is agreeable with additional land with an area of 0.47ha acquired via the subdivision of the land on PSP Property No. 5.

The council has commenced the land acquisition negotiations with the landowner of PSP Property No. 5 and in the short term, this will become a council reserve which will then be sold to Department of Education at a time they decide to develop the land as a school site.

Greenhalghs Road Local Activity Centre

The future government primary and secondary school site in the Greenhalghs Road Local Activity Centre is not consistent with the Department's site selection criteria. The Department will consider the option of a proposed government school site in sub-precinct 2 of Ballarat West.

The council has notified the Department of Transport and Planning (Transport) on the Ballarat West Transport Projects Review. DTP had concerns over the changes to the intersection of the Ballarat-Carngham Road and Presentation Boulevard from a roundabout to a signalised intersection. Further consultation on this matter will occur as part of the formal exhibition of the amendment.

Central Highlands Water (CHW) provided an initial response that the increased dwelling densities in Ballarat West would affect the council's infrastructure planning. CHW have clarified that this information would assist them in their infrastructure planning when designing appropriate pipe sizes and system.

Another issue was in relation to the timing of the road upgrades generally in the Schreenans Road, Bells Road and Ross Creek area. The council is committed to co-ordinate the concurrent installation of water and sewerage mains with CHW.

The EPA was consulted as required by Ministerial Direction No. 19 as discussed above.

Government agencies and authorities will be able to further review the amendment

documentation when it is exhibited and provide a written submission.

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

This amendment updates the Ballarat West DCP to include revised transport projects from the *Transport Projects Review, Ballarat West Precinct Structure Plan*. The proposed transport projects will ensure that the transport network will continue to run efficiently.

The transport system will meet the following transport system objectives in Division 2 of the *Transport Integration Act 2010*:

- Providing an interconnected road system that responds to the likely level of use generated by the Ballarat West area.
- Enabling efficient access to existing and planned employment services across the Ballarat West and wider region.
- Ensuring the road network minimises impacts to the site's topography, native vegetation and water flow regimes.
- Designing the function and scale of roads to match the expected travel demand.

Resource and administrative costs

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

The amendment is not expected to have any significant impact on the administrative costs of the Responsible Authority.

However whilst the DIL and CIL make a large contribution towards the infrastructure funding in Ballarat West, there is a significant funding gap between the amount of dollars collectable under the DCP and the overall cost of the infrastructure required. This means that other funding will need to be provided by council as the delivery agency for the DCP.