

BALLARAT PLANNING SCHEME

AMENDMENT C235ball

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the City of Ballarat, which is the planning authority for this amendment.

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

Land affected by the amendment

The policy component of the amendment broadly applies to land located in the township of Miners Rest within the 'study area boundary' of Figure 1.

The Miners Rest township is located immediately north of the Western Freeway, approximately 17 kilometres north of the Ballarat Central Business District. The township is physically separated from the outer northern edge of Ballarat by the Western Freeway. Miners Rest is characterised by the original township area located to the north of Cummins Road and the new residential estates of Macarthur Park and Sunraysia Heights Estate located south of Cummins Road towards the Western Freeway.

Miners Rest is a mix of land in the General Residential Zone - Schedule 1 (GRZ1), Mixed Use Zone (MUZ), Farming Zone (FZ) with a combination of Special Use Zone - Schedule 7 and 13 (SUZ7 and SUZ13) applying to the Dowling Forest Racecourse and Equine Precinct, and Special Use Zone - Schedule 15 (SUZ15) applying to the Central Victorian Livestock Exchange.

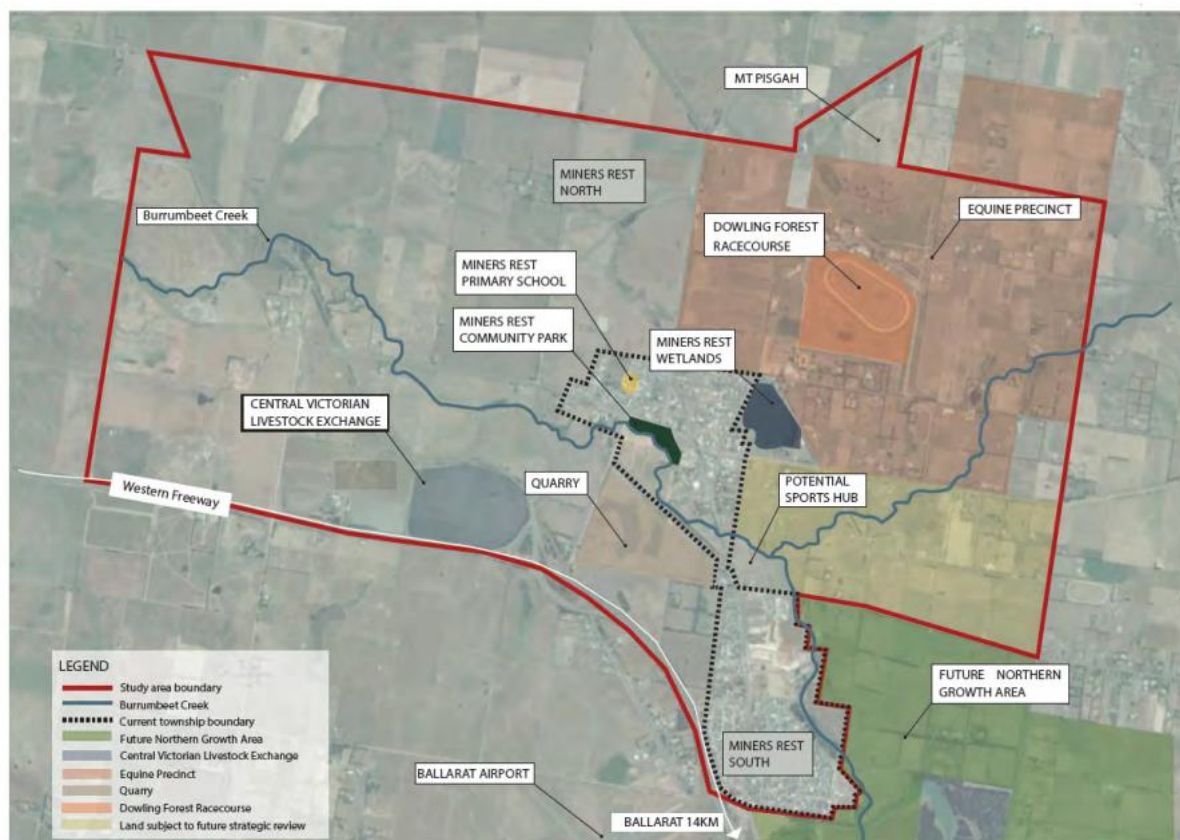


Figure 1 Land affected by the amendment

The land in the northern areas of Miners Rest affected by the rezoning from GRZ1 to Neighbourhood Residential Zone (NRZ3) is indicated in Figure 2.



Figure 2 Northern areas of Miners Rest rezoned from GRZ1 to NRZ3

What the amendment does

The amendment implements the key land use planning directions of the *Miners Rest Township Plan* (November 2019) (MRTP) into the Ballarat Planning Scheme.

Specifically, the amendment:

- Amends Clause 21.02-9 (Implementation) to delete reference to the need to prepare a local area plan or community plan for Miners Rest.
- Amends Clause 21.09-5 (Miners Rest) to:
 - Update local policy strategies for Miners Rest to implement the land use planning related strategies of the MRTP.
 - Insert the MRTP as a policy document.
 - Insert the *Miners Rest Township Plan* (Figure 13 in the MRTP) as the *Miners Rest Framework Plan*.
- Amends Clause 21.10 (Reference Documents) to include reference to the MRTP.
- Inserts a new Schedule 3 to Clause 32.09 Neighbourhood Residential Zone (NRZ3) to include variations to Clauses 54 and 55 including minimum subdivision area (750 square metres), maximum building site coverage (45 per cent), minimum permeability (45 per cent) and landscaping requirements.
- Rezones the northern areas of Miners Rest from GRZ1 to NRZ3, except the area of GRZ1 which forms part of the town centre (immediately south of Creek Street) and is designated for medium density housing (refer Figure 2).
- Amends Planning Scheme Map No. 6.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to implement the key land use planning directions of the MRTTP into the Ballarat Planning Scheme.

In recognition of the unique nature of Ballarat's township areas, *Today, Tomorrow, Together: The Ballarat Strategy* (2015) proposed preparation of a series of six Township Plans. These plans were intended to provide each township or smaller settlement with a long-term vision and action plan to support Council and the community to manage change, future growth and development. These six townships are Learmonth, Cardigan Village, Burrumbeet, Warrenheip, Buninyong and Miners Rest.

The MRTTP was completed following community and stakeholder consultation which began in 2017 and was adopted by Council on 11 December 2019. It sets out a strategic framework to manage and guide future land use and development in Miners Rest through to 2040.

The amendment relates generally to the implementation of the MRTTP with updates to Clause 21.09-5 (Miners Rest) including land use planning related strategies, the *Miners Rest Framework Plan* and further strategic work.

The amendment also includes associated zoning changes arising specifically from Action 28 of the MRTTP. Action 28 seeks to 'prepare and implement a local planning policy into the Ballarat Planning Scheme to provide clear guidance on preferred type, format and location of future residential development and establish a statutory framework for the assessment of planning permit applications and any private rezoning requests'.

The amendment is required as there is currently a lack of specific strategic direction and guidance about whether Miners Rest should accommodate residential growth, and where such growth might be located.

The land supply and demand analysis that forms part of the MRTTP concludes that growth in Miners Rest can be accommodated through infill development within existing zoned residential land to 2030. The MRTTP does not propose the rezoning of additional residential land and identifies the potential for the development of the former quarry, subject to further strategic analysis of the various constraints that affect the land. Implementation of the MRTTP is therefore critical in ensuring the appropriate development of Miners Rest with sufficient land, in the right locations, to accommodate growth.

In addition, in October 2019 Council resolved to proceed planning the Northern Growth Area to the immediate east of Miners Rest, and the provision of this land for future residential development will have a significant impact on the need for provision of additional residential land in Miners Rest. The northern growth area will be planned and designed to complement the township of Miners Rest and will relieve the need for both intense infill development in the original township area, and the allocation of further greenfield land around Miners Rest.

To guide future residential infill, the MRTTP recognises the need to respect the existing township character. In particular, the existing character of Miners Rest is highly varied and reflects the various eras over which the town has developed with the original township to the north and new areas south of Cummins Road. The amendment proposes to rezone the majority of the original area of the town in the north to NRZ with local variations for minimum subdivision area, maximum building site coverage, minimum permeability, and landscaping requirements to reflect the predominant township character. These variations were developed in the background report 'Miners Rest north Character Assessment - Supplementary Report - November 2019'.

The amendment is underpinned by strategic work and community engagement undertaken in the development of the MRTTP. It will implement the key land use planning directions of the MRTTP to guide future residential development as infill while recognising township character and the connection to the surrounding rural landscape.

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

The amendment gives effect to and is consistent with the following objectives of planning in Victoria identified in section 4(1) of the *Planning and Environment Act 1987*:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land.

- (b) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- (g) to balance the present and future interests of all Victorians.

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

By implementing the key land use planning directions MRTTP, the amendment adequately addresses environmental, social and economic effects as follows:

- The MRTTP takes the environmental constraints and opportunities of the area into consideration and is embedded in a range of principles and actions. The environmentally significant areas such as the Burrumbeet Creek and Miners Rest wetland have been identified in the *Miners Rest Framework Plan* at Clause 21.09-5 (Miners Rest).
- The sustainability of rural areas surrounding Miners Rest is also identified as important with proposed protection of landscape and views towards surrounding volcanic hills. The environment will not have significant effects on the proposed amendment.
- The MRTTP considers social and cultural impacts through the considered and extensive consultation approach to community values within the townships. The engagement program involved wide consultation through various methods to ensure that values of the community were understood and responded to where possible in the MRTTP.
- The MRTTP provides a clear future for the township by providing the community and council with a long-term vision and an action plan for meeting this vision. In particular, in relation to Action 28, the amendment will guide future residential development as infill while recognising township character and the connection to the surrounding rural landscape.

Does the amendment address relevant bushfire risk?

The majority of Miners Rest is in a Bushfire Prone Area (BPA) and as such all development needs to demonstrate that it meets the objective of Clause 13.02-1S (Bushfire planning). The subject land is not affected by a Bushfire Management Overlay (BMO).

The amendment does not seek to rezone additional land for residential development. Rather, it will reduce the potential intensity of future residential development in the northern areas of Miners Rest by rezoning land from GRZ1 to NRZ3 with variations to Clauses 54 and 55 including minimum subdivision area (750 square metres), maximum building site coverage (45 per cent), minimum permeability (45 per cent) and landscaping requirements.

However, the amendment does include the insertion of the *Miners Rest Framework Plan*, which identifies the former quarry as a potential residential growth area and identifies an area between the Northern Growth Area and the equine industry/Dowling Forest Precinct for strategic review of planning controls during the planning process for the Northern Growth Area.

According to the *Bushfire assessment – Miners Rest Township Plan* (30 August 2022), the bushfire landscape area for the study area is identified as Landscape Type 1: Grasslands and the assessment against Clause 13.02-1S (Bushfire planning) at Section 6 of the report concludes that:

‘The Township Plan is orientated to better managing existing development. This is reflected in the township boundary not changing. Changes within the existing township boundary where enabled by the Township Plan do not require any specific bushfire mitigation to be included as part of a planning scheme amendment. These areas are low fuel and are optimised for (re)development consistent with bushfire policies, in any event.

More specifically, the proposal to rezone land from the General Residential Zone to the Neighbourhood Residential Zone within the existing settlement boundary has no bushfire implications, including the proposed c54 & c55 variations.

Some elements of the Township Plan look ahead to further planning activities, including:

- *Quarry, which is identified as a future potential growth area subject to further analysis.*

- *Northern growth area boundary, which is subject to a separate planning process but the Township Plan does not preclude urban growth within this part of the Study Area.*
- *Land in the Farming Zone east of the existing settlement areas, which are shown as subject to review of planning controls.*

The Planning Authority can consider what the effect of the above policies are, in terms of whether bushfire mitigation needs to be included into the planning scheme at this time. The recommendations in this report and summarised in Section 7 only practically apply to any new growth outside of existing settlement areas.

Based on the information provided, the Township Plan does not in our opinion enable the above to occur, it simply looks ahead to places which may be subject to further analysis. On this basis, the recommendations in this report could be considered concurrently with those further investigations.'

The amendment includes further strategic work highlighting that a bushfire risk assessment is required for the identified potential residential growth area and the strategic review of planning controls area between the Northern Growth Area and the equine industry/Dowling Forest Precinct.

The Country Fire Authority (CFA) will be formally notified as part of the exhibition of the amendment.

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

The amendment complies with the requirements of the *Ministerial Direction – The Form and Content of Planning Schemes* (section 7(5) of the Act) and *Ministerial Direction No. 11 – Strategic Assessment of Amendments*.

Ministerial Direction No.1 does not apply as the amendment does not propose rezoning of land to a sensitive use that is not already in a residential zone.

With regard to Ministerial Direction 19, the amendment includes recommendations for further strategic work for the potential residential development of the former quarry site including a land contamination assessment is required. The Environment Protection Authority (EPA) will be formally notified as part of the exhibition of the amendment.

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

The amendment supports and implements the following provisions of the Planning Policy Framework (PPF):

- Clause 11.01-1S (Settlement) by promoting the sustainable growth and development of Victoria and delivering choice and opportunity for all Victorians through a network of settlements.
- Clause 11.02-1S (Supply of urban land) by ensuring a sufficient supply of land is available for residential uses.
- Clause 11.02-2S (Structure planning) by facilitating the orderly development of urban areas.
- Clause 11.03-1S (Activity centres) by encouraging the concentration of residential development into activity centres that are highly accessible to the community.
- Clause 11.03-6S (Regional and local places) by facilitating integrated place-based planning.
- Clause 12.03-1S (River corridors, waterways, lakes and wetlands) by identifying the Burrumbeet Creek and Miners Rest wetland have been identified in the *Miners Rest Framework Plan* at Clause 21.09-5 (Miners Rest).
- Clause 12.05-2R (Landscapes – Central Highlands) by maintaining a boundary for residentially zoned land in Miners Rest.
- Clause 13.02-1S (Bushfire planning) by considering bushfire risks on the community.

- Clause 15.01-5S (Neighbourhood character) by recognising, supporting and protecting neighbourhood character, cultural identity and sense of place.
- Clause 16.01-1S (Housing supply) by facilitating well-located, integrated and diverse housing that meets community needs.

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

The amendment supports and implements the following provisions of the Local Policy Framework (LPPF), and specifically the Municipal Strategic Statement (MSS):

- Clause 21.02-6 (Townships) by facilitating development in township areas in accordance with local area planning and the long-term aspirations of the community.
- Clause 21.02-7 (Housing diversity) by providing a range of choices in housing design, location and density.
- Clause 21.06-3 (Neighbourhood character) by recognising places of distinct neighbourhood character.

In addition, of particular relevance, Clause 21.09-5 (Miners Rest) identifies Miners Rest as follows:

Miners Rest is an important township to the north of the Ballarat, separated from the main urban area by the Western Freeway. The area has significant constraints on development such as flood prone land and airport flight paths.

The amendment also addresses the identified implementation action at Clause 21.02-9 (Implementation) by developing a Local Area Plan for Miners Rest.

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

The amendment makes proper use of the Victoria Planning Provisions (VPP) by rezoning northern areas of Miners Rest from GRZ to NRZ to facilitate development of the land in alignment with the outcomes for Miners Rest envisaged by the MRTP.

The NRZ is the most appropriate zone for the northern areas of Miners Rest. The amendment seeks to apply the NRZ to the northern areas of Miners Rest where there is no anticipated change to the predominantly single and double storey character and to ensure that development respects the identified neighbourhood character. As outlined above in terms of strategic justification, the purpose of the NRZ is more appropriate to the low scale, spacious and rural character of the northern areas of Miners Rest identified for minimal and incremental change in the MRTP.

The rezoning is consistent with the reforms to the residential zones approved as part of Amendment VC110 (approved 27 March 2017) and Amendment VC143 (approved 15 May 2018) and the accompanying *Planning Practice Note 90: Planning for housing* (December 2019) and *Planning Practice Note 91: Using the residential zones* (December 2019). In addition, the inclusion of local variations for minimum subdivision area, maximum building site coverage, minimum permeability and landscaping requirement in the schedule to NRZ3 makes appropriate use of a VPP tool.

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

All referral agencies, including CFA, Department of Transport and EPA, will be formally notified as part of the exhibition of the amendment.

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

The amendment is not likely to have an impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*.

The Department of Transport will be formally notified as part of the exhibition of the amendment.

Resource and administrative costs

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

The amendment will not have a significant impact on the resource and administrative costs of the responsible authority. It is estimated that the number of planning permit applications under the NRZ would remain the same as the GRZ1 given these two controls have the same permit required clauses. It is likely there could be a substantial reduction in the number of subdivision applications, given the proposed minimum lot size. It is envisioned this amendment would be a resource neutral alteration of the Ballarat Planning Scheme.

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; or

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 CENTRAL VIC

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 19 December 2022.

A submission must be sent to: City of Ballarat, PO Box 655, Ballarat VIC 3350, or via email to strategicplanningsubmissions@ballarat.vic.gov.au.

Panel hearing dates

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

- directions hearing: 17 April 2023
- panel hearing: 22 May 2023