

# **Ballarat Planning Scheme**

## **Amendment C256ball**

### **Explanatory Report**

#### **Overview**

This draft amendment C256ball (*the amendment*) introduces the Ballarat North Precinct Structure Plan (PSP), the Ballarat North Development Contributions Plan (DCP) and Ballarat North Native Vegetation Precinct Plan (NVPP) to guide growth in this area over the next 20 to 30 years. The PSP will facilitate the development of approximately 5,600 homes and support a new community of around 15,480 residents and fund the delivery of essential infrastructure such as new arterial road intersections, network of local parks and land for community facilities.

It does this by incorporating the Ballarat North PSP, the Ballarat North DCP and the Ballarat North NVPP into the Ballarat Planning Scheme (the Scheme); by applying a new schedule to the Urban Growth Zone (UGZ), the Development Contributions Plan Overlay, the Heritage Overlay and the Public Acquisition Overlay; by amending the Land Subject to Inundation Overlay and the Environmental Audit Overlay; by deleting the Floodway Overlay and Specific Controls Overlay to facilitate development of the precinct. It also updates Clauses 11.01-1L (Settlement), 52.16 (Native Vegetation Precinct Plan), 53.01 (Public Open Space Contribution and Subdivision), 72.03 (What does this planning Scheme consist of?) and 72.04 (Incorporated Documents) to facilitate development of the precinct.

#### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Engage Victoria website between 19 September – 20 October 2025 at:

##### **Engage Vic**

<http://www.engage.vic.gov.au/BallaratNorth>

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

##### **Department of Transport and Planning**

Department of Transport and Planning website at

<https://vpa.vic.gov.au/project/ballarat-north> or by contacting the office on 9651 9600 to arrange a time to view the amendment documentation.

## **City of Ballarat**

The Phoenix Building

25 Armstrong Street South, Ballarat

Should you not have access to the internet and the above offices are closed or not accessible during office hours, please contact the Department of Transport and Planning on 1800 789 386 to make alternative arrangements to obtain a copy of the amendment.

## **Submissions**

Any person may make a submission to the Department of Transport and Planning about the amendment. Submissions about the amendment must be received by 20 October 2025. A submission must refer to the Ballarat North Precinct Structure Plan and Development Contributions Plan draft amendment and be sent to:

Online: <http://www.engage.vic.gov.au/BallaratNorth>

Email: [BallaratNorth@transport.vic.gov.au](mailto:BallaratNorth@transport.vic.gov.au)

Post: Victorian Planning Authority c/- Ballarat North Precinct Structure Plan GPO Box 2392 Melbourne, VIC 3001

## **Standing Advisory Committee hearing dates**

If required, this project may be subject to the Victorian Planning Authority Projects Standing Advisory Committee (SAC), appointed pursuant to Part 7, section 151 of the *Planning and environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority on referred projects and plans and associated draft planning scheme amendments.

While the Department of Transport and Planning through the Victorian Planning Authority will seek to resolve any issues raised, unresolved issues or particular matters may be referred to the Victorian Planning Authority SAC, which will contact submitters and then determine the best way to consider unresolved matters – either by round table discussions, written submissions or a public hearing. The Victorian Planning Authority SAC will provide advice on the amendment to the Victorian Planning Authority and Minister for Planning.

The Department of Transport and Planning will then make recommendations to the Minister for Planning, who will consider the appropriate approval pathway for the amendment.

If required, dates for the Ballarat North SAC are reserved for:

- Directions hearing: Week commencing 9 February 2026
- Panel hearing: Week commencing 16 March 2026

## **Details of the amendment**

## Who is the planning authority?

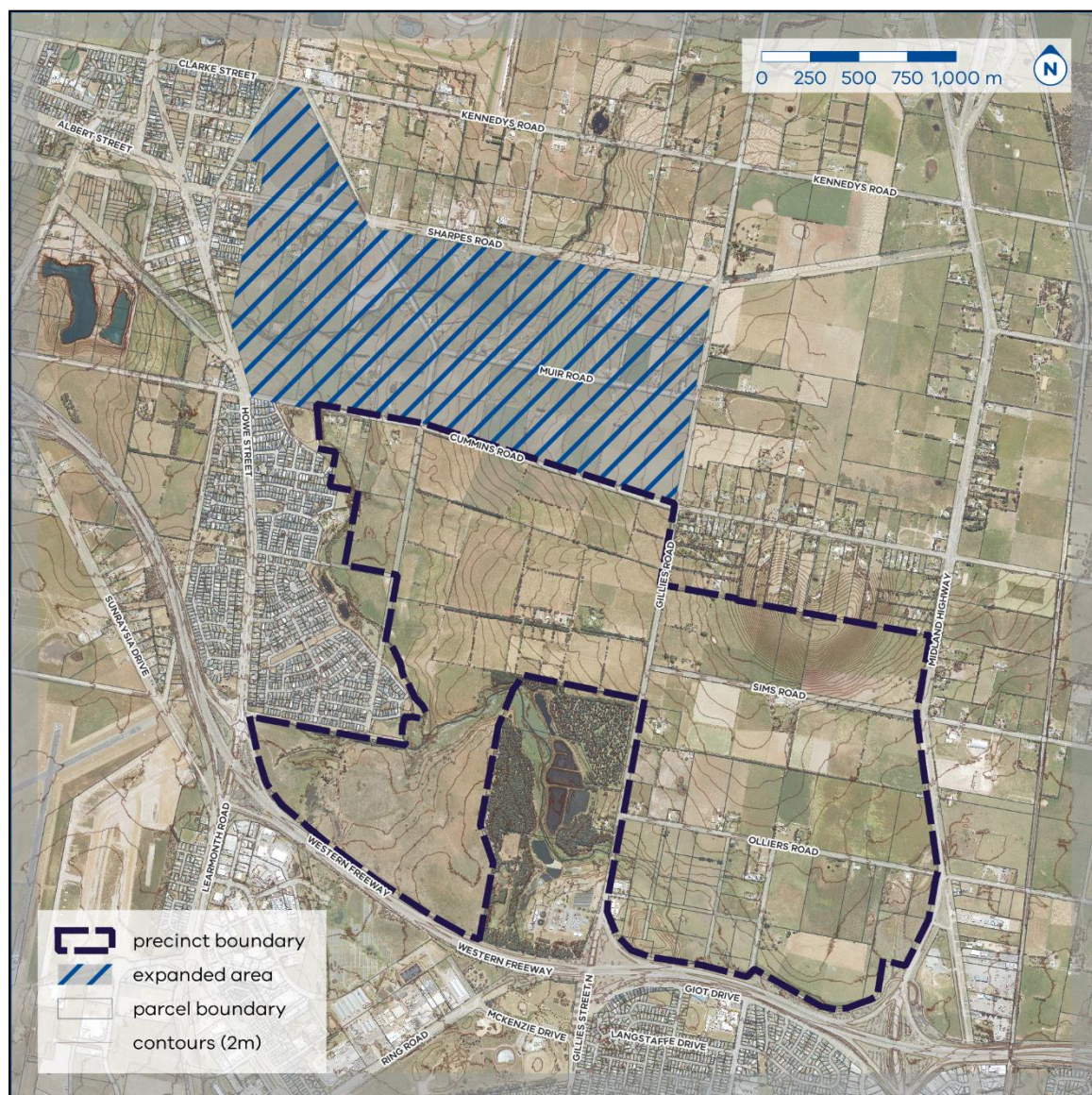
This draft amendment has been prepared by the Victorian Planning Authority (VPA) which is now part of the Department of Transport and Planning (DTP) on behalf of the Minister for Planning, who is the intended planning authority for this draft amendment.

The amendment has been made at the request of Victorian Planning Authority.

## Land affected by the amendment

The amendment applies to land identified in the *Ballarat North* PSP referred to as 'the precinct'. The precinct is approximately 561 hectares in size and situated approximately seven kilometres north-west of the Ballarat CBD. It is generally bound by Cummins Road to the north, Western Freeway to the south, a residential area to the west and Midland Highway to the east, as illustrated on Map 1 below.

A mapping reference table is attached at [Attachment 1](#) to this Explanatory Report.



## What the amendment does



The amendment introduces the Ballarat North PSP, the Ballarat North DCP and the Ballarat North NVPP to guide growth in this area over the next 20 to 30 years. It does this through the application of and changes to the planning policy framework, zones, overlays, particular provisions and operational provisions.

Specifically, the amendment makes the following changes:

### ***Zoning maps***

- Amends Planning Scheme Map Nos 5ZN, 7ZN, 11ZN, 12ZN and 13ZN to rezone land within the amendment area from Urban Growth Zone (UGZ) to Urban Growth Zone Schedule 3 (UGZ3).

### ***Overlays maps***

- Amends Planning Scheme Map Nos 12LSIO and 13LSIO and 12FO and 13FO to delete part of the Floodway Overlay (FO) within the south-east corner of the precinct and replace it with the Land Subject to Inundation Overlay (LSIO) to allow development generally in accordance with the PSP.
- Inserts new Planning Scheme Map No. 12HO to include five new Heritage Overlay (HO) schedules.
- Inserts new Planning Scheme Map Nos 5DCPO, 7DCPO, 11DCPO, 12DCPO and 13DCPO to apply Development Contributions Plan Overlay Schedule 2 (DCPO2) across the amendment area.
- Inserts new Planning Scheme Map Nos 5PAO to apply the Public Acquisition Overlay Schedule 6 to part of 62 Howe Street, Miners Rest within the amendment area.
- Amends Planning Scheme Map Nos 12 EAO and 13EAO to apply the Environmental Audit Overlay (EAO) to several properties across the amendment area whilst also deleting the EAO from two properties within the amendment area.
- Amends Planning Scheme Map Nos 12SCO and 13SCO to delete the Specific Controls Overlay Schedule 1 (SCO1) from the amendment area.

### ***Planning scheme ordinance***

- Amend Clause 11.01-1 (Settlement) to include reference to the Ballarat North Expanded Area Framework, which provides strategic guidance for the future rezoning of the expanded area.
- Inserts Schedule 3 to 37.07 Urban Growth Zone (UGZ3) into the Scheme and rezones land from UGZ to UGZ3 to all land within the amendment area.
- Amends the Schedule to Clause 43.01 to include the following heritage places as follows:
  - Heritage Overlay 252 at 15 Sims Road, Mount Rowan.
  - Heritage Overlay 253 at 134 Gillies Road, Mount Rowan.
  - Heritage Overlay 254 at 112 Olliers Road, Mount Rowan.
  - Heritage Overlay 255 at 103 Olliers Road, Mount Rowan.
  - Heritage Overlay 256 at 88 Olliers Road, Mount Rowan.

- Amends the Schedule to Clause 45.01 to apply a Public Acquisition Overlay (PAO) to the part of the property at 62 Howe Street, Miners Rest and lists the City of Ballarat as the acquiring authority for the PAO which is required to facilitate the delivery of stormwater and drainage infrastructure.
- Applies Clause 45.03 Environmental Audit Overlay (EAO) to a number of properties, including former industrial sites within the precinct that are nominated as having high potential of contamination.
- Deletes Clause 45.03 EAO to two properties in the south-east of the precinct that have been assessed as no longer having a high potential of contamination.
- Inserts Schedule 2 to Clause 45.06 Development Contributions Plan Overlay (DCPO2) and applies the overlay to all land within the amendment area.
- Amends the Schedule to Clause 45.12 (Specific Controls Overlay (SCO) to delete the SCO Schedule 1 (SCO1) from land within the precinct.
- Amends the Schedule to Clause 52.16 and applies the Ballarat North Native Vegetation Precinct Plan (NVPP).
- Amends the Schedule to Clause 53.01 to include a public open space contribution for subdivision within the precinct.
- Amends the Schedule to Clause 72.03 Schedule to What does this Planning Scheme Consist of? to update the list of maps for this amendment.
- Amends the Schedule to Clause 72.04 Schedule to the Documents Incorporated in this Planning Scheme to incorporate the following new documents:
  - *Ballarat North Precinct Structure Plan*, September 2025;
  - *Ballarat North Development Contributions Plan*, September 2025,
  - *Ballarat North Native Vegetation Precinct Plan*, September 2025,
  - *Bernera Homestead Statement of Significance*, May 2025,
  - *Chalmers Homestead Statement of Significance*, May 2025,
  - *Hawthorn Farm Statement of Significance*, May 2025,
  - *Hawthorn Park Statement of Significance*, May 2025,
  - *Scott's Homestead Statement of Significance*, May 2025, and
  - *Small Lot Housing Code*, November 2024.
- Amends the Schedule to Clause 72.04 Schedule to the Documents Incorporated in this Planning Scheme to remove the following document:
  - *Ballarat & Queen's Anglican Grammar School Foundation Ltd. Lot 2 (PS622085) Gillies Road, Mount Rowan*, April 2013.

## Strategic assessment of the amendment

### Why is the amendment required?

The amendment is required to implement the recommendations of the Scheme relating to future residential development.

The Ballarat Housing Strategy 2041 provides the City of Ballarat with a framework for managing and accommodating population and housing growth for a minimum period of 15-years across the municipality. The core and future expanded area of the Ballarat North PSP is also known as the Northern Growth Area and is identified to address the city's housing supply. In August 2022, the then Minister for Planning, Lizzie Blandthorn, MP appointed the Victorian Planning Authority (VPA) as Planning Authority to prepare a PSP and Development Contributions Plan (DCP) for the Northern Growth Area. The strategy also identifies the Northern Growth Area as Council's priority growth area to provide for short to medium term land supply.

This is reflected in the objectives and strategies of Clause 11.01-1S – Settlement, Clause 11.01-1R – Settlement - Central Highlands (including Plan for Victoria, Victoria's housing Statement and the Central Highlands Regional Growth Plan) and Clause 11.02-2S – Structure planning in the Planning Scheme, which provide further direction for planning in regional Victoria.

The amendment is required to facilitate expected growth by introducing the UGZ3 to land within Ballarat's Northern Growth Area to be further developed for residential purposes as envisaged by the PSP. The PSP, DCP, NVPP and associated planning controls proposed as part of this amendment allow for greater certainty in planning decisions, greater certainty about the location of services, and a plan for contributions towards shared development and community infrastructure required to service the precinct.

The amendment also safeguards the long term strategic vision and intent for the expanded area through the introduction of a Framework Plan and new provisions in the Planning Policy Framework. The Framework Plan sets out the intended land use outcomes for expanded area as a future residential precinct. The Framework Plan and new provisions also set out the staging criteria to be met in order to progress a future planning scheme amendment to rezone the expanded area.

The amendment includes land in the south-east of the precinct which is at risk of flooding from Burrumbeet Creek. Part of the land is currently affected by the FO and the amendment will delete part of the FO, replacing it with the LSIO to allow development generally in accordance with the PSP. The amendment implements the strategies at Clause 13.03 through the inclusion of requirements in the UGZ3 for a utility coordination plan and a drainage and fill strategy for this land. These plans must be prepared to the satisfaction of the responsible authority and Glenelg Hopkins Catchment Management Authority and are intended to ensure that future development meets flood risk and safety requirements.

The amendment applies the Heritage Overlay to five properties following the undertaking of a post-contact heritage assessment, *Ballarat North PSP Historical (Post-Contact) Heritage Assessment*, July 2024. The buildings at each property have been assessed as meeting Criterion A (historical significance) with the trees associated with each property also being assessed as meeting either Criterion D or

E (aesthetic significance).

The amendment applies the Public Acquisition Overlay (PAO) to part of the property at 62 Howe Street, Miners Rest within the precinct, with the City of Ballarat being listed as the acquiring authority. Due to the fragmented land ownership pattern of this area of the precinct, the PAO is required to ensure key drainage and stormwater infrastructure can be delivered in a timely and coordinated manner, that is staged appropriately with the timing of residential development in the precinct.

The amendment removes the Schedule 1 to the Specific Controls Overlay (SCO1) from the site at 64 Sims Road, Mount Rowan within the precinct. As the works have been completed in accordance with the associated incorporated document under the SCO1, this control is now redundant. Furthermore, under the controls of the UGZ3, a primary and secondary school is a section 1 permit not required use for the land at 64 Sims Road, Mount Rowan which would assist in streamlining any upgrades to the existing non-government school at this site should they look to expand in the future.

The amendment also proposes changes to the Environmental Audit Overlay by applying the EAO to several lots within the amendment area identified by Jacobs in the *Land Capability Assessment*, July 2024 as having high potential of contamination. The amendment also proposes to remove the EAO from two properties which the *Land Capability Assessment*, July 2024 has further assessed as not having any potential for contamination.

Lastly, the amendment incorporates the Ballarat North NVPP into the Planning Scheme which identifies the native vegetation to be retained, or which can be removed or lopped without a planning permit, the relevant offsets that must be sourced prior to the removal of native vegetation and relevant conditions.

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

The PSP will guide development for the precinct and residential growth for approximately 5,600 lots to accommodate a population of approximately 15,480. The precinct is expected to create a minimum average density of 20 dwellings per net developable hectare. The precinct will include one neighbourhood activity centre, one local convenience centre, local community facilities, regional open spaces, local parks, three future government schools and an existing non-government school.

The amendment will facilitate the development of land and will provide for the efficient and sustainable servicing of the land.

The amendment implements a number of the objectives of planning in Victoria under section 4(1) of the *Planning and Environment Act 1987* (Act). In particular:

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

The amendment will ensure the fair and equitable provision of community and development infrastructure by enabling the PSP and DCP to be implemented and incorporated into the Scheme.

The new precinct will accommodate a residential population with access to the facilities, amenities, business opportunities and cultural life of Ballarat. It will also be provided with good access to existing services and transport modes. The precinct itself will provide a bus capable road network, public open space, community facilities, education facilities, a neighbourhood activity centre and one local convenience centre.

The PSP sets out the high-level intentions for a precinct, and provides detailed information setting out the required transport, drainage and community infrastructure required to serve a precinct. However, there is often a time-lag or disconnect between the delivery of land for residential, commercial or industrial development and the delivery of necessary infrastructure needed to service the development of the precinct. DTP is seeking to address this issue by including in the PSP, Requirements, Guidelines and an Infrastructure and Development Staging Plan that clearly set out the intended staging of development as infrastructure is delivered.

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

Land Capability studies by Jacobs (*Land Capability Assessment*, July 2024) identified some environmental constraints. The development for contaminated sites will require thorough investigation, remediation, and possibly environmental audits before sensitive uses can commence. Geotechnical hazards like ground movement and shallow groundwater will also require specific engineering solutions.

Biodiversity Assessment by WSP (*Biodiversity Assessment Report*, August 2024) identified several biodiversity values within the study area such as remnant native vegetation and seasonal wetlands. The amendment will retain the seasonal herbaceous wetland areas and also include a range of objectives, requirements and guidelines to support the protection of native vegetation. The amendment does this through the introduction of the Ballarat North NVPP.

*(c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

The amendment facilitates the development of the precinct in accordance with the PSP, which provides a primarily residential future urban structure, complemented by a network of local parks, road reserves and regional sports reserves to contribute to the creation of a pleasant living and recreational environment for the community and visitors. The PSP provides adequate road connectivity, a bus capable road network and a comprehensive walking and cycling network.

*(d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*



Subsequent to the gazettal of the PSP, development occurring within an area identified as having potential Aboriginal Cultural Heritage Sensitivity will require the preparation of a Cultural Heritage Management Plan in accordance with the requirements of the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2018*.

The PSP requires development within and adjacent to identified heritage places to have regard to their heritage significance and be designed sensitively.

Three sites within the precinct are included on the Victorian Heritage Inventory (H7622-0430, H7622-0431 and H7623-0353). Proponents are required to comply with the Heritage Act 2017 in relation to obtaining any necessary consents for works or activities which may impact the historical archaeological features, deposits, and / or artefacts at these sites.

*(e) 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 ensures that servicing of the new urban development will be of sufficient capacity to ensure all households are connected to reticulated water, sewer and electricity.

Drainage infrastructure will be upgraded to cater for urban development and allow for natural flows into retarding basins or wetlands. The PAO will be applied to part of one property within the precinct to ensure key drainage and stormwater infrastructure can be delivered in a timely manner despite the fragmented ownership pattern of the north-west section of the precinct.

The amendment has also sought to avoid locating incompatible uses within the Ballarat North Water Reclamation Plant buffer area.

The PSP encourages transport choice and a reduction in private car use by providing a well-connected network that provides for the creation of pedestrian and bicycle paths across the precinct including bus capable roads connected to adjoining existing neighbourhoods.

*(g) To balance the present and future interests of all Victorians.*

The amendment proposes to implement the PSP to provide residential development and variety in housing opportunities to accommodate the population growth of the municipality, including accompanying social and recreational infrastructure.

Infrastructure required to service the precinct will be partially funded by development contributions for items identified in the DCP. This approach will ensure that those benefitting from the infrastructure upgrades will contribute to the cost as opposed to the financial burden being borne by public expenditure.

It also provides land needed to accommodate the expected future population growth.

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

### Environmental effects

The amendment identifies vegetation to be protected and retained where appropriate, informed by a biodiversity report prepared by WSP (*Ballarat North Precinct Structure Plan Biodiversity Assessment Report*, August 2024) and implemented through the Ballarat North NVPP. There is a conservation area identified along the Burrumbeet Creek corridor that will be managed in accordance with the *Environment Protection and Biodiversity Conservation Act 1999*.

Stormwater flows will be managed through an integrated system that aims to manage flows beyond the precinct to be generally kept to pre-development levels.

Distribution of open space throughout the precinct ensures a 400-metre walkable catchment for residential properties.

A land capability assessment was conducted by Jacobs (*Land Capability Assessment*, July 2024) to determine whether there was any land in the precinct that may be potentially contaminated. The report identifies several lots as having either a medium or high potential of contamination. The amendment proposes to apply the Environmental Audit Overlay (EAO) to properties within the PSP area which were identified as having a high potential for contamination in the assessment. The UGZ3 includes application requirements to ensure to address potential land contamination for those sites identified as having a medium potential of contamination.

The former Wendouree Tip in the precinct poses potential risks relating to the emission of landfill gas. The amendment identifies buffers associated with land uses and requires the preparation of a landfill gas risk assessment to determine the appropriateness of sensitive uses in the buffer areas before they may occur.

The amendment will contribute towards increased transport choice and potential reductions in private car use as the precinct establishes. The precinct is also designed with access to future potential bus routes.

### Social effects

The amendment is expected to generate positive social benefits for the municipality through the provision of an increase in and variety of residential development and best practice provision of infrastructure and community facilities.

The structural elements of the PSP are interlinked to facilitate an attractive built environment, a strong community and a sense of place for the precinct. Planning for the growth of the community, including the provision of social and physical infrastructure such as local parks and local convenience centres, and the close spatial relationship with the urban area of Ballarat will assist in the creation of a sense of place by fostering social interaction within the immediate and wider community.

Development staging seeks to align the subdivision and development of the PSP with the required infrastructure delivery to ensure that new communities have timely and coordinated access to transport and community infrastructure.

The amendment also encourages applicants to provide affordable housing as part of any residential subdivision application.

#### Economic effects

The amendment will generate economic activity and employment in the planning, design and construction phases for residential and commercial uses.

The PSP includes a neighbourhood activity centre of approximately 4.60 hectares and one local convenience centre in the east of the precinct, sized 0.80 hectares, community facilities and three future government schools (two primary and one secondary). It will also increase the ongoing economic vitality of the town through supporting population growth close to the Ballarat CBD.

### **Does the amendment address relevant bushfire risk?**

The amendment has been informed by a bushfire assessment for the Ballarat North PSP prepared by TerraMatrix (*Bushfire Development Report*, August 2025) which assessed the bushfire risk in the precinct. The assessment demonstrates that the amendment addresses bushfire policy in Clause 13.02 of the Planning Scheme because:

#### *Landscape considerations*

The bushfire assessment does note that a small part of the precinct is covered by the Bushfire Management Overlay (BMO). The BMO will be retained and requires a higher than usual level of bushfire resistant design for subdivision and buildings. The assessment notes that the remainder of the Ballarat North precinct not affected by the BMO is within an area of lower landscape scale bushfire risk.

#### *Alternative locations for development*

The bushfire assessment determines that based on the primarily low bushfire risk, combined with appropriate mitigation measures, all parcels within the amendment area are considered appropriate for development.

In response to the appropriate mitigation measures noted in the bushfire assessment, the amendment sets out fire management planning controls that will ensure fire risk is managed during the staging of development across the precinct. These controls will work in combination with new building regulations and standard bushfire risk management provisions in a manner suitable for an area transitioning from rural to urban land uses.

#### *Availability of safe areas*

The bushfire assessment concludes that as the precinct is developed, the urbanisation of the land will itself create a low bushfire risk environment. Residents and other occupants will therefore, not need to travel far to access low risk locations. In the interim, the nearest lowest risk location is the urban residential area of Ballarat to the south of the precinct as well as a neighbourhood safe place to the east of the precinct at the Invermay Recreation Reserve which is accessible via the existing road network.

#### *Site-based exposure*

The bushfire assessment confirms that the bushfire risk within the precinct scale is low, with the exception of the Central Highlands Water-wastewater management plant area, which is covered by the BMO, with buffer requirements for future development within 150 metres of the area.

The minimum permissible BAL construction standard within the amendment area is BAL-12.5. Therefore, the provisions of the BMO and fire management planning controls included the amendment will ensure all future dwellings will not exceed BAL 12.5 rating under *AS3959-2018, Construction of buildings in bushfire prone areas*.

#### *Views from the relevant fire authority*

The views of the Country Fire Authority (CFA) were sought during the preparation of the amendment, including in the bushfire assessment prepared by TerraMatrix. The amendment addressed the CFA's views by setting out fire management planning controls that will ensure fire risk is managed during the staging of development across the precinct.

As agreed with the CFA, the amendment includes a standard requirement within the UGZ3 that specifies an application for residential subdivision must be accompanied by a bushfire management plan that assesses bushfire risk during and where appropriate after, construction of subdivision works and specifies vegetation-building setbacks (defendable space) where bushfire risk is managed, consistent with the separation distances specified in *AS3959-2018*.

This approach to bushfire is consistent with Planning Policy Framework as it ensures development is appropriately located with adequate access and egress for future residents and emergency service vehicles. Further, the PSP ensures that the population being directed within this precinct is in a location that can achieve a radiant heat flux of less than 12.5 kilowatts/square metre under *AS 3959-2018 Construction of Buildings in Bushfire-prone Areas*.

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

The amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment also complies with the following relevant Ministerial Directions:

*Direction No. 1 Potentially Contaminated Land*

A land capability assessment was prepared by Jacobs (*Land Capability Assessment*, July 2024) to determine whether there is any land that may be potentially contaminated. The report found several properties to contain either medium or high potential for contamination.

The amendment proposes to apply the EAO to lots within the PSP area that were identified as having a high potential for contamination in the assessment.

For properties within the PSP that were identified as having a medium potential for contamination in the assessment, the UGZ3 requires applications for sensitive uses be accompanied by a Preliminary Risk Screen Assessment (PRSA).

The proposed application of the EAO and requirement in the UGZ3 will defer the requirement to undertake a PRSA or an Environmental Audit. This is consistent with guidance under Planning Practice Note 30 – Potentially Contaminated Land which supports deferring a PRSA if conducting a PRSA for all properties would be difficult to undertake.

Triggering the audit system requirements at the strategic planning stage would not only be a time-consuming exercise for such a large and fragmented precinct but would not capture changes or new sources of potential contamination between the strategic planning stage and the ultimate development of the land.

The approach taken by DTP ensures that potentially contaminated land is assessed at the appropriate time, being when the land is intended to be subdivided and developed in accordance with the future land uses outlined in the PSP. Assessment at this stage in the planning process ensures that the responsible authority and any other decision maker or authority will be satisfied that the land can be made suitable for a sensitive use.

Assessment at this stage also ensures that any information gaps contained in the Jacobs assessment pertaining to potential contamination will be appropriately addressed at the planning permit stage and before a sensitive use can be established.

Furthermore, the application requirements in the UGZ3 integrate elements of the EAO, including the preparation of a PRSA confirming that an environmental audit is not required. The deliberate drafting of these application requirements ensures that the potential impact and risk of any contamination is not only identified but also ensures appropriate mitigation measures are enacted to address and remediate any such contamination prior to a sensitive use being established on a given site.

The UGZ3 requires applications for other land uses be accompanied by a Preliminary Site Investigation (PSI) prepared by a suitably qualified environmental consultant for land identified as having high potential for contamination.

### *Direction No. 11 – Strategic Assessment of Amendments*

This direction seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment. This explanatory report addresses the requirements outlined in this direction.

### *Direction No. 12 – Urban Growth Areas*

Parts 4, 5 and 6 of the Ministerial Direction 12 requires that when preparing an amendment to introduce or change provisions in a schedule to the UGZ, a planning authority must evaluate and include in the explanatory report a discussion about:

- *How the amendment implements any Growth Area Framework Plan applying to the land*

The Ballarat Housing Strategy 2041 identifies the need to accommodate population and housing growth for a minimum period of 15-years across the municipality. Land within the Ballarat North PSP area is identified as part of the Northern Growth Area to respond to housing growth. The amendment is consistent with these strategic growth plans as the PSP sets aside the land within the precinct for residential development.

- *How does the amendment accord with the Precinct Structure Planning Guidelines*

The Precinct Structure Planning Guidelines 2021 (the Guidelines) note that a more nuanced approach to the application of the Guidelines in regional contexts is required. Whilst the principles, features and targets of the Guidelines should be considered in a regional context, the Guidelines allow for the consideration of regional adaptation of key targets where appropriate.

Adaptation to the Guidelines will be discussed with Ballarat City Council including where variations in certain situations are appropriate in the context of Ballarat North.

A response to each hallmark and justification for where regional adaptation is proposed is provided below.

#### *Hallmark 1: Viable Densities*

Viable densities will be achieved through a range of housing densities and products, guided by the differentiation of residential areas based on their locational advantages.

The PSP at Tables 2, 3 and 4 provides an anticipated lot yield (density) for the PSP and guidance on how to achieve housing diversity by providing a broad range of housing types on varied lot sizes. These measures will facilitate development that achieves higher densities in the areas within the 'walkable catchment' and provides a variety of lots and housing types at varying sizes and price points.

The PSP proposes to achieve a minimum average density of 20 dwellings per net developable hectare across the precinct with an average household size of 2.8 persons per occupied dwelling. This density is consistent with the Guidelines and is



considered appropriate within the context of Ballarat.

#### *Hallmark 2: Safe, Accessible and Well Connected*

The PSP is well serviced through the provision of walking and cycling paths, especially alongside identified drainage corridors which provide active transport connections to key destinations across the PSP area.

The PSP is also well connected to regional destinations via the provision of the Principal Public Transport Network. Approximately 99 per cent of dwellings will be located within 400 metres walking distance of a future bus capable road, which is in accordance with the Guideline target of 95 per cent.

#### *Hallmark 3: Connect People to Jobs and Higher Order Services*

Active transport links are provided within the precinct to help facilitate inter-precinct movements between jobs and residents.

The neighbourhood activity centre, local convenience centre, community facilities, and future government schools to be provided within the precinct, in conjunction with home-based occupations will provide local employment opportunities.

A Retail and Economic Assessment has been prepared by Urbis (*Retail and Economic and Assessment*, July 2024) which recommends a neighbourhood activity centre and one local convenience centre be provided to service the commercial needs of the local population. This assumption accommodates the future demand of the expanded area for a long-term consideration based on the Ballarat Housing Strategy 2041. No other commercial opportunities for the precinct were identified and therefore, the provision of jobs for the PSP is considered appropriate given the provision of existing employment opportunities in proximity to the precinct.

#### *Hallmark 4: Offer High-Quality Public Realm*

The PSP is well serviced by high quality open space. The PSP plans for an active open space reserve as well a strong network of passive open space that form green connections throughout the Precinct.

#### *Hallmark 5: Services and Destinations*

The PSP will provide facilities for residents, as well as a variety of local parks throughout both the residential and employment areas. These present multiple opportunities for future residents to have access to recreational activities.

#### *Hallmark 6: Thriving Local Economies*

A neighbourhood activity centre is set for the central part of the precinct, addressing the basic daily needs of both the local and surrounding communities, existing and new. One local convenience centre is proposed at the eastern portion of the precinct. The precinct will be well-connected via a road network throughout the precinct which will integrate with the existing road network. The PSP will support the delivery of a range of goods and services to support residents, workers, visitors and businesses.

### *Hallmark 7: Infrastructure Coordination*

The Ballarat North DCP will ensure that basic and essential infrastructure will be provided to future residents in an appropriate and timely manner. The PSP also includes guidance on development fronts to facilitate the logical roll-out of infrastructure in the precinct.

- *In introducing or changing provisions in a schedule to the Urban Growth Zone, how the provisions give effect to the intended outcomes of the precinct structure plan.*

Most provisions in the incorporated documents and associated planning scheme ordinance are designed to be implemented at the subdivision development stage. These requirements and guidelines are either addressed in subdivision plans (e.g. spatial outcomes), implemented through permit conditions (e.g. development contributions), and/or implemented through referral authority agreements (e.g. essential services).

This approach provides for a single permission after approval of the PSP, which is central to providing certainty, clarity and timeliness in the planning process. As noted above, the PSP includes Requirements, Guidelines and an Infrastructure and Development Staging Plan that clearly set out the intended roll out of development as infrastructure is delivered.

- *How a translation of provisions can be achieved, once development anticipated by the precinct structure plan is substantially complete.*

Once the precinct is substantially developed in accordance with the PSP, a further planning scheme amendment could be undertaken to rezone the land from UGZ3 to other zones based on the land use and development that has occurred.

*Direction No. 19 – Ministerial direction on the preparation and content of amendments that may significantly impact the environment, amenity and human health*

DTP has engaged with the Environment Protection Authority (EPA) and sought its advice in the preparation phase of the amendment. The EPA provided advice with respect to potentially contaminated land (see response to Direction No. 1 above) and other amenity impact concerns.

The amendment includes application requirements and decision guidelines in the UGZ3 which allow the responsible authority to consider how planning permits may mitigate against sources of potential adverse amenity impacts. These UGZ3 provisions ensure applicants provide an appropriate response to potential impacts from noise, sodic and dispersive soils, landfill gas, vibration, dust and odour across the precinct where a sensitive use is proposed.

DTP continue to liaise with the EPA with respect to potential sources of adverse amenity impacts that may impact the environment, amenity and human health of the precinct and expect to receive formal Ministerial Direction 19 comments from the

EPA as part of the public consultation phase.

The Ministerial Direction 19 comments received by the EPA will be addressed in the final amendment package submitted for approval, including an updated response in the final explanatory report. *S46m(1) - Direction on Development Contributions Plan*

This direction directs planning authorities in relation to the preparation and content of a DCP.

The Ballarat North DCP has been prepared consistent with this direction.

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

The amendment supports the implementation of the Planning Policy Framework through the following means:

- Clauses 11.01 Victoria, 11.02 Managing Growth and 11.03 Planning for Places – The amendment facilitates the orderly planning and delivery of land for residential development that has been identified for growth in a regional area by way of preparing a PSP to direct how the precinct will accommodate growth and the relevant infrastructure required to support it.

Clauses 11.02 and 11.03 lists the *Precinct Structure Planning Guidelines: New Communities in Victoria* (Victorian Planning Authority, 2021) as a policy document to consider. A response on how the amendment accords with the *Precinct Structure Planning Guidelines* is provided earlier in this explanatory report. Further to this response, the PSP sets out an orderly structure for development of the precinct including the location and function of a local convenience centre taking into account the existing and planned network of activity centres in the region; introducing residential and commercial zoned land to supply and encourage urban growth; incorporating a network of local parks for the future community; and, providing developable land within good proximity to existing and future planned amenities, services and infrastructure.

Clause 11.01-1S Settlement outlines a strategy to plan for the delivery of 2.24 millions homes across Victoria by 2051, with a focus of investment and growth in major regional cities including Ballarat to guide this growth. Clause 11.01-1S lists *Plan for Victoria* (Department of Transport and Planning, 2025) and *Victoria's housing Statement – The Decade Ahead 2024-2034* (Department of Premier and Cabinet, 2023) as policy documents to consider.

*Plan for Victoria* identifies Ballarat as a Major Regional City and sets a housing target for the City of Ballarat of 46,900 new homes across the municipality by 2051. Of this number, 18,900 new homes should be built in greenfield areas, which represents a 40 per cent share of the total new dwellings to 2051 across the City of Ballarat.

The amendment implements the strategies of *Plan for Victoria* by introducing a PSP that will deliver approximately 30 per cent of Ballarat's greenfield new dwelling target, and 12 per cent of the total housing target for the City of Ballarat.

*Victoria's housing Statement – The Decade Ahead 2024-2034*, nominates the Ballarat North PSP as a priority project to support the growing population of Regional Victoria which contributes to the Housing Statement's target to provide 60,000 homes across 21 priority projects in Victoria.

The amendment implements the targets of the Housing Statement with the Ballarat North PSP contributing approximately 5,600 dwellings and 1,000 jobs.

The amendment also implements the strategies of Clause 11-01-1L Settlement by directing greenfield development predominantly within an 8 kilometre arc from the centre of Ballarat whilst also excluding the Central Highlands Water-wastewater management plant from the amendment area to ensure the ongoing protection of this asset.

- Clause 12.01 Biodiversity – The PSP identifies vegetation to be retained and areas of vegetation that are appropriate for removal to accommodate development. The amendment will streamline the process for native vegetation removal provided it is in accordance with the PSP. The amendment does this by incorporating the Ballarat North NVPP into the Planning Scheme, which identified vegetation to be protected (retained) or removed in the amendment area.
- Clause 13.02 Bushfire – The PSP has responded to the requirements of Clause 13.02 (Bushfire) of the Planning Policy Framework through provisions and requirements incorporated into the PSP and the UGZ3. These include a combination of defendable space at the development edge and construction management requirements.
- Clause 13.03 Floodplains – Part of the amendment area is affected by the Floodway Overlay (FO) and the Land Subject to Inundation Overlay (LSIO). The amendment ensures the protection of life, property and community infrastructure from flood hazards by designating the majority of those areas affected by the FO or LSIO to a drainage or other open space reserve. Where small areas of developable land affected by the FO is proposed, the amendment will delete the FO and replace it with the LSIO in these locations. Furthermore, the UGZ3 includes application requirements that must be prepared to the satisfaction of the responsible authority and Glenelg Hopkins Catchment Management Authority that ensure future development meets flood risk and safety requirements.
- Clause 13.04 Soil Degradation – The amendment ensures contaminated or potentially contaminated land will be suitable for the proposed use, prior to the commencement of any use or development through the application of the Environmental Audit Overlay (EAO) to sites identified as having a high potential of contamination and requiring a preliminary risk screen assessment through appropriate application requirements in the UGZ3 for sites identified as having a medium potential for contamination. Part of the amendment area is affected by the Erosion Management Overlay (EMO). The amendment seeks to prevent

inappropriate development in potential unstable areas or areas prone to erosion by designating those areas affected by the EMO in drainage and other open space reserves whilst also requiring a sodic and dispersive management plan be prepared in all developable areas prior to the commencement of buildings or works.

- **Clauses 13.05 Noise, 13.06 Air Quality and 13.07 Amenity, Human Health and Safety** - The amendment provides for the consideration of noise and air quality impacts from existing sources such as arterial roads, the former landfill site, Central Highlands Water-wastewater management plant and the Boral asphalt plant. It does this by seeking to provide separation between sensitive uses and the source of potential adverse amenity impacts through drainage corridors, connector roads and other uncredited open space. The planning controls in the amendment also require proponents to demonstrate the appropriateness of a proposed sensitive use relative to noise and air quality impacts that may be experienced on-site. Decision guidelines are also included to allow due consideration of these issues as part of permit application for future development. Furthermore, the existing Schedule 4 to the Environmental Significance Overlay (ESO4) which affects part of the amendment area and seeks to provide for the ongoing operation of the Central Highlands Water-wastewater management plant is not proposed to be altered as part of the amendment and will continue to ensure the impact of any proposed development within vicinity of the plant is considered against the ongoing operation of the plant.
- **Clause 15.01 Built environment** – The amendment seeks to implement the PSP that guides urban development so that it provides for a liveable and diverse community that integrates and is well-connected to existing and establishing communities. The PSP provides a future urban structure that outlines a well-designed subdivision pattern and transport network that fosters more sustainable modes of transport, a safe public environment, a network of public open space, and a diverse housing stock to attract a diverse community.
- **Clause 15.03 Heritage** – the amendment identifies five places of heritage significance and plans for their protection through the application of the Heritage Overlay and adding a statement of significance to the planning scheme for each place.
- **Clause 16.01 Residential Development** – The PSP plans for residential land of varying densities, with access to services, employment opportunities, community infrastructure and open spaces. The UGZ3 also promotes and supports the delivery of affordable housing, it does this by requiring applicants to demonstrate how, as part of a subdivision application, the proposal contributes to the delivery of affordable housing. The UGZ3 also sets up the provision for the delivery of thirteen per cent of all new residential development on Council owned land to enter into a Section 173 Agreement to negotiate the delivery of affordable housing on this land.
- **Clauses 17.01 Employment and 17.02 Commercial** – The amendment provides a neighbourhood activity centre and two local town centres, essential services and

potential employment opportunities for residents within the precinct and the surrounding area.

The amendment implements the strategies of Clause 17.01-1S Diversified economy with a PSP that facilitates growth in a range of employment sectors, including health, education, retail, based on the emerging strengths of the precinct.

- Clauses 18.01 Land use and transport and 18.02 Movement networks – The PSP plans for a transport network that is well-integrated with the existing surrounding network. The proposed road network provides a robust structure for traffic and transport movement within and through the precinct.
- Clauses 19.02 Community Infrastructure and 19.03 Development Infrastructure – The amendment proposes to incorporate a DCP into the Ballarat Planning Scheme. The DCP outlines what development and community infrastructure are to be funded by landowners in the precinct. Consistent with the DCP, the amendment also amends the Schedule to clause 53.01 to require a contribution of 3.8% of land and / or cash requirements across the Ballarat North PSP area.

### **How does the amendment support or implement the Municipal Planning Strategy?**

The amendment supports the Municipal Planning Strategy and more specifically, the strategic vision and directions outlined in Clause 02.02 – Vision of the Planning Scheme.

The amendment has been prepared in consideration of the following elements of the Planning Scheme:

Clause 02.02 Vision outlines Council's adopted vision for Ballarat as a heritage city to establish a sustainable, innovative, and inclusive community. The proposal is consistent with this vision as it promotes sustainable living through ecologically-sound neighbourhoods, where daily needs are met within 20-minute walk, ride, or bus trip. It enhances access to parks, community facilities, and education for all ages, supports local employment across the precinct and future expanded area, and embraces the city's rich heritage by preserving heritage buildings within the precinct while celebrating Aboriginal history and broader cultural heritage.

Clause 02.03 Strategic direction: The amendment facilitates land for housing in Ballarat and includes provisions that promote housing diversity. Residential growth will be delivered in line with necessary infrastructure through the incorporation of a DCP.

The amendment aims to meet the strategic incentives of this clause by providing a robust framework for the delivery of new residential land allowing for diverse housing opportunities, community facilities and maintaining the schools within the precinct.

### **Does the amendment make proper use of the Victoria Planning**



## **Provisions?**

The amendment meets the form and content requirements of the Victoria Planning Provisions. The UGZ is the most appropriate tool to apply the relevant suite of Victoria Planning Provision conventional zones to guide future use and development of the precinct through the specification of conditions and requirements for permits. In addition, the DCPO is the appropriate mechanism to give effect to the DCP.

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

The amendment has been prepared in consultation with the relevant agencies including:

- Central Highlands Water.
- City of Ballarat.
- Country Fire Authority.
- Department of Education.
- Department of Energy, Environment and Climate Action.
- Department of Health.
- Department of Jobs, Skills, Industry and Regions.
- Department of Justice and Community Safety.
- Environment Protection Authority.
- First Peoples State Relations.
- Glenelg Hopkins Catchment Management Authority
- Homes Victoria.
- Powercor.
- Sustainability Victoria.

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

The VPA in itself and acting as a planning authority is an 'interface body' under the *Transport Integration Act 2010*. Under section 25 of that Act:

*(1) An interface body must have regard to the transport system objectives when exercising powers and performing functions under any interface legislation which are likely to have a significant impact on the transport system.*

*(2) An interface body must have regard to the decision making principles in making decision under any interface legislation which are likely to have a significant impact on the transport system.*

The amendment is likely to have a significant impact on the transport system at a local level. Upgrades will be required to nearby parts of the regional road network to enable connectivity to a new local road network within the precinct and contribute to the development of the bus network in the area.

The proposed additions and changes to the existing transport system in and surrounding the PSP area will meet the transport system objectives by:

- Providing for an interconnected road system that responds to the likely level of use generated by the precinct and hence facilitating investment in housing and local retail services in the area.
- Enabling efficient access to existing and planned employment and services in and around the local area and region through connections to the arterial road network and planned extensions to bus services.
- Transport development infrastructure provided for via the DCP will be provided as sufficient demand arises for the relevant infrastructure item and provides the opportunity for the efficient construction of items concurrent with subdivision and development.
- Involving relevant government bodies involved in the provision of transport infrastructure and services in the decision making process of the amendment.

**How does the amendment have regard to the principles set out in the Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017 in relation to Yarra River land and other land, the use or development of which may affect Yarra River land?**

Not applicable as the amendment will have no impact on the Yarra River.

## **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 expected to have minimal impact on the resources and administrative costs of the responsible authority. The incorporated PSP will facilitate the orderly and proper planning of the area and appropriately allows for a reduction of notice provisions for future planning permit applications.

## Attachment 1 – Mapping reference table

Location	Land /Area Affected	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
Ballarat North Precinct Structure Plan	Entire precinct	C256ball Map Nos. 5, 7, 11, 12 and 13	Numerous	Rezone precinct to Urban Growth Zone Schedule 3		
Ballarat North Precinct Structure Plan	Various sites within the precinct	C256ball Map Nos 12 and 13	Numerous		Land Subject to Inundation Overlay (inclusion)	Floodway Overlay
Ballarat North Precinct Structure Plan	One site within the precinct	C256ball Map Nos. 12	15 Sims Road, Mount Rowan		Heritage Overlay Schedule 252	
Ballarat North Precinct Structure Plan	One site within the precinct	C256ball Map Nos. 12	134 Gillies Road, Mount Rowan		Heritage Overlay Schedule 253	
Ballarat North Precinct Structure Plan	One site within the precinct	C256ball Map Nos. 12	112 Olliers Road, Mount Rowan		Heritage Overlay Schedule 254	
Ballarat North Precinct Structure Plan	One site within the precinct	C256ball Map Nos. 12	103 Olliers Road, Mount Rowan		Heritage Overlay Schedule 255	
Ballarat North Precinct Structure Plan	One site within the precinct	C256ball Map Nos. 12	88 Olliers Road, Mount Rowan		Heritage Overlay Schedule 256	

Location	Land /Area Affected	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
Ballarat North Precinct Structure Plan	One site within the precinct	C256ball Map Nos. 5	62 Howe Street, Miners Rest		Public Acquisition Overlay Schedule 6	
Ballarat North Precinct Structure Plan	Entire precinct	C256ball Map Nos. 5, 7, 11, 12 and 13	Numerous		Development Contributions Overlay Schedule 2	
Ballarat North Precinct Structure Plan	Various sites within the precinct	C256ball Map Nos. 12	35 Noble Court, Mount Rowan. 45 Olliers Road, Mount Rowan. 43 Olliers Road, Mount Rowan (Lot 4 TP805211 and Lot 3 TP805211). 44 Gillies Road, Mount Rowan. Noble Court, Mount Rowan (Lot 3 TP846568, 2047 PP2046, Lot 1 TP846568, F~17 PP2046, Lot 8 TP846568, Lot 2 TP846568		Environmental Audit Overlay	

Location	Land /Area Affected	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
			and Lot 9 TP846568). Gillies Road, Mount Rowan (Lot 1 TP940287).			
Ballarat North Precinct Structure Plan	Two properties within the precinct	C256ball Map Nos. 12 and 13	15 Olliers Road, Mount Rowan and Nobe Court, Mount Rowan (Lot 1 TP10145).			Environmental Audit Overlay
Ballarat North Precinct Structure Plan	One site within the precinct	C256ball Map Nos 12 and 13	64 Sims Road, Mount Rowan			Specific Controls Overlay Schedule 1