

BALLARAT PLANNING SCHEME

AMENDMENT C198

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

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

Land affected by the Amendment

The Amendment applies to part of the Ballarat Station Precinct at 140 Lydiard Street North, Ballarat Central as shown in the map below. The land is formally described as Lots 1, 2 and 3 on Title Plan 868581V (Volume 02863 Folio 428).

The land is zoned Public Use Zone Schedule 4 (PUZ4 - Transport) and is owned by VicTrack.



What the amendment does

The amendment proposes to rezone part of the land at the Ballarat Railway Station Precinct from the Public Use Zone 4 to implement the recommendations of the *Ballarat Railway Station Precinct Master Plan, 2014*.

Two options for the new zone to replace the PUZ4 are being considered, which are:

- A new schedule to the Special Use Zone (SUZ), or
- The Commercial 1 Zone (C1Z).

The amendment will also introduce a requirement for a detailed development plan to guide design and development outcomes for the Station Precinct. The development plan requirements can either be included as part of the schedule to the Special Use Zone or a new schedule to the Development Plan Overlay.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to facilitate the use and development of land at the Ballarat Station Precinct for new uses such as Residential hotel and Conference Centre/Exhibition centre, as envisage in the *Ballarat Railway Station Precinct Master Plan, 2014*. The Master Plan identifies the refurbishment and reuse of the Goods Shed and commercial development of land not required for transport purposes, as a key catalyst urban renewal opportunity for the Ballarat Station Precinct.

The Victorian Government has committed \$25 million from the Regional Jobs and Infrastructure Fund (RJIF) towards the implementation of elements of Stage 1 of the *Ballarat Station Precinct Master Plan, 2014*. The funding will enable planning and investigation, as well as the initial refurbishment of the Goods Shed and surrounds, and a market engagement process to seek interest from private sector partners to develop a hotel and conference centre/exhibition centre.

The scope of funded works includes:

- Structural and heritage refurbishment of the Goods Shed (for adaptive re-use as an exhibition/conference centre) and associated parking;
- New public forecourt area and public open space areas;
- A new internal road and associated intersections to cater for hotel and conference centre loading and future bus access;
- The release of a development site/s to the market, for a potential 4 star hotel that will integrate with conference/exhibition facilities in the refurbished Goods Shed; and
- Transport enabling works including new commuter car parking areas, kiss and ride and taxi facilities and pedestrian linkages to the Station buildings.

The land is currently zoned PUZ4 which reflects the fact the land is owned and managed by a Government agency (VicTrack). The PUZ4 allows VicTrack as the public land manager to use and develop the land for its intended transport purpose without the need for planning permits.

The existing PUZ4 is not intended to facilitate commercial development outcomes or a mix of land uses not directly related to transport, and these are key objectives of the project. The existing controls do not include any mechanisms to simplify or streamline planning approval processes, for example by consolidating permit requirements into one provision (or a minimal number of provisions) or providing exemptions from third party notice and appeal rights.

An amendment provides an opportunity to implement planning controls which are designed to facilitate the project.

An amendment to rezone the land is also required to allow VicTrack to sell any part of the land to the private sector.

The *Ministerial Direction: The Form and Content of Planning Schemes* states that a Planning Scheme may only include land in a Public Use Zone, a Public Park and Recreation Zone or a Public Conservation and Resource Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council.

It is also State Government policy as set out in *"Policy and Instructions for the Purchase, Compulsory Acquisition and Sale of Land, August 2000"* that public land should be removed from a public purpose zone prior to sale, unless specific consent is obtained from the Government Land Monitor (GLM).

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

The amendment addresses the objectives of planning in Victoria by facilitating the redevelopment of the Ballarat Station Precinct to deliver a range of social and economic benefits for the Ballarat community.

The amendment is drafted to ensure the fair, orderly, economic and sustainable use, and development of land, to ensure the conservation of significant heritage buildings and protect the functioning of the Ballarat Station as a strategic transport hub.

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

Before any development can commence, a detailed development plan must be prepared which must include consideration of environmental issues such as potential land contamination and stormwater management.

The amendment is expected to have significant positive social effects through the redevelopment of the Ballarat Station Precinct including the restoration of significant heritage buildings, creating a revitalised and activated public realm, and access and transport improvements.

In terms of economic benefits the redevelopment will attract new investment to stimulate the Ballarat CBD economy, create new construction and ongoing jobs, and encourage increased tourist visitation to Ballarat.

The restoration and adaptive re-use of significant heritage buildings will require separate approval from Heritage Victoria.

In terms of Aboriginal cultural heritage, the land is within an area of cultural heritage sensitivity as described in the *Aboriginal Heritage Regulations 2007*.

A mandatory Cultural Heritage Management Plan (CHMP) is required prior to issue of Statutory Approval (in this case the approval of the development plan) for the proposed development to ensure no significant harm to Aboriginal cultural heritage.

Does the Amendment address relevant bushfire risk?

The land is not identified as bushfire prone or within a Bushfire Management Overlay (BMO). The site is within an urban area and is surrounded by roads and thoroughfares. It is considered that bushfire risk is minimal and appropriate mechanisms can be incorporated at the building permit stage to ensure people are safe from fire risk.

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

The amendment has been prepared to be consistent with the following Ministerial Directions in accordance with Sections 7(5) and 12(2)a of the *Planning and Environment Act 1987*:

- Ministerial Direction: The Form and Content of Planning Schemes;
- Ministerial Direction No. 1: Potentially Contaminated Land;
- Ministerial Direction No. 9: Metropolitan Strategy; and
- Ministerial Direction No. 11: Strategic Assessment of Amendments.

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

The amendment supports and implements the State Planning Policy Framework as follows:

Clause 11 (Settlement) states that planning is to recognise the need for, and as far as practicable contribute toward economic prosperity and facilitate investment in transport and communication, water and sewerage and social facilities.

Clause 11.05 (Regional Development) seeks to develop regions and settlements which have a strong identity, are prosperous and environmentally sustainable, promote the sustainable growth and development of regional Victoria, promote economic linkages and provide for development of facilities and services across regions.

Clause 11.06 (Central Highlands regional growth) seeks to support Ballarat as the main centre for regional growth, to strengthen the region's economy so that it is more diversified and resilient, facilitate economic development opportunities, support development of the region's tourism sector and build on regional drawcards and support infrastructure investment where it will support business investment.

Clause 17 (Economic Development) states that planning is to contribute to the economic well-being of communities by supporting and fostering economic growth and development and facilitating decisions so that each district may build on its strengths and achieve its economic potential.

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

The amendment will help support the following objectives and strategies of the Local Planning Policy Framework:

Clause 21.02 Key Issues

Clause 21.02-1 'Land Use' encourages development and redevelopment in appropriate locations and recognises the importance of the tourism industry to the local economy, in terms of protecting existing tourism assets; encouraging appropriate tourism related use and development; and promoting days trips to include overnight stays.

Clause 21.02-2 'Built Form and Amenity' requires new development to build on existing character, heritage and tourism and improve negative character attributes, to identify and protect sites of heritage significance, and seeks to use planning to minimise land use conflict and create a safe environment in which to live and work.

Clause 21.04 Land Uses

Clause 21.04-4.2 'Activity Centre Objectives and Strategies' seeks to recognise, enhance and facilitate the function of the Ballarat CBD as the dominant, administrative, commercial, financial, cultural, recreational, tourist, and entertainment centre within the City and region. This is to be achieved by means such as ensuring that new development enhances the appearance and function of the Ballarat CBD, the redevelopment of the railway precinct and the creation of additional public spaces.

Clause 21.04-6 'Tourism' seeks to create prosperity through the development of the tourism sector. This is to be achieved by encouraging the use and development of land for purposes that will encourage visitors to increase their length of stay within Ballarat while protecting the amenity of adjoining residential or other sensitive uses, encouraging the use of land within the Ballarat Railway Precinct for tourism related purposes, and to preserve Ballarat's architectural heritage in recognition of its role as a significant tourist attractor.

Clause 21.05 Built Form and Amenity

Clause 21.05-1 'Character' states it is important that future development within Ballarat and its townships makes a positive contribution towards the high quality presentation of the City by recognising the character of its setting and preserving valued heritage and natural landscape elements. This is to be achieved by means such as requiring that new development is sympathetic with existing built form and its heritage significance.

Clause 21.05-2 'Heritage Objective' seeks to protect places of heritage significance. This is to be achieved by requiring new development interprets the cultural significance of the place and respects heritage and cultural boundaries.

Clause 21.10 Reference Documents

Key Reference Documents include 'Making Ballarat Central – The CBD Strategy, 2011'. The objectives of the CBD Strategy include to:

- Improve Ballarat Station as local and regional transport hub;
- Ensure that the scale of new buildings on the VicTrack land retains the visual dominance of the Station building; and
- Investigate opportunities for redevelopment of VicTrack land.

The Ballarat Station is in 'Precinct 8 Railway Station Mixed use'.

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

The amendment has been prepared taking into account relevant Practice notes relating to the application of the Victoria Planning Provisions, including PPN02 Public Land Zones, PPN03 Applying the Special Use Zone, PPN10 Writing Schedules, PPN23 Applying the Incorporated Plan Overlay and Development Plan Overlay and PPN30 Potentially Contaminated Land.

The Special Use Zone (SUZ) is being recommended as one of the potential options to rezone the land. The site is considered a suitable candidate for the SUZ given the complex nature of the site and the mix of proposed uses (including significant heritage elements, transport, public realm and private commercial uses), and the strategic location of the site between various zone boundaries.

The Commercial 1 Zone (C1Z) is recommended as another potential option as this is the zone that applies to the majority of the Ballarat CBD to the south of the subject land. The C1Z allows a planning permit to be sought for the range of uses and development that are likely to be part of the Station Precinct Redevelopment such as Residential hotel, Function centre, Exhibition centre and Retail premises.

The amendment proposes to address potentially contaminated land matters within the development plan requirements. An environmental site assessment is required as part of the preparation of any development plan and this will trigger the requirement for an environmental audit if required. This is deemed to satisfy the relevant requirements of the Ministers Direction on Potentially Contaminated Land and PPN30 Potentially Contaminated Land.

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

The amendment has been prepared in consultation with the Department of Economic Development, Jobs, Transport and Resources (DEDJTR), Department of Environment, Land, Water and Planning (DELWP) and VicTrack.

The views of other relevant agencies will be sought through a targeted stakeholder and community consultation process and incorporated into the preparation of the amendment.

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

The Ballarat Station Precinct Master Plan, 2014 was prepared in collaboration between Council and transport agencies including VicTrack and the former DTPLI Transport Division.

The amendment is drafted to ensure the strategic transport functions of the Ballarat Station Precinct and to ensure that any requirements of VicTrack or DEDJTR Transport are addressed in the development plan.

Resource and administrative costs

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

The amendment is not expected to place any substantial resource or administrative burden on the responsible authority.