



***Review of the
Ballarat Planning Scheme***

July 2015

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Executive Summary

A review of local planning schemes is a requirement of the *Planning and Environment Act 1987*. It is an opportunity to ensure the scheme remains contemporary, useful and in alignment with State and local policy. The Ballarat Planning Scheme was last reviewed in 2009, with a policy neutral revision of the Scheme subsequently undertaken in 2010. A significant amount of the recommended further strategic work has also been completed since that time.

The purpose of the review is to enhance the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria, and provide an audit of scheme performance. It will inform the continuous improvement of the planning scheme by addressing what has been achieved since the last review, where we are now and where to from here.

The development of *Today, Tomorrow, Together: The Ballarat Strategy* is particularly important as it has provided new strategic direction for the full range of land use issues in the Ballarat Municipality. Having considered more than 6,500 ideas and submissions over almost two years of engagement the Ballarat Strategy articulates the long-term community vision for managing growth and change. The MSS therefore needs to be re-written to implement the new strategic direction into the scheme, and the review assesses the new strategic direction against current content.

The review identifies a range of deficiencies in the current controls, and the need for a comprehensive re-write of the MSS to bring it in line with contemporary practice and the strategic direction of *Ballarat Strategy*.

It is recommended Council prepare and implement two Amendments to the Ballarat Planning Scheme: a re-write of the Municipal Strategic Statement to implement the content of the Ballarat Strategy, and a revision of other ordinance and controls in the Ballarat Planning Scheme, including Zones, Overlays and Schedules to improve the quality of the scheme and assist decision-making.

1. Introduction

This report constitutes a review of the Ballarat Planning Scheme as required under Section 12(B) of the *Planning and Environment Act 1987*.

The purpose of the review is to enhance the effectiveness and efficiency of the planning scheme in achieving:

- the objectives of planning in Victoria
- the objectives and strategies of the planning scheme including the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF).

The review assesses whether the scheme provisions, such as local planning policies, zones, overlays and schedules have been effective and efficient in achieving the objectives and strategies of the planning scheme.

The review also provides the opportunity to evaluate the planning scheme to ensure that it:

- is consistent in form and content with any directions or guidelines issued by the Minister under section 7(5) of the Act
- sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies
- makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

The review is an audit of the performance of the planning scheme at a point of time and will inform the continuous improvement of the planning scheme by addressing:

- What has been achieved since the last review?
- Where are we now?
- Where to from here?

The review also identifies changes and additional strategic work to improve the performance of the planning scheme. Proposed improvements to the planning scheme that flow from the review will be carried out as planning scheme amendments separate to the review

Specifically, this report provides an overview of the performance of the Ballarat Planning Scheme, considering the previous planning scheme review report in 2009. It also provides recommendations on how the City of Ballarat Planning Scheme could be further improved.

The review has been prepared in accordance with Practice Note 32 – Review of Planning Schemes (June 2015, Department of Environment, Land, Water and Planning (DELWP)). The review has been undertaken using the guidance of the *Continuous Improvement Review Kit* (2006) published by the Department of Sustainability and Environment and Municipal Association of Victoria.

1.1 The City of Ballarat Planning Scheme and Municipal Strategic Statement

The new format for the Ballarat Planning Scheme came into operation in November 1998, meaning the scheme has been operating in this form for almost seventeen years. At all stages, it has been prepared in accordance with the provisions of the *Planning and Environment Act 1987*.

What is a planning scheme?

A planning scheme is a statutory document that sets out objectives, policies and provisions for the use, development and protection of land in the area to which it applies. A planning scheme regulates the use and development of land through planning provisions to achieve those objectives and policies. Each of the 79 local government areas in Victoria and each of the three special planning areas (Alpine Resorts, Port of Melbourne, and French and Sandstone Island) is covered by a planning scheme. Planning schemes are legal documents prepared by the local council or the Minister for Planning, and approved by the Minister.

State Planning Policy Framework (SPPF)

The SPPF comprises general principles for land use and development in Victoria. The SPPF applies to all land in Victoria and cannot be altered at the local level. The purpose of the SPPF is to inform planning authorities and responsible authorities of those aspects of State planning policy that they are to take into account and give effect to in planning and administering their respective areas. The SPPF is divided into 9 key clauses including:

- Settlement
- Environmental and Landscape Values
- Environmental Risks
- Natural Resource Management
- Built Environment and Heritage
- Housing
- Economic Development
- Transport
- Infrastructure.

Local Planning Policy Framework (LPPF)

The purpose of the LPPF is to demonstrate how broader State planning policies will be achieved or implemented in a local context. It contains two components; The Municipal Strategic Statement (MSS) at Clause 21 of the planning scheme, and local planning policies at Clause 22.

- The MSS provides a statement of the key strategic planning, land use and development objectives for the municipality, and sets out the strategies and actions for achieving those objectives.
- Local planning policies are policy statements of intent or expectation about specific types of land uses or developments, or circumstances (for example Council's policy on Public Open Space).

In making decisions on planning matters (e.g. planning permit applications), Council must consider all relevant parts of the planning scheme.

Limitations and Opportunities of a Planning Scheme

Limitations

A limitation to the planning scheme is that the planning scheme does not implement all of Council's strategies, policies and plans; it is only used as a tool in decision making for planning permit applications. Another limitation is the timeframe involved in changing the planning scheme, as the Minister for Planning must approve any proposed changes. The planning scheme must also be consistent with State policy and it does not apply to Commonwealth Land.

Opportunities

The planning scheme also has many opportunities. The planning scheme sets out the requirements for the use and development of land which is based on strategic plans and it is responsive to the need of the growing and changing population. It also provides opportunity for integrated planning and land use management.

1.2 Reviewing a Planning Scheme

Each planning scheme is to be reviewed on a regular basis. The review ensures that the planning scheme addresses current issues and any key issues that the municipality may face in the future. The planning scheme review:

- Identifies the major planning issues facing the municipality
- Demonstrates how the planning scheme implements State Planning Policy
- Assesses the strategic performance of the scheme
- Documents the strategic work that has been completed or carried out since the previous review of the scheme or MSS and any additional work required to strengthen the strategic direction of the planning scheme
- Describes the monitoring and review process that has been carried out
- Outlines the consultation process and its outcomes
- Makes recommendations arising from the review including:
 - Possible changes to the strategic objectives of the LPPF
 - Possible changes to the implementation tools to achieve the strategic objectives
 - Matters requiring further strategic work to strengthen the strategic objectives of the planning scheme
 - Streamlining the permit process including:
 - Identifying matters that should not require a planning permit
 - Opportunities to introduce simpler assessment and approval processes
 - Possible 'fast tracking' of various application types
 - Outlines the operational improvements to current planning process recommendations including:

- Council practices which should be changed, modified or replaced in order for improvements to be made to the planning department
- Compiling planning application and application for review statistics and other relevant information in a manner suitable for review and analysis at the next audit.

1.3 Planning and Environment Act 1987 and review requirements

The City of Ballarat is the responsible authority for administering and enforcing the Ballarat Planning Scheme under the *Planning and Environment Act 1987*. Section 12B of the Planning and Environment Act 1987 sets out the requirements for reviewing planning schemes.

This Section states that:

1. A planning authority, which is a municipal council, must review its planning scheme—

(a) No later than one year after each date by which it is required to approve a Council Plan under section 125 of the Local Government Act 1989; or

(b) Within such longer period as is determined by the Minister.

2. A planning authority, which is a municipal council, must also review its planning scheme at any other time that the Minister directs.

3. The objective of a review under this section is to enhance the effectiveness and efficiency of the planning scheme in achieving—

(a) The objectives of planning in Victoria; and

(b) The objectives of the planning framework established by this Act.

4. The review must evaluate the planning scheme to ensure that it—

(a) Is consistent in form and content with the directions or guidelines issued by the Minister under section 7; and

(b) Sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and

(c) Makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

5. On completion of a review under this section, the planning authority must without delay report the findings of the review to the Minister.

1.4 Review Process and Methodology

The DELWP have produced the following practice notes and information relevant to reviewing a planning scheme.

- Practice Note 32 - Review of Planning Schemes (February 2006)
- Practice Note 8 - Writing a Local Planning Policy (November 2012)
- Practice Note 4 - Writing a Municipal Strategic Statement (September 2010)

The *Continuous Improvement Review Kit 2006* has also been released which provides planning and responsible authorities with a suggested methodology that will meet the requirements of the Planning and Environment Act 1987 (the Act) for the monitoring and review of the planning scheme and identify potential operational improvements that can save money and staff resources in the planning department.

The review, and the changes proposed to the planning scheme, has been undertaken in accordance with these practice notes and the Review Kit (February 2006). The review has taken into account the following:

- State Government requirements
- Community feedback through extensive consultation sessions for the Ballarat Strategy
- Feedback from Council staff
- Feedback from Statutory Authorities
- Council's knowledge of the planning issues affecting the municipality
- Review of strategies and policies developed since the previous planning scheme review.

2. Snapshot of Ballarat

2.1 Community profile

The City of Ballarat has experienced strong population growth over the recent years, and this is likely to accelerate over the next 25 years. By 2040, there is forecast to be around 160,000 people calling Ballarat home.

Along with an increasing population, Ballarat is forecast to age and diversify. Within the 60,000 more people estimated to be living in Ballarat in 2041, there will be more people aged 65+ than any other cohort.

The structure of families is also forecast to change, the number of one parent families will increase the fastest (2.1%), followed by people living alone (1.9%) and couples with no children (1.8%), although couples with children is forecast to remain by far the most common family type in 2040.

2.2 Geographical and environmental context

The Central Highlands settlement network is dominated by Ballarat, which is five times larger than any other settlement in the region.

Ballarat is 740 sq.km and lies within a gently undulating section of the midland plains which stretch from Creswick in the north, to Rokewood in the south, and from Lal Lal in the south-east to Pittong in the west. The natural heritage landscape of Ballarat dates from around 550 million years ago and is 'dominated by the volcanic hills of Mt Buninyong and Mt Warrenheip'. It is this natural landscape that has had such an impact on the development of Ballarat - from the original inhabitants, the Wathaurung and Dja Dja Wurrung peoples, who have lived in the area for over 40,000 years continuing to the present day, to the early pastoralists who were shortly followed by an influx of around 60,000 thousand gold miners through to those who stayed on to build Ballarat as a city and today's residents and visitors.

The gold rush era had a significant and dramatic impact upon the natural landscape character. Whilst some remnant native vegetation still exists in small pockets and outer areas of urban Ballarat, the dominant vegetation remaining in the older parts of Ballarat today is predominantly 'exotic' in character.

Our tree lined streets and entrance boulevards such as The Avenue of Honor, the Victoria Street and Sturt Street Gardens and the main streets in Buninyong and Learmonth are a legacy of the gold rush era and are foreseen as a major part of Ballarat's identity.

2.3 Vibrancy and economy

Ballarat is the key regional service and employment centre for Western Victoria. The city is base for retail, commercial and industrial employment. The three most popular industry sectors are:

- Health Care and Social Assistance (15.3%)
- Retail Trade (12.7%)
- Manufacturing (10.7%)

The Australian economy undergoes constant change. A century ago, our economy was defined by the prosperity and wealth created from wool production and other primary industries. The current economic shift in Ballarat is again mirroring the trend at the national level, this time towards higher value knowledge sector jobs, advanced manufacturing, and health services. Land use planning needs to continue to support the current economy, with flexibility to support ongoing economic growth in the face of changing circumstances.

3. Community Aspirations

3.1 Ballarat Imagine

The City of Ballarat makes many decisions which affect the future of our community. These decisions need to be guided by what the community wants and how it sees Ballarat's future. With almost 100,000 people living here, it can be difficult for Council to find out what the community thinks. We each have different ideas for the future, different lives and live in different parts of our city. To solve this, City of Ballarat ran Ballarat's largest ever community conversation – Ballarat Imagine. Ballarat Imagine commenced in late February 2013 and asked the community to respond to three main questions:

- The things I love about Ballarat are.....
- The things I imagine for Ballarat are.....
- The things to retain in Ballarat are.....



In all, the City of Ballarat received well over 6,000 items of feedback. Most were sent in on postcards, but there were also large numbers of cards from the back of My Ballarat, chalkboard comments, tweets to #BallaratImagine and postings on our website. The most popular question was 'The things I love about Ballarat are...', followed by 'The things I imagine for Ballarat are...'. Some of the submission we received during Ballarat imagine included:

- Environmental issues such as renewable energy and protection of our forests and waterways
- Issues faced by residents of Miners Rest and Learmonth as smaller, more rural areas of our city
- The health and wellbeing of the community generally and for particular residents including unemployed people, people with a disability, the elderly and women
- Vulnerable and disadvantaged residents who have difficulty coping with the demands of daily living
- Suggestions for how we can develop while protecting our beautiful city with a unique sense of identity
- The local and national importance of Ballarat's heritage, including suggestions for how to enhance our buildings and streetscapes
- Challenging growth – is it necessary and a good thing?
- Ways to encourage tourism, including a suggestion for a new tourism slogan
- Attracting jobs, infrastructure and investment to Ballarat
- The future of Canadian Forest
- Ideas for improving Ballarat's arts scene
- Ways to improve safety and prevent crime in Ballarat
- Transport, including improvements to public transport, cycling infrastructure, traffic congestion and parking
- The introduction of green and hard waste collection

The results have since influenced what then needed to be addressed in the Ballarat Strategy- our long term strategy to 2040.

3.2 Ballarat Strategy consultation

The Ballarat Strategy will guide growth and development and help us manage change so Ballarat in 2040 has built on its strengths, retained its values and character, and is ultimately the best place it can be. As discussed above, Ballarat Imagine was the first consultation session which ultimately kicked started the Ballarat Strategy. Further consultation has been undertaken as part of the Ballarat Strategy. Figure 1 indicates the development of the Ballarat Strategy.



Figure 1: Development of the Strategy, Today Tomorrow Together; the Ballarat Strategy

From the beginning of the Ballarat Strategy, consultation has played a major role in determining the how Ballarat is envisaged until 2040. Ongoing community input and support has made the content of the Ballarat Strategy community owned. It is this strategy that forms the backbone of the re-write of the MSS and review of the Ballarat Planning Scheme.

4. Previous Planning Scheme Reviews

The new format for the Ballarat Planning Scheme came into operation in November 1998. The scheme has been operating in this form for almost seventeen years. Council is required by the *Planning and Environment Act*, Section 12B, to regularly review its planning scheme. Since initial adoption, the Ballarat Planning Scheme has undergone two reviews, in 2003 and 2009.

2003 Review

The 2003 review was predominantly a structural review, rather than a review of the relevance of the broad strategic direction of the MSS to the recurrent land use issues that affect the municipality. It identified a number of deficiencies and opportunities for improvement in the MSS. In particular, the review identified four primary issues and sought to rectify them through a rewrite of the MSS, having particular regard to:

1. The need to more closely align the MSS with the SPPF and to fill strategic gaps created where identified issues had not been addressed or addressed adequately.
2. Inclusion of a monitoring and review system based on performance measures relating to the performance of the MSS rather than Council's internal processes, and which is backed by a system that enables reporting on performance. Council should explore opportunities for working with the University of Ballarat on this matter.
3. A format based upon the triple bottom line principle
4. Full flow through the various sections of the MSS to ensure that where issues are raised relating objectives and strategies are also identified and that objectives and/or strategies are not identified without providing background and context. Modification of the content of the Ballarat Municipal Strategic Statement by virtue of Amendment C65 was undertaken following the 2003 review.

2009 Review

As a result of changes made to the *Planning and Environment (General Amendment) Act 2004*, the Minister required the 'Review Report' to address the entire planning scheme and not just the MSS, including:

- The application and performance of the zones of the scheme
- The application and performance of the overlays of the scheme
- The detail of the schedules in the scheme

In response to these statutory changes, the 2009 review addressed each of these matters. This review identified much of the 'base' data underpinning the MSS to be outdated, and also recognised a number of emergent and unresolved issues that required further analysis. It was also acknowledged the planning scheme to be in need of clearer strategic direction. The following key issues were identified as a result of this review process:

- The MSS is strategically limited in identifying a clear direction on many of the recurrent, day-to-day issues confronting the Council and the Community, including; rural living, medium

density housing, the natural environment, tensions between heritage and development, the various activity centres, agriculture and some social issues.

- No clear link existed between the MSS (and therefore the whole planning scheme) and key strategic documents such as the Council Plan and *Blueprint Ballarat*
- Inappropriate selection and application of various zones and overlays, partially in response to the failure of overlay schedule to provide meaningful exemption provisions in order to streamline the planning permit process in-line with state policy (initiative?).

In response to the issues identified, the following general recommendations were provided:

- A rewrite of the MSS to better reflect the direction of key strategic documents
- Inclusion of adopted strategic material in the scheme as high priority in order to provide both the Council and the community with a contemporary planning document
- Review of the zoning and overlay regime of Ballarat in terms of selection
- Inclusion of the following project's in Council's forward budget planning as priority items for further strategic work:

1. Sustainable Housing Strategy (High Priority)
2. Biodiversity Mapping
3. Advertising Sign Policy
4. Heritage Revive (including precincts)
5. Freight Hub Relocation
6. Infrastructure Design Manual
7. Woodman's Hill Master Plan Licensed Premises Guidelines Heritage and Urban Design Strategy
8. Development Contributions Plan – Social Infrastructure
9. Development Contributions Plan - Ballarat West
10. Ballarat West Activity Centres – Urban Design Guidelines and CDP
11. Buninyong Neighbourhood Character Study

Amendment C137 was undertaken in 2010 to implement a policy neutral update to the MSS in response to the 2009 review. Since that time, other Amendments have progressed with the recommended further work, including: Development Contributions Plan – Ballarat West, Ballarat West Precinct Structure Plan (includes the Urban Design Guidelines for Activity Centres in Ballarat West), Woodman's Hill Master Plan (currently sitting with Minister for Approval) and the Freight Hub Relocation (which is absorbed into the BWEZ). Implementation of the Infrastructure Design Manual into planning schemes is currently under consideration (Refer Shepparton – Amendment C112)

The Ballarat Strategy provides strategic guidance on housing growth and development, as intended for the Sustainable Housing Strategy, and makes recommendations for a biodiversity conservation strategy to properly inform a review of biodiversity controls.

5. Summary of planning issues

Key planning issues and gaps to be addressed in this review has been identified through the Ballarat Strategy consultation with the community and community groups, working groups with Council staff, key stakeholders and a review of strategies and policies since the last review.

The following provides a summary of the major planning issues for the City of Ballarat that the planning scheme should address. It includes a range of new initiatives that the planning scheme does not address or issues that need to be updated.

Population Growth and Housing Supply

- Projected growth of almost 60,000 additional people in the city by 2040 (to a total population of 160,000) is the equivalent of adding all of the suburbs south of the railway line on to our city again
- Over the coming decades, the older age cohorts (65+) are forecast to grow at the fastest rates, as a proportion of the overall population
- Overseas migration is the greatest source of new residents, followed by people from Melbourne, and from rural areas in the Wimmera. It is likely a large number of these people are moving to Ballarat for better access to health services, or employment.
- In terms of an age specific view of migration, the traditional net loss of large numbers of people young people (aged 20-24) has been reducing over recent years. This is likely a result of a greater number of that age group accessing university in Ballarat, and is an important trend towards retaining more of the future work-force.
- It is estimated the combination of new residents and changes in household structure of existing families will mean there is demand for almost 37,000 more houses in 2040 than existed in 2011
- As the population grows, the demographics of the community and family structures are both forecast to change
- Varying family circumstances will require appropriate types of housing to suit their needs –the expected increase in single person households and the number of couples without children are expected to be important drivers of change to the housing stock
- Currently about 86% of houses in Ballarat are detached, with demand for more detached dwellings forecast to grow at about 1.4% per annum between today and 2040. The demand for semi-detached and townhouses is forecast to increase at twice that rate (3.5%), with demand for flats / units / apartments forecast to grow even faster (4.4%), particularly to service the ageing population wanting smaller, lower maintenance properties.
- There is also forecast reduction in demand for larger houses. The proportion of houses with four or more bedrooms is forecast to reduce from 26% in 2011 to 22% in 2040, and demand for 2-bedroom houses to increase from 17% to 28%.
- In 2011 over 10% of all households in Ballarat are estimated to be experiencing housing stress. This includes more than one third of all rental households who were paying greater than 30% of their income on rent
- Supporting a diversity of housing stock is an important planning objective.

Efficient and Effective long term planning for new growth areas and convenience areas

- Currently, over 37,000 people (around 40% of Ballarat's population) live in the centre of Ballarat, within four kilometres of the Town Hall. Ballarat's 'outer suburbs' are mostly within eight kilometres of the Town Hall, and include over 42,000 people (almost 45% of our population). The whole area beyond eight kilometres of the Town Hall has less than 20% of our population. Out to 12 kilometres are the historic townships of Warrenheip, Buninyong and Miners Rest (a combined population of over 6,000 people), with more rural residential homes and some agricultural land. Beyond 12 kilometres are the bulk of our agricultural land, as well as Learmonth and Cardigan Village.
- Over recent years, the distribution of our housing development forms a roughly doughnut-shaped pattern, with growth largely occurring in the 4km to 12km band of outer suburbs and inner townships.
- At first glance, this pattern would suggest Ballarat's housing growth has been almost entirely greenfield development on the suburban fringe. However, this is not the case – less than 60% of Ballarat's new homes have been in greenfield areas (over 2,000 new dwellings) while infill areas saw over 40% (just over 1,400 new dwellings). This ratio is unusually high for cities of Ballarat's size and is comparable to much larger cities with substantial growth in inner city apartments. However, unlike these larger cities, Ballarat's infill development has been: concentrated in outer suburbs, not the inner city; largely separate homes; and often on larger sites missed by previous waves of development, rather than through redevelopment of developed land.
- It is important to know how new greenfield and convenience living development (such as that next to existing transport infrastructure) can occur. This gives surety to the development industry and communities. It will enable us to attract the sort of development required to achieve the shared vision for Ballarat in 2040.

Economic Transformation and Jobs

- Structural changes in the Australian economy are impacting Ballarat's traditional agricultural and manufacturing industry base.
- There is a need to support vibrant employment generating businesses, in well serviced precincts in order to offer efficiencies and competitive advantages to maintain Ballarat's economic future.
- The future requires a well-planned city structure, with high amenity public spaces and progressive planning policy to improve productivity and competitiveness in both existing and future employment sectors and generate the future jobs a growing population requires.

Crucial Opportunity for DBC Revitalisation

- We will need a vibrant CBD supporting retail, cultural enterprise, professional services, and residential development in order to have wide-ranging economic, cultural, social and environmental benefits for Ballarat into the future.
- There is a need to support a cultural and policy shift to increase residential living and development in the CBD, in particular. This is seen as a crucial enabler to improving the viability

of frequent public transport services, business, cultural and entertainment activity, and growth in the walking economy.

- There have been significant improvements to the vitality of the Ballarat CBD over recent years, but increasing vitality will require us to undertake ongoing work.

Major Employment Areas

- Jobs growth is required to sustain and support the forecast population growth.
- Specific local planning for major employment areas is required to provide a competitive advantage for Ballarat in the labour and business markets, and to support its long-term sustainability as a prosperous city.

More Productive Use of Resources

- A sustainable future means that we need to find a balanced approach to key resource use, with a renewed focus on energy and waste.
- More progressive opportunities need to be identified such as the waste to energy facility proposed for Ballarat West Employment Zone (BWEZ): a crucial stepping-stone towards more efficient and competitive energy and resources use and re-use.

Development of Regional Health and Education

- An ageing population and changes in the labour market will require support for improved regional health and education capabilities and other sectoral needs in terms of workforce development, re-skilling, structural adjustment and growth.

Ongoing Support for World-Class Events and Culture

- There is a need to recognise the wide-ranging community benefits from supporting, connecting and integrating land use development with the facilities to attract and house world-class cultural and sporting events, as befits a capital city
- We will also have to identify new urban renewal, precinct redevelopment and sporting and cultural initiatives for Ballarat's future.

Liveability and Community

- There is a need to prioritise 'liveability': a concept that reflects the quality and amenity of the built environment and natural environments and economic prosperity
- Maintaining and improving liveability in Ballarat is fundamental to its future.
- It is estimated in Victoria almost a quarter of all children aged seven years and under are overweight, whilst almost 61% of adults.

Urban Design and Image

- As new development occurs, a cohesive and progressive focus on high quality urban design and public amenity is needed to allow Ballarat to develop towards the shared vision identified in Ballarat Imagine.

Crime and Safety

- Ballarat's rates of 'crime against the person' and 'crime against property' are both significantly higher than State averages (from 50% to 65% higher).
- The rate of family violence in Ballarat is also much higher (73% higher) than the State average.
- Ballarat children experience almost twice the levels of crime as the Victorian Average (Ballarat – 19.6 victims of crime per 1000 children, VIC – 10 per 1000).
- However, a 2011 survey of Ballarat residents almost everyone felt safe or very safe at home during the day, at home at night and walking during the day. Only two-thirds of people felt safe or very safe walking alone at night, with women, the elderly and low income people the most concerned.

Cultural Diversity

- 8.6% of Ballarat residents were born overseas (Regional Victoria – 10.6%)
- 4.5% of Ballarat residents are from countries where English is not the first language (Regional)

Infrastructure

- As the population increases and ages, maximising the value extracted from existing and new infrastructure will be crucial to the ongoing support of a vibrant, prosperous and sustainable municipality.
- Council faces a substantial gap between costs and rates revenue. As discussed in a report for the Municipal Association of Victoria (MAV), financial costs of settlement patterns in rural Victoria (2013), as new houses are developed, the rates revenue does not directly cover the additional direct and indirect costs. For Ballarat, Council picks up the short-fall through improving efficiency of service delivery, budget adjustments, and increases in rates and more recently through the introduction of the development contributions plan in the Ballarat West Growth Area.
- Upfront costs - Councils face a range of upfront and ongoing infrastructure and service costs for residential development. These costs include roads, paths, drainage, street furniture, signage, open space and community infrastructure. The cost of providing these elements is usually shared between Council and the developer. A development contributions overlay applies in the Ballarat West Growth area, to require this kind of joint funding arrangement.
- Ongoing costs - Unlike upfront costs, which can be borne by other parties, local government usually pays for all ongoing cost items. The developer may pay for new local roads and drainage for a new subdivision however City of Ballarat will typically pay the ongoing maintenance costs of these new assets. The provision of core services such as rubbish collection and the management of parks and open space are increasingly expensive for Council as the distances to access the areas increases. The shape and pattern of growth of Ballarat is therefore important for economic and equity reasons, as well as being important for liveability.

Transport

- Maintaining the ability to move easily through the city will be a key challenge to the economy, liveability and lifestyle of Ballarat.
- Only 3% of Ballarat workers travel to work on public transport. Excluding commuters on the train, only 1% caught the bus, around 1% cycled, 3% walked. Almost 74% of people drove to work. The majority were the sole occupant of the car.
- It is an important challenge to change the mode-share away from being so heavily reliant on private car trip. More transport options will enable a larger, older and more diverse community to move more easily and conveniently across the municipality.
- Trend growth is not an option. The number of parking spaces required for 60,000 more people who wish to drive themselves to work is not feasible in Ballarat, nor will it be an attractive or convenient option for many people. The community will demand options be made available, and it is vital this transition to a more sustainable transport system commences now.

Natural and Cultural Environment

- The highly valued 'Ballarat lifestyle' is deeply entwined in Ballarat's natural and cultural environment. Better recognition, management and support for the natural and cultural environment is required to maintain liveability.

Open Space

- Currently, with around 100,000 people, Ballarat has approximately twice the required benchmark provision of 4ha per 1000 population (8.5ha per 1000 people). Even if no new open space was created between now and 2040, at a whole of municipality scale, Ballarat would still be well provided with open space areas. The proposed development of a new multi-use forest park in the Canadian Valley offers great opportunity for additional provision.
- However, total provision is only one consideration. Open space planning also requires consideration of distribution, size, quality, and an assessment of the opportunities and activities that each space provides. As more people move into both established and new residential areas, the distribution and diversity of open space will be a significant challenge.

Balancing Growth with Ballarat's Highly Valued Historic Urban Landscape

- Balancing growth and addressing new challenges such as climate change with natural, historical and cultural values in historic cities in the 21st century, is a global challenge and not just a local one
- The challenge of new development, growth and change in historic cities is being addressed by the international organisation
- UNESCO – a United Nations body - with new instruments such as the Recommendation on the Historic Urban Landscape (2011)

- We need to develop new innovative local approaches to the management of change in historic Ballarat in order to carefully integrate (and not continue to isolate) conservation and social and economic goals

Biodiversity

- The municipality is relatively small and a significant portion of riparian and other potential biodiversity hotspots are surrounded by land that is highly urbanised. Many areas that could be expected to have the greatest biodiversity, such as the Yarrowee Creek between Dana and Grant Street have little or none. The natural resources of the municipality have been compromised by the historic land use and subsequent urban development.
- The history of disturbance has left a legacy of highly fragmented and modified biodiversity habitats that generally occur as small mostly isolated pockets of native vegetation, wetlands and waterways associated with municipal parks and reserves.
- With the exception of key open space areas such as Victoria Park and Lake Wendouree, the remnants have historically been retained by default as intensive land use and urban development has proceeded around them.
- As community values have changed, the recognition of the values of the natural remnants has increased and there is a perception that these remnants could make a significant contribution to the conservation of biodiversity. There is a need to undertake a proper assessment of how best to manage remnant areas for biodiversity conservation, as they may or may not offer viable biodiversity opportunities.

Townships

- Townships face specific local challenges, and require local planning to sustain their future
- Communities living outside the urban areas of Ballarat are vital components of the Municipality, and the overall identity of Ballarat as a regional centre.

Rural Areas

- Targeted planning controls are required to protect agricultural land for farming and support the multigenerational viability of agriculture in the Central Highlands Region into the future.

A Changing Climate

Australia's per capita production rate of greenhouse gases is one of the highest in the world.

Global greenhouse gas emissions have been linked to the enhanced greenhouse effect, responsible for climate change.

In Victoria, over 65% of greenhouse gas emissions are the result of electricity generation. Most of the energy consumed by the average Victorian household is for home heating, followed by hot water

heating and refrigeration. It is estimated that by improving the way we design, build and live, Victorian's could save at least 50% of the energy that we use.

The Victorian Government's Report on Climate Change Science and Greenhouse Gas Emissions in Victoria (March 2012) outlined projections for Victoria's future climate. It's projected:

- More days over 35°C and higher annual mean temperature
- Reduced average rainfall and stream flows
- Fewer and heavier rainfall days

These projections suggest a generally increased risk of:

- Bushfires
- Heatwaves
- Floods / drought

As part of being an informed community, Ballarat needs to play its part by moderating its contribution to climate change/reducing carbon emission, and work to become more resilient to climate change impacts.

6. Policy initiatives since the last planning scheme review

Since the last planning scheme review, there have been significant changes to the planning framework both at a state and local level. Plan Melbourne was released in May 2014, which is the metropolitan planning strategy that will guide the city's growth to 2050. The Minister for Planning has recently released the new planning zones for Victoria having a significant impact on land use outcomes.

At a local level, Council has prepared a significant amount of strategic work, in particular the Ballarat West Growth Area including the Western Link Road and Ballarat West Employment Zone, the Ballarat Strategy, the Rural Land Use Strategy and the Activity Centres Strategy (to name a few).

6.1 State Plans

The key strategic work undertaken at a State level includes:

Plan Melbourne

Plan Melbourne is the vision for Melbourne. It is an evidence based plan designed to guide Melbourne's housing, commercial and industrial development through to 2050. It seeks to integrate long-term land-use, infrastructure and transport planning to meet the population, housing and employment needs of the future.

The new State Government elected in 2014 has committed to refreshing Plan Melbourne to ensure that it accurately reflect community and expert priorities and advice. The revised Plan will seek to identify further housing opportunities and opportunities and alternatives, increasing jobs and improving liveability, dealing with a changing climate, integrating public transport and supporting infrastructure investment.

Elements of the strategy most relevant to the City of Ballarat are:

- Completion of upgrades to the national network connecting key regional centres to export gateways, including the Western Highway
- Continue to strengthen regional freight networks consistent with industry drivers and supply-chain trends identified in *Victoria – The Freight State*
- Identify health and education precincts (such as Waun Ponds, Ballarat University and La Trobe University Bendigo) and developing strategies to protect, grow and diversify jobs in these precincts
- identifying land-use and infrastructure requirements to facilitate the growth of export-based industrial areas (such as the Logic distribution centre near Wodonga, GV Link in the Goulburn Valley, the Ballarat West growth area and Marong Industrial Park in Bendigo)
- Improve transport connections between Melbourne and regional cities

Reformed Zones for Victoria

The new residential zones came into effect in 2014. The new zones replace the existing Residential 1 Zone with a more appropriate zone from a suite of new zones. In addition, new commercial and industrial zones were introduced in July 2013 which provide for a wider range of uses.

Planning Scheme Amendments

Significant State Government amendments that relate to the City of Ballarat in particular, and that have occurred since the last planning scheme review in 2009 are outlined below.

Amendment Number	Description	Gazetted Date
VC53	Inclusion of Clause 52.38 – 2009 Bushfire Recovery. A planning permit exemption under Clause 62.02-1 for buildings and works with an estimated cost of \$1,000,000 or less carried out by or on behalf of the municipal council.	23 Feb 2009
VC54	Amends Clause 44.06 Wildfire Management Overlay to make rebuilding a dwelling damaged or destroyed by the 2009 bushfires exempt from the requirement for a permit if it is sited in the same location on the land and construction is commenced prior to 31 March 2011.	12 March 2009
VC61	Introduces a new particular provision, Clause 52.43 Interim measures for bushfire protection, providing an exemption from planning scheme and planning permit requirements for the removal, destruction or lopping of vegetation for bushfire protection.	10 Sept 2009
VC58	Amends Clause 56.06-2 Residential subdivision, Public Open Space to include reference to the Precinct Structure Plan Guidelines and amends the objectives and standards of Clause 56.05-2. The amendment includes new and amended public open space objectives, distribution and standards, for active open space, local parks, open space links and linear parks.	1 Oct 2009
VC64	Amends Clause 52.27- Licensed Premises to remove the requirement for a permit where the change in a liquor licence is solely as a result of the changes to the licence categories to be introduced on 1 January 2010.	23 Dec 2009
VC71	Revises and replaces Clauses 10 to 19 of the SPPF. Redistributes the existing policies under the following new themes: Settlement, Environmental and landscape values, Environmental risk, Natural resource management, Built environment and heritage, Housing, Economic development, Transport and Infrastructure. Updates	20 Sept 2010

	references to various Government documents. Introduces new policies into the SPPF to give effect to The Victorian Integrated Housing Strategy (Clause 16) and Melbourne 2030: A planning update Melbourne @ 5 Million (Clauses 11, 12, 16, and 19). Amends Clause 52.02 Easement, restrictions and reserves to introduce a new objective and decision guideline. Introduces a new Clause 52.46 Brothels. Updates the incorporated document Activity Centres and Principle Public Transport Network 2010 in Clause 81.01.	
VC103	The amendment changes the Victorian Planning Provisions to introduce reformed rural zones.	5 Sept 2013
VC106	The amendment changes the Victorian Planning Provisions and all planning schemes to recognise Plan Melbourne and Victoria's regional growth plans.	30 May 2014
VC114	The amendment changes the Victorian Planning Provisions to introduce new Clauses to recognise the VicSmart planning assessment provisions.	1 July 2014
VC120	The Amendment changes the Victoria Planning Provisions and all planning schemes by introducing a new Clause 52.43 Live music and entertainment noise.	4 Sept 2014

6.2 Regional Plans

Central Highlands Regional Growth Plan (May 2014)

The Central Highlands Regional Growth Plan provides a regional approach to land use planning in the Central Highlands, covering the municipalities of Ballarat, Ararat, Golden Plains, Hepburn, Moorabool and Pyrenees. It identifies opportunities to encourage and accommodate growth and manage change over the next 30 years. The plan seeks to provide a *productive, sustainable and liveable region for its people*.

The plan identifies:

- Where future development will be supported and assessed at a regional scale
- Environmental, economic, community and cultural assets and resources of regional significance that should be preserved, maintained or developed
- How the region can respond to opportunities, challenges and long-term drivers of change
- Key regional priorities for future infrastructure planning and investment to support growth

The principles and key directions identified to achieve the vision for the Central Highlands region are:

1. Population growth should be planned in sustainable locations throughout the region
2. The region's economy should be strengthened so that it is more diversified and resilient
3. The region should capitalise on its close links with other regions and cities

4. The development of sustainable and vibrant communities should be supported by enhancing the level of access to key services
5. Land use patterns, development and infrastructure should make the region more self-reliant and sustainable
6. Planning for growth should be integrated with the provision of infrastructure
7. The region's land soil and biodiversity should be managed , protected and enhanced
8. Long-term agricultural productivity should be supported
9. The importance of cultural heritage and landscapes as economic and community assets should be recognised

The plan identifies a range of issues and opportunities relevant to future strategic planning in the region. The city of Ballarat is identified as a city of regional significance and as such identifies a number of future directions for Ballarat. They are as follows:

- Support development and investment that is consistent with Ballarat's role as a regional city and the largest settlement in the Central Highlands
- Facilitate growth of the city, particularly through planned development to the west and through infill opportunities
- Encourage the development of Ballarat's Central Business District as a higher order activity centre with major employment, cultural, service and retail attractors
- Provide appropriate social, physical and transport infrastructure to support growth
- Encourage the provision of regionally significant services and ensure they are easily accessible to their regional catchment through integrated land use planning and transport provision

The regional plan identifies many of the governance and investment issues opportunities in the City of Ballarat, most of which relate closely to land use planning. The regional plan is in line which much of the strategic and policy direction completed or being undertaken by Council.

With relation to the effectiveness of the Ballarat planning scheme, the Central Highlands Regional Growth Plan will help provide justification for future planning scheme amendments that are consistent with the plan. The plan also provides the City of Ballarat with a clear regional land use context to inform and influence future decision-making and investment, strategic planning, planning scheme amendments and local decisions.

6.3 Local Plans

A significant amount of strategic work has been undertaken since the previous review of the MSS in 2009. The following strategies are Incorporated Documents in the Planning Scheme:

- Alfredton West Precinct Structure Plan, 2011
- Ballarat Base Hospital New Facilities Project, 2013
- Ballarat West Development Contributions Plan, July 2014
- Ballarat West Native Vegetation Precinct Plan, March 2012

- Ballarat West Precinct Structure Plan, June 2012
- Goulburn-Murray Water Native Vegetation Code of Practice, February 2011
- Ballarat Activity Centres Strategy, 2012
- Ballarat Rural Land Use Strategy, November 2010
- Ballarat West Employment Zone Master Plan, 2012
- City of Ballarat Advertising Sign Guidelines, July 2013
- Dowling Forest Precinct Master Plan, February 2011
- Making Ballarat Central – The CBD Strategy, 2011

The Ballarat Western Link Road Staging Plan, 2014 has been completed but is not listed as an incorporated document in the Planning Scheme.

A number of significant strategic projects are currently being undertaken. These include:

- Greenhill Road Conceptual Development Framework
- Potential Relocation of the Central Victorian Livestock Exchange
- Greenfield Investigation Areas Feasibility Study
- Burrumbeet Creek Flood Study
- Canadian Creek Flood Study
- Environmental Controls Review
- Heritage Tree Register
- Township Development Plans

6.4 Planning Scheme Amendments Gazetted

A significant amount of local planning scheme amendments have been approved since the last review was completed in 2009. A total of 45 amendments have been completed since then and they as follows:

Amendment Number	Description	Gazetted Date
C102	Inserts the Wildfire Management Overlay to implement new fire risk mapping.	22 Jan 2009
C118	Implements Section 48 of the <i>Heritage Act</i> 1995 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.	11 Jun 2009
C134	Amends the Public Acquisition Overlay (PAO1) to include certain land required for the Western Highway Duplication Project – Ballarat to Burrumbeet in accordance with the previously approved road reservation under the Ballarat (Shire) Planning Scheme.	6 Aug 2009
C136	Amends the Public Acquisition Overlay (PAO) to include certain land required for the Western Highway Duplication Project – Ballarat to Burrumbeet in accordance with the previously approved road reservation under the Ballarat (Shire) Planning Scheme.	6 Aug 2009

C117	Replaces Clause 21.03 'Vision for Ballarat'. Replaces Clause 21.05 'Economic Development', replaces Clause 21.08 'Reference Documents', and deletes the content of Clause 22.12 'South-West Sebastopol', to provide policy recognition to the 'Ballarat West Growth Area Plan 2009'.	3 Sept 2009
C133	Introduces Clause 37.07 'Urban Growth Zone' into the Scheme and applies the Urban Growth Zone to land within the Farming Zone in the Ballarat Growth Area	3 Sept 2009
C123	Rectifies various mapping and ordinance anomalies within the Ballarat Planning Scheme.	24 Sept 2009
C95	Implements the recommendations of the Canadian Valley Outline Development Plan 2005, the Ballarat Comprehensive Koala Plan of Management 2006 and the City of Ballarat Native Vegetation Mapping and Review of the Vegetation Protection Overlay (VPO) and references them by amending the MSS, inserting new policies for the Canadian Valley and Koala Habitat, updates the mapping of significant vegetation for the whole municipality, introduces mapping of core koala habitat for the whole municipality, amends the Vegetation Protection Overlay Schedule 1, introduces a new Environmental Significant Overlay Schedule 5 and rezones land to implement the recommendations of the Canadian Valley Outline Development Plan 2005.	12 Nov 2009
C107	Introduces the St Aidan's Heritage Precinct, the Colpin Avenue Heritage Precinct, the Dowling Street Heritage Precinct, the Old Showgrounds Heritage Precinct, the Creswick Road/Macarthur Street Heritage Precinct and the Barkly Street/Hummffray Street South Heritage Precinct within the Heritage Overlay, and introduces associated local planning policy and incorporated documents into the scheme.	26 Nov 2009
C137	A policy-neutral amendment which restructures and simplifies the form and content of the Local Planning Policy Framework (LPPF), updates factual information in the municipal profile, incorporates a number of local policies into the Municipal Strategic Statement (MSS), and makes minor corrections to local policies and ordinance.	18 Mar 2010
C150	Implements the Alfredton West Precinct Structure Plan by introducing Schedule 1 (Alfredton West Precinct Structure Plan) to the Urban Growth Zone (UGZ1), applying the UGZ1 to the Alfredton West Precinct and including the 'Alfredton West Structure Plan' 2011 as an incorporated document in the planning scheme	2 Jun 2011
C167	Inserts the Development Contributions Plan (DCP) Overlay Clause, Schedule 1, maps, and a new incorporated document titled 'Ballarat West Development Contributions Plan, July 2014' at Clause 81.01. The amendment also proposes some consequential changes to Clause 21.07 and Schedule 2 to 37.07 to implement the DCP and	30 Oct 2014

	provide for the payment towards infrastructure provision within the Ballarat West Growth Area (BWGA)	
C128	Amends the Public Acquisition Overlay (PAO) and the schedules to Clauses 42.01-2 (Environmental Significance Overlay 2), 44.01 (Erosion Management Overlay), and 52.17 (Native Vegetation) to facilitate the acquisition of land and the duplication of the Western Highway between Ballarat and Burrumbeet	20 Oct 2011
C152	Updates the MSS to reflect the recommendations of Making Ballarat Central – The CBD Strategy 2011 in subclause 21.04-4 Retail/Commercial and include it as a reference document in Clause 21.10 (Reference Documents). Clause 21.01 is also updated to remove Ballarat Central Business Areas Strategy Plan November 1995.	31 May 2012
C138	Amends Clause 21.03 – Ballarat Strategic Framework, 21.04 – Land Uses, 21.09 <i>Further Strategic Work</i> , 21.10 – <i>Reference Documents</i> and 22.02 – <i>Industry to update</i> direction for future industrial land use and introduce the Ballarat Review of Future Industrial Areas 2009 as a reference document	26 Jul 2012
C158	Implements the Ballarat West Precinct Structure Plan by introducing Schedule 2 (Ballarat West Precinct Structure Plan) to the Urban Growth Zone (UGZ2), applying the UGZ2 to the Ballarat West Precinct and including the ‘Ballarat West Precinct Structure Plan 2012’ and ‘Ballarat West Native Vegetation Precinct Plan 2012’ as incorporated documents in the planning scheme, and other consequential changes	1 Nov 2012
C149	Rezones land adjacent to Dowling Forest Racecourse to Special Use Zone Schedule 13, amends Clause 21.09 and 21.10 and the schedule to the Farming Zone to implement the ‘Dowling Forrest Precinct Master Plan’ and the ‘Implementation of Dowling Forest Master Plan’	6 Dec 2012
C151	Amends clause 21.04 and 21.10 to implement the <i>Ballarat Activity Centres Strategy 2012</i>	26 Apr 2013
C161	Applies the Public Acquisition Overlay (PAO1) to 1187, 1189 and 1191 Ballarat-Buninyong Road, Mount Clear for the purpose of road construction and widening and amends the Schedule to Clause 61.03	26 Apr 2013
C141	The amendment implements the <i>Ballarat Open Space Strategy</i> Volume 1 and 2 2008 by amending Clause 21, 21.02, 21.04, 21.06, 21.09 and 21.10 AND AMENDS THE Schedule to Clause 52.01 to introduce contributions to open space	23 May 2013
C171	Inserts a new incorporated document titled ‘Ballarat Base Hospital New Facilities Project, April 2013’ in Schedule to Clause 52.03 and the Schedule to Clause 81.01 to allow the use and development	17 Oct 2013

	of specified new medical and health facilities and services on the hospital land at 1 Drummond Street North, Ballarat. Applies Design and Development Overlay mapping to properties within the vicinity of the proposed helipad to manage obstacle heights	
C148	(Amongst other things), introduces a new local policy a Clause 22.13 to implement the Ballarat Rural Land Use Strategy	7 Mar 2013
C177	Implements reformed residential zones	9 Oct 2014
C176	Updates Clause 21.06 to introduce the sign guidelines for Public Park and Recreation Zone areas from the <i>Ballarat Advertising Sign Guidelines, July 2013</i>	27 Nov 2014
C187	Amends the Schedule to Clause 43.01 of the Heritage Overlay to include HO196, specifying that the control will expire on 31 October 2015. It also amends Map No. 15HO to include HO196 over the property located at 436 Wendouree Parade, Ballarat.	19 Feb 2015
C164	The amendment affects land at 200, 200A, 200B Victoria Street, Ballarat East, rezoning the site to a mix of General Residential Zone, Commercial 1 Zone and Mixed Use Zone. The amendment applied the Environmental Audit Overlay and Development Plan Overlay Schedule 9 to the whole site and amends HO177. Related changes are also made to Clauses 21.03, 21.04, 21.10 and the Schedules to Clauses 61.03 and 81.01.	28 May 2015

6.5 Planning Scheme Amendments being prepared

A number of amendments are currently being prepared or are with the Minister for Planning for approval. These include:

Amendment Number	Description	Status
C173	Implements the findings of the Woodman's Hill Gateway Precinct Master Plan and to rezone a number of land parcels on the south side of the Western Highway from Mixed Use Zone to Rural Living Zone	Panel Report to Planning Authority: 02/12/2014
C179	Amends the Schedule to the Rural Living Zone to specify a 0.5ha minimum subdivision size and a 1.5ha minimum area for which no permit is required to use land for a dwelling at 18-24 Clarks Road, Warrenheip	Submitted to the Department for Approval: 19/06/2015
C185	Proposes to rezone land adjoining to the Sunraysia Highway and Western Highway in Miners Rest from Farming Zone to Special Use Zone; introduce and apply	Panel Hearing: 27/05/2015

	Schedule 15 to the Special Use Zone; and amend the Schedule to Clause 52.03 and 81.01 to introduce Incorporated Document titled Central Victorian Livestock Exchange, Ballarat 2014 to facilitate the new Ballarat Saleyards	
C186	Rezone land at 208 and 210 Lexton Street, Wendouree from General Residential Zone to Mixed Use Zone, combined with a planning application (PLP/2014/520) for the use and development of land for Motor Vehicles Sales	Panel Hearing: 08/05/2015
C189	Rezone the land at 30 King Street North and 3-5 Otway Street North, Ballarat East from Special Use Zone, Schedule 5 and General Residential Zone, Schedule 1 to Residential Growth Zone, Schedule 1 and to apply the Environmental Audit Overlay to the site. The amendment is combined with Planning Permit PLP/2014/573 for construction of a Age Care Facility, demolition of existing buildings and waiver of car parking	Panel Hearing: 24/06/2015
C191	The amendment proposes to rezone CA 2050 Ballarat East from Public Use Zone Schedule 5 to Mixed Use Zone and rezone adjoining road reserve from Commercial 1 Zone to Mixed Use Zone and remove HO176 from the road reserve. The amendment is also combined with Planning Permit PLP2014/829 which is for a six lot subdivision and staged development of four multi story residential apartments, 19 townhouses, four offices and retail units with 2 associated Residential Apartments, waiver of car parking and creation of easements	Exhibition: 26/03/2015

7. Analysis of response to key planning issues and State Planning Policy Framework

When reviewing a planning scheme it is important to determine how effectively the scheme implements the State policy. In this regard, an assessment has been undertaken as to how the planning scheme is effectively furthering State policy, or whether more strategic work needs to be done.

The SPPF outlines the matters it seeks to address within nine key areas. For the purposes of this review, and in a manner consistent with the State Government's Practice Note on the Planning Scheme Review, the Planning Scheme will be reviewed against the SPPF only on the key issues that have a major impact on the municipality.

As a general guide, much of the text provided in Clauses 21 and 22 (responding to the SPPF content) of the Ballarat Planning Scheme can be considered redundant, duplicate of State Policy, and outdated and no longer supported by the Strategic direction of the Ballarat Strategy and regional growth plans. As such, it is recommended Clauses 21 and 22 are both completely re-written to provide a contemporary and useful guide to decision-making.

The following section provides an assessment of the City of Ballarat Planning Scheme MSS against the key areas of the SPPF.

7.1 Settlement (Clause 11)

This clause provides guidance on how Council needs to respond to the needs of the existing and future communities for housing, employment, recreation and open space, commercial and community facilities and infrastructure. It also recognises that planning needs to prevent environmental problems created by siting incompatible land uses close together and to facilitate sustainable development that takes full advantage of existing settlement pattern and investment in transport and communication, water and sewage and social facilities.

7.1.2 Activity Centre Network (Clause 11.01-1) and 7.1.3 Activity Centre Planning (Clause 11.01-2)

The SPPF requires Council to build up activity centres as a focus for high quality development, activity and living for the whole community by developing a network of activity centres.

Council implemented the Ballarat Activity Centres Strategy (BACS) via Amendment C151 in 2013. This strategy was established to develop a framework for development of commercial areas which moves away from a purely retail based system to support the establishment of mixed used activity centres. The strategy provides long-term guidance for the development and support of retail-based local shopping centres. The BACS will continue to be implemented into the Ballarat Planning Scheme to maximise economic vibrancy and sustainability.

7.1.4 Supply of Urban Land (Clause 11.02-1)

Council has undertaken significant strategic work in terms of ensuring Ballarat has sufficient supply of land available for residential, commercial, retail, industrial, recreational, institutional and other community uses. Since the last planning scheme review in 2009, the following strategies have been undertaken in relation to this:

Ballarat West Growth Area Plan 2009

The Ballarat West Growth Area will cater for primarily residential growth and provide services and infrastructure for the community. The Growth Area will provide for around 18,000 new dwellings to accommodate a population over 40,000 people. The Growth Area Plan was adopted in 2009, with development already commencing in the area. Development will continue to occur until full capacity, which is anticipated in 2030.

Ballarat Review of Future Industrial Areas 2009

This plan identifies a ten-year supply of zoned, developable and readily serviced industrial land will be kept available for industrial growth in specified location (identified with the report).

The Ballarat West Employment Zone Master Plan 2012

The Ballarat West Employment Zone will provide for the development of manufacturing, construction, transport and logistics, wholesale trade and enabling industries on the BWEZ site. The existing and proposed work in relation to supply of land in Ballarat is consistent with the SPPF.

Further work is required to ensure that the planning scheme has an overall growth management strategy for the municipality. There is currently sufficient land supply for at least 20-30 years of forecast growth. If the proportion of infill housing increases from trend, then there is even more land supply already available. Assuming current trends continue, given that at least 15 years of greenfield land supply is required at any time to ensure proper functioning of the property market, there is a need to investigate and identify the long-term growth opportunities for greenfield growth, after Ballarat West. The development of the Ballarat Greenfield Investigation Areas is an assessment to establish where development can proceed beyond the Ballarat West Growth Area. The project is currently in progress and needs to continue and be implemented into the planning scheme.

7.1.5 Planning for growth areas (Clause 11.02-1)

In implementing the SPPF Council has prepared and is implementing a number of planning strategies that directly deal with urban growth in the municipality, as discussed above. The Ballarat Planning Scheme in particular encourages new urban growth to be directed in to the Ballarat West Growth Area, prioritising the completion of the growth area over any other area within the municipality.

There are also some areas within the municipality where the future use of land is expected to change, but their potential for development and final form is unknown. These “Strategic Investigation Areas”, identified in the Ballarat Strategy, require investigation and formal recognition

in the Ballarat Planning Scheme. Further work should include investigating the long-term potential for these sites, potentially for housing. These sites are as follows:

- Ballarat Mine Plantation Land (north)
- Ballarat Mine Plantation Land (south)
- Canadian Valley plantation land in Ballarat East
- Greenhill Road Precinct between Mount Clear and Mount Helen

A new concept for Ballarat, also identified in the Ballarat Strategy, is convenient living corridors, which are areas of housing close to existing public transport and services. Infill growth is currently significant in Ballarat, with approximately 40% of housing currently being developed in infill locations in (and 60% in greenfield areas). The Ballarat Strategy identifies the importance of implementing planning mechanisms to enable the housing market to trend towards 50% infill / 50% greenfield for new housing for Ballarat between 2020 and 2040. To highlight the strategic support for infill development and development in convenient living corridors, the LPPF of the Ballarat Planning Scheme should be revised to include this strategic intent.

The Ballarat Strategy identifies various initiatives to assist urban growth in Ballarat. Specific guidance is provided on:

- Urban renewal precincts
- Areas of convenience living
- Strategic investigation areas
- Priorities completion of the Ballarat West Growth Areas
- Longer-term areas for greenfield, after Ballarat West Growth Area
- Township and dispersed settlement
- Ongoing change areas

7.1.6 Structure Planning

Various structure plans have been prepared since the last planning scheme review in 2009. These structure plans are related to our urban growth area in Ballarat West, and they include:

- Alfredton West Precinct Structure Plan (2011)
- Ballarat West Precinct Structure Plan (2012)

Both structure plans are embedded in the Ballarat Planning Scheme and will continue to be implemented.

Future structure planning will play a major role in the establishment of development in Ballarat, as all new greenfield areas will require a precinct structure plan to be developed. In addition, the Ballarat Strategy identifies that future structure planning for convenience living corridors (as discussed above) will be undertaken to determine the best mechanisms to affect real change in these targeted area. Once completed, the structure plans will be embedded in the planning scheme.

7.1.7 Sequencing of development

Sequencing of development in urban growth areas has been addressed in the relevant precinct structure plans.

7.1.8 Open Space Planning and 7.1.8 Open Space Management

The Ballarat Open Space Strategy (BOSS) outlines how Ballarat is generally well serviced with open space. However, there are significant opportunities to better service connect and manage the open space network. Over the short-medium term the principles of the Ballarat Open Space Strategy (BOSS) will continue to be applied. However, as more people move to the municipality, and urban areas become increasingly dense, the value (both culturally and in monetary terms) of open space will require a change in approach. Open space contributions will become less of a burden and more of an asset to developments, and so the expectations around these arrangements will require review. A changing distribution of people will require ongoing review that residents remain within the 10 minute walk to open space, and open space contributions respond accordingly.

The BOSS outlines the need to prepare landscape plans for local and neighbourhood parks, and master plans for those at the district and regional level. This work will be increasingly required moving forward, and will be an important next step in open space planning in Ballarat. It is important to recognise the community often expect short-term funding allocations be made available at the time of adoption of open space plans, to kick-start long-term improvements in those areas.

The Ballarat Strategy identifies that in 2040, all residents in urban areas will be within a 10 minute walk of open space areas which are highly valued, well used and integral parts of the urban fabric, and this will be embedded in the LPPF.

7.1.9 Regional Settlement Networks

The SPPF objective for the regional settlement network is to promote growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework Plan. At a more local level, individual township areas in Ballarat require local area planning to articulate their aspirations and visions within the planning scheme.

7.1.10 Central Highlands Regional Growth Plan

The Central Highlands Regional Growth Plan (the Growth Plan) provides a regional approach to land use planning in the Central Highlands, covering the municipalities of Ballarat, Ararat, Golden Plains, Hepburn, Moorabool and Pyrenees. It identifies opportunities to encourage and accommodate growth and manage change over the next 30 years. The plan seeks to provide a *productive, sustainable and liveable region for its people*. The Growth Plan was developed in 2014, and has provided broad direction for the Ballarat Strategy- ensuring that Ballarat's long term plan considers the regional broader direction.

Summary of actions and recommendations - Settlement

Recommendation	Progress
Re-write the relevant sections of the MSS to remove redundant controls, re-phrase content and reflect the new strategic thinking in the Ballarat Strategy	To be implemented in the LPPF
Continue to implement Ballarat West Growth Area Structure Plan	Continue to implement
Undertake local area planning for township areas, to determine their long-term aspirations, opportunities and challenges related to housing growth and change	Future strategic work
Undertake feasibility assessment on potential greenfield growth options for Ballarat, following Ballarat West	Current strategic work- continue to undertake the assessment
Recognise 'strategic investigation areas' in the Local Planning Policy Framework	To be implemented in the LPPF
Undertake local structure planning for convenience living corridors, to determine the best mechanisms to affect real change in these targeted areas	Future strategic work
Embed the 'Housing Overview' content from the Ballarat Strategy into the revised LPPF, to highlight strategic support for infill opportunities	To be implemented in the LPPF

7.2 Environmental and Landscape Values (clause 12)

The SPFF identifies that planning should help protect the health of ecological systems and the biodiversity they support and conserve area with identified environmental and landscape values. The SPPF also identifies that planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the

Conservation of Australia’s Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.

Planning should also protect sites and features of nature conservation, biodiversity, geological or landscape value.

7.2.1 Protection of Biodiversity

The current range of biodiversity values across the municipality are extremely important to the community, yet is relatively poorly understood. Current planning instruments seek to maintain biodiversity, however, they are reactive controls, which do not generally lead to an improvement in the sustainable conservation of biodiversity within the municipality, only restrictions on the pace of its loss. Council supports a range of local, State and Federal environmental initiatives, however in the absence of a comprehensive inventory of biodiversity assets, it is difficult to assess long-term implications.

Since the last planning scheme review Council has undertaken native vegetation mapping and has reviewed the Vegetation Protection Overlay according to the mapping. A new overlay was also established (Environmental Significance Overlay Schedule 5), to protect the koala and its habitat to reduce future impacts inflicted on the koala.

Council also prepared the Ballarat Environmental Sustainability Strategy (2012), which made recommendations of future work to be undertaken, including a Biodiversity Strategy to assess and manage and potential enhance Ballarat biodiversity. The Ballarat Strategy has also identified that a Biodiversity Strategy needs to be undertaken in the short-medium term, or at first to undertake an inventory of Ballarat’s biodiversity assets, which will identify the presence and quality of key biodiversity assets such as remnant vegetation wetlands and riparian areas.

12.01-2 Native Vegetation Management

Council recently undertook an Environmental Audit Overlay Assessment that makes substantial recommendations on our current environmental controls in the Ballarat Planning Scheme. It is recommended that the assessment be implemented into the Ballarat Scheme.

Summary of actions and recommendations – Environmental and landscape values

Recommendation	Progress
Re-write the relevant sections of the MSS to remove redundant controls, re-phrase content and reflect the new strategic thinking in the Ballarat Strategy	To be implemented in the LPPF
Undertake an inventory of biodiversity assets in Ballarat	Future strategic work
Implement changes to our Environmental Overlays according to the Environmental Audit Overlay Assessment	Future planning scheme implementation

7.3 Environmental Risks (Clause 13)

The SPPF identifies that planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social wellbeing of society.

7.3.1 Floodplain management

To better understand the issues of flooding, and better manage development in flood prone areas, flood investigations are underway in key catchment areas. The implementation of the findings of those flood studies will better inform the community of flooding issues, and enable better management of development in flood prone areas.

It is recommended that these flood studies are completed for the Canadian Creek and Burrumbeet Creek catchment areas and implemented into the Ballarat Planning Scheme. Mapping and modelling the extent of urban flood risks should continue to be identified.

7.3.2 Soil degradation

Mining, agriculture and historical clearing of native vegetation has had a significant impact on the condition of land throughout the municipality. Land degradation in the City of Ballarat is being tackled by a range of stakeholders including private landholders (often through Landcare groups), State Government Agencies, Catchment Management Authorities and various community groups.

The City of Ballarat's role in addressing land degradation on private land is primarily through minimising further damage. This is achieved through a combination of zones and overlays in the Ballarat Planning Scheme, which provide protection and requirements on management.

Relevant controls include the application of:

- Rural Conservation Zone
- Erosion Management Overlay Implementation
- Salinity Management Overlay
- Environmental Significance Overlay
- Land Subject to Inundation Overlay
- Flooding Overlay
- Environmental Audit Overlay

This role of minimising further degradation is important, but it does not improve the overall quality of the land over the long- term. The City of Ballarat will therefore continue to partner with, and in other ways support, a range of land managers in their efforts to undertake land rehabilitation works. Towards 2040, issues of land management will continue to be major issues in the municipality. Given

most affected land is privately owned, a partnership approach is required to affect real and meaningful change.

7.3.3 Noise and Air (Clause 13.04)

Ballarat air quality is excellent, but as the city grows there will be an increase in car emissions, which may become an issue. Sustainable transport, clean energy and green industries are things we should work toward. Noise pollution will also be a growing issue as result of the same issues with air pollution. This can be identified in our Planning Scheme as recognising the decision-making importance of noise and air emissions on quality of life and amenity of residents and visitors.

7.3.4 Bushfire (Clause 13.05)

Ballarat is partially made up of bushfire prone areas. These areas are managed accordingly by a Bushfire Management Overlay. The risk of Bushfire is constantly reviewed in areas that are proposed to be developed, and this should be continually practiced into the future.

Summary of actions and recommendations – Environmental risks

Recommendation	Progress
Re-write the relevant sections of the MSS to remove redundant controls, re-phrase content and reflect the new strategic thinking in the Ballarat Strategy	To be implemented in the LPPF
Complete the Canadian Creek and Burrumbeet Creek flood studies and implement relevant planning controls into the Ballarat Planning Scheme	Currently in progress
Recognising the decision-making importance of noise and air emissions on quality of life and amenity of residents and visitors	Further strategic work to be undertaken

7.4 Natural Resource Management (Clause 14)

The SPPF states that planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

The rural areas are integral to Ballarat’s rural identity and highly valued for their contributions to the economy, culture, liveability and amenity.

There is a fundamental need for ongoing support for policy that enables farming enterprises to continue to operate with limited restriction from sensitive neighbouring land uses, and the ability to acquire additional land to expand the farm business. The Ballarat Rural Land Use Strategy (2010) provides this policy guidance. It was developed over a number of years, with significant stakeholder and industry engagement, and included a thorough review of areas suitable for rural living, core farming, and areas where more diverse rural activity can occur. Some individual landowners may not agree with some of its restrictions, but Council adopted it as it provides important protection of agricultural land, natural features and significant landscapes.

Farming Zone (FZ) has been applied to most of the rural areas of the City and the main purpose of the FZ is to support farming activity. While within this planning framework there is the potential to subdivide land and to erect dwellings; the purpose of the zone states dwellings should not adversely affect the use of the land for agriculture. In most cases the use of land for a dwelling will require a permit and it should have a clear relationship to the use of that land for farming activity.

Council acknowledges subdivision and dwellings in farming areas can potentially restrict the ability to use that land for farming activities and can impact on the ability of neighbouring farms to carry out agricultural production activities. Council has therefore adopted a clear position to manage subdivision and dwellings in the Farming Zone to support ongoing and long term farming in its rural areas.

Summary of actions and recommendations – Natural resource management

Recommendation	Progress
Re-write the relevant sections of the MSS to remove redundant controls, re-phrase content and reflect the new strategic thinking in the Ballarat Strategy	To be implemented in the LPPF
Continue to apply the Ballarat Rural Land Use Strategy (2010) to the management of agricultural land	Currently in progress

7.5 Built Environment and Heritage (Clause 15)

Objectives and strategies in relation to Built environment and heritage are contained in Clause 15 of the SPPF. The clause relates to a range of issues that are discussed below:

In terms of urban design, Council has prepared a significant amount of guidance on preferred built form and urban design outcomes within our urban environment. The Ballarat Landscape Character Guidelines (2000) currently guide the design principles for new housing areas. To ensure their ongoing relevance, they will soon be incorporated into the Landscape Design Manual that has been developed by the Council as a guide to specifying, installing and maintaining public landscapes. As an

ongoing priority, Council will continue to improve the promotion and compliance with landscape character area requirements in all new developments.

As an ongoing action, the Ballarat Strategy identifies that integrated local area planning will be undertaken through consideration of local values, in accordance with the Historic Urban Landscape (HUL) approach. It is recommended Local Area Plans be embedded into the LPPF, prepared in alignment with the HUL approach. Opportunities to further embed the HUL approach across the planning scheme more broadly are under investigation, and further Amendments may be required to improve management of our historic urban landscape at a future time.

Summary of actions and recommendations – Built environment and heritage

Recommendation	Progress
Re-write the relevant sections of the MSS to remove redundant controls, re-phrase content and reflect the new strategic thinking in the Ballarat Strategy	To be implemented in the LPPF
Incorporated the Ballarat Landscape Character Guidelines into the Landscape Design Manual	Future strategic work
Embed the Historic Urban Landscape approach into the MSS, to guide local area planning.	To be implemented in the LPPF
Investigate opportunities to further embed the HUL approach across the planning scheme – to assist with values based decision-making.	Further strategic work

7.6 Housing (Clause 16)

The SPPF provides direction in relation to housing at Clause 16. There are a number of relevant issues in relation to the City of Ballarat, which are discussed below.

The key objective of this in the MSS is to ‘promote a housing market that meets community needs’. This means ensuring that there is enough housing, that it is located in the right locations, and that housing growth can provide for a range of different needs.

Councils Ballarat Strategy outlines that the location, type, form and quality of housing built between now and 2040 will have a significant impact on the Ballarat of the future. As our lives inevitably change, and Ballarat inevitably continues to grow, the shape of the growth could lead to improved infrastructure, better services, and more liveable and vibrant centres in a more sustainable urban form.

The types of houses we live in and their location are fundamentally important to all residents of Ballarat. Proper strategic planning can help reduce the time taken to access jobs or education, whether we can walk to work, shops, parks and use public transport, and influences the type of

lifestyle we enjoy. Housing also helps to build sustainable communities where people do not need to rely as heavily on the car to get around. It also provides the basis for an active, healthy lifestyle. The following are the key policy directions proposed for housing in Ballarat, supporting a much larger but also more diverse community with housing choices for the future.

A number of initiatives are presented in the Ballarat Strategy that address issues with housing. In particular:

- Convenience living areas
- Urban renewal precincts
- Strategic investigation areas
- Greenfield opportunities
- Township and dispersed settlements and
- Ongoing change areas

The initiatives are described in detail within the strategy, and the overall outcome is to embed these into the Ballarat Planning Scheme.

Summary of actions and recommendations – Housing

Recommendation	Progress
Re-write the relevant sections of the MSS to remove redundant controls, re-phrase content and reflect the new strategic thinking in the Ballarat Strategy	To be implemented in the LPPF
Implement the initiative for housing as outlined in the Ballarat Strategy including initiatives such as convenience living areas, urban renewal precincts, strategic investigation areas, greenfield opportunities, township and dispersed settlements and ongoing change areas.	To be implemented in the LPPF

7 Economic Development (Clause 17)

Land use planning and decision-making can have a big influence over economic growth. A well planned Ballarat will be less expensive to maintain, more vibrant and therefore attractive to businesses and visitors and have higher land values in higher amenity spaces. Higher land values can encourage renewal and adaptive reuse of sites in important areas.

Clarity around Ballarat’s long-term policy direction for growth and change towards 2040 will provide a level of certainty for new investors, existing businesses, regional communities and local residents as to what types of development they might expect in their area. It will similarly identify

opportunities, new markets and new precincts that are identified and supported for change and renewal.

Given the forecast future structure of the economy, it is considered Ballarat will be best served by encouraging development in the CBD and building upon the competitive advantages of existing precincts.

Ballarat Strategy proposes to formally recognise a structure for the city which designates the major industrial, business, commercial and tourist precincts as Regionally Significant Precincts (RSPs). This recognition will help prioritise decision-making to supports jobs growth and business efficiency in these key precincts. The new structure will also recognise priority areas for shared infrastructure support, as is currently planned for Ballarat West.

Following the adoption of the Regionally Significant Precincts framework (as part of Ballarat Strategy), Council will collaborate with key business; industry, government and community partners to undertake integrated local planning for each precinct. Local area plans will have the express purpose of facilitating the growth and development of key job and economic generators in these locations. It will consider precinct boundaries and interface issues, local infrastructure needs, appropriate land use controls, key opportunities and constraints, and develop a community vision for how development should be pursued.

Summary of actions and recommendations – Economic development

Recommendation	Progress
Re-write the relevant sections of the MSS to remove redundant controls, re-phrase content and reflect the new strategic thinking in the Ballarat Strategy and Ballarat Economic Strategy (2015-2019)	To be implemented in the LPPF
Incorporate the new Regionally Significant Precinct structure into the Ballarat Planning Scheme	Further strategic work to be undertaken
Develop local area plans to facilitate jobs growth in each Regionally Significant Precinct	Further strategic work to be undertaken

7.8 Transport (Clause 18)

The SPPF provides direction in relation to housing at Clause 16. There are a number of relevant issues in relation to the City of Ballarat, which are discussed below:

Ballarat is expected to experience moderate congestion in comparative terms associated with population growth. By Ballarat’s standards, however, traffic situations will be much worse if current trends continue. A Sustainable Transport Strategy is currently being developed, to better integrate the full range of transport policy that applies in Ballarat. It considers all forms of public and community transport including walking, cycling, vehicle traffic, freight vehicles and the street network. The strategy will help Ballarat become a more sustainable transport system by 2040.

Summary of actions and recommendations – Transport

Recommendation	Progress
Re-write the relevant sections of the MSS to remove redundant controls, re-phrase content and reflect the new strategic thinking in the Ballarat Strategy	To be implemented in the LPPF
Develop a sustainable transport strategy for Ballarat to help guide the long-term transition to a more sustainable transport system	Future strategic work

7.9 Infrastructure (Clause 19)

Improved social, economic, environmental and urban design outcomes are achieved through the provision of infrastructure early in the development of a new community. The delivery of key infrastructure in a timely and efficient manner is fundamental to sustainable outcomes in urban growth areas such as Ballarat West.

The Ballarat West Development Contributions Plan (DCP) has been developed to support the funding of infrastructure in the Ballarat West Precinct Structure Plan (PSP) area. It was embedded into the Ballarat Planning Scheme in 2014.

Summary of actions and recommendations – Infrastructure

Recommendation	Progress
Re-write the relevant sections of the MSS to remove redundant controls, re-phrase content and reflect the new strategic thinking in the Ballarat Strategy	To be implemented in the LPPF
Continue to implement the Ballarat Precinct Structure Plan to facilitate infrastructure in the Ballarat West Growth Area	Currently in progress.
Continue to implement the Ballarat West Development Contribution Plan	Currently in progress.

8. Review of the Local Planning Policy Framework

A Local Planning Policy (LPP) has a defined role in planning schemes. An LPP guides decision-making in relation to a specific discretion in a zone or overlay. It helps the responsible authority and other users of the scheme to understand how a particular discretion is likely to be exercised. With the MSS, it forms the Local Planning Policy Framework (LPPF) in the planning scheme.

The 2009 review of the Planning Scheme provided an assessment of each of the individual LPPs. The review identified that many of the existing policies (indeed most of the Local Policies) in the scheme could be deleted and redistributed back to the MSS.

Subsequent to the 2009 review, the (then) DPCD released updated Practice Notes for the preparation of Municipal Strategic Statement and Local Planning Policies (September 2010). The Practice Note for Writing Municipal Strategic Statements introduced the 'new' approach to preparing Municipal Strategic Statements, which encourages Councils to include policy guidelines in the MSS. This is the approach that is encouraged under the current Practice Note for Writing a Municipal Strategic Statement.

The DTPLI Practice Note for Writing a Local Planning Policy (DTPLI 2010) sets out a series of principles to assist in determining whether a LPP is justified and appropriate. These principles are include:

- An LPP should not repeat or contradict the SPPF, the MSS, other LPPs, controls in a zone, or controls in an overlay
- An LPP should not contain broad strategic objectives and strategies
- Use zones and overlays to achieve policy objectives where possible
- An LPP should be derived from an objective of strategy in the MSS
- An LPP should relate to a specific permit discretion
- An LPP should be self-contained
- An LPP should not contain mandatory requirements
- An LPP should be clear.

8.1 Review of Clause 22

There are currently 14 Local Planning Policies within Clause 22 of the current (mid 2015) Ballarat Planning Scheme. Each is listed and a brief commentary on each is provided below. As for Clause 21, many require whole-sale review and re-writing to provide contemporary and useful guidance, in accordance with current practice notes.

Clause	Description	Recommendation
Clause 22.01 – Non-Residential Uses in Residential Areas	This is a policy that provides a greater level of precision than the Residential zones.	Retain content.
Clause 22.02 – Industry	This policy applies to the use, development and subdivision in industrial areas and could be better reflected by a DDO. It is understood that Amendment C88 addresses this issue.	Retain content which provides useful guidance. Content could be relocated to Clause 21 where appropriate.
Clause 22.03 – Mt Helen Technology Park	This policy is covered by the DPO8.	This policy can be deleted as it is reflected in the DPO8.
Clause 22.04 – Koala and Koala Habitat Protection	This policy aligns with the ESO5.	It can be deleted as it is reflected in the Overlay
Clause 22.05 – Heritage Conservation	This is an important issue for Council and the community, although the policy does little more than direct the user to an incorporated document. This is the role of the MSS and not a Local Policy.	This policy can be merged and included in the MSS.
Clause 22.06 – Waller Estate Heritage Precinct	This is a new policy arising from Amendment C58 dealing with specific areas and provides a greater level of precision than does the zone or overlay.	This policy content be retained, but located within a newly created heritage incorporated document. This approach (undertaken in Ararat Planning Scheme) would provide much greater usability to the heritage controls.
Clause 22.07 – St Aidan’s Heritage Precinct	This is a new policy arising from Amendment C106 dealing with specific areas and provides a greater level of precision than does the zone or overlay.	This policy content be retained, but located within a newly created heritage incorporated document. This approach (undertaken in Ararat Planning Scheme) would provide much greater usability to the heritage controls.

Clause 22.08 – Colpin Avenue Heritage Precinct	This is a new policy arising from Amendment C106 dealing with specific areas and provides a greater level of precision than does the zone or overlay.	This policy content be retained, but located within a newly created heritage incorporated document. This approach (undertaken in Ararat Planning Scheme) would provide much greater usability to the heritage controls.
Clause 22.09 – Dowling Street Heritage Precinct	This is a new policy arising from Amendment C106 dealing with specific areas and provides a greater level of precision than does the zone or overlay.	This policy content be retained, but located within a newly created heritage incorporated document. This approach (undertaken in Ararat Planning Scheme) would provide much greater usability to the heritage controls.
Clause 22.10 - Old Showgrounds Heritage Precinct	This is a new policy arising from Amendment C106 dealing with specific areas and provides a greater level of precision than does the zone or overlay.	This policy content be retained, but located within a newly created heritage incorporated document. This approach (undertaken in Ararat Planning Scheme) would provide much greater usability to the heritage controls.
Clause 22.11 – Creswick Road/Macarthur Street Heritage Precinct	This is a new policy arising from Amendment C106 dealing with specific areas and provides a greater level of precision than does the zone or overlay.	This policy content be retained, but located within a newly created heritage incorporated document. This approach (undertaken in Ararat Planning Scheme) would provide much greater usability to the heritage controls.
Clause 22.12 – Barkly Street/Humffray Street South Heritage Precinct	This is a new policy arising from Amendment C106 dealing with specific areas and provides a greater level of precision than does the zone or overlay.	This policy content be retained, but located within a newly created heritage incorporated document. This approach (undertaken in Ararat Planning Scheme) would provide much greater usability to the heritage controls.
Clause 22.13 – Rural Dwelling and Subdivision	This is a new policy arising from C148 applying to all land in the Farming Zone and provides a greater level of precision than does the zone or overlay.	Retain content.
Clause 22.14 – Gaming	This is a new policy arising from Amendment C154 applying to all applications which require a permit to install or use a gaming machine, or use of land for the purpose of gaming in	This policy can be retained.

the City of Ballarat and provides a greater level of precision than does the zone or overlay.

Overall, in relation to Clause 22, the content of most policies needs to be retained, but the location of that content within the scheme needs to be significantly improved. The existence of a large number of separate heritage policies makes it difficult to navigate to relevant content. In accordance with the 'Review of Planning Schemes – General Practice Notes, 2006', the changes suggested will improve the operational and process of the planning scheme.

Where the current MSS includes excessively detailed decision-guidelines, such as for signage applications in the Public Park and Recreation Zone (PPRZ), the creation of new local policies should be considered under Clause 22 to properly administer the content in alignment with practice notes.

8.2 Review of the zones and schedules

There are a total of 20 zones in the Ballarat Planning Scheme. All of these zones have attached schedules which vary in complexity from the standard 'default' schedules in the Neighbourhood Residential Zone to modified schedules in the Rural Conservation Zone and schedule to the Public Park and Recreation Zone, for example. There are fourteen tailored schedules for the Special Use Zone which address flora and fauna, emergency services, Sovereign Hill Museum Association, Ballarat Showgrounds, Private education, Ballarat Airfield, Racecourse, Miming and related activities, Eureka Precinct, Recreation, Ballarat Golf Course, St John of God Hospital and more recently Thoroughbred Horse Training Facilities and Ballarat West Employment Zone.

Detailed review by Statutory Planning officers have identified a number of deficiencies with regard to zones, overlays and schedules which impact on decision-making and require correction or amendment. It is therefore recommended to undertake an Amendment to the Ballarat Planning Scheme to update all Zones, Overlays and Schedules which do not adhere to current best practice, practice notes, which fail to provide appropriate guidance for decision-making and where there is an opportunity to streamline planning assessment processes.

A review of relevant zone, overlay and schedule controls have identified:

Residential Zones

The new Residential Zones came into effect in 2014. They were applied across Ballarat in a policy neutral implementation, guided by the Reformed Zones Residential Advisory Committee (RZSAC). At that time, implementation of the reformed zones was limited to only areas fully supported by existing strategic policy. The Ballarat Strategy identifies the strategic direction for increasing infill development in defined corridors and encouragement of urban renewal opportunities. Additional

implementation of the reformed residential zones will be highly likely required as part of this strategic housing direction. Future work will be needed to identify exact boundaries and zoning recommendations, and changes to the location of residential zones may then be required.

Commercial Zones

Specific issues have not been identified for the Commercial Zones as part of this review.

Industrial Zones

Some industrially zoned land was identified in the *Review of Industrial Areas* (2009) as being significantly constrained by surrounding sensitive uses, and that transition of these uses to non-industrial uses should be supported. Ballarat Strategy reinforces this support for landowners to engage with Council on transitioning areas compromised for industry to less intensive uses. These opportunities remain valid, although no specific Council led changes have not been identified for the Industrial Zones as part of this review.

Rural Zones

The controls which apply to rural land was fully reviewed as part of the *Ballarat Rural Land Use Strategy* (2010). Specific issues have not been identified for the Rural Zones as part of this review.

Public Use Zones

Specific issues have not been identified for the Commercial Zones as part of this review.

Special Purpose Zones

Control	Description	Recommendation
<i>UGZ - Schedule 1</i>	Incorrect references and text errors – eg outdated references to Business Zones 1 and 2, lack of purpose specified for 5. Advertising signage	Revise text to align with current zones, and correct content deficiencies
<i>UGZ – Schedule 2</i>	Incorrect references and text errors – eg outdated references to Business Zones 1 and 2, lack of purpose specified for 5. Advertising signage	Revise text to align with current zones, and correct content deficiencies
<i>Special Use Zone Schedules (SUZ) - general</i>	Decision-guidelines frequently absent, poorly phrased or not in accordance with relevant practice notes.	Revise decision-guidelines for schedules to the SUZ to improve decision-making and clarity of the controls
<i>SUZ – Schedule 3</i>	Incorrect references, text errors and content deficiencies – eg need for inclusion of text under Use of Land, restructure of application	Correct content deficiencies

	requirements and decision guidelines, inclusion of permit requirement to subdivide land, deletion of Exemption and inclusion of Exemption from Notice and Review, inclusion of permit requirements under Buildings and Works	
<i>SUZ – Schedule 4</i>	Incorrect references, text errors and content deficiencies in structure and phrasing under ‘Use of Land’; ‘Application Requirements’ and ‘Subdivision’	Correct content deficiencies and restructure content to improve readability
<i>SUZ – Schedule 5</i>	Incorrect references, text errors and content deficiencies e.g need for clarity of Use of Land, inclusion of permit requirement to subdivide land, restructure of Exemption from Notice or Review, inclusion of Application Requirements inclusion of Decision Guidelines	Correct content deficiencies and restructure content to improve decision-making

Generally the Zones in the planning scheme are sufficient and are performing well. However, it is recommended an Amendment be prepared to the Ballarat Planning Scheme to refine the content of some Special Purpose Zones where the content does not meet an appropriate standard. The issues identified above are indicative only, and it should be noted that detailed review and re-drafting of the text may identify additional issues to be resolved.

8.3 Review of Overlays and Schedules

There are a total of sixteen Overlays in the Ballarat Planning Scheme. All of these Overlays (excluding the Road Closure Overlay and Environmental Audit Overlay) have at least one attached schedule which varies in complexity. A brief overview of the Overlays and Schedules is provided below:

Environmental Significance Overlay

This Overlay includes five Schedules:

- Schedule 1 – Invermay Land Protection Area
- Schedule 2 – Streamside and Watercourse Protection
- Schedule 3 – Water Catchment Areas
- Schedule 4 – Wastewater Treatment Plan Buffer Areas
- Schedule 5 – Koala and Koala Habitat Protection

Noted issues:

Control	Description	Recommendation
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<i>ESO - Schedule 1</i>	Deficiencies in current drafting, particularly related to 3.0 Permit Requirements, and 4.0 Application Requirements	Revise content to provide appropriate clarity and guidance for decision-making
<i>ESO – Schedule 2</i>	Deficiencies in current drafting, particularly related to Permit Requirements for removal, destruction or lopping of vegetation	Revise content to provide appropriate clarity and guidance for decision-making
<i>ESO – Schedule 3</i>	Current mapping extend needs to be revised to align with special water supply catchments	Revise mapped extent

Vegetation Protection Overlay

This Overlay includes three Schedules:

- Schedule 1 – Native Vegetation Protection Areas
- Schedule 2 – Urban Character Vegetation
- Schedule 3 – Ballarat Golf Club Redevelopment

Noted issues:

Control	Description	Recommendation
<i>VPO - Schedule 2</i>	Deficiencies in current drafting, particularly related to Permit Requirements	Revise content to provide appropriate clarity and guidance for decision-making

Heritage Overlay

This Overlay contains one Schedule:

- Schedule to the Heritage Overlay

There are no identified issues with the content of the Heritage Overlay Schedule. However, if issues are subsequently identified, they may form part of a Planning Scheme Amendment.

Design and Development Overlay

This Overlay contains 20 Schedules:

- Schedule 1 – Bridge Mall
- Schedule 2 - Western Highway – Leigh Creek to Woodman’s Hill
- Schedule 3 – Urban Character Area 1
- Schedule 4 – Urban Character Area 4
- Schedule 5 – Urban Character Area 5 (Part)
- Schedule 6 – Urban Character Area 9
- Schedule 7 – Urban Character Area 11
- Schedule 8 – Urban Character Area 14
- Schedule 9 – Urban Character Area 16

- Schedule 10 – Urban Character Area 17 (East of Pleasant Street)
- Schedule 11 – Urban Character Area 17 (West of Pleasant Street)
- Schedule 12 – Urban Character Area 18
- Schedule 13 – Urban Character Area 20
- Schedule 14 – Urban Character Area 22
- Schedule 15 – Urban Character Area 23
- Schedule 16 – Former Broodeseinde Barracks, Russel Street, Newington
- Schedule 17 – Ballarat Airfield – Building Height Above 5 Metres
- Schedule 18 – Ballarat Airfield – Building Height Above 15 Metres
- Schedule 19 – Ballarat Base Hospital Helicopter Flight Paths Protection Area (Inner Area)
- Schedule 20 - Ballarat Base Hospital Helicopter Flight Paths Protection Area (Outer Area)

Noted issues:

Control	Description	Recommendation
<i>DDO - Schedule 2</i>	Deficiencies in current drafting, particularly related to Buildings and Works	Revise content to provide appropriate clarity and guidance for decision-making

Development Plan Overlay

This Overlay contains 10 Schedules:

- Schedule 1 – Former Redemptorist Monastery Site
- Schedule 2 - Learmonth Road, Wendouree
- Schedule 3 – Vacant Residential Land
- Schedule 4 – Undeveloped Industrial Land
- Schedule 5 – Ballarat Golf Club Redevelopment
- Schedule 6 – Cardigan Village Development Plan
- Schedule 7 – Cuthberts Road, Alfredton
- Schedule 8 – University of Ballarat Technology Park Expansion
- Schedule 9 – Former Ballarat Orphanage – 200, 200A, 200B Victoria Street, Ballarat East
- Schedule 10 – Ballarat West Employment Zone

There are currently no identified issues with the Schedules to the Development Plan Overlay. If issues are subsequently identified, they may form part of a Planning Scheme Amendment.

Erosion Management Overlay

This Overlay contains 1 Schedule:

There are no identified issues with the content of the Erosion Management Overlay Schedule. If issues are subsequently identified, they may form part of a Planning Scheme Amendment.

Salinity Management Overlay

This Overlay contains 1 Schedule:

Noted issues:

Control	Description	Recommendation
<i>SMO - Schedule</i>	Deficiencies in current drafting, particularly related to Permit Requirements, Application Requirement, Decision Guidelines	Revise content to provide appropriate clarity and guidance for decision-making

Floodway Overlay and Land Subject to Inundation Overlay

Each Overlay contains 1 Schedule:

Noted issues:

Control	Description	Recommendation
<i>LSIOI - Schedule</i>	Need to incorporate Permit Requirement, Application Requirements, Decision Guidelines	Revise content to provide appropriate clarity and guidance for decision-making
<i>FO - Schedule</i>	Need to incorporate Permit Requirement, Application Requirements, Decision Guidelines	Revise content to provide appropriate clarity and guidance for decision-making

Significant Landscape Overlay

This Overlay contains 1 Schedule:

Noted issues:

Control	Description	Recommendation
<i>SLO – Schedule1</i>	There are multiple SLO’s mapped and only one schedule	Consider additional Schedules to the SLO, and incorporation of decision guidelines to existing SLO1

Public Acquisition Overlay

This Overlay contains 1 Schedule:

There are no identified issues with the content of the Public Acquisition Overlay Schedule. If issues are subsequently identified, they may form part of a Planning Scheme Amendment.

Environmental Audit Overlay

There is no Schedule to the EAO.

Airport Environs Overlay

This Overlay contains 2 Schedules:

There are no identified issues with the content of the Airport Environs Overlay Schedules. If issues are subsequently identified, they may form part of a Planning Scheme Amendment.

Road Closure Overlay

There is no Schedule to the RXO.

Development Contributions Plan Overlay

This Overlay contains 1 Schedule:

There are no identified issues with the content of the Development Contributions Plan Overlay Schedule. If issues are subsequently identified, they may form part of a Planning Scheme Amendment.

It is recommended an Amendment be prepared to the Ballarat Planning Scheme to refine the content of zones, overlays and schedules, where their content does not meet an appropriate standard. The issues identified above outline noted deficiencies. It should be noted that detailed review and re-drafting of the text may identify additional issues to be resolved, which could be considered for the Planning Scheme Amendment.

9. Planning Permit Processes

The most recent Planning Permit Activity Report (2013/2014) identified City of Ballarat as the 26th Council in Victoria, in terms of the number of planning decisions made (in a total of 82 municipalities).

The table below sets out the number of permit applications lodged and decisions associated since the last planning scheme review in 2009.

Year	No. of Total Applications Received	Total Decisions	No. applications Lodged at VCAT	Estimated Costs of Works
2010/11	1,180	1,147	33 (3%)	\$282,679,990
2011/12	1,121	1,028	43 (4%)	\$197,815,631
2012/13	1,201	1,088	42 (4%)	\$299,866,553
2013/14	1,034	995	16 (2%)	\$174,668,312

Table 1: City of Ballarat – ‘Summary of applications numbers’ (Planning Permit Activity in Victoria)

In 2011/12, the nature of the most planning applications were to subdivide land between 1-9 lots, correlating with the following year 2012/13 which peaked in applications for one or more new dwellings. The most previous year’s report (2013/14) had more applications for alternations to an existing structure or dwelling followed by applications for the subdivision of land. These statistics are true to Ballarat’s demographic profile and development trends as specified earlier in this report. Ballarat is growing hence the number of permits to subdivide land and develop it for residential purposes.

Staffing Structure

In the past year, the Statutory Planning Department has undergone some operational changes. The team was restructured in order to work more efficiently and effectively. The re-structure involved:

- Senior planners able to focus on more complex applications
- Planners dedicated to Ballarat West Growth Area applications

This re-structure in turn has seen an increase in staff morale, productivity, accountability and improved quality and consistent decision making.

Decisions

The method by which planning permits are decided is considered to be a key general indicator performance. According to the DTPLI’s statistics on ‘Planning Permit Activity in Victoria 2013/2014’, the key characteristics of the City of Ballarat’s planning permit process were:

- 97% approved under delegation
- 3% refused
- 2% referred to VCAT (down from 4% from the previous reporting period)

Performance Indicators

The permits issued by the City of Ballarat in 2013/2014 exhibited the following performance attributes in comparison to the rural average:

- **Public notice** - 37% compared to the rural average of 34%
- **Further information request** – 35% compared to the rural average of 34%
- **Referrals** – 22% compared to the rural average of 48%
- **Submissions/ objections** – 11% compared to the rural average of 9%
- **Median processing days to determine** – 62 compared to the rural median of 54
- **Application completion within 60 days** – 75% (decrease from 82% the previous year) compared to the rural average of 78%

The above table demonstrates that streamlining of applications (VicSmart), improved training of staff and a proactive approach to mediation has contributed to a decline in the number of applications lodged at VCAT. A significant number of applications received in areas covered by a precinct structure plan (Ballarat West) has also improved certainty and confidence in the development industry.

The estimated costs of works have also declined, potentially indicating that the number of applications for smaller developments has increased.

10. Summary of Recommendations

The Ballarat Planning Scheme was last reviewed in 2009. A significant amount of strategic work has been undertaken since that time, implementing a large proportion of elements identified. More recently, the development of *Today, Tomorrow, Together: The Ballarat Strategy* has provided new strategic direction for the full range of land use issues. Having considered more than 6,500 ideas and submissions over almost two years of engagement, the Ballarat Strategy sets the Strategic direction for land use decision-making in Ballarat towards 2040. The current MSS needs to be comprehensively re-written to represent this new strategic direction.

With regard to Zones, Overlays and Schedules, a number of technical deficiencies have been identified. A separate Amendment to the Ballarat Planning Scheme should be prepared to revise these components of the scheme in alignment with relevant practice notes and to achieve a more usable and cohesive Planning Scheme.

This report has summarised the strategic and statutory review of the Ballarat Planning Scheme, as at July 2015. It is now recommended Council adopt the report, and forward it to the Minister for Planning. The following specific Recommendations are made:

That Council:

- 1. Adopt this report as the review required pursuant to section 12B (1) of the *Planning and Environment Act 1987*.**
- 2. Forward the report to the Minister for Planning as required by section 12B (5) of the *Planning and Environment Act 1987*.**
- 3. Prepare and implement two Amendments to the Ballarat Planning Scheme:**
 - a. Re-write of the Municipal Strategic Statement to implement the content of the *Ballarat Strategy***
 - b. Revise other ordinance and controls in the Ballarat Planning Scheme, including Zones, Overlays and Schedules to improve the quality of the scheme and assist decision-making, as outlined in this review.**