

- 11.5 BALLARAT EAST STRATEGIC PLANNING UPDATE**
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SUMMARY

The purpose of this report is to seek Council's direction on addressing concerns raised by residents in relation to managing future development within Ballarat East.

BACKGROUND

At its meeting of 25 January 2012 Council resolved to:

Request officers to prepare a briefing paper on the options available to define Neighbourhood Character of the Ballarat East area as a guide to determine future planning applications in the Ballarat East Area (R027/12).

Following up from this Council meeting, on Sunday 18 March, Councillors and Council Officers attended a community forum run by the Ballarat East Network (BEN). Broad issues were discussed, including strategic land use planning matters, as well as statutory planning process issues. The report outlines the various strategic planning options to provide additional planning controls to guide development in Ballarat East and responds to a number of the statutory process issues raised at the community forum.

ISSUES

Strategic Planning Options

Ballarat East is an area of Ballarat with no specific geographic boundaries. It ranges from Main Road to the eastern extremes abutting the Canadian State Forest.

The east is loosely characterised by late nineteenth Century urban development ranging to the post-war housing era around Richard Street through to vacant residential land bordering the State Forest. As such, Ballarat East encapsulates the development of modern Ballarat, from its gold rush beginning, the booms and busts through to the twenty-first Century. Throughout the east, large underdeveloped allotments exist.

Ballarat East is generally zoned Residential 1. Any development in this zone must meet the provisions of the Ballarat Planning Scheme. For residential development, including subdivisions, the provisions of clauses 54, 55 and 56 apply, as well as other applicable policies and some planning overlay provisions. These planning controls are no different to any other part of Ballarat.

Key issues revolve around concerns raised by local residents on what is appropriate development in Ballarat East and what can be done to address these concerns. As mentioned, there is no particular land use policy direction to guide decision makers or applicants in considering or proposing future development. In this respect, Ballarat East is no different to most other parts of Ballarat where there are also no specific policy directions.

To address concerns raised it is necessary to:

- Define the issue;
- Define what constitutes Ballarat East (i.e. define the study area);
- Consider the appropriateness of the current controls;
- Ascertain what is the current Neighbourhood Character;
- Consider whether the same issues apply to adjacent areas (e.g. Brown Hill, Nerrina etc);
- Gauge community, land owner and Government opinion;
- Explore planning options to guide future development;
- Undertake planning studies; and
- Prepare a planning amendment to implement changes.

There are several options available to place stronger, more binding, planning controls over future development in Ballarat East. Options could include:

Action	Planning Tool	Outcome
No action	Current suite of planning tools	Status quo
Character Study / Design Framework	Neighbourhood Character Overlay (NCO)	Identifies areas of existing or preferred neighbourhood character and ensures that development respects the neighbourhood character.
	Rezoning land from the Residential 1 Zone to Low Density Residential or Rural Living Zones	Increased minimum lot sizes
	Design and Development Overlay (DDO)	Identifies areas that are affected by specific requirements relating to the design and built form of new development.
	Development Plan Overlay (DPO)	Requires that form and conditions of future use and development be shown on a development plan.
	Planning Policy	Prepare a specific planning policy for a defined Ballarat East area to guide development.
Structure Plan	Reference Document in the planning scheme.	Combination of above

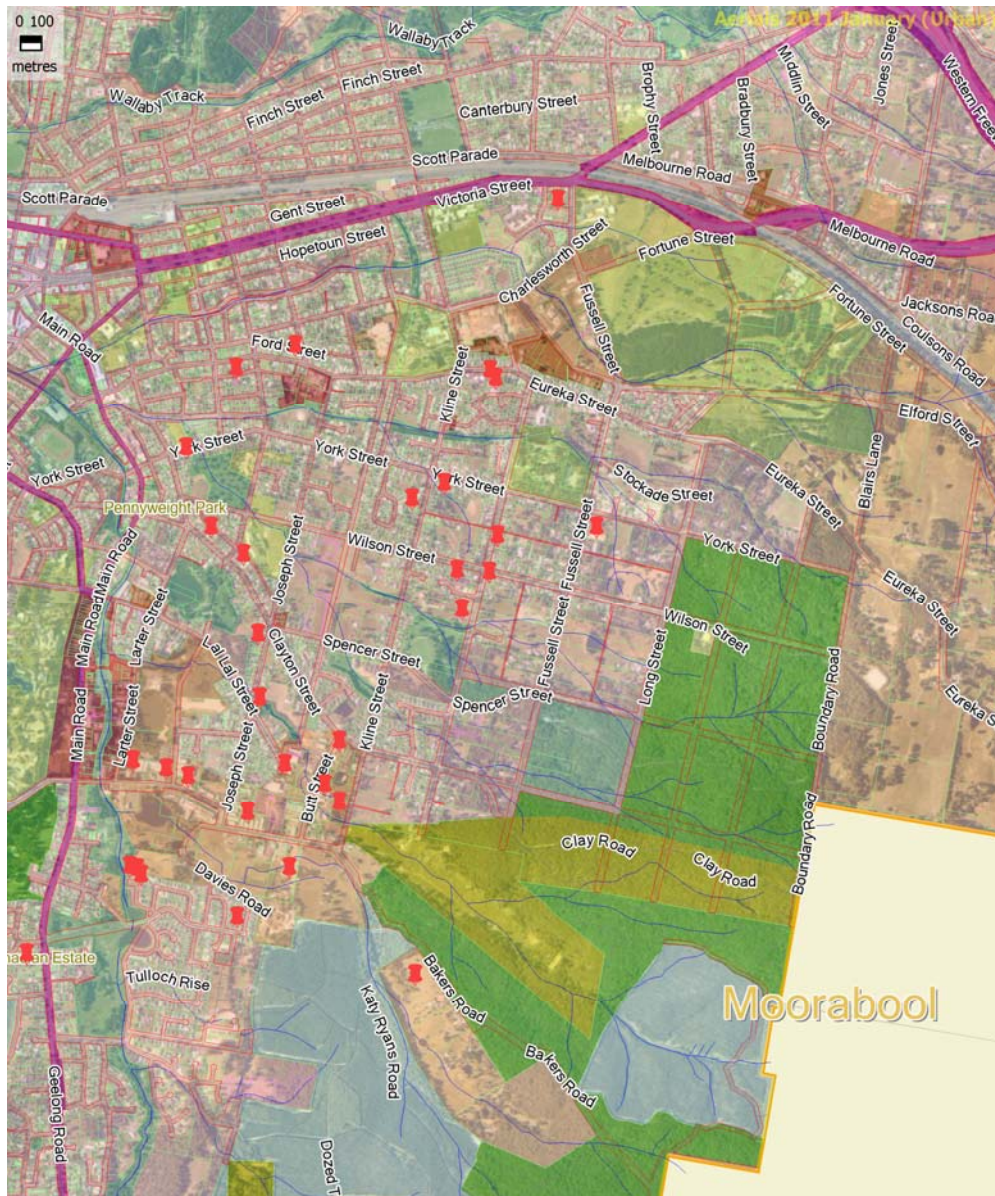
The key issue is that any future land use planning regime must first be driven by comprehensive analysis of current planning controls, issues and the local environment. An exploration of development patterns, land uses, infrastructure (social and engineering) and broader strategic direction must all be investigated as part of this process.

It is considered that there is no *'interim'* or *'quick fix'* way to successfully undertake this work.

The outcome of the process could be preferred development options which will guide future development directions. This process involves a significant body of work with wide ranging investigation and consultation required. It may take up to two years to deliver. It is currently not listed on any work program, Council Plan or Municipal Strategic Statement (MSS).

Ballarat Growth Areas

There is no doubt that Ballarat East is experiencing considerable development demand and generating keen developer interest, given the number of larger land parcels that are currently underdeveloped. A map illustrating a number of recent development approvals in the eastern part of Ballarat is shown below;



However, it must be noted that Ballarat East is only but one area, at Ballarat’s urban fringe experiencing growth, with Ballarat West the principal growth corridor. Significant subdivisions of existing Residential 1 Zone land are also occurring in the south-west of the municipality on the western periphery of Delacombe, Sebastopol and areas such as Brown Hill (for example the Hillview Road area) together with infill development at Miners Rest. Cardigan Village is also subject to a rezoning proposal of significant scale that will extend the boundaries of the township considerably.

Statutory Process Issues

A number of key themes emerged at the community forum associated with the statutory planning process. These issues are outlined below and officer comment provided respectively.

Council website navigation issues

Council is currently redeveloping the website to provide a more user friendly interface through improved navigation tools. This project is ongoing and is expected to provide a significantly improved website for residents. Anticipated timing is June 2012.

Accessing planning applications on Council's website

All planning applications when registered now appear on Council's website. Details include the site address and proposal description. This information can be found using the following link: <https://eservices.ballarat.vic.gov.au>

Council is also proposing to have all details associated with advertised planning applications available online in the coming months. This will allow residents to view all documents relating to a planning application including plans and supporting reports, using Council's website. Residents will no longer have to visit Council's office to view plans. This represents a very significant transformation in the way the community will be able to access planning application information. This information will be able to be accessed using the same link as above.

Increasing resident participation earlier in the planning process

Council is unable to require applicants undertake consultation with any party prior to the lodgement of an application. Officers encourage applicants to discuss their proposals with neighbours, however often Council is unaware of an application until it has been lodged as many applicants do not engage with Council prior to the lodgement of the application.

Although there is no legislative regime requiring applicants to undertake discussions with residents, Council has adopted a Mediation Policy which requires mediation to be undertaken with submitters to an application. It must be noted that mediation is not a community forum within which broader town planning issues are discussed. Mediations provide an opportunity for those that have made a written submission to discuss their submission directly with applicants and provide an opportunity for applicants to explain their proposal in more depth with residents. For this reason invites are extended only to those that make a written submission to an application. Mediation meetings are held after advertising, as until then it is not possible for Council to identify those parties who consider themselves potentially affected by an application.

Information kit for objectors

There is a significant amount of information already available produced by state government (Department of Planning and Community Development) that sets out the planning process and the rights and roles of submitters. Council will in due course consolidate this information and provide appropriate links / content on Council's website. This will form part of the more general Council website upgrade referred above.

Residents' Advisory Committee

Residents can, if they wish, establish a committee to discuss neighbourhood character. The committee could make submissions on planning applications as per the standard planning process.

Planning Enforcement Officer

Council has filled the vacant Planning Enforcement Officer position. All enforcement queries can be directed to 5320 5565.

Bonds to ensure completion of development

There are already checks in the planning permit process to ensure the completion of development, including the need to comply with requirements such as engineering (drainage etc) conditions prior to the issue of Statement of Compliance. Bonds are sometimes used to ensure street tree planting. Statutory Planning undertakes audits of planning conditions to ensure development is built in accordance with development applications.

Ballarat Open Space Strategy

The Ballarat Open Space Strategy has been adopted by Council and is currently on public exhibition.

Register of trees

A Register of Significant Trees is a major undertaking. Various matters would need to be determined, including whether it includes private and / or public trees, other vegetation and consideration of their existing legal status. It will also need to be determined how the tree is assessed (aesthetic, social, cultural, botanical, heritage significance etc) and how the register is used (i.e. to include in the planning scheme). At the moment this work is not identified in the Council Plan.

Bushfire Management Overlay

In late 2011 the Minister for Planning replaced the Wildfire Management Overlay with the Bushfire Management Overlay across Victoria via Amendment VC83. This amendment was a straight translation of the current mapped areas and was a key outcome identified in the Bushfire Royal Commission. As the next stage of this project, the Department of Planning and Community Development, with the CFA, is currently remapping the Overlay areas throughout Victoria. It is expected that Ballarat will be presented with the new updated mapping in the coming months. Areas covered by bushfire planning control will change across Ballarat.

It is anticipated that, given the adjacent Canadian State Forest, this new mapping overlay will impact upon existing land in Ballarat East. The impact of this may be that once the overlay provisions are altered by the Minister, undeveloped Residential 1 Zone land may need to have a much lower density to meet mandatory bushfire building and planning controls. This may have a significant impact upon the built form and character of Ballarat East. Any future strategic planning exercise must acknowledge and reinforce this.

RELEVANT POLICIES

As stated, there are no specific policies that guide development in Ballarat East.

OPTIONS

1. Commence a detailed study on issues associated with development in Ballarat East.
2. Maintain the current planning status.
3. Program work into the future work schedule.

SOCIAL IMPLICATIONS

It is considered that there are no social implications within this report.

ENVIRONMENTAL IMPLICATIONS

It is considered that there are no environmental implications within this report.

CULTURAL IMPLICATIONS

It is considered that there are no cultural implications within this report.

RISK MANAGEMENT IMPLICATIONS

Delaying further work will result in the current status quo continuing, which may be unacceptable for some members of the community as by the time the project is commenced and ultimately completed, a number of developments may be approved changing the context of what is wanting to be protected.

There is also a risk that an investigation may find that the current planning system is adequate in dealing with future development, which will be contrary to the desires raised by BEN.

There could be a risk that this project will be commenced without a budget or appropriate staff resources which may impact upon other currently identified strategic planning projects in progress or about to commence.

FINANCIAL IMPLICATIONS

It is anticipated that a comprehensive investigation and suite of planning controls will cost approximately \$160,000 over two financial years. Considerable officer resources would also be required.

CONSULTATION

Consultation with all relevant parties will be a key part of any investigation.

IMPLEMENTATION AND MARKETING PLAN

It is considered that an implementation and marketing plan is not required.

OFFICERS' DECLARATIONS OF INTEREST

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Director – Eric Braslis

In providing this advice as the Director, I have no disclosable interests in this report.

Author – Sean O'Keeffe

In providing this advice as the Author, I have no disclosable interests in this report.

CONCLUSION

This report responds to a Council request for options to assess the neighbourhood character of Ballarat East. The land is predominately zoned Residential 1 and there must be an expectation that it will be developed for residential purposes. It is important to note that Council has obligations to process applications to develop land in accordance with the Ballarat Planning Scheme. Other areas of Ballarat (and across Victoria) face similar pressure for development.

Assessing and defining the particular character of Ballarat East is the only accepted mechanism that will enable the current statutory planning controls to be varied (if warranted) as part of a broader planning scheme amendment process. This strategic planning process is lengthy, complex and involves significant consultation and is not currently identified in any work program.

ATTACHMENTS

There are no attachments for this report.

RECOMMENDATION

Council resolves to:

- 1. Note the report, highlighting the issues raised at the recent Ballarat East community meeting.**
- 2. Inform the Ballarat East Network of the proposed changes to the administration of the Statutory Planning process including proposed publishing of application documentation on Council's website.**
- 3. Acknowledge that additional strategic work is required to manage development along the fringes of Ballarat's CDB, including the Ballarat East area, and that such work is considered in the preparation of a future Council Plans and budget processes.**