

**BALLARAT PLANNING SCHEME**

**AMENDMENT C95**

**EXPLANATORY REPORT**

**Who is the planning authority?**

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

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

**Land affected by the amendment.**

The amendment applies to the Canadian Valley (including Mt Clear, Mt Helen and Buninyong) and generally applies to all land in the municipality that has significant vegetation and koala habitat.

**What the amendment does.**

The City of Ballarat has completed a number of key projects for the future planning and development of the Canadian Valley corridor (*Canadian Valley Outline Development Plan 2005*), reviewed the extent of the Vegetation Protection Overlay Schedule 1 (*Ballarat Native Vegetation Mapping and Review of the Vegetation Protection Overlay 2005*) to ensure all significant vegetation across the municipality is mapped and completed a review of all koala habitat areas across the municipality (*Ballarat Koala Plan of Management, Parts 1 and 2, 2006*).

In particular, the amendment seeks to implement the recommendations from these studies by:

**1. Amend clause 21 (Municipal Strategic Statement) by:**

- Introducing in clause 21.04 (Environment) an overview, objectives and strategies for the management of koala habitat and updating references to the Vegetation Protection Overlay Schedule 1 (Significant Vegetation).
- Updating clause 21.05 (Settlement) statements and strategies for the Canadian Valley by ensuring development is consistent with the *Canadian Valley Outline Development Plan 2005*.
- Introducing the *Canadian Valley Outline Development Plan 2005*, *Ballarat Native Vegetation Mapping and Review of the Vegetation Protection Overlay 2005* and the *Ballarat Koala Plan of Management, Parts 1 and 2, 2006* as reference documents in clause 21.08.
- Deleting reference to the Mt Clear Outline Development Plan 1994 and the Buninyong Outline Development Plan.

**2. Amend clause 22 (Local Planning Policies) by:**

- Deleting clause 22.10 (Buninyong Township) and replacing it with clause 22.10 (Canadian Valley).
- Deleting clause 22.13 (Mt Clear) and replacing it with clause 22.13 (Koala and Koala Habitat Protection).

### 3. **Zones**

- Introducing the Rural Conservation Zone from the Victorian Planning Provisions

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### 4. **Overlays**

- Introducing a new clause 42.01 Environmental Significance Overlay - Schedule 5 (Koala and Koala Habitat Protection).
- Deleting existing clause 42.02 Vegetation Protection Overlay - Schedule 1 and replace it with a new clause 42.02 Vegetation Protection Overlay - Schedule 1 (Significant Vegetation).

### 5. **Mapping**

#### **a)Zones**

- Rezoning land in the Rural Zone within the Canadian Valley to Rural Conservation Zone that is partly or fully covered by native vegetation.
- Rezoning Crown land and used for pine plantations in the Canadian Valley to the Public Use Zone 7.
- Rezoning Crown land containing native vegetation in the Canadian Valley to Public Conservation and Resource Zone.
- Rezoning land (Eddie Avenue, Mt Helen) in the Canadian Valley and covered by native vegetation from Residential 1 Zone to Rural Conservation Zone.
- Rezoning land (Eddie Avenue, Mount Helen) in the Canadian Valley and covered with native vegetation and occupied by a plant nursery from the Residential 1 Zone to Rural Living Zone.
- Rezoning land (Recreation Road, Mount Clear) in Canadian Valley and covered by native vegetation from Low Density Residential Zone to Rural Conservation Zone.
- Rezoning land (at the eastern end of Hocking Avenue, Mount Clear) in the Canadian Valley and covered by native vegetation from Residential 1 to Rural Conservation Zone.
- Rezoning land (at the end of Larry Avenue, Mount Clear) in the Canadian Valley and covered by native vegetation from Residential 1 to Rural Conservation Zone.

#### **b)Overlays**

- Introducing new Vegetation Protection Overlay – Schedule 1 mapping to map all significant vegetation in the municipality.
- Introducing new Environmental Significance Overlay – Schedule 5 mapping to map all primary and likely habitat for the koala in the municipality.

## **Strategic assessment of the amendment**

### • **Why is the amendment required?**

The amendment is required to introduce the recommendations of the following reports:

- ❖ *Canadian Valley Outline Development Plan 2005*
- ❖ *Ballarat Native Vegetation Mapping and Review of the Vegetation Protection Overlay 2005*
- ❖ *Ballarat Koala Plan of Management, Parts 1 and 2, 2006*

The majority of the amendment relates to the Canadian Valley and its towns of Mt Clear, Mt Helen and Buninyong. However the introduction of the new mapping for significant native vegetation and the habitat of the Koala extends across the municipality.

## **How does the amendment implement the objectives of planning in Victoria? (S.4 of the Planning and Environment Act 1987)**

The Planning and Environment Act 1987 requires Councils 'to provide for the fair, orderly, economic and sustainable use and development of land' (section 4(1)a) and to ensure this use and development protects natural resources and maintains ecological processes and genetic diversity (section 4(1)b).

Amendment C95 responds positively to this requirement by implementing controls based on a thorough understanding of the constraints and opportunities for development in the Canadian Valley as addressed in the Outline Development Plan and providing protection to significant vegetation and the habitat of the koala throughout the municipality. This results in the balanced application of the relevant controls for net community benefit (section 4(1)g).

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

The Canadian Valley ODP 2005 considers sustainability is driven by three key issues – environmental, social and economic input. Through consultation and consideration of the planning controls a Sustainability Health Check was developed. The following addresses these issues.

### Environmental Effects

Amendment C95 will make a positive environmental contribution. The current planning scheme does not specifically protect all significant vegetation (and no vegetation under 1 metre in height) and also does not recognise the primary habitats of the Koala. Amendment C95 responds to these deficiencies and extends the VPO1 across all significant vegetation irrespective of its height and identifies and protects primary and likely habitat for the Koala. The Canadian Valley ODP also limits urban development in Canadian Valley where most of the primary habitat and significant vegetation occurs. For land that is zoned for residential purposes and covered by native vegetation, the land is to be rezoned to a more appropriate zone that will effectively protect the vegetation.

### Social Effects

Amendment C95 will make a positive social contribution. A key consideration in the Canadian Valley ODP 2005 was the strong sense of character both within the individual towns and the desire of residents to protect the 'green wedges' between the towns from urban development. These recommendations combined with the further protection of koala habitat and significant vegetation will significantly contribute to a positive social outcome. It is noted the existing local planning policy for Buninyong (clause 22.10) would lead to its eventual consolidation with Mount Helen. This amendment addresses this issue by protecting the non urban breaks between the towns.

### Economic Effects

Amendment C95 will make a positive economic contribution. The local policy for the Canadian Valley has been developed to ensure future residential and commercial development meets the needs of the community. There is a clearer direction for residential development, the servicing of land, commercial expansion opportunities which will lead to increased employment opportunities.

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

The amendment is not affected by any of the Minister's Directions under section 12 of the Planning and Environment Act 1987.

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

- **How does the amendment support or implement the State Planning Policy Framework?**

Amendment C95 responds positively to:

- Clause 14.01 – Planning for Urban Settlement,
- Clause 15.01 – Protection of Catchments, Waterways and Groundwater,
- Clause 15.09 – Conservation of Native Flora and Fauna,

by promoting the orderly development of urban and rural areas within the Canadian Valley and protecting areas of habitat for the Koala and remnant vegetation areas.

- **How does the amendment support or implement the Local Planning Policy Framework?**

Amendment C95 responds to issues identified as further strategic work in the current Municipal Strategic Statement, such as:

Clause 21.04-5 – Further Strategic Work (Environment)

- Prepare Biodiversity mapping and incorporate the information as an overlay in the planning scheme as the key strategic step to ensuring information concerning the flora and fauna of the municipality is accessible and utilized as part of the decision making process.
- Undertake native vegetation mapping to identify areas of significant native vegetation for inclusion in the Vegetation Protection Overlay.
- Review biodiversity mapping supplied by the DSE and review Vegetation Protection Overlays and Environmental Significance Overlays.
- Investigate appropriate means by which significant native vegetation and habitat on undeveloped land zoned Residential 1 can be protected.

Clause 21.05-6 – Further Strategic Work (Settlement)

- Develop a Framework Plan for the future land use and development within the Canadian Valley area.

Amendment C95 updates the relevant parts of the Municipal Strategic Statement (clause 21.04 Environment and 21.05 Settlement) to reflect the recommendations of the *Canadian Valley Outline Development Plan 2005*, the *Ballarat Native Vegetation Mapping and Review of the Vegetation Protection Overlay 2005* and the *Ballarat Koala Plan of Management, Parts 1 and 2, 2006*.

The existing strategy (clause 21.05 Residential Framework Plan) does not identify the Canadian Valley as a residential growth corridor. The choice of the ‘limited residential development’ scenario in the ODP ensures the key attributes of the Canadian Valley will be protected and the residential growth strategies of the MSS to the west of Ballarat will not be affected.

Amendment C95 deletes the two planning policies for Mount Clear (22.13) and Buninyong (22.10) and replaces them with a new Canadian Valley policy that provides general policy statements for the area and more specific policy statements for each of the towns. The existing Buninyong policy promoted development in the green wedge areas between it and Mount Helen. The ODP has established a clear preference from the community and Council to contain development to areas already zoned appropriately and retain the distinct character of the towns.

The existing MSS acknowledges that greater than 95% of native vegetation has been removed, and that the Victorian volcanic plains, within which the municipality is located, is in the ‘highest stress class’ for flora and fauna. The protection of native vegetation performs a key role in biodiversity and habitat retention. Landscape plays a key environmental role. The Buninyong corridor, the Canadian Forest and Mount Buninyong are specifically noted.

Amendment C95 supports and responds positively to the following specific strategies of the existing LPPF:

#### Environment – Flora and Fauna

- *Minimise the detrimental impact of future development on remnant vegetation and wildlife habitat.*
- *Identify, protect, conserve and enhance threatened ecological communities hosting native flora and fauna on land under Council control, including connecting areas of existing remnant vegetation.*
- *Protect areas of significant native vegetation.*
- *Ensure that new residential subdivisions protect remnant vegetation and do not threaten the viability of rare and threatened flora and fauna populations.*
- *Protect native vegetation through appropriate subdivision design in new residential and rural residential areas.*
- *Ensure that existing native vegetation, including native grassland and existing forest remnants, are protected from plantation establishment.*

#### Landscape

- *Encourage the use and development of land in a manner that enhances and protects identified landscape values.*

#### Residential

- *Assess new development within Mount Clear, Buninyong, Miners Rest, Brown Hill and southwest Sebastopol against the ODPs for these areas.*
- *Support infill development where such development can be undertaken in line with other objectives, particularly those relating to urban character and heritage.*
- *Encourage a range of lot sizes and densities within new residential subdivisions.*
- *Encourage the take up of development opportunities within the existing urban area.*
- *Contain residential development in Buninyong to within the existing residential area.*

#### Rural residential

- *Maintain low-density forms of development between Mount Clear and Mount Helen and between Mount Helen and Buninyong.*

#### Character

- *Protect areas with identified character values, including buildings, vegetation and landscapes.*
- *Identify and protect through appropriate planning controls important views and vistas.*

#### Information Technology

- *Maintain the Ballarat Technology Park as a location for the establishment of new information, communication and other higher technology based industry by restricting the establishment of other forms of industry within the precinct.*

#### • **Does the amendment make proper use of the Victoria Planning Provisions?**

Amendment C95 utilises the most appropriate statutory controls as provided by the Victorian Planning Provisions including the new suite of rural zones.

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

The preparation of the Canadian Valley ODP involved considerable discussion with servicing authorities and agencies such as catchment management authorities, the Department of Sustainability and Environment and Central Highlands Water.

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

The proposed Environmental Significance Overlay 5 control introduces a new permit trigger into the planning scheme however this is considered appropriate in terms of the positive environmental, social and economic impacts of the amendment. Exemptions from the need for a permit are proposed for buildings and works that do not include tree removal.

### **Where you may inspect this Amendment.**

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

Department of Sustainability and  
Environment  
Planning Information Centre  
Ground Floor  
8 Nicholson Street  
East Melbourne 3002

Department of Sustainability and  
Environment  
South West Regional Office  
402-406 Mair Street  
BALLARAT 3353

Ballarat City Council  
Town Hall  
Sturt Street  
BALLARAT 3350

[www.dse.vic.gov.au/planning](http://www.dse.vic.gov.au/planning) and follow  
prompts to planning scheme amendments  
online