



Department of Energy, Environment and Climate Action

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City of Ballarat – Sustainable Growth
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Via email: growthareas@ballarat.vic.gov.au

Dear Madam/Sir

EXHIBITION OF BALLARAT PLANNING SCHEME AMENDMENT C234BALL BALLARAT WEST PSP AND DCP REVIEW

Thank you for your notification of Ballarat Planning Scheme Amendment C234ball (the Amendment) to the Department of Energy, Environment and Climate Action (DEECA) on 2 July 2025. I am responding to you under delegation from the Secretary to DEECA.

DEECA understands that the City of Ballarat (Council) has prepared the Amendment, to facilitate the delivery of infrastructure within the Ballarat West Precinct Structure Plan area. The Amendment proposes to:

- Revise Urban Growth Zone Schedule 2 (UGZ2) to revise the Future Urban Structure, update application requirements and to correct an error
- Amends Development Contribution Plan – Schedule 1 to introduce revised charges to the Development Infrastructure Levy
- Updates the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision
- Amends the Schedule to Clause 72.04 Incorporated Documents by inserting the following documents:
 - Ballarat West Precinct Structure Plan (PSP) (February 2025)
 - Ballarat West Development Contributions Plan (February 2025)
 - Small Lot Housing Code (Victorian Planning Authority, November 2024)

DEECA has reviewed the documentation for the Amendment and is generally supportive of the intent of the Amendment but raises concerns with the potential outcomes from these changes. Attachment A identifies errors, clarifications and areas that need to be updated in the Amendment documentation.

DEECA understands that Council has not revised the Native Vegetation Precinct Plan (NVPP), however the proposed changes to the UGZ2 and PSP, have significant implications to the NVPP. This Amendment will further reduce the relevance of the outdated NVPP as the NVPP includes references to first party offset areas that no longer exist, contains a superseded Future Urban Structure and does not reference the new Growling Grass Frog measures within the PSP. If Council wish to continue to rely on the conditions and requirements in the NVPP, it should be updated to accord with the current Native Vegetation Removal Regulations and include:

- an Offset Plan. The plan should detail how offsets will be secured and managed; and
- a precinct-based offset register. The register will assist in managing native vegetation removal and offsets within the Ballarat West PSP area. This will help track the removal of native vegetation and the corresponding securing of offsets, ensuring compliance with the NVPP.

Alternatively, the NVPP could be abandoned and the standard requirements under Clause 52.17 in the Ballarat Planning Scheme would then apply. If this is the preferred pathway, all reference to the NVPP should be deleted from both the PSP and the UGZ1 schedule.

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Regardless of the pathway Council chooses to undertake to resolve the NVPP, DEECA must be consulted as the NVPP contains many requirements that are to the satisfaction of DEECA and therefore changes will require DEECA's input.

Additional Matters

DEECA notes that the UGZ1 now includes a requirement for developers to obtain advice regarding approvals under the Flora and Fauna Guarantee Act 1988 and/or Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth). While this is a positive step, if consultation on this matter with the Commonwealth has not occurred, DEECA reiterates previous commentary (letter dated 15/11/24) that it may also be pertinent for City of Ballarat to contact the Commonwealth regarding the need for an EPBC Act referral if one has not previously been made.

If you require further information in relation to this matter, please contact [REDACTED], Principal Planner Housing Unit at pe.assessment@deeca.vic.gov.au

Yours sincerely

[REDACTED]

[REDACTED]
Senior Manager Housing Unit, Major and State Projects
Planning and Environment Assessment

ATTACHMENT A – ERRORS, UPDATES & CLARIFICATIONS REQUIRED TO C234BALL BALLARAT WEST PSP AND DCP REVIEW			
Page	Section	Issue	Comment
Precinct Structure Plan			
17	3	Plan shown on page	The plan shown on this page does not contain a title nor indicate a plan number or reference.
18		PSP Plan 5 – Environmental Features has not been updated	Given the PSP has been revised and the environmental features would have significantly changed since the PSP gazettal, this plan should be updated.
26		Plan 8 Future Urban Structure	What does Environmental Offset Area mean in the legend? There are no guidelines on this. Clarification: DEECA has assumed that the Environmental Offset Area is for compensatory Growling Grass Frog (GGF) habitat locations. If this is so, the drainage strategy and the DCP should show these locations. How the habitats will be funded and by whom should also be detailed. A lack direction or detail in these documents on this matter, would likely not result in the environmental outcomes, including creation of new habitats, as envisioned in Section 5.1.3 and 5.6.4 of the PSP.
26 & 66		Plan 8 Future Urban Structure and Plan 14 Open Space Plan – reference to Potential Environmental Offset areas in the legend.	Remove references to Potential Environmental Offset Areas in the legend in Plan 8 and Plan 14 as they appear to have no corresponding area in the plans.
35	Table 1	Table 1 Summary Land Use Budget includes Environmental Conservation Area (potential vegetation offset area) in precinct 2 and precinct 4.	DEECA assumes reference to, 'Environmental Conservation Area (potential vegetation offset area)' is incorrect.
68	5.5.3	Ensure habitat is created for Growling Grass Frogs along the creek line in accordance with the Ballarat West Growling Grass Frog Conservation Management Plan	Does this refer to guidance at 5.6.4 GGF Conservation Management Plan or the Ballarat West Conservation Management Plan (CMP)?
73	5.6.2	Figure 13 The Winter Creek Master Plan is listed under 5.6.2 Implementation.	It is unclear how a proponent would use the information contained in Figure 13 which shows GGF sites to achieve the biodiversity objectives listed on this page. It is suggested that the relevant guideline should reference Figure 13.
73	5.6.2	The reference to Ballarat West Conservation Management Plan has been removed.	DEECA recommends that the GGF conservation management objectives included in Section 5.6.4 cannot replace the detailed

			implementation requirements outlined in the CMP and the reference to the CMP be reinstated.
73	5.6.3	In accordance with the Ballarat West NVPP, native vegetation offsets are to be provided within the conservation areas. If offsets cannot be provided in these areas, offsets are to be secured off-site	The PSP has removed first party offset party areas making this guideline redundant.
73	5.6.4	Increase the amount of high quality GGF habitat in the by the creation of compensatory wetland habitat	This objective is incomplete. The location of the high quality GGF habitat should be identified.
73	5.6.4	Develop a monitoring program to assess the effectiveness of the CMP and/or provide further management actions that may be required to ensure the objectives are met. And Any new GGF habitats should be consistent with the design standards outlined in the CMP	DEECA notes that the title of the section, GGF Conservation Management Plan but the acronym CMP has not been linked to a document or title. Does this guideline intend for a GGF Conservation Management Plan to be created or to use the existing CMP?
73	5.6.4	Add additional information/ partially related to 'Develop a monitoring program to assess the effectiveness of the CMP and/or provide further management actions that may be required to ensure the objectives are met.'	This section should include a clear description of how success in supporting the meta-population of GGF will be measured, and what it would mean for development in Precinct 1 and other areas if the compensatory habitat is not considered fit for purpose. DEECA does not view the requirement of developing a monitoring program easily actionable, nor will it ensure future success for the development of new and enhanced GGF habitat.
73	5.6.4	Add additional information	DEECA recommends that this is added: Any future GGF surveys should be undertaken in accordance with <i>Guidelines for managing the endangered GGF in urbanising landscapes</i> (Heard, Scroggie and Clemann, 2010) to enable quantification of the probability of detection achieved by the surveys (i.e. an indication of overall confidence in the survey results).
73	5.6.4	Add additional information	DEECA reiterates our previous advice that stating specific timeframes for GGF habitat creation before the removal of existing habitat is crucial to ensuring the frogs have a suitable place to live and breed. This helps minimise the impact of habitat loss and allows for a smoother transition for the frog population, preventing a significant decline or extinction.

			There should be clear objectives in the CMP and PSP to include more specific timeframes for habitat creation and enhancement activities (i.e. more than 2 years required to establish compensatory habitat and min. of 5 years to demonstrate suitability for living and breeding).
Urban Growth Zone – Schedule 2			
7		Growling Grass Frog Offset Trigger Advice regarding approvals under the <i>Flora and Fauna Guarantee Act 1987</i> and/or <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)	The Flora and Fauna Guarantee Act is dated 1988.
7		Growling Grass Frog Offset Trigger	This section has been updated to remove reference to the CMP and instead refers to the Growling Grass Frog Objectives and Design requirements in Section 5.1.3 of the PSP. The objectives and design requirements in Section 5.1.3 of the PSP are insufficient in guiding the potential relocation of GGF and the creation of compensatory GGF wetland habitat within the precinct and should reinstate the CMP reference. Note, relocation, or salvage translocation of GGF is typically considered only as a condition of EPBC Act approval for actions that may impact their habitat. Salvage translocation is generally not a primary method for mitigating impacts.
Explanatory Report			
12		It is proposed to remove most of the environmental offset areas in the PSP. The reasons for this are: • 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	This statement is not accurate. Third party offsets have been permitted since the inception of the Ballarat West NVPP making this comment an unsuitable explanation as to why first party offsets have not been achieved. Similarly, the commentary on the increased risk to life and property from proposed first party offsets has not been substantiated in any documentation reviewed by DEECA and question its suitability given Council is advocating for first party offsets by way of compensatory GGF habitats.