



Department of Energy, Environment and Climate Action

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City of Ballarat – Sustainable Growth
PO Box 655
BALLARAT VIC 3350

Ref: CMS 00010626

Via email: growthareas@ballarat.vic.gov.au

Dear Chris Duckett,

UPDATE TO DEECAS SUBMISSION TO THE BALLARAT PLANNING SCHEME AMENDMENT C234BALL BALLARAT WEST PSP AND DCP REVIEW

Thank you for the opportunity to update the Department of Energy, Environment and Climate Action (DEECA) submission to the Ballarat West Precinct Structure Plan (PSP) and Development Contribution Plan review dated 4 August 2025.

Since the submission, the City of Ballarat (CoB) and DEECA have engaged in further discussions regarding the amendment. CoB has subsequently provided additional information in response to several matters raised by DEECA. While DEECA remains broadly supportive of the amendment's intent and the recent updates, a number of issues remain outstanding:

- Sunset clause in the Native Vegetation Precinct Plan (NVPP)

The inclusion of a sunset clause within the NVPP was discussed during a meeting held on 29 August 2025 between CoB, the Department of Transport and Planning, and DEECA. DEECA supports the inclusion of a sunset clause and recommends the following wording (or similar) is inserted into the NVPP:

This NVPP expires 30 December 2026. Upon expiry:

- Any proposed removal, destruction or lopping of native vegetation within the precinct will require a new planning permit application under Clause 52.17, supported by current site assessments and offset calculations in accordance with the Guidelines for the removal, destruction or lopping of native vegetation, or its successor.
- Offset obligations identified within this NVPP will no longer be applicable unless secured prior to the sunset date.
- Landowners and developers must provide offset evidence to the responsible authority for all offsets secured under this NVPP.

While the proposed text in section 1.2 of the PSP acknowledges need to update the NVPP, it does not replace the need for a sunset clause. It is recommended that this section is updated from *"the NVPP is therefore redundant,"* and replaced with, *"As all vegetation identified for protection in the NVPP has been assessed through permit processes, and in light of legislative changes since its preparation, the NVPP no longer provides a reliable statutory basis for managing native vegetation in the precinct."*

Similarly, the phrase *"there is a need to review how native vegetation protection... will be managed"* should be revised to: *"A strategic review is required to determine how native vegetation protection will be managed in the precinct under current legislative frameworks and planning scheme provisions."* The phrase *"taking into account current legislation"* should be updated to: *"...in accordance with the current native vegetation regulations under Clause 52.16 and relevant DELWP/DEECA guidelines."*

- Consistency and clarity in references to the Conservation Management Plan (CMP)

DEECA notes that Section 1.2 of the PSP now references the need for further strategic work to update the CMP. It is recommended that the phrase “discussed further in section 5.6” be replaced with: “...which is addressed in Section 5.6, including its role in guiding habitat creation, offset delivery, and long-term ecological management.”

CoB has advised of its intention to ensure consistent reinstatement of CMP references across the PSP and Urban Growth Zone – Schedule 2 (UGZ2) which is supported. DEECA continues to advocate for CMP obligations to be linked to planning controls to ensure enforceability, as an interim measure until the CMP is updated. While the CMP is out of date, it does provide a multi-phase approach (pre-construction, construction, and operational) to manage and monitor Growling Grass Frog (GGF) populations and habitat, including, creation of compensatory habitat, protection of existing habitat, monitoring protocols and adaptive strategies. Within Section 5.6, the following requirement should be updated as follows, ‘Develop a monitoring program *as detailed in to assess the effectiveness of the Ballarat West Conservation Management Plan or its successor which assesses the success of the long term viability of the GGF and* provides further management actions that may be required to ensure the objectives are met.’

DEECA also notes CoB’s advice that the CMP is endorsed but not incorporated, and recommends this be explicitly stated within the PSP.

- Environmental offset areas (EOA)

DEECA acknowledges CoB’s clarification that the EOAs were originally intended to conserve intact native vegetation and secure first-party offsets. CoB has advised that parcels 101 and 102 remain within the GGF Offset Trigger Area and will be retained and renamed as *Potential Growling Grass Frog Habitat*, with this designation to be defined in the PSP.

DEECA does not object to the removal of EOAs, provided the areas identified have been developed for other purposes. If the land has not been developed, a revised CMP is required to demonstrate that the reduced network can still deliver the intended biodiversity outcomes.

The removal of EOAs should be supported by robust ecological evidence, a clear demonstration of no increased risk to the viability of GGF, and alignment with relevant legislative and policy frameworks.

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

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