

Our Reference: 2300013

15 October 2025

ACN 006 197 235
ABN 38 006 197 235

Victorian Planning Authority

Ballarat Office
Suite 3, 180 Eleanor Drive
PO Box 1489
Lucas VIC 3350

Tel: (03) 5327 2000

beveridgewilliams.com.au

Re: Submission on the Ballarat North PSP – Application of Public Acquisition Overlay PAO06 at [REDACTED] 9.45 ha)

Dear Victorian Planning Authority

This submission is made on behalf of the owner of [REDACTED] (total area 9.45 ha), identified as Property [REDACTED] in the exhibited Ballarat North PSP.

As part of the draft PSP, a 2.05-hectare portion of the site is proposed to be encumbered by PAO06 for the purpose “to facilitate the delivery of stormwater and drainage infrastructure” – namely drainage basin (NWN) and, consistent with the SMEC Stormwater Drainage Proof of Concept Report (8 July 2025). The City of Ballarat is identified as the acquiring authority.

The site is located within Stage 2 of the PSP staging plan. The current application of PAO06 leaves the landowner with land encumbered for a period determined by external parties as it is “staged appropriately with the timing of residential development in the precinct”. During this time, the owner continues to bear the costs of holding the land, including significant ongoing Council rates and State Revenue Office land tax liabilities, which in the 2025 financial year totalled \$95,344.21.

The balance of the site is heavily constrained by overlays including but not limited to ESO2, FO and LSIO, as well as Areas of Aboriginal Cultural Heritage Sensitivity. These designations collectively render the land unsuitable and economically unviable for rezoning from UGZ to GRZ, as anticipated by the PSP.

The draft Land Use Budget further identifies:

- 0.06 hectares of conservation reserve; and
- 7.34 hectares of “other uncredited open space.”

When combined with PAO06, this leaves the property with a zero net developable area. This outcome fails to recognise the fundamental purpose of rezoning under the PSP process and creates a circumstance where the rezoning delivers no development benefit but instead results in a substantial acquisition of privately owned land for public purpose.

The outcome of the draft PSP places the landowner in an unfair position, amounting to an inequitable and unjustifiable outcome within the planning process. The landowner is required to continue funding significant holding costs with no opportunity for return, while the land is sterilised for the purpose of delivering regional infrastructure.

Under the Land Acquisition and Compensation Act 1986 (LACA), acquisition of land is intended to be undertaken on just terms. Under section 41 of the LACA, compensation must reflect market value of the interest acquired, as well as losses from severance, disturbance, depreciation in value of the interest of the claimant in other land adjoining or severed from the acquired land, and associated costs. The current PSP approach not only causes depreciation, but effectively extinguishes all development potential, leaving the land with no functional purpose.

For these reasons, it is respectfully submitted that PAO06 should be applied to the entire parcel, enabling the landowner to divest the land to Council in accordance with the LACA, and ensuring that the delivery of open space, drainage and stormwater infrastructure occurs in a fair and unobstructed manner.

To give effect to the draft drainage strategy, it is further recommended that PAO06 be expanded to enable drainage infrastructure identified from the upstream Wetland Retarding Basin (NWS) to outfall across the site. Extending PAO06 to the western boundary reflects the functional requirements of the strategy and avoids disputes, delays, or future amendments to the Development Contributions Plan (DCP) that may otherwise arise should neighbouring developers not act in a coordinated manner. This approach provides certainty, ensures timely delivery of key drainage infrastructure, and avoids fragmentation of responsibilities between landowners.

Alternatively, should the Panel not accept the application of PAO06 across the entirety of the parcel, it is submitted that a separate PAO be applied to the southern portion identified as “uncredited open space.” The current land use budget creates significant fragmentation and has the effect of landlocking the subject site due to neighbouring allocations. Applying uncredited open space to the balance of the land unfairly diminishes its value, particularly when the more appropriate and equitable outcome would be for the acquiring authority to remediate Burrumbeet Creek to meet the requirements of VPP Clause 13.07 – Amenity, Human Health and Safety.

It is acknowledged that the balance of the site is predominantly affected by the LSIO (Clause 44.04), which still permits construction of a building subject to appropriate approvals. However, in practice, the current PSP allocation renders the land unusable and unmarketable.

Given that the City of Ballarat is the acquiring authority for both PAO06 and the open space network, it is recommended that:

1. the land be recognised as creditable open space within the PSP, thereby restoring equity to the landowner; or
2. the land be acquired by the City of Ballarat under PAO, ensuring fairness and consistency in treatment of affected landowners.

The proposed planning framework, as exhibited, leaves the subject land wholly sterilised, resulting in zero net developable area and no capacity for the landowner to achieve a reasonable return on investment. This is an outcome that is neither fair or reasonable, nor consistent with the intent of the PSP process.

To remedy this, it is submitted that:

- PAO06 be applied to the entirety of [REDACTED], or
- PAO06 be expanded to include drainage outfall requirements to the western boundary; and
- a separate PAO be applied to the uncredited open space, or alternatively, that this land be recognised as creditable open space acquired by the City of Ballarat following remediation of the Burrumbeet Creek or flood mitigations works as identified in the 2021 Miners Rest Mitigation Strategy.

This approach ensures delivery of essential drainage and open space infrastructure while achieving fairness for the landowner in accordance with the Land Acquisition and Compensation Act 1986.

We respectfully request that these submissions be given due consideration as part of the PSP panel process.

Yours faithfully,

[REDACTED]

[REDACTED]

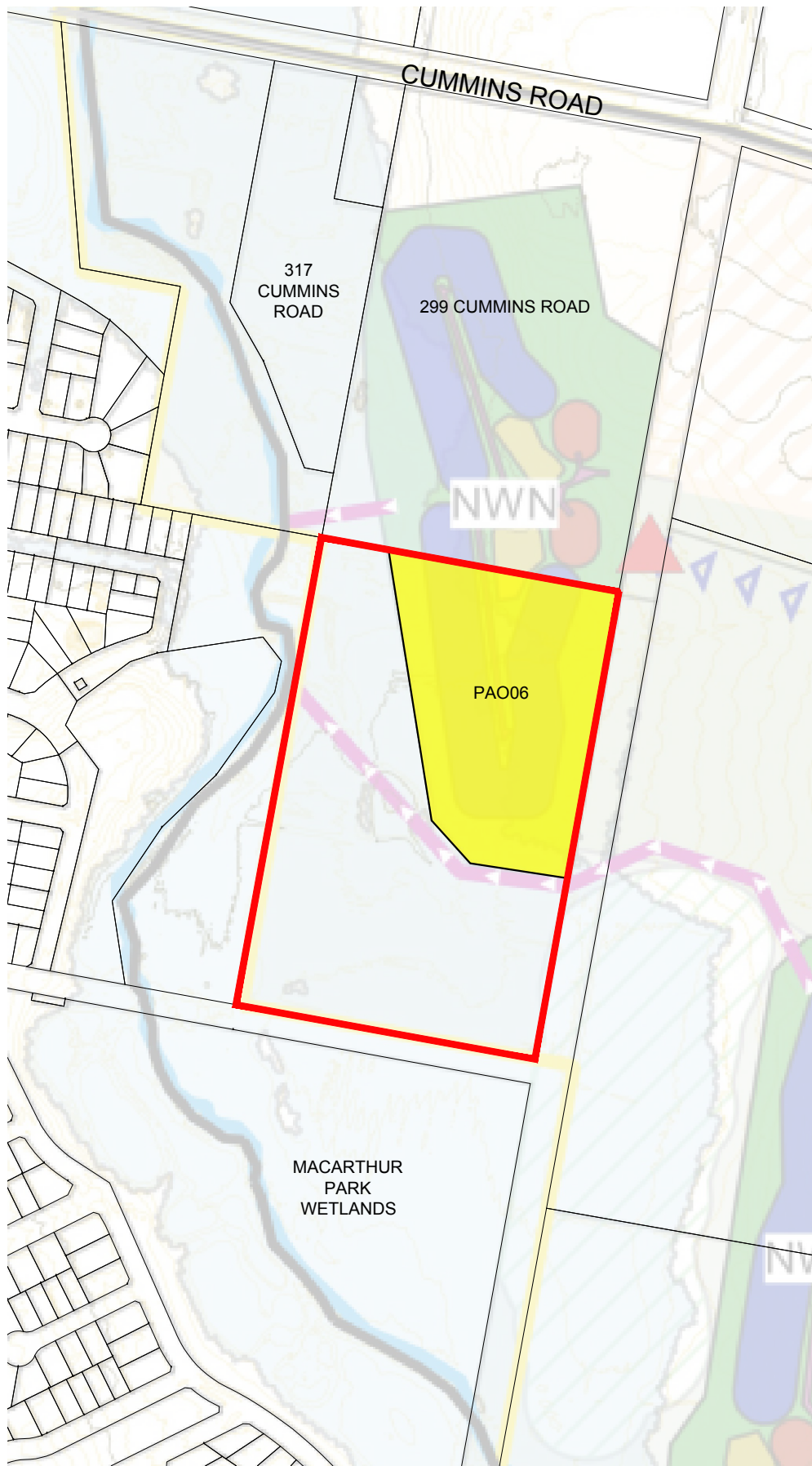
BEVERIDGE WILLIAMS

enc:

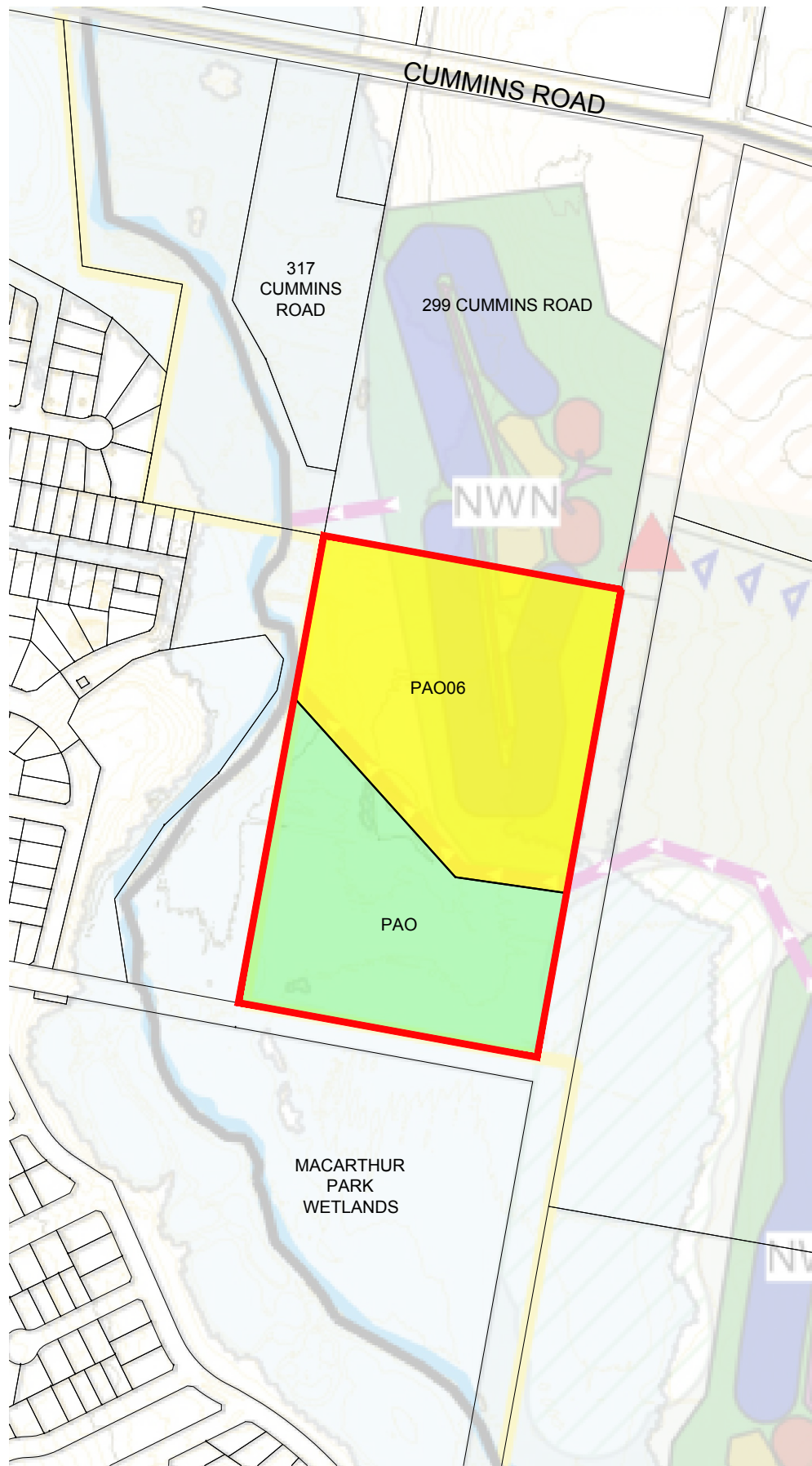
2025 Land Tax Reassessment Notice

2024-25 Council Rates Notice
2300013_OP_V01 – Public Acquisition Overlay recommendation

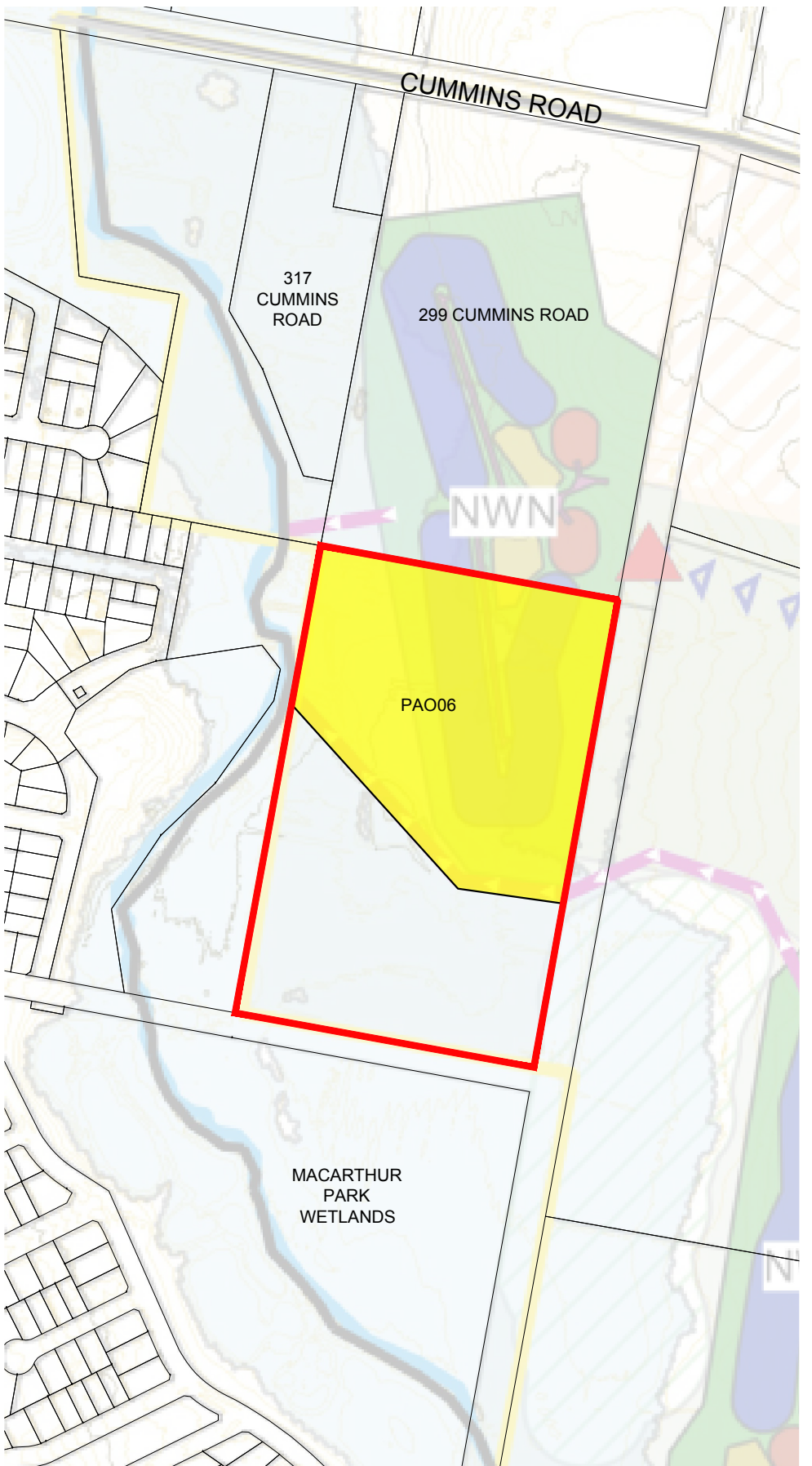
reference: SMEC Stormwater Drainage Proof of Concept Report
Land Acquisition and Compensation Act 1986
Planning and Environment Act 1987
Miner Rest Mitigation Strategy 31 March 2021



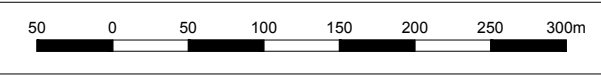
Current PAO06



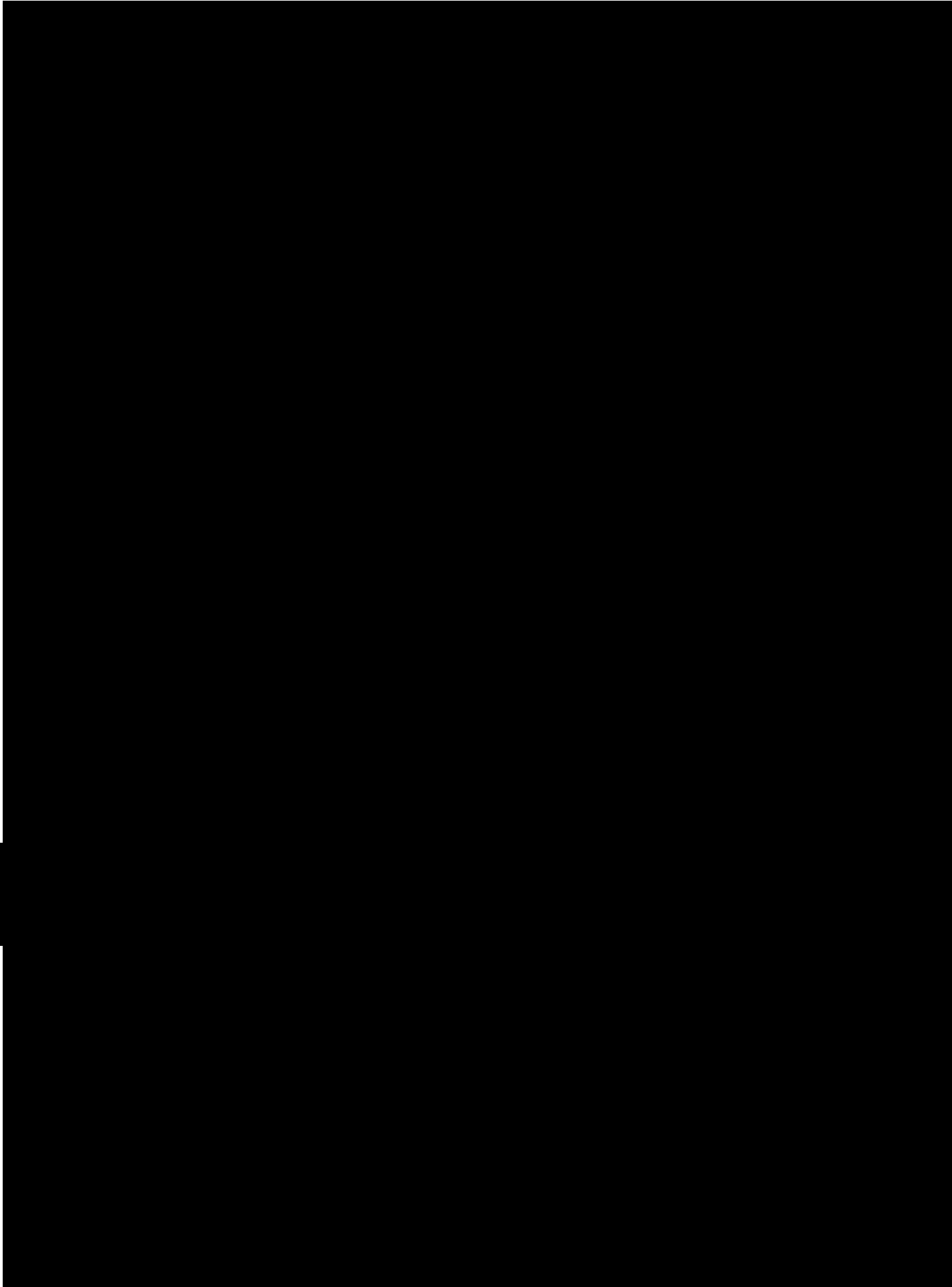
Proposed Overlay



Minimum Proposed Overlay



2025 Land Tax Reassessment Notice



Summary of assessment

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

For land tax rates, visit sro.vic.gov.au/landtaxrate

[illegible]

ABOUT LAND TAX

Land tax is calculated using site valuations provided by the Valuer-General Victoria.

Our website has information on:

- exemptions
- valuations
- payments
- land tax rates

sro.vic.gov.au/landtax

AMENDING DETAILS

You can update your details online:

- address
- contact details
- claim or remove an exemption
- add or remove land you own

sro.vic.gov.au/mylandtax

YOUR RIGHT TO OBJECT

If you have a concern about your assessment, there are different ways to object depending on what aspect you disagree with.

VALUATIONS

If you disagree with the valuation of your property, you can lodge an objection online within **2 months** of receiving your assessment. The Commissioner of State Revenue has no discretion to accept late objections.

sro.vic.gov.au/valueobjection

OTHER OBJECTIONS

If you disagree with another aspect of your assessment, you can lodge a written objection within **60 days** of receiving your assessment. An objection is a formal avenue of dispute resolution requiring you to explain the grounds of your objection.

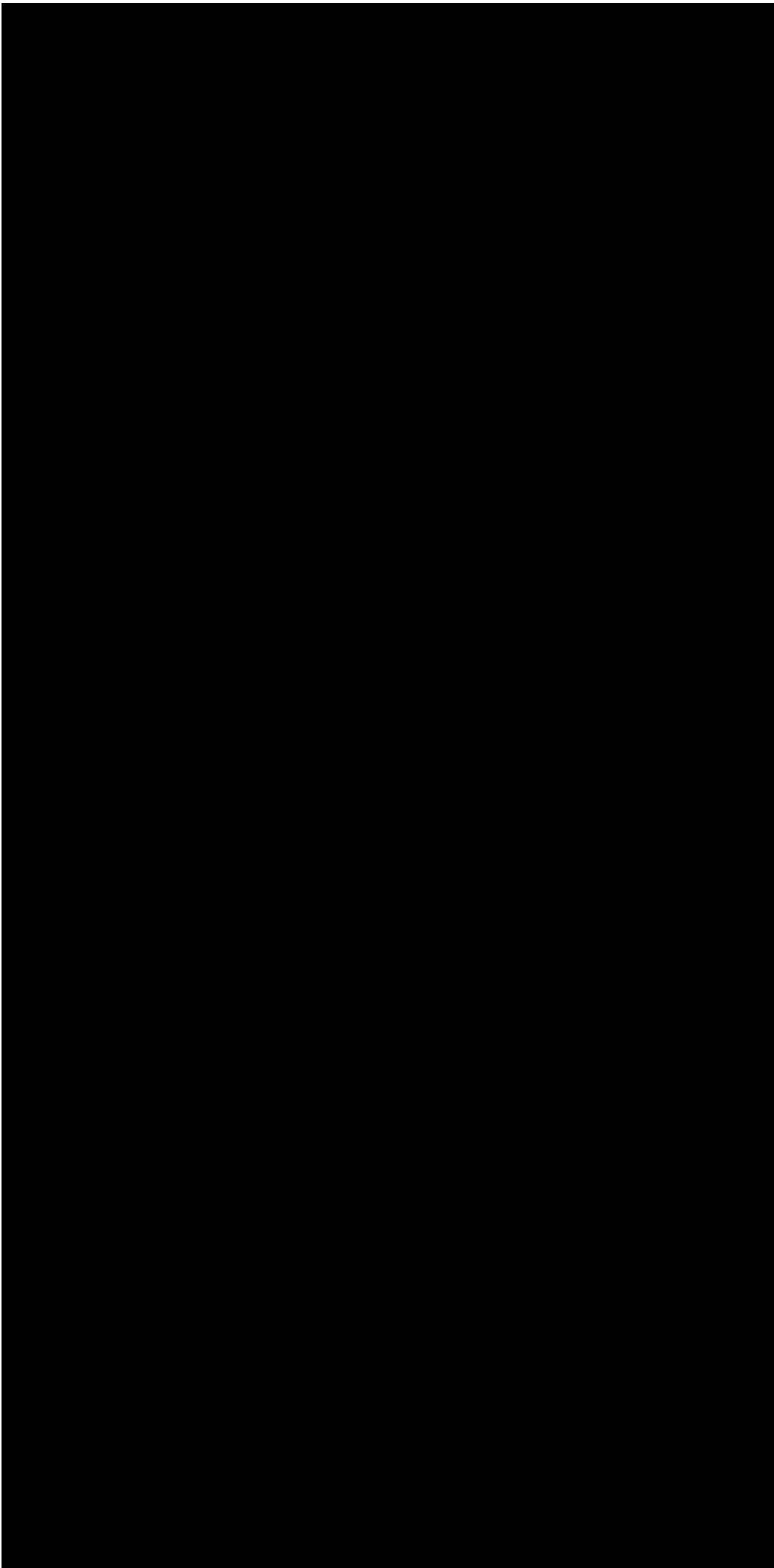
sro.vic.gov.au/assessment

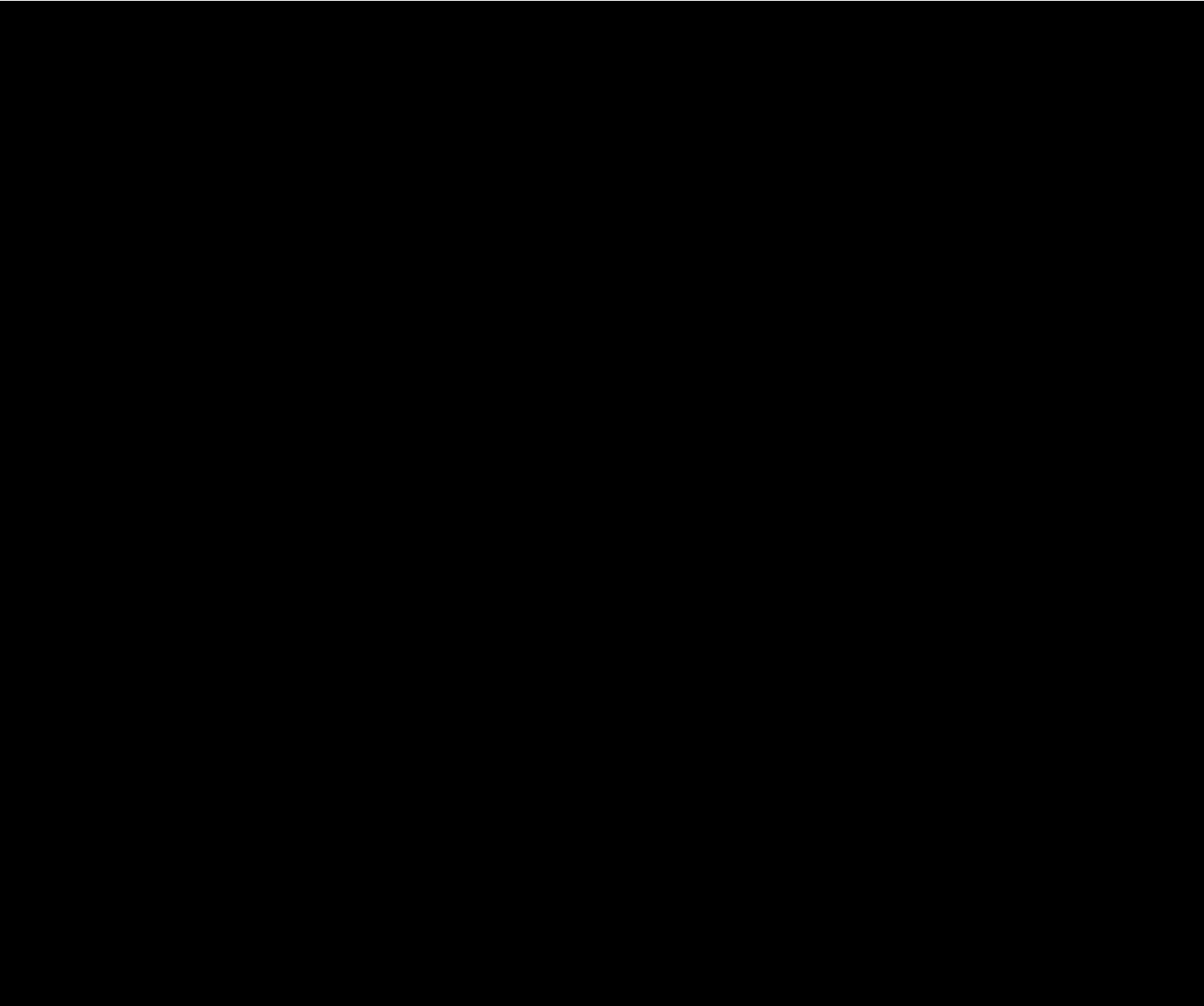
OUTSTANDING LAND TAX

The land tax on this assessment does not include land tax owing from prior years.

INTERPRETING SERVICE

For languages other than English,
contact the free Translating and
Interpreting Service on 13 14 50.





If the ownership or use of any of your land changes, you must contact the State Revenue Office to update our records. If the amendment to your statement of lands has provided an exemption, that exemption is conditional on the use of the land remaining unchanged.

If you have any queries in relation to the above amendments, please do not hesitate to contact this office on 13 21 61.

LAND TAX BRANCH

Valuation and Rate Notice 2024–2025

For the period

1 July 2024 to 30 June 2025

ABN 37 601 599 422

City of Ballarat
Customer Service

25 Armstrong Street South, Ballarat

PO Box 655, Ballarat, VIC, 3353

(03) 5320 5500

info@ballarat.vic.gov.au

CITY OF

BALLARAT



Internal Use Only



Information on payment of rates, charges and property valuation for year ending 30 June, 2025

FIRE SERVICES PROPERTY LEVY

The Fire Services Property Levy is collected by Council and passed on to the State Government to support fire services. Refer to sro.vic.gov.au/fire-services-property-levy for more information.

RATES AND CHARGES (INCLUDING THE FIRE SERVICES PROPERTY LEVY) CAN BE PAID AS FOLLOWS

1. Annually by a lump sum payment on or before 15 February 2025; or
2. By four instalments made on or before the following dates:
Instalment 1 – 30 September, 2024
Instalment 2 – 30 November, 2024
Instalment 3 – 28 February, 2025
Instalment 4 – 31 May, 2025
3. By ten monthly instalments (by Direct Debit only) on the 15th of each month from September 2024 through to June 2025

Payment by Direct Debit from your nominated Bank Account is available to Ratepayers who elect to pay by either four Instalments or ten monthly Instalments* (*Credit card not accepted*). Applications can be made online via Council's eServices system at eservices.ballarat.vic.gov.au. Application forms are also available from Council's Customer Service Centre or at ballarat.vic.gov.au.

*Any rate arrears will need to be paid in full before the Direct Debit can commence.

ALTERNATIVE PAYMENT OPTION

As an alternative to the payment options specified on this notice you can make regular payments, of any amount, off your rates at any time. However, if you choose to do this you will not be regarded as an 'instalment payer' and the balance is to be paid by the pay in full date of 15 February 2025.

PAYMENT PLANS

Eligible ratepayers may apply to Council to enter into a payment plan to make smaller payments to their overdue rates & charges. Please see Councils website for more information.

ARREARS

Any arrears of rates shown on this notice are considered overdue and should be paid immediately. Where applicable, arrears will accrue interest until paid in full.

Council may at any time refer any arrears amount to a debt collection agency for action which may include legal proceedings.

FINANCIAL HARDSHIP CONSIDERATION

The *Local Government Act 1989* permits Council to waive or defer the payment of any rate, charge or interest if a person can demonstrate that the payment would cause financial hardship.

Additionally, the owner(s) of rateable land may apply for a waiver or deferral in respect of the Fire Services Property Levy. The owner(s) of non-rateable residential land, which is leviable for the Fire Services Property Levy can also apply for a waiver or deferral.

Anyone who is having difficulty paying part or all of their rates, charges or Fire Services Property Levy, should contact City of Ballarat Rates or Valuations on (03) 5320 5500 for information on hardship application.

CONCESSIONS FOR PENSIONERS

The *Local Government Act 1989* provides that eligible pensioners shall receive a reduction of rates levied (for 2024/2025 the maximum Municipal Rates Concession Cap is \$259.50). Eligible pensioners will also be entitled to receive a \$50.00 concession on their Fire Services Property Levy.

Application forms are available from Council's Customer Service Centre or at ballarat.vic.gov.au. Provided individual pension details have not changed, it is not necessary to re-apply for the concession each year.

Eligible Pensioners who live alone in their own home and are solely responsible for the payment of rates and charges on that property, will be entitled to receive a rate waiver of \$110.00, funded by Council.

Note: A Health Care Card does not entitle the holder to a rate reduction.

PENALTIES FOR FAILING TO PAY

Where applicable, arrears amounts will be charged interest in accordance with section 172 of the *Local Government Act 1989*.

ALL PAYMENTS WILL BE ALLOCATED AS FOLLOWS

1. Legal Costs owing, if any;
2. Interest owing, if any;
3. Arrears owing, if any;
4. Current Rates, Charges and Fire Services Property Levy.

Any payments received by Council are proportionally divided between Council Rates, Charges and the Fire Services Property Levy with respect to the total rate notice liability.

CHANGE OF PROPERTY OWNERSHIP, OCCUPANCY OR MAILING ADDRESS

All changes of ownership, occupancy or mailing address are the responsibility of the property owner. Change of mailing address can be made over the phone, all other changes must be notified in writing.

DIFFERENTIAL RATING CLASSIFICATION

Your property has been classified for rating purposes in accordance with the City of Ballarat Revenue & Rating Plan 2021-2025.

If you are aggrieved by your property's classification, you may make application for reclassification. Application forms are available from Council's Customer Service Centre. The below table shows the current differential rates and the applicable charge that would be applied to your property for the current year based on your current Capital Improved Value.

Classification	Rate in \$ (x CIV)	Equivalent Charge*
Residential	0.00297600	\$15,385.92
Commercial	0.00744000	\$38,464.80
Industrial	0.00744000	\$38,464.80
Farm	0.00214272	\$11,077.86
Rural Residential	0.00297600	\$15,385.92

*These charges are shown for comparative purposes only. Many factors are considered to determine the rating classification and valuation of your property. Any change in these considerations may result in either your classification and/or valuation changing.

GREEN WASTE SERVICE CHARGE

Council has declared a Green Waste Service Charge of \$72.00 per service for the year ending 30 June 2025 for collection, removal and disposal of green waste on all residential properties with a detached house (including houses with granny flats and bungalows) on land sized between 250m² and 4,000m², where the service is provided. Properties that do not meet the criteria for a Green Waste Service, but are on an existing collection route, may apply to 'opt in'. For more information, please contact Council's Customer Service Centre on (03) 5320 5500

RIGHTS OF APPEAL TO A RATE OR CHARGE

Under Section 184 of the *Local Government Act 1989*, a person who is aggrieved by a rate or charge has a right of appeal to the County Court (within 60 days after first receiving written notice of the rate or charge).

NOTICE OF VALUATION

The property owned or occupied by you and described in this notice has been valued as set out overleaf. Such values are based upon the level of values in force as at 1 January, 2024 and the basis of assessment is Capital Improved Value. Valuations may be used by other rating authorities for the purpose of a rate or tax. The State Revenue Office uses the Site Value in assessing land tax. Further information on the use of valuations for land tax can be found on the State Revenue Office website sro.vic.gov.au.

VALUATION DEFINITIONS

Site Value (SV):- the value of the land without any improvements.

Capital Improved Value (CIV):- the total market value of the property including all land and improvements (buildings, etc.).

Net Annual Value (NAV):- the estimated annual rental of the property, except for residential and farm properties where legislation requires the NAV to be 5% of the CIV.

OBJECTION TO VALUATION

If you are aggrieved by the valuation of your property as shown on this notice you may object. Valuer General Victoria (VGV) are responsible for the municipal valuations. Valuation objections can be lodged within two months of the issue of this notice by going to ratingvaluationobjections.vic.gov.au

NOTE: Objection or appeal shall not prevent the recovery of any rate or charge or the charging of interest

RATE CAPPING

Council has complied with the Victorian Government's rates cap of 2.75%. The cap applies to the average annual increase of rates and charges. The rates and charges for your property may have increased or decreased by a different percentage amount for the following reasons:

1. The valuation of your property relative to the valuation of other properties in the municipal district;
2. The application of any differential rate by Council;
3. The inclusion of other rates and charges not covered by the Victorian Government's rates cap.

FOR FURTHER INFORMATION

Contact the City of Ballarat by telephoning (03) 5320 5500 or you can visit our website at ballarat.vic.gov.au