

**Ballarat Planning Scheme Amendment C235ball
Miners Rest Township Plan**

Panel Report

Planning and Environment Act 1987

7 July 2023

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Ballarat Planning Scheme Amendment C235ball

Miners Rest Township Plan

7 July 2023



Sarah Raso, Chair



Michael Ballock, Member

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Glossary and abbreviations

1-11 Victoria Street	1-11 Victoria Street, Miners Rest
the Amendment	Ballarat Planning Scheme Amendment C235ball
Ballarat North PSP	Ballarat North Precinct Structure Plan
Character Report	Miners Rest North Township Character Assessment (November 2019)
Council	City of Ballarat
EPA	Environment Protection Authority
former quarry land	13-91 Victoria Street, Miners Rest
GHCMA	Glenelg Hopkins Catchment Management Authority
GRZ	General Residential Zone
GRZ1	General Residential Zone Schedule 1
MRTP	Miners Rest Township Plan
MUZ	Mixed Use Zone
NGA	Northern Growth Area
NRZ	Neighbourhood Residential Zone
NRZ3	Neighbourhood Residential Zone Schedule 3

PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Ballarat Planning Scheme
PPN91	Planning Practice Note 91: Using the residential zones
Resi	Resi Ventures Pty Ltd
subdivision permit	Planning Permit No. PLP/2017/585
SUZ13	Special Use Zone Schedule 13 (Thoroughbred Horse Training Facilities)
UDP	Urban Development Program

Overview

Amendment summary

The Amendment	Ballarat Planning Scheme Amendment C235ball
Common name	Miners Rest Township Plan
Brief description	Implementation of the key land use planning directions contained in the Miners Rest Township Plan
Subject land	All land located in and around the township of Miners Rest
Planning Authority	City of Ballarat
Authorisation	24 October 2022 with conditions
Exhibition	17 November to 19 December 2022
Submissions	Number of Submissions: 10

Panel process

The Panel	Sarah Raso (Chair), Michael Ballock
Directions Hearing	Video Conference, 20 April 2023
Panel Hearing	North Ballarat Sport Club, 22 and 23 May 2023 Hearing Room 1, 1 Spring Street, Melbourne, 24 May 2023 Video Conference, 25 May 2023
Site inspections	Accompanied (in part), 23 May 2023
Parties to the Hearing	City of Ballarat represented by Mr Jason Kane of Counsel instructed by Susan Perera of Council S and K Kennedy; C, H and M Yorke; J Thompson and V Elford; A Smith and M Clifford represented by Neil Haydon of Neil Haydon & Associates Pty Ltd A Ford Committee of Miners Rest represented by Alicia Bond G Tillet Resi Ventures Pty Ltd represented by Alexandra Guild of Counsel instructed by Carlyna Yap of Gadens
Citation	Ballarat PSA C235ball [2023] PPV
Date of this report	7 July 2023

Executive summary

The Miners Rest township is located immediately north of the Western Freeway, approximately 12 kilometres north of the Ballarat Central Business District. Miners Rest is characterised by an original township area and new residential estates. From the 1980s to present, the population of Miners Rest has steadily grown with a current population of approximately 3,829.

Ballarat Planning Scheme Amendment C235ball proposes to implement the key land use planning directions contained in the Miners Rest Township Plan into the Ballarat Planning Scheme.

The Miners Rest Township Plan was prepared following extensive community consultation. It is a strategic plan that sets out a vision for Miners Rest and seeks to provide strategic guidance in relation to its future growth and development until 2040. The Miners Rest Township Plan seeks to protect the town's rural township character through a range of strategies and actions. Notably, it proposes to rezone existing residential areas of Miners Rest North (the original town) from General Residential Zone to Neighbourhood Residential Zone to protect the preferred neighbourhood character and to manage the form and style of residential subdivision, land use, and development.

Key issues raised by submitters included:

- impacts associated with the rezoning of land to Neighbourhood Residential Zone Schedule 3 including constraining land supply and housing affordability
- recognition the former Miners Rest basalt quarry can contribute to residential land supply in the short term
- age of the strategic work underpinning the Amendment
- further rezoning of land not already proposed to be rezoned to Neighbourhood Residential Zone Schedule 3
- reconstruction of the Cobb & Co stables
- inclusion of flooding controls
- inclusion of landholdings in the Equine Precinct shown on the Miners Rest Township Plan.

The Panel concludes the Miners Rest Township Plan has a strong State, regional and strategic basis and is an appropriate, timely and orderly response to the development of strategy and structure planning for Miners Rest. It aligns with the policies of the Ballarat Planning Scheme and its inclusion as a background document is appropriate.

The exhibited changes to Clause 21.09-5 (Local Areas Miners Rest) which update the Miners Rest policy are appropriate and consistent with the Miners Rest Township Plan. Equally the proposed rezoning of land in the General Residential Schedule 1 to Neighbourhood Residential Zone Schedule 3 will support the retention of the valued character of the township.

In relation to specific issues raised, the Panel concludes:

- the Amendment will not negatively impact residential land supply and demand in the City of Ballarat
- there is insufficient strategic justification for the former Miners Rest basalt quarry being brought forward for development in the short term
- the restriction on the development of land at 415 Cummins Road, Miners Rest in the Miners Rest Township Plan is appropriate

- it is not appropriate to include 375 and 389 Gilles Road, 139 Kennedys Road and Crown Allotment 27 Section 5 Parish of Dowling Forest Sharpes Road, Miners Rest in the Miners Rest Township Plan Equine Precinct ahead of the review of the planning controls in the Equine Precinct.

Recommendations

Based on the reasons set out in this report, the Panel recommends that Ballarat Planning Scheme Amendment C235ball be adopted as exhibited.

1 Introduction

1.1 The Amendment

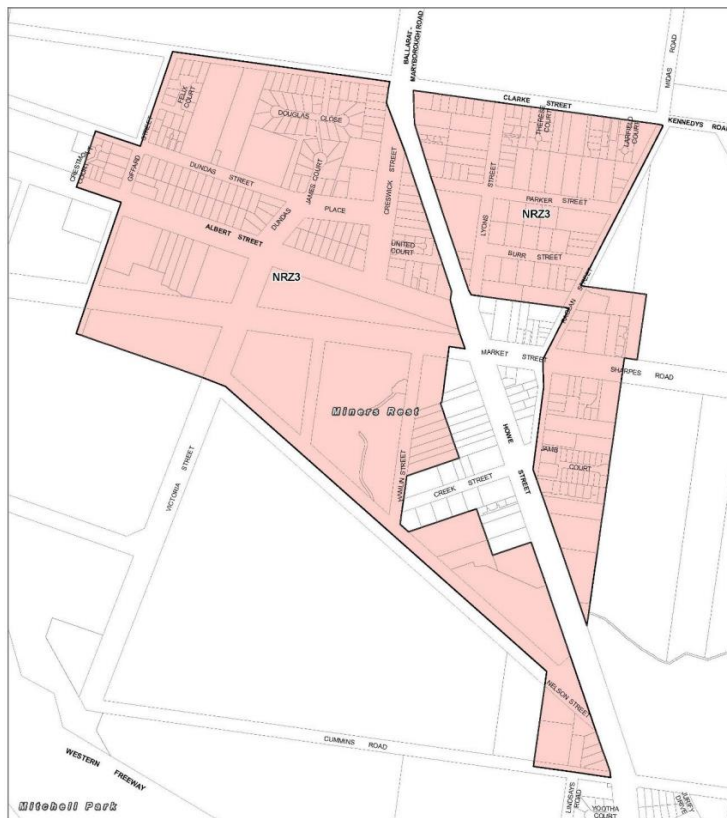
(i) Amendment description

Ballarat Planning Scheme Amendment C235ball (the Amendment) proposes to implement the key land use planning directions contained in the Miners Rest Township Plan (MRTP) into the Ballarat Planning Scheme (Planning Scheme).

Specifically, the Amendment proposes to:

- amend Clause 21.09-5 (Local Areas Miners Rest) to implement the key land use planning directions contained in the MRTP
- amend Clause 21.02-9 (Implementation) to delete reference to the need to prepare a local area plan or community plan for Miners Rest
- amend Clause 21.10 (Reference Documents) to include reference to the MRTP
- rezone the areas of Miners Rest North from General Residential Zone Schedule 1 (GRZ1) to a new Neighbourhood Residential Zone Schedule 3 (NRZ3), except the area of GRZ1 which forms part of the town centre (immediately south of Creek Street) (see Figure 1)
- include variations to Clauses 54 and 55: minimum subdivision area (750 square metres), maximum building site coverage (45 per cent), minimum permeability (45 per cent) and landscaping requirements in NRZ3.

Figure 1 Land proposed for rezoning from GRZ1 to NRZ3



(ii) The subject land

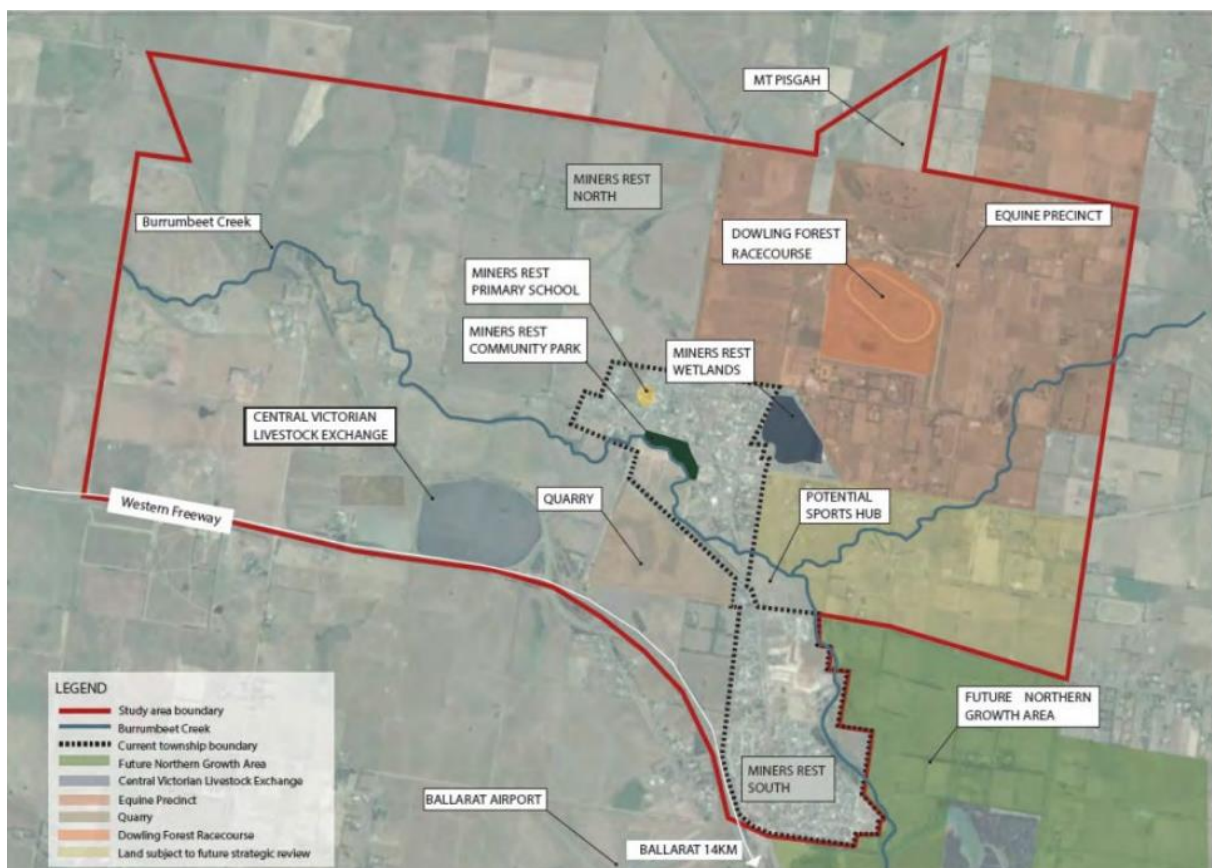
The Amendment applies to all land located in and around the township of Miners Rest as shown in Figure 2.

The Miners Rest township is located immediately north of the Western Freeway, approximately 12 kilometres north of the Ballarat Central Business District. The township is physically separated from the outer northern edge of Ballarat by the Western Freeway. Miners Rest is characterised by the original township area located to the north of Cummins Road and the new residential estates of Macarthur Park and Sunraysia Heights Estate located south of Cummins Road towards the Western Freeway.

From the 1980s to present, the population of Miners Rest has steadily grown with a current population of approximately 3829.¹

Miners Rest has a primary school, a supermarket, a hotel, a Mechanics' Institute, a Uniting Church and a former basalt quarry. The Miners Rest quarry was a former basalt quarry that was operated by Boral Ltd. The quarry which is located within Miners Rest ceased extraction in 2017 and is currently being rehabilitated. The quarry is now flooded and is closed to the public.

Figure 2 Land affected by the Amendment



Miners Rest has two distinct characters. The northern Miners Rest area is defined by large residential lots where dwellings are visually separate from one another, dwellings are generally

¹ ABS Census Data, Miners Rest 2021.

single level and enjoy a sense of space, openness and a rural Village feel. The rural character of Miners Rest North is highly valued by the Miners Rest community.

The southern Miners Rest area is defined by smaller residential lots, more intensive development, and a traditional suburban feel.

To the northeast of the Miners Rest Village, is the Ballarat Racecourse located at Dowling Forest. The Racecourse is surrounded by a large Equine Precinct which is one of the major thoroughbred training centres in Victoria. The estimated economic benefits of the Racecourse and the Equine Precinct to the Central Highlands Regions is around \$60 million annually.²

The Central Victorian Livestock Exchange is located to the southwest of the Miners Rest Village. Construction of the Exchange was completed in 2018. The Exchange is one of Victoria's largest livestock saleyards and is an important contributor to the region's economy.

The Victorian Planning Authority is currently preparing the Ballarat North Precinct Structure Plan (Ballarat North PSP) for 832 hectares of land immediately adjacent to Miners Rest. The land that is the subject of the Ballarat North PSP is divided into a core area (561 hectares) and expanded area (271 hectares).

1.2 Background

(i) Chronology of events

The Council provided a detailed background to the Amendment in its Part A submission, including a chronology of events which the Panel has summarised in Table 1.

Table 1 Chronology of events

Date	Event
2017	Council commenced community and stakeholder consultation to inform the Township Plan for Miners Rest. The consultation included workshops to gather community and stakeholder views regarding the future development of Miners Rest. The workshops were attended by more than 50 members of the Miners Rest community. Council also received 12 written submissions, including submissions from government agencies and authorities. A community survey was conducted to understand what the community loved about Miners Rest.
2018	Draft MRTP released for public comment Council conducted a survey to provide the community with an opportunity to provide feedback on the draft MRTP. Council received 45 community responses. The feedback related to flood mitigation and Burrumbeet Creek improvements; areas for growth and new housing; traffic management and improved pedestrian safety; relocation of the primary school; protection of town character; and new sporting facilities. In response to the feedback, the MRTP was amended with the

² Document 10.

Date	Event
	changes reflected in the adopted MRTTP
11 December 2019	Council adopted the MRTTP Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment
24 October 2022	Authorisation of the Amendment approved subject to conditions
17 November to 19 December 2022	Exhibition of the Amendment Consultation with Country Fire Authority, Glenelg Hopkins Catchment Management Authority (GHCMA) and the Environment Protection Authority (EPA)
8 March 2023	Council resolved to: - note and accept all submissions received - request the Minister for Planning to appoint an Independent Panel to consider all submissions
20 April 2023	Directions Hearing
23 May 2023	Unaccompanied site inspection of the subject land, accompanied site inspection of the quarry
22, 23, 24 and 25 March 2023	Panel Hearings

1.3 Expert evidence

The Panel had the benefit of expert evidence from six experts as shown in Table 2.³

Table 2 Summary of experts

Party	Expert	Expertise	Firm
Council	Mr Andrew Clarke	Planning	Matrix Planning Australia Pty Ltd
Resi Ventures Pty Ltd	Mr Rob Milner	Planning	Milner Advisory
	Mr Paul Shipp	Land economics	Urban Enterprise
	Mr Darren Tardio	Aircraft noise	Enfield Acoustics
	Mr Ian Jennings	Aviation	Chiron Aviation Consultants
	Mr Rob Swan	Drainage and flooding	Hydrology and Risk Consulting

1.4 The Panel's approach

Key issues raised in submissions were:

- impacts associated with the rezoning of land to NRZ3 including constraining land supply and housing affordability
- recognition in the MRTTP that the former Miners Rest basalt quarry can contribute to residential land supply in the short term
- age of the strategic work underpinning the Amendment

³ Resi Ventures Pty Ltd did not call Mr Tardio, Mr Jennings or Mr Swan to give evidence at the Hearing.

- further rezoning of land not already proposed to be rezoned to NRZ3
- reconstruction of the Cobb & Co stables
- inclusion of flooding controls
- inclusion of landholdings in the Equine Precinct shown on the MRTP.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Strategic issues
- Housing supply and demand
- Neighbourhood Residential Zone
- Specific sites.

1.5 Limitations

The EPA supported the Amendment but noted the quarry will need to complete a full environmental assessment if the land is proposed to be used for a sensitive land use in the future. The Panel notes the EPA's comments. However, it is not proposed to rezone the quarry to a sensitive land use as part of the Amendment.

The GHCMA supported the Amendment but sought a change to the planning controls as they relate to flooding based on updated flood modelling and information. This process is separate to the Amendment and requires the input and funding of several governmental stakeholders and landowners. Council has indicated it will continue to work with the GHCMA to ensure the flood management overlays reflect up to date modelling which will form the basis of a future planning scheme amendment. The Panel acknowledges and supports this approach and has not considered this matter any further.

Submitter 2 sought the reconstruction of the Cobb & Co stables to be part of the MRTP. Council acknowledged the reconstruction of the Cobb & Co stables is a possible heritage project that would need funding, investigation and a detailed heritage assessment. Council indicated it would support further consultation outside of the MRTP and the Amendment process, to determine whether the Cobb & Co stables could be reconstructed as part of a community or Council supported heritage project. The Panel acknowledges and supports this approach and has not considered this matter any further.

The Panel has not addressed detailed drafting issues beyond the issues raised in submissions.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix C highlights key imperatives of relevant provisions and policies.

Table 3 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the <i>Planning and Environment Act</i> 1987 (PE Act)
Planning Policy Framework	- Clauses 11.01S (Settlement), 11.01-1R (Settlement – Central Highlands), 11.02-1S (Supply of Urban Land), 11.03 (Planning for Places), 11.03-2S (Growth areas), 11.03-6S (Regional and local places) - Clause 15.01-5S (Neighbourhood character) - Clauses 16.01-1S (Housing supply), 16.01-2S (Housing affordability) - Clauses 21.01-4 (Key issues), 21.02-1 (Urban growth), 21.02-6 (Townships), 21.09 (Local areas), 21.09-5 (Miners Rest)
Other planning strategies and policies	- Plan Melbourne Direction 4, Policies 4.1, 4.2 - Miners Rest Township Plan
Planning scheme provisions	- General Residential Zone - Neighbourhood Residential Zone
Ministerial directions	- Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- Planning Practice Note 46: Strategic Assessment Guidelines, August 2018 - Planning Practice Note 91: Using the residential zones (PPN91)

2.2 Strategic justification

(i) Issue

The issue is whether the Amendment is strategically justified.

(ii) Miners Rest Township Plan

The MRTTP sets out a strategic framework to manage and guide future land use and development in Miners Rest through to 2040. It is based on the following vision:

In 2040 Miners Rest will be:

- A family orientated rural township with a friendly and inclusive community spirit.
- A compact and contained township functioning as a separate 'satellite' settlement to Ballarat.
- A rural township character which is positively influenced by the surrounding open rural landscape.
- A township with ample commercial uses and activities to meets the day-to-day needs of the local community and businesses.
- A vibrant, inviting and attractive township with well- designed, tree-lined streetscapes and pedestrian/cycling connections linking major community hubs.

- A township recognised and celebrated for its significant equine industry.
- A township with ample public transport options and the safe management of vehicle traffic.⁴

As well as extensive community consultation, the MRTTP was informed by:

- the Miners Rest Township Plan: Background Research and Analysis Report (November 2019)
- 'What you said' Community Consultation Report (May 2017)
- the Miners Rest Township Plan Issues and Opportunities Paper (August 2017)
- the Draft Miners Rest Township Plan (July 2018, November 2018 and June 2019)
- the Miners Rest North Township Character Assessment (November 2019) (Character Report)
- referral and statutory authorities.

The MRTTP is intended to address issues of land use planning and design in the public realm and was framed around the following three themes and related objectives:

Theme 1: Celebrate Miners Rest's historic and natural assets

- Objective 1: To increase knowledge and promotion of Aboriginal and European history of the township and region
- Objective 2: To improve the environmental quality of Burrumbeet Creek and increase public access to this natural environmental asset
- Objective 3: To protect agricultural land and support farming activities on land surrounding Miners Rest
- Objective 4: To acknowledge and protect key iconic rural landscape views providing a unique and attractive setting for Miners Rest.

Theme 2: Establish a connected and unified township and community

- Objective 5: To improve streetscape amenity through targeted streetscape planting
- Objective 6: To improve pedestrian and cycling connections throughout the township, including links to local commercial and community activity nodes and to Ballarat
- Objective 7: To minimise pedestrian and vehicle conflict zones, including streets surrounding the primary school
- Objective 8: To manage traffic speed within and surrounding the township
- Objective 9: To support the development of community- based initiatives and programs
- Objective 10: To improve local public transport options.

Theme 3: Facilitate township growth & prosperity, and maintain character

- Objective 11: To facilitate targeted opportunities for the growth of the township, and the targeted development of well-designed infill housing, to suit lifestyle choices and assist ageing in place
- Objective 12: To encourage new forms of residential and commercial development on vacant Mixed Use Zone (MUZ) land and develop a township heart through the definition and strengthening of the commercial/retail role
- Objective 13: To manage and appropriately respond to the impact of flooding throughout Miners Rest
- Objective 14: To acknowledge, support and promote the expansion of the equine industry and business activities
- Objective 15: To designate appropriate locations for potential school, sporting, recreational and community infrastructure

⁴ Miners Rest Township Plan, page 6.

- Objective 16: protect the long-term functional operations of Ballarat Airport plan for long-term growth in appropriate locations.⁵

Key issues and opportunities are explored for each theme. The objectives for each theme are supported by strategies which identify 45 actions.

The key recommendations of the MRTPT are contained in the Township Plan (Figure 3).⁶

Figure 3 MRTPT - Township Plan



The MRTPT is intended to be implemented over a 10 to 15 year period. It contains a recommendation to develop a new local policy for Miners Rest which should include and address:

- planning related objectives and strategies as outlined within the MRTPT
- rezoning residential land in Miners Rest North from General Residential Zone (GRZ) to Neighbourhood Residential Zone (NRZ) with a schedule designed to protect character
- clear guidance that medium density development is directed to the current MUZ and discouraged from other parts of the township and land to the south of the town centre
- the Miners Rest Township Plan diagram
- the Town Centre Framework Plan, or otherwise inclusion of text summarising the intended design outcomes on private land
- a statutory assessment framework to be applied to the designated 'investigation area precinct' which would function to protect the future functional operation of Ballarat Airport.

⁵ Miners Rest Township Plan, pages 6-7.

⁶ Ibid, page 50.

(iii) Evidence and submissions

Council submitted there is strong support in the Planning Scheme, at both the State and Local levels, for the development of a township plan for Miners Rest. It submitted the origin of the Amendment is found in *Today, Tomorrow, Together: The Ballarat Strategy* (2015) which is its long-term spatial strategy to guide future growth. Among other things, the Strategy proposes the preparation of six township plans for Ballarat's rural villages: Buninyong; Burrumbeet, Cardigan Village, Learmonth, Miners Rest and Warrenheip. Council said the:

...purpose of each Township Plan is to outline a long-term vision for each village and to provide strategic guidance in relation to future growth and development.⁷

Council considered there was currently insufficient strategic direction and guidance in the Planning Scheme for decision makers, the community, and other stakeholders regarding how Miners Rest is to accommodate residential growth, the location of that growth and the maintenance of a rural village feel. Council submitted the Amendment was "*critical to fill this void*"⁸ in the Planning Scheme.

Specifically, Council said Clauses 11.03 (Planning for Places) and 21.02-6 (Townships) provided significant support for the development of the MRTTP, while Clause 21.09-5, which details land use strategies for Miners Rest, required the development of "*a local area plan for Miners Rest*".

Council highlighted the Ballarat Housing Framework Plan in Clause 21.02-6 (Townships) which provides guidance and direction on settlement, housing, and urban growth in the municipality. It recognises that Ballarat will undergo significant population growth by 2040 and it nominates Miners Rest as an ongoing change area, which encourages limited growth at a scale and density appropriate to the area.

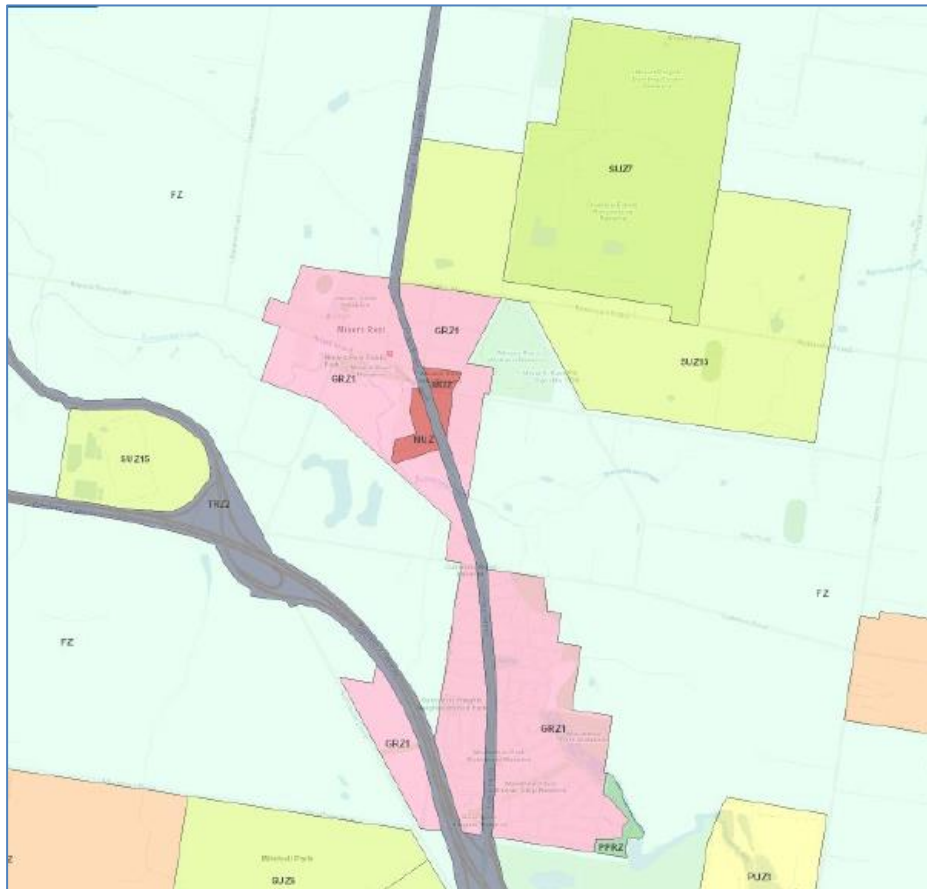
Council submitted that:

- unlike many other areas within Ballarat, Miners Rest is not a town where there is a high level of strategic support for the provision of an increase in housing density or infill development
- while infill development is contemplated in ongoing change areas (through Clause 21.02-5), it must be at a scale appropriate to the areas relative distance to public transport, activity centres and employment, and considering neighbourhood character
- Miners Rest is not part of the main urban area of Ballarat and is remote from high frequency public transport corridors and higher order activity centres.

Council noted that several different zones apply across MRTTP study area (Figure 4). A key element of the land use and planning recommendation in the MRTTP is the protection of the rural township character of the older northern part of Miners Rest. Council said this has been proposed through the rezoning of most of the northern township from GRZ to NRZ with a Schedule to control lot size, site coverage, setbacks, dwelling heights, and landscaping requirements.

⁷ Document 10.

⁸ Ibid.

Figure 4 Planning Scheme land use zones in the MRTP study area

Mr Clarke gave evidence the MRTP provides a long-term planning and design vision for the township. He added:

- the Amendment implements the Municipal Strategic Statement action of developing a local plan for Miners Rest
- the background reports and analysis were appropriate for the size and role of Miners Rest and:

...the background reporting appears to me on face value to provide ample strategic planning justification for the MRTP.

Mr Clarke concluded there is a strong strategic basis for the Amendment in terms of existing State, regional and local policy frameworks and the MRTP balances the objectives of accommodating both a housing strategy and neighbourhood character strategy.

Resi Ventures Pty Ltd (Resi) supported the Amendment but sought changes related to its Victoria Street land holdings.

Mr Milner said:

The Amendment is an appropriate, timely and orderly response to the development of strategy and structure planning for Miners Rest and aligns with the expectations of planning for the small towns and communities of Ballarat.

Mr Milner concluded the MRTP was an appropriately prepared strategic planning document based on sound background documents and community engagement.

Both the Committee for Miners Rest and submitter 10 supported the Amendment as a means of implementing the community's wishes for the future development of Miners Rest.

(iv) Discussion and conclusion

The Panel accepts the evidence of both Mr Clarke and Mr Milner that the MRTTP is an appropriately crafted strategic document informed by relevant background reports and significant community consultation. The three themes and associated objectives of MRTTP provide a sound basis to guide the future development of the township consistent with the provisions of the Planning Scheme.

Much of the substance of the Amendment, including the proposals to revise Clause 21.09-5 and rezone most of the GRZ1 zoned land to NRZ3, has its origins in the strategies and actions of the MRTTP. In addition, the MRTTP itself is intended to be included in the Planning Scheme as a reference document.

The MRTTP has a strong State, regional and strategic basis which forms the strategic justification for the Amendment. The Amendment is an appropriate, timely and orderly response to the development of strategy and structure planning for Miners Rest and aligns with the policies of the Planning Scheme. It is based on comprehensive analysis and consultation, provides a clear vision for Miners Rest, and provides planning guidance to ensure that the valued local character of Miners Rest North is protected.

The Panel concludes the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified.

2.3 13-91 Victoria Street, Miners Rest**(i) The issue**

The issue is whether there is sufficient strategic support to prioritise the investigation of the land at 13-91 Victoria Street, Miners Rest (former quarry land) for short term residential development.

(ii) Background

Resi is the developer of two adjoining sites located at 1-11 Victoria Street, Miners Rest (1-11 Victoria Street) and the former quarry land.

1-11 Victoria Street has an area of approximately 10.9 hectares, is comprised of 15 titles, lies within the current township boundary, and is included in the GRZ1.

The former quarry land has an area of approximately 47.4 hectares, is contained in 4 titles and some 31 Crown allotments plus roads, lies immediately outside the township boundary and is included in the Farming Zone. The current zoning of both sites is shown in Figure 5.

Figure 5 **Resi landholdings (bordered in red)**



Source: Document 28

The former quarry land is subject in part to the following overlays:

- Environmental Significance Overlay Schedule 2
- Land Subject to Inundation Overlay
- Erosion Management Overlay
- Floodway Overlay.

The land is within a designated Bushfire Prone Area and partly in an Area of Aboriginal Cultural Heritage Sensitivity.

The former quarry land was operated as a basalt quarry by Boral until 2017 and is currently being rehabilitated and remediated. Resi has separately sought rezoning of the former quarry land and a planning permit for subdivision to enable residential development (under section 96A of the PE Act) and intends to continue to pursue this application. Figure 6 details the proposed residential subdivision layout sought.

Investigate as a short-term priority the potential for the development of the quarry site for alternative uses, subject to further analysis including an aircraft noise study, bushfire risk assessment and land contamination assessment.

Resi submitted the MRTTP was an outdated 2019 document and had not been reset to 2023, meaning it was effectively four years into its 10 to 15 year implementation timeframe. Resi submitted *“the investigation of the Quarry Land for rezoning from 2023 is both literally and practically strictly in accordance with the MRTTP.”*⁹ It submitted:

... the MRTTP provides clear support for the investigation of redevelopment of the former quarry. The support is conditional on satisfaction of technical matters, but those matters have been or will soon be addressed. The status of the technical investigations is sufficiently advanced to give the green light to investigation for rezoning.

Resi considered it was appropriate to immediately investigate the former quarry land for rezoning given the need for greater land supply (see Chapter 3) and Resi’s ability to quickly bring the land to market.

Resi submitted that as the MRTTP recognises, development of the former quarry land would facilitate benefits for the Miners Rest township by providing access to the ‘quarry lakes’, linkages within the township and provide for a different housing product.

Mr Milner said the MRTTP recognised the potential for the former quarry land for future redevelopment and had appropriately required several technical studies be undertaken before *“committing to a precise urban role, urban design outcome and zoning for the site.”*¹⁰ He said the timeframes recommended in the MRTTP Action Plan were no longer relevant or appropriate because of the passage of time and the completed technical work. He said:

Four years have elapsed since the adoption of the plan. It is evident from the work undertaken to date by the landowners, that the feasibility of using the land for a residential role should be clarified with the relevant authorities and agencies within a short period of time so that uncertainty about the role of the site is dispelled and appropriate development might progress.

Mr Milner recommended the addition of the words *“short term priority”* to the relevant paragraph in the *Further strategic work* section of Clause 21.09-5 and considered this to be both minor and appropriate. In recommending this approach, Mr Milner referred to Mr Shipp’s conclusion that:

...the planning policy requirement for at least 15 years supply of residential land is not being met in the City of Ballarat and that further land should be rezoned in the short term to ensure the policy expectation is met and the adverse impacts of a low level of land supply on housing availability and affordability are avoided.¹¹

Council did not support the changes to Clause 21.09-5 proposed by Resi and said the role of the quarry land should be determined by its Housing Strategy which would also have regard to the character of Miners Rest. It submitted:

- it was not the Panel’s role to determine whether the constraints on the land have been addressed sufficiently to justify its short term strategic justification for rezoning
- there is no strategic need or urgency to rezone the former quarry land in the short term to address the housing needs of Miners Rest
- there is little, if any, strategic justification for the rezoning the Quarry land either now or into the future

⁹ Document 28.

¹⁰ Document 17.

¹¹ Ibid.

- what role the former quarry land will play (if any) to potentially accommodate future residential development would be debated during a future planning scheme amendment for this site.

Council added:

Townships, such as Miners Rest North with its valued character, have a limited role in providing additional housing. The Housing Framework Plan does not nominate the former quarry within a Strategic Investigation Area, Greenfield Investigation Area or an Ongoing Change Area. Nor is there any strategic guidance within the current Clause 21.09-5 (Miners Rest) for the quarry to contribute to residential land supply within Miners Rest.¹²

Mr Clarke gave evidence the potential development of the former quarry land should be considered in the municipal context and it was inappropriate to nominate a timeframe before the completion of Council's Housing Strategy.

He said:

There appears to be no apparent urgency to include development of this land as immediate in the MRTTP. There is an apparent overall availability of residential land in Ballarat (including at Miners Rest already within the township boundary) the availability of which well exceeds the timeline for consideration and approval of the Housing Strategy.¹³

The Committee for Miners Rest – the only community organisation appearing before the Panel, said:

We support the potential growth of the Miners Rest quarry to be reduced in timing to a quicker timeframe.¹⁴

(iv) Discussion and conclusion

Council and Resi agree that it is inappropriate for the Panel to determine the suitability or otherwise of the development of the former quarry land. The Panel agrees with this position and acknowledges that the timing of the development of the former quarry land more than likely will be determined by the section 96A process and the finalisation of the Housing Strategy, both of which are currently well under way.

As discussed in Chapter 3, there is considerable disagreement about the level of land supply in the City of Ballarat and the potential for development in Miners Rest to impact municipal land supply. The change proposed by Resi is a simple one, which the Panel has no in principle issue with. However, given the imminent finalisation of Council's Housing strategy, at this point in time and with regard to the information presented at the Hearing, any support to change the timeframe would be premature and lack sufficient strategic justification. The quarry land is not identified as a Strategic Investigation Area in the Housing Framework Plan in Clause 22.02. However, it may well be identified in the new Housing Strategy which Council expects to be completed in the September quarter of 2023. Consequently, the Panel does not support Resi's proposed changes.

The Panel concludes:

- There is insufficient strategic support to prioritise the investigation of the land at 13-91 Victoria Street, Miners Rest (former quarry land) for short term residential development.

¹² Document 25.

¹³ Document 14.

¹⁴ Submission 9, page 1.

3 Housing supply and demand

(i) The issue

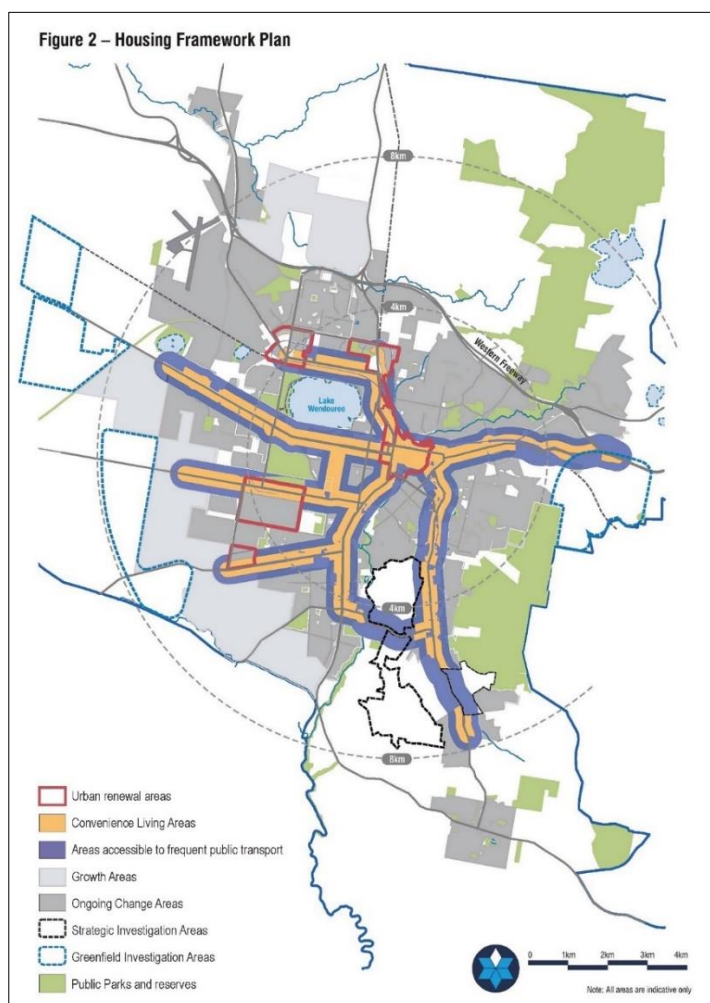
The issue is whether the Amendment will negatively impact housing supply and demand in the City of Ballarat.

(ii) Background

Clause 21.02 (Settlement and Housing) is the main policy dealing with housing demand and supply. The policy provides guidance on change in the following areas (as identified in the Housing Framework Plan (see Figure 7)):

- areas of convenience living.
- urban renewal precincts.
- strategic investigation areas.
- prioritised completion of the Ballarat West Growth Area.
- longer-term greenfield investigation areas.
- townships.
- ongoing change areas.

Figure 7 Housing Framework Plan



Clause 21.02-4 deals with the greenfield investigation areas and states:

The Ballarat West Growth Area is the primary greenfield development area for Ballarat. The Northern Growth Area provides for greenfield development in the short to medium term. Medium to long-term greenfield investigation areas (as identified in Figure 2 - Housing Framework Plan) are subject to more detailed strategic assessment and planning. Identification as an investigation area does not necessarily indicate strategic support for land use change potential.

Clause 21.02-6 deals with the townships and includes the following:

The townships of Buninyong, Burrumbeet, Cardigan Village, Learmonth, Miners Rest and Warrenheip and their surrounding communities provide an attractive lifestyle choice in a rural setting. These townships are valued by residents for their character, community and lifestyle. They represent a different style of living to urban Ballarat and contribute to the diversity of lifestyle and choice in the municipality. Services and infrastructure are unique to each township, as are local values and expectations. Significant land use changes should respond to local township character, and long-term community aspirations.

In some small towns and surrounding rural living communities there is a need for a clear long-term vision. Natural, engineering and cultural considerations place limitations on new growth and development opportunities. Structure and community plans are needed to provide a framework for informing land use planning decisions, directing future growth and development opportunities that respond to community needs.

Clause 21.02-6 includes the following strategies:

6.1 Reinforce the township atmosphere and valued local character when managing long-term change in township areas.

6.2 Maintain residential development to within existing township boundary.

In terms of land supply and growth, the MRTTP includes the following objectives:

Objective 11: To facilitate targeted opportunities for the growth of the township, and the targeted development of well-designed infill housing, to suit lifestyle choices and assist aging in place

Objective 12: To encourage new forms of residential and commercial development on Mixed Use Zone (MUZ) land and develop a township heart through the definition and strengthening of the commercial/retail role

Objective 17: To plan for long-term growth in appropriate locations.

The MRTTP identifies:

... there is the potential for at least 500 additional residential allotments on existing residentially zoned land. Based on population growth, there is a dwelling demand in the order of 40 dwellings per year. Based on the potential number of allotments, this equals a supply of 12.5 year supply of land.¹⁵

(iii) Evidence and submissions

Resi relied on the evidence of Mr Shipp which said that, having regard to the Ballarat housing market, further land should be rezoned to meet the policy requirement of at least 15 years supply of residential land within the municipality and to avoid the adverse impacts of limited supply on housing availability and affordability.

Resi submitted key themes within the Planning Scheme policy¹⁶ include:

¹⁵ Miners Rest Township Plan, page 46.

¹⁶ See Clauses 11.01-1S (Settlement), 11.01-1R (Settlement: Central Highlands), 11.02-1S (Supply of urban land), 11.03-6S (Regional and local places), 15.01-5S (Neighbourhood character), 16.01-1S (Housing supply), 16.01-2S (Housing affordability), 21.01-4 (Key issues) and 21.02 (Settlement and housing).

- a need to ensure sufficient housing supply, of at least 15 years, across the municipality
- a need to respect local character and aspirations
- a role for townships in providing housing supply, but a lesser role than other areas
- a desire for more compact cities that reduce car dependence and support sustainable transport options
- a concern with affordability of housing.

Resi submitted that since the MRTP was finalised, there has been a COVID-19-driven increase in demand for housing which has significantly impacted the supply of land. Consequently, further land is needed to be rezoned to avoid the impact of a limited supply on housing availability and affordability.

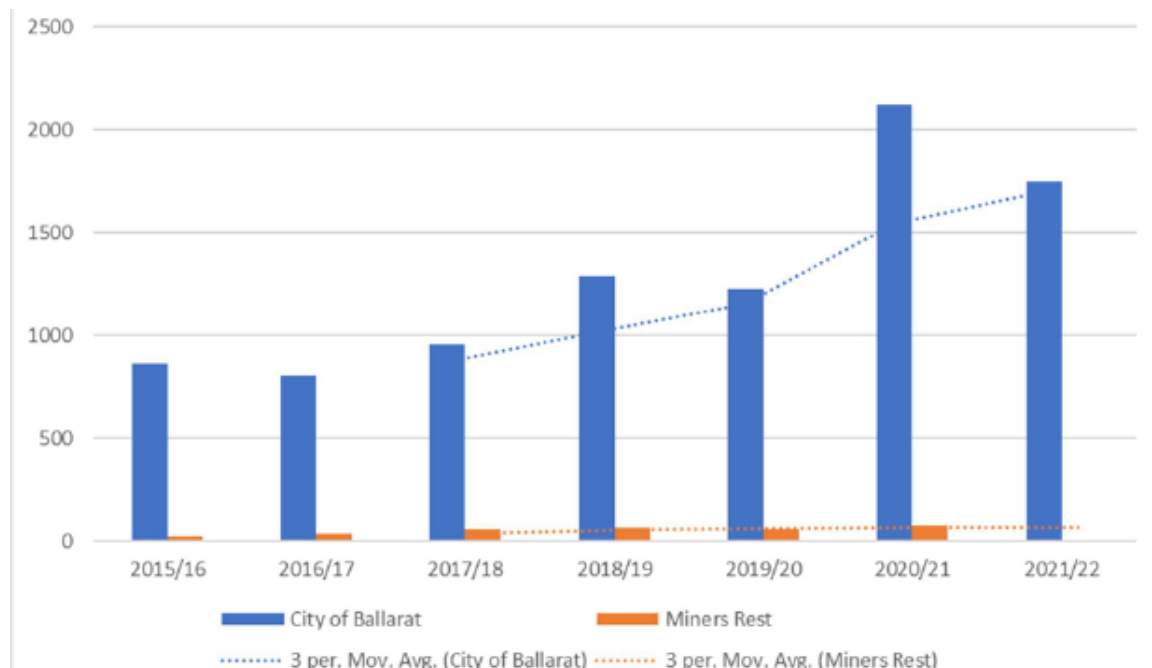
Mr Shipp said Clause 11.02-1S was the most relevant policy regarding the supply of urban land and was the source of the 15 year land supply requirement. He said *“the requirement to plan for growth over at least a 15 year period is the primary quantitative policy direction for planning authorities preparing strategic plans which influence land supply”*.¹⁷ He said this policy direction requires:

- at a municipal level sufficient residential land supply to meet 15 years of demand
- the land to be either zoned or in the process of being zoned residential
- supply should be considered in the context of housing diversity and affordability.

Mr Shipp’s evidence noted another indicator of housing demand is the rate of construction of new lots (through subdivision) (see Figure 8) and observed:

- The number of lots created in greenfield estates in the City of Ballarat increased strongly in 2020 and 2021 compared with 2018 and 2019.
- An average of 1,307 lots were constructed from 2018 to June 2022, and 1,527 between 2020 and 2022.
- Ballarat West has accounted for 85% of the lots created over the period.
- 212 lots were created in Miners Rest over the period with an average lot size of 646sqm.
- The average size of lots created in the City has decreased from 580sqm in 2018 to 460sqm in 2022.

¹⁷ Shipp Statement of Evidence, page 16.

Figure 8 Dwelling approvals by year 2015/16 to 2021/11

Source: Evidence statement of Mr Shipp

Mr Shipp said:

- over the past five years, property prices in Ballarat and Miners Rest have shown a higher growth rate than the regional Victorian average for vacant land
- Council's population projections did not reflect recent changes to housing demand and consequently understated the level of growth which in turn impacts on the supply needed.

Mr Shipp accepted that the 2018 land supply capacity of Miners Rest was approximately 511 lots which included 220 lots in approved subdivisions. Based on his analysis of aerial photography, of the 220 lots, only 29 remained vacant, meaning that the current supply is in effect 320 lots. He concluded that, adopting the MRTTP projected rate of demand of 40 lots each year, there was 8 years supply in Miners Rest. However, he calculated that the rate of dwelling approvals for 2018 to 2022 was 67 lots each year and, based on that level of demand, there would be five years supply.

Regarding the demand for residential land in the City of Ballarat, Mr Shipp's evidence, using data from the Urban Development Program (UDP), was:

The UDP assesses the adequacy of greenfield land supply by considering two demand indicators:

- The average annual rate of residential lots released between January 2018 and June 2022 (1,307 p.a.).
- The average annual rate of residential lots released between January 2020 and June 2022 (1,527 p.a.).

He informed the Panel that the UDP identified approximately 11,000 lots in greenfield residential land supply in the City of Ballarat and qualified this with the following:

In my experience, it is common for the rate of development in urban growth areas to slow once the majority of larger landholdings are developed. This is because smaller landholdings usually take longer to transact to developers, and coordination of infrastructure delivery and efficient development layouts can be challenging in these circumstances. This usually leads

to a long 'tail' in the rate of development towards the end of a growth area's development timeframe.

As a result, although there is nominally 10,169 lots remaining in the Ballarat West Growth Area, 2,070 are in the process of being developed, and a substantial proportion of the remaining 8,099 lots are in areas that are likely to be slow to develop. I estimate that areas of fragmented landownership have an approximate lot capacity of 1,872 lots - when this yield is discounted, the remaining lot supply is in the order of 6,200 lots.

The implication is that the ability of the Ballarat West Growth Area to continue to supply the vast majority of greenfield lots to a high-demand market is likely to reduce over the short to medium term. As soon as the rate of supply decreases, it will be important in my view for alternative land supply options to be available to the market so as not to result in adverse housing availability and affordability issues.

Mr Shipp said:

- Council was relying of the development of the Northern, North Western and Western Growth Areas to provide the future land supply
- there was no certainty that any of the land in the growth areas would be rezoned before 2030, if at all which by his calculations would be well after the greenfield supply in Ballarat West had been exhausted.

He concluded that his analysis of:

... residential land demand and supply indicates that the planning policy requirement of at least 15 years supply of residential land is not being met in the City of Ballarat, and that further land should be rezoned in the short term to ensure that both (a) policy requirements are met; and (b) adverse impacts of low level of land supply on housing availability and affordability are avoided.

Resi referred to the City of Ballarat Strategic Planning Referral, 3 May 2023¹⁸ which states that Council is *"is in the final stages of preparing a Housing Strategy that will introduce new planning controls to ensure 50% of new dwellings can be constructed in infill locations"*. It said this target was both *"aspirational and challenging"*.¹⁹ Resi submitted Council had not considered the likelihood, timing or delivery of this type of development and it was unlikely to resolve the issue of a lack of supply.

Resi submitted that:

- Council's position lacked any numerical analysis or independent assessment of land supply and it simply relied on the development of the Northern Growth Area (NGA) to deal with land supply
- the NGA is yet to undergo any approval process and said it was unlikely the NGA would come online before 2030
- Council's reliance on the NGA was disingenuous because Council resolved to proceed with the growth area planning prior to the finalisation of the MRTP which does not represent a change in circumstances
- given the issue with land supply, its requests to retain the GRZ1 (see Chapter 4.2) on 1 to 11 Victoria Street and advance the timeframe for the development of the quarry land (see Chapter 2.3), should be supported.

Council submitted the Amendment has carefully considered the issue of residential land supply and housing affordability in Miners Rest. It explained that not all GRZ land in Miners Rest North is

¹⁸ Document 2.

¹⁹ Document 28.

proposed to be rezoned to NRZ3 and a large area in and around the Town Centre will remain within the GRZ and MUZ.

Council identified two important Land Use and Development Strategies proposed to be included in Clause 21.09-5:

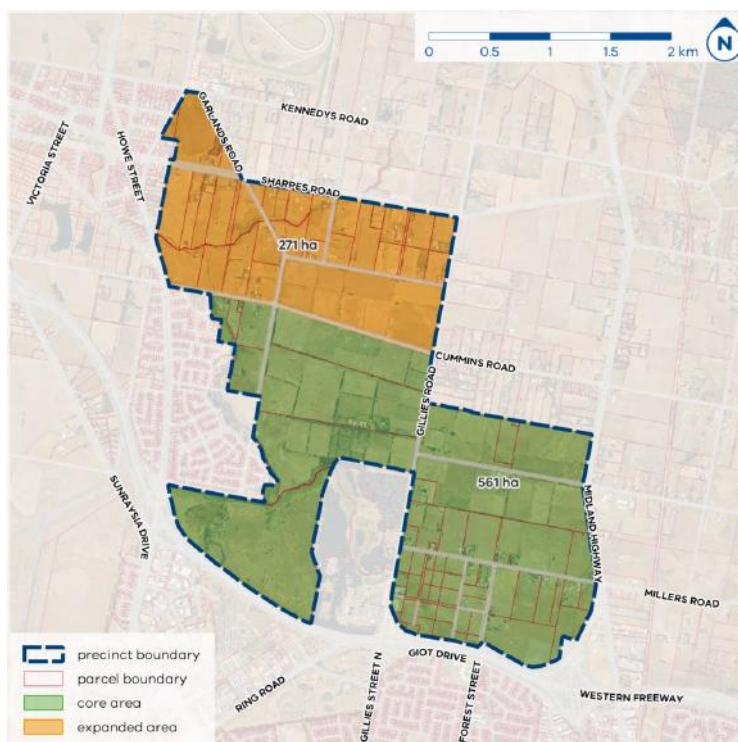
- Support future infill residential development that respects the existing township character of Miners Rest North and Miners Rest South to suit lifestyle choice and assist ageing in place.
- Support high density residential, commercial, retail, service and community use in the existing mixed use town centre precinct.

It submitted these strategies will facilitate:

- Infill development and support housing affordability.
- The development of the Town Centre at a high housing density.
- Provide affordable housing opportunities.
- A diversity in housing options.
- Housing for Miners Rest residents who wish to downsize and age in place.

Council advised that the Victorian Planning Authority is in the process of preparing the Ballarat North PSP for 832 hectares of land immediately east of the Miners Rest township (Figure 9).

Figure 9 Location of the Ballarat North PSP



Source: Council Part A submission

The Ballarat North PSP is divided into a core area of 561 hectares and an expanded area of 271 hectares. Providing for approximately 6,000 dwellings, Council submitted it would be *“sufficient to meet the Council’s housing needs for a 15-year period.”*

Council submitted it had *“made a strategic commitment to facilitate substantial residential land supply”* by approving the NGA, the Western Growth Area and the Northwest Growth Area to provide residential land for the short, medium and long terms.

Council submitted Clause 22.02-1 provided a clear direction that population growth would be accommodated by infill and greenfield development and submitted:

Townships, such as Miners Rest North with its valued character, have a limited role in providing additional housing.

Council advised it is in the final stages of preparing a housing strategy and submitted:

What is needed is orderly planning of Miners Rest North. There is no cause to panic in relation to the housing supply in the City of Ballarat. As the Housing Framework Plan demonstrates there is clear policy support for large areas within the municipality for new housing opportunities both now and into the future. More importantly, the Council has carried out the strategic planning work to ensure that these areas will deliver these housing opportunities.

Council submitted:

- there is more than sufficient greenfield land supply to meet projected population growth in the immediate future
- it accepts that as the supply in Ballarat West decreases, residential land in the Northern, Northwest and Western (west of Ballarat West) growth areas will become available
- the NGA will provide a multitude of affordable housing options including traditional dwellings, townhouses, and apartments.

In his evidence, Mr Clarke stated:

- different parts of the municipality will play different housing roles and consequently Miners Rest does not need to provide for a minimum of 15 years supply as nominated in Clause 11.02-1S
- the issue of adequate residential land supply is a matter that should be addressed at a municipal level by identifying areas suitable for residential development over a 15 year period.
- townships such as Miners Rest will have a different role and are identified as having character, community and lifestyle differences which distinguishes them from urban Ballarat
- the preliminary findings of Council's draft Housing Strategy confirmed the minimum threshold of 15 years supply at a "*municipal level would be met*".

Council did not accept Mr Shipp's evidence that the planning policy requirement of at least 15 years supply of residential land is not being met in Ballarat or his assessment that "*greenfield land supply in Ballarat is now at critically low levels.*" Council submitted the requirement for 15 years supply did not mean that the land had to be in a residential zone to be included but that it needed to be identified as suitable for future residential development.

(iv) Discussion

The submissions and evidence agree that any assessment of land supply and demand should be undertaken at a municipal level. The Panel endorses this approach because it provides context for the supply of land in Miners Rest and aligns with State planning policy.

It was acknowledged that at some stage a township or urban area may reach capacity and unless there is an expansion of that urban area, over time the capacity of that area to provide for new residential development will progressively diminish. This may well be the case with Miners Rest where the urban area is effectively defined by the residential zones. If this urban area remains unchanged, over time Miners Rest will eventually have no greenfield supply.

Victoria has experienced extraordinarily accelerated residential growth in regional Victoria from 2020 to 2022. Based on Mr Shipp's evidence this has had a significant impact on the City of Ballarat. However, there is considerable risk in building further projections based on the extraordinary circumstances of the past two to three years. In this regard, Mr Shipp's graph (Figure 8) is useful and shows a considerable increase in dwelling approvals in 2020/21 and a drop from that peak in 2021/22. However, it is unclear at this point in time, whether this is a long-term trend or an immediate and short-term response to the restrictions of the pandemic.

The Panel cannot definitively determine whether the level of land supply in the City of Ballarat meets the provisions of Clause 11.02-1S. While there were considerable submissions and evidence on when and which land in the NGA might become available, this matter is yet to be decided or implemented. Any comment by the Panel would therefore be speculative and inappropriate. However, the Panel agrees with Council that to meet the 15 year supply requirement, the land does not have to be in a residential zone or in the process of being rezoned. On this basis, the Panel is satisfied that Council has identified sufficient land in the Northern, North Western and Western Growth Areas, and with the addition of an emphasis on infill development, to meet its obligations under Clause 11.02-1S.

Mr Shipp said:

- from 2015 to 2018 (immediately preceding the preparation of the MRTP), the municipality experienced an average of 875 approvals each year, 40 of which were in Miners Rest
- from 2018/19 to 2021/22, the approval rate in Miners Rest increased to 67 lots each year (a 68 per cent increase).

The contribution made by Miners Rest to municipality's residential land supply is extremely small, if not insignificant. In addition, based on Mr Shipp's evidence, all the available residential land in Miners Rest, including the former quarry land, would make up considerably less than half of the Ballarat land demand for one year.

The Amendment is focused on the township Miners Rest and the appropriateness of the rezoning of the GRZ1 to NRZ3, the revision of Clause 21.09-5 and the inclusion of the MRTP as a background document. While the capacity of the City of Ballarat to ensure 15 years supply of residential land is a significant matter for the planning of the municipality, it is not a matter for consideration as part of the Amendment.

(v) Conclusion

The Panel concludes:

- The Amendment will not negatively impact residential land supply and demand in the City of Ballarat.

4 Neighbourhood Residential Zone

4.1 Proposed rezoning

(i) The issue

The issue is whether it is appropriate and justified to rezone the northern areas of Miners Rest from GRZ1 to NRZ3.

(ii) Background

The Amendment proposes to rezone the northern areas of Miners Rest from GRZ1 to NRZ3, except the area of GRZ1 which forms part of the town centre (immediately south of Creek Street) (see Figure 1).

The purposes of the NRZ are:

- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The proposed objectives of NRZ3 are:

- To encourage low scale and site responsive residential development that sits unobtrusively within the rural landscape setting.
- To ensure that out-views to the surrounding landscape, and particularly to the volcanic hills, are protected.
- To maintain and increase native vegetation cover by requiring permeable land for planting and sustaining vegetation, particularly large canopy trees.

(iii) Evidence and submissions

Submitter 4, submitter 10 and the Committee for Miners Rest Incorporated supported the proposed use of the NRZ given the importance of ensuring the character of Miners Rest is protected.

The Committee for Miners Rest submitted:

- recent infill development represented a poor outcome and has resulted in a dramatically different neighbourhood character and feel
- the proposed change in zoning *“will ensure that the “feel” of Miners Rest of “country living” is protected.”*

Council submitted the proposed application of the NRZ:

- was required to implement the various strategic provisions of the MRTP and referenced the Character Report which provided a detailed explanation how the NRZ had been chosen as the preferred residential zone
- was informed by PPN91, extensive community consultation and is strategically sound
- is consistent with the role and application of residential zones contained in PPN91 as follows:
 - Clause 32.08 General Residential Zone (GRZ) Applied to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport.

Clause 32.09 Neighbourhood Residential Zone (NRZ) Applied to areas where there is no anticipated change to the predominantly single and double storey character. Also to areas that have been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area Council added:

A key objective of the MRTP is to ensure that future housing growth is an appropriate response to enhancing the existing character and rural atmosphere of Miners Rest North. The residential areas of Miners Rest North are defined by a distinctive character of large residential allotments, generous separation of built form, low site coverage, low density housing, significant space for gardens & landscaping, and low scale housing of not more than two storeys.

Council submitted the GRZ, which enables lots to be developed with a high site coverage and up to three storeys:

- does not reflect Council's vision for Miners Rest North
- does not align with the desired outcomes for housing in the MRTP
- is not the appropriate planning control to ensure that the distinctive character and environment of Miners Rest North is retained
- is inconsistent with the community aspirations for Miners Rest North
- will not allow for the maintenance of a spacious, low rise residential area of not more than two storeys.

Mr Clarke said Council's reference in PPN91 highlights the NRZ is the most appropriate zone for Miners Rest North outside of the town centre. He supported the NRZ because it would implement the stated neighbourhood character outcomes sought by the MRTP.

Council submitted:

Clearly, the NRZ is the appropriate zone to achieve the strategic outcomes sought by the MRTP. The NRZ will be in tune with protecting the neighbourhood character, landscape and amenity values that exists on the larger lots in Miners Rest North by ensuring that these attributes are given due regard in any future development proposal.

(iv) Discussion

PPN91 provides useful guidance on the role of Victoria's various residential zones. It identifies the GRZ is appropriate for areas where "*housing development of three storeys exists or is planned.*"²⁰ It also identifies the NRZ is appropriate for areas where "*there is no anticipated change to the predominantly single and double storey character,*"²¹ and to areas "*that have been identified as having specific neighbourhood, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area.*"²² The MRTP strategically demonstrates this is the case for Miners Rest.

A key purpose of the MRTP, as informed by the Character Report, is to ensure the future planning of Miners Rest is coordinated and that development is integrated with the valued characteristics of existing development to maintain the rural village feel. This will be achieved through the proposed rezoning to the NRZ3, where the Schedule will usefully control lot size, site coverage, setbacks, dwelling heights and landscaping requirements.

²⁰ PPN91.

²¹ Ibid.

²² Ibid.

The Panel's inspection of Miners Rest North indicated the area is made up of single storey detached dwellings within landscaped settings with predominantly large front setbacks. The Panels agrees with the Council and submitters that this distinct character should be protected and distinguished from other pockets of housing where development has been able to occur with greater intensity.

Miners Rest is clearly not an area *"where housing development of three storeys exists or is planned"*²³ and in this respect, the Panel considers the GRZ is an inappropriate zone for the township. While a purpose of the GRZ is to respect neighbourhood character, it also seeks to encourage housing growth which does not reflect the vision for the area – large residential allotments, generous separation of built form, low site coverage, low density housing, space for gardens and landscaping and low scale housing of not more than two storeys.

The Panel considers the NRZ is an appropriate planning control that will contribute to the MRTP's envisioned township structure and will support built form outcomes that integrate with the existing and valued character of Miners Rest. The NRZ3 will protect the neighbourhood character, landscape and amenity values that exist in Miners Rest.

The Panel accepts there is a balance between conserving the Miner Rest North character and providing housing opportunities for future population growth. There are growth opportunities around the town centre where the GRZ is proposed to remain, and extensive residential growth opportunities in the NGA.

(v) Conclusion

The Panel concludes:

- It is appropriate and justified to rezone the northern areas of Miners Rest from GRZ1 to NRZ3 because it will protect its existing neighbourhood character, landscape and amenity values.

4.2 1-11 Victoria Street, Miners Rest

(i) The issue

The issue is whether it is appropriate and justified to:

- rezone 1-11 Victoria Street from the GRZ1 to the NRZ3 with a minimum lot size of 750 square metres
- vary the requirements of Clauses 54 and 55 relating to site coverage and permeability.

(ii) Background

The land at 1-11 Victoria Street, Miners Rest is:

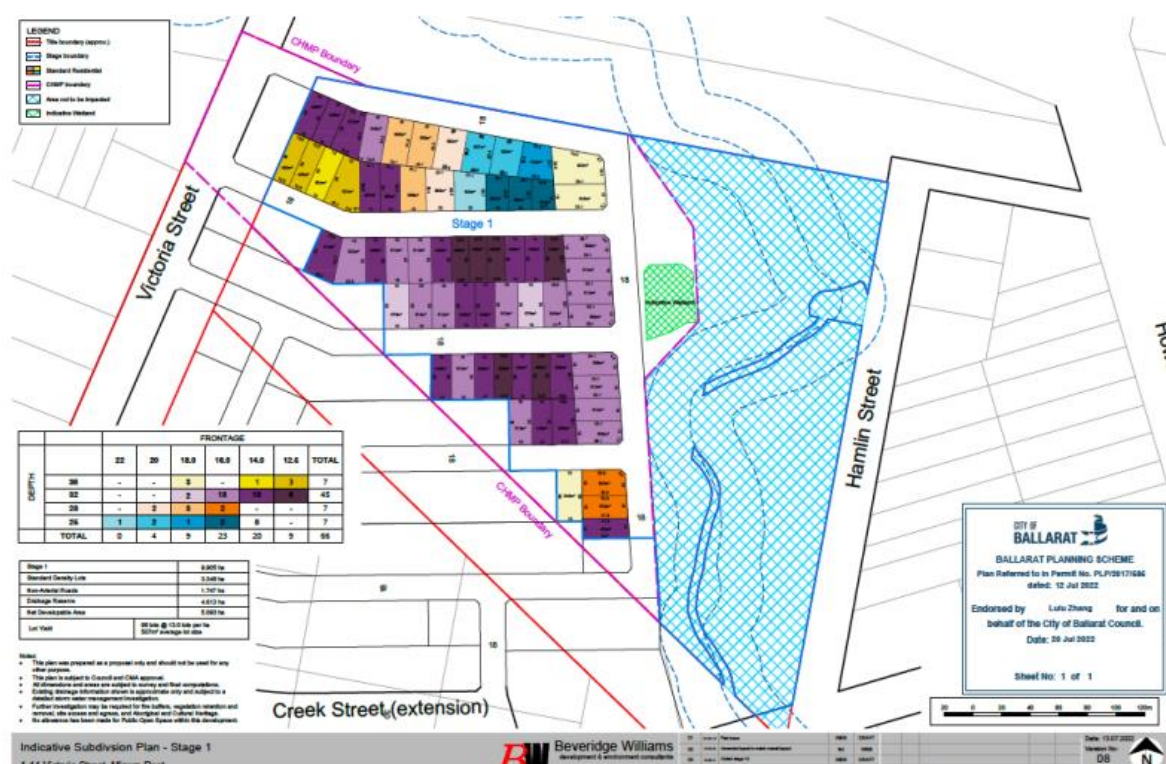
- comprised of 15 consolidated titles pursuant to a Crown Grant with a total site area of 10.9 hectares
- currently undeveloped, subject to GRZ1 and forms part of the southern edge of the existing township
- subject in part to the Environmental Significance Overlay, Schedule 2, Land Subject to Inundation Overlay, Erosion Management Overlay and Floodway Overlay

²³ *ibid.*

- within a designated Bushfire Prone Area and in part are Areas of Aboriginal Cultural Heritage Sensitivity
- the subject of a current planning permit (No. PLP/2017/585) which was issued by the Victorian Civil and Administrative Tribunal on 12 July 2022 for a multi-lot residential subdivision (subdivision permit).

The endorsed 'Indicative Subdivision Plan – Stage 1' (Figure 10) shows the layout and approval of 66 lots with an average size of 507 square metres and forms a southern extension of the existing township south of the neighbouring reserve.

Figure 10 Endorsed Subdivision Plan for 1-11 Victoria Street



NRZ3 proposes a minimum lot size for subdivision of 750 square metres and a site coverage and permeability requirement of 45 per cent.

NRZ3 proposes the following landscaping requirement:

Provision of a minimum of one canopy tree per 175 square metres of the site area, that will reach a minimum mature height that equals the height of the proposed development, including:

- a minimum of one canopy tree within each area of secluded private open space; and
- a minimum of one canopy tree within the front setback per 5 metres of width of the site (excluding the width of one driveway).

Each tree should be surrounded by 20 square metres permeable surface with a minimum radius of 3 metres. Up to 50% of the permeable surface may be shared with another tree. The species of canopy trees should be native, and preferably indigenous to the local area.

(iii) Evidence and submissions

Resi is the developer of 1-11 Victoria Street and generally supported the Amendment but opposed the rezoning of 1-11 Victoria Street to NRZ3. It submitted that rezoning 1-11 Victoria Street:

- would significantly impact the development of 1-11 Victoria Street in accordance with the subdivision permit
- is not justified by the MRTTP or the background materials
- would undesirably prejudice development outcomes for the former quarry land
- is inconsistent with policy given the proximity of the land to community and retail facilities.

Resi submitted the rationale advanced in the MRTTP in support of rezoning 1-11 Victoria Street to NRZ3 was not persuasive. The Character Report (the strategic work supporting this aspect of the Amendment) was problematic because *“the characterisation of all of Miners Rest North as a single ‘planning unit’ (to use Mr Clarke’s terminology) with a single character is neither justified by Ms Scott (nor Mr Clarke), nor justifiable. The MRTTP itself describes the existing character of Miners Rest as “highly varied,” which does not support a ‘single character’ approach.”*²⁴

Mr Milner agreed and favoured a separate character for 1-11 Victoria Street (and the quarry land) and said *“[t]he Sites do not form part of the established areas of Miners Rest and its distinctive character.”*²⁵

Mr Clarke did not agree that 1-11 Victoria Street should be characterised as a different planning unit to other areas outside the town centre and therefore subject to different neighbourhood character objectives. He said the preferred character outcome being sought should occur at a whole of Miners Rest North precinct level and not within smaller planning units distributed throughout Miners Rest North.

Resi opposed the proposed minimum lot size of 750 square metres and the site coverage and permeability requirement of 45 per cent. It submitted that having regard to policy promoting walkability and accessibility to services, the proximity of 1-11 Victoria Street to the activity centre and to the open space along Burrumbeet Creek justify a higher density than a 750 square metre lot.

Resi submitted:

- while its approved subdivision can proceed given its approved subdivision permit, the modifications proposed to Clauses 54 and 55 by the Amendment would be problematic
- the default for site coverage is 60 per cent (Clauses 54.03-3/55.03-3) and for permeability is 20 per cent (Clauses 54.03-4/55.03-4), with no quantitative standards for landscaping (Clause 55.03-8)
- although no permit would be required for use or development of lots created by the subdivision permit, these standards could be enforced (noting they are discretionary) through the building permit process and the Building Regulations 2018.

Council submitted the Amendment does not seek to alter the residential status of 1-11 Victoria Street and acknowledged it has a role to play in providing housing opportunities for Miners Rest North in both the short and long-term. Council submitted Resi has a lawful right to subdivide its land in accordance with the subdivision permit regardless of the proposed rezoning. Council ultimately relied on its submissions in relation to the strategic justification for applying the NRZ more broadly throughout Miners Rest.

²⁴ Document 28.

²⁵ Document 17.

Mr Clarke relied on the Character Report as providing the rational and strategic justification for the proposed zoning, lot size and site coverage controls. He said the report is useful because *“it applies on-site “testing” of the proposed Planning Scheme changes sought under the Amendment to examine whether they reflect the existing conditions (and therefore existing character) of Miners Rest North.”*²⁶ In particular, the Character Report:

- found 78 per cent of lots in Miners Rest North exceeded 750 square metres
- considered site coverage should not exceed 45 per cent as this was consistent with 84 per cent of surveyed lots which had an existing site coverage of 40 per cent and *“will ensure the protection of the open and well vegetated character of the township, which allows views to the surrounding landscape, as well as reflecting the community’s aspirations”*.²⁷

(iv) Discussion

The Panel has already concluded that the strategic approach of limiting the density of development through the NRZ is justified. There are options within the town centre and outside of Miners Rest that can accommodate smaller lot sizes and higher density development.

The size and strategic potential of 1-11 Victoria Street provides it with certain attributes that work in favour of future redevelopment. This is reflected by the approved subdivision permit. However, the land’s attributes do not warrant a different character analysis to other areas of Miners Rest North as Resi has suggested. Its transitional location at the edge of the Miners Rest Township adjacent to the Farming Zone work against a more intense redevelopment. The Panel agrees with Mr Clarke that the preferred character outcome being sought through the MRTP should occur at a precinct level, and not within smaller planning units throughout Miners Rest North.

The Panel acknowledges the importance of Miners Rest’s existing ‘rural village’ character and notes that existing residential lot sizes of 750 square metres or more, contribute to this character. A lot size of less than 750 square metres would be at odds with the existing and preferred spacious and rural township character. Given the overall character of the existing Miners Rest area, the Panel considers a 750 square metre lot size represents a reasonable approach of balancing the character and strategic attributes of this area with reasonable opportunities for new development. The 750 square metre lot size is appropriate with respect to housing affordability and diversity considerations, consistent with the Panel’s conclusions in Chapter 3. As concluded earlier, the City of Ballarat does not have a housing supply problem which needs to be addressed by the Amendment.

The strategic direction of the MRTP seeks to achieve appropriate built form outcomes that respond to the valued ‘rural village’ character. NRZ3 will achieve this. The proposed combination of the minimum lot size with the maximum building site coverage and minimum permeability percentages is appropriate for improving landscape character of the area.

Resi can subdivide 1-11 Victoria Street in accordance with the subdivision permit regardless of the proposed rezoning. Although no permit would be required to use or develop lots created by the subdivision permit, the proposed site coverage and permeability standards could be enforced through the building permit process. It is acknowledged that these provisions are discretionary.

²⁶ Document 14.

²⁷ Character Report, page 13.

The rezoning of this land should not rely on its potential future integration with the quarry land. It would be premature to consider how the two sites would be integrated, given the strategic role of the quarry land is not yet known.

(v) Conclusion

The Panel concludes:

- It is appropriate to rezone 1-11 Victoria Street from the GRZ1 to the NRZ3 with a minimum lot size of 750 square metres.
- It is appropriate and justified to vary the requirements of Clauses 54 and 55 relating to site coverage and permeability, as exhibited.

5 Specific sites

5.1 415 Cummins Road, Miners Rest

(i) The issue

The issue is whether the restriction on the development of land at 415 Cummins Road, Miners Rest in the MRTP is appropriate.

(ii) Submissions

Submitter 1 owns Farming Zone land at 415 Cummins Road, Miners Rest.

The Submitter's land is nominated as pink on the MRTP Township Plan (Figure 3) and has the following notation:

Existing rural land subject to noise from the airport and not currently considered suitable for rezoning to a sensitive land use.

Submitter 1 did not seek any specific recommendation or change to the Amendment. When asked by the Panel, Submitter 1 said that he would like:

- the inclusion of a strategy in Clause 21.09-5 to facilitate the investigation of the potential for the development of 415 Cummins Road for alternative uses
- to remove the reference in the Legend of the MRTP Township Plan (Figure 3) which states 415 Cummins Road is *"not currently considered suitable for rezoning to a sensitive land use"*.

Submitter 1 said his property was not under the Ballarat Airport runway flight path and the extension of the north-south runway effectively removes the N70 noise contour from 415 Cummins Road. 415 Cummins Road is one of three properties on the southside of Cummins Road and while the land to the west may have issues with aircraft noise, 415 Cummins Road was no longer impacted and consequently the restriction on development is inappropriate.

Submitter 1 stated that the noise contour diagrams in the MRTP – Background Information and Analysis report were misleading because it shows the N60-50 events not N65- 100 events as stated. In addition, the Background Information and Analysis report identified the land as a *"strategic, centrally located site that if developed could assist with connecting and consolidating the town."*²⁸

Council submitted:

- it did not support the Panel making the above recommendations
- any role 415 Cummins Road may play in potential housing supply will be determined by the Housing Strategy, the outcome of the Ballarat Airport Masterplan update and in response to the noise modelling for the extended runway
- there was no strategic justification to rezone the land and any such proposal would need to be supported by several assessments including aircraft noise, bushfire, flooding, town planning and traffic.

²⁸ Submission 1.

(i) Discussion and conclusion

The Panel accepts Council's submission that any potential development at 415 Cummins Road, Miners Rest needs strategic justification. While Submitter 1 stated that the property is unaffected by aircraft noise the Panel has not been presented with any independent information or analysis to verify this is the case.

In the absence of any strategic justification for a change to the MRTTP and any analysis that aircraft noise is not an issue in the development of the land, the Panel does not support the proposal to change the MRTTP.

The Panel concludes:

- The restriction on the development of 415 Cummins Road, Miners Rest in the MRTTP is appropriate.

5.2 Equine Precinct

(i) The issue

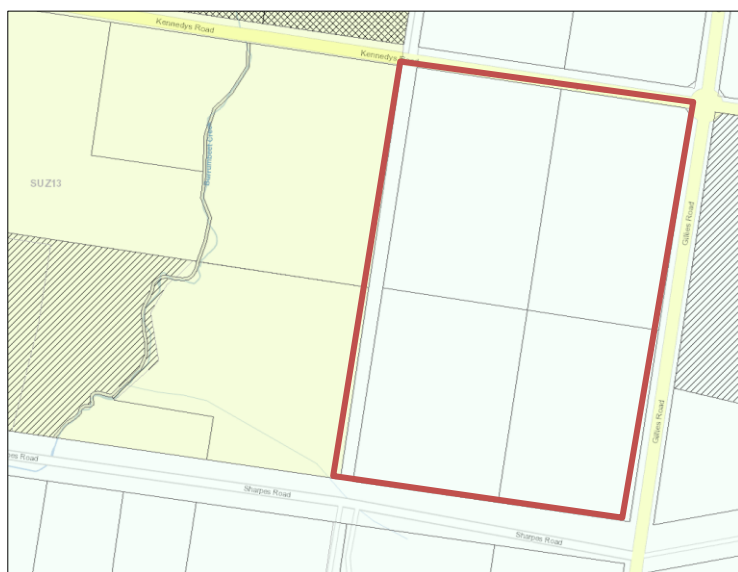
The issue is whether it is appropriate to include 375 and 389 Gilles Road, 139 Kennedys Road and Crown Allotment 27 Section 5 Parish of Dowling Forest Sharpes Road, Miners Rest (as shown in Figure 11) in the MRTTP Equine Precinct.

(ii) Background

Submitter 8 made submissions on behalf of four landowners who seek to have their landholdings included in the Equine Precinct shown on the MRTTP.

The landholdings are within the Farming Zone and the boundary of the Miners Rest Study Boundary, and outside the Special Use Zone that applies to the Equine Precinct.

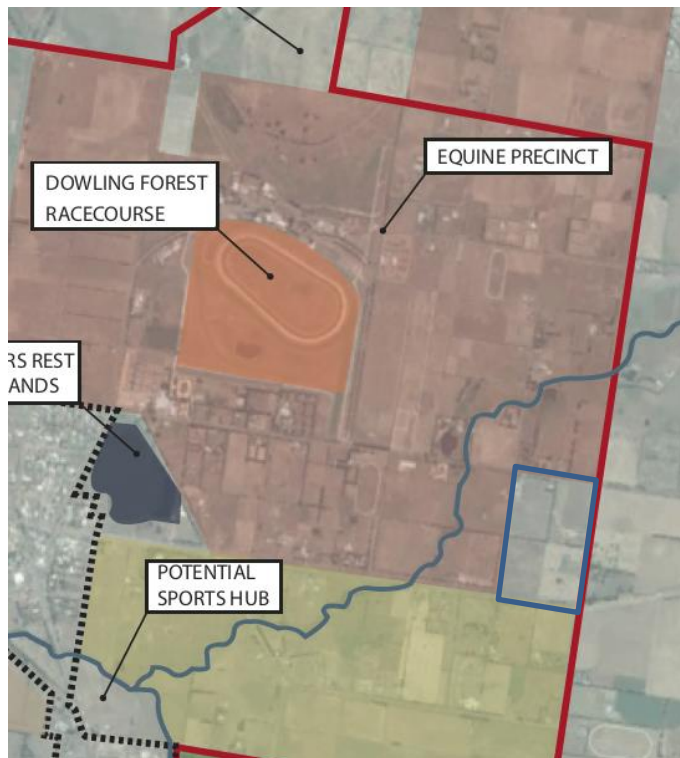
Figure 11 Location of 375 and 389 Gilles Road, 139 Kennedys Road, Crown Allotment 27 Section 5 Parish of Dowling Forest Sharpes Road, Miners Rest



The Special Use Zone Schedule 13 (Thoroughbred Horse Training Facilities) (SUZ13), which is a significant proportion of the Equine Precinct, has the following purpose:

- To encourage the use and development of thoroughbred horse training facilities in association with the Dowling Forest Racecourse.
- To provide for subdivision of land for use and development as thoroughbred horse training facilities.
- To facilitate on-site accommodation for horse trainers and their employees in conjunction with the thoroughbred horse training facilities.
- To ensure that thoroughbred horse training facilities are established in a manner which is consistent with surrounding land uses.

Figure 12 Location of the Equine Precinct and subject properties



One of the actions listed under *Further strategic work* in Clause 21.09-5 is:

Undertake a review of the planning controls surrounding Dowling Forest racecourse, including Special Use Zone - Schedule 13 and Farming Zone A & B.

(iii) Submissions

Submitter 8 considered the four properties:

- were ideally suited to horse training and care and most had sheds and facilities to support the keeping of thoroughbred horses
- are strategically located in terms of having *“a physical, logical and practical association with the adjoining Dowling Forest Equine Precinct.”*
- have the potential to make a modest contribution to the supply of land in the Equine Precinct which supports the objectives of Clause 21.07-6. In addition, it was anomalous that the properties were not included in the 2019 *Dowling Forest Equine Precinct — Planning Controls Review*
- should be included in the Equine Precinct.

Council did not support the four properties being included in the Equine Precinct shown on the MRTTP. It submitted:

- it had commenced a strategic planning review of the planning controls and policies that apply to the Equine Precinct
- this review is ongoing and may result in a future Planning Scheme Amendment
- this strategic process is the appropriate process to determine whether the four land holdings should be included in the Equine Precinct
- the landowners can participate in this process and make submissions regarding the strategic justification for their land to be rezoned and to be included in the Equine Precinct.

(iv) Discussion and conclusion

The Panel notes that the delineated Equine Precinct in the MRTP:

- does not match the extent of the SUZ13
- includes all of the Special Use Zone Schedule 7 (Dowling Forest Racecourse) and some land in the Farming Zone.

The planning controls for the Equine Precinct are imbedded in the SUZ13. As shown in Figure 12, the exclusion of these four properties appears to be an anomaly.

Nevertheless, the Panel considers that Council's strategic review of the planning controls and the extent of the Equine Precinct is appropriate. It would be premature to recommend the inclusion of these properties in the Equine Precinct ahead of this review.

The Panel concludes:

- It is not appropriate to include 375 and 389 Gilles Road, 139 Kennedys Road and Crown Allotment 27 Section 5 Parish of Dowling Forest Sharpes Road, Miners Rest in the MRTP Equine Precinct ahead of the review of the planning controls in the Equine Precinct.

Appendix A Submitters to the Amendment

No	Submitter
1	Alan Ford
2	Jeffrey Soar
3	Withdrawn
4	Graham and Debbie Linke
5	Resi Ventures Pty Ltd
6	Glenelg Hopkins Catchment Management Authority
7	Environment Protection Authority (Victoria)
8	G & S Atkinson; S & K Kennedy; C, H and M Yorke; M Murphy; J Thomson and V Elford; and A Smith & M Clifford
9	Committee for Miners Rest
10	Grant Tillet

Appendix B Document list

No.	Date	Description	Provided by
1	26/04/2023	Panel Directions and Timetable (version 1)	Planning Panels Victoria (PPV)
2	03/05/2023	Letter from Council about Ballarat housing supply and demand	City of Ballarat (Council)
3	04/05/2023	Letter from Gadens on behalf of Resi requesting accompanied site inspection	Resi Ventures Pty Ltd (Resi)
4	05/05/2023	Email to parties confirming accompanied site inspection	PPV
5	05/05/2023	Late submission (11) referred to the Panel	Council
6	08/05/2023	Email from Submitter No. 8 (G & S Atkinson; S & K Kennedy; C, H & M Yorke; M Murphy; J Thomson and V Elford; and A Smith & M Clifford) confirming they would not attend the site inspection	Neil Haydon and Associates Pty Ltd (Haydon Associates)
7	08/05/2023	Email from Council confirming attendance at site inspection	Council
8	08/05/2023	Email from Council confirming creation of document sharing platform	“
9	10/05/2023	Map showing the location of submitters	“
10	10/05/2023	Council Part A Submission	“
11	12/05/2023	Letter from Gadens requesting a supplementary Part A submission from Council	Resi
12	12/05/2023	Response from Council to Gaden's request	Council
13	15/05/2023	Email from the Panel responding to Gaden's request	PPV
14	15/05/2023	Statement of evidence by Andrew Clarke (Town Planning)	Council
15	15/05/2023	Letter from Gadens providing links to statements of evidence	Resi
16	15/05/2023	Statement evidence of Paul Shipp (Land Economics)	Resi
17	15/05/2023	Statement of evidence of Rob Milner (Town Planning)	Resi
18	15/05/2023	Statement of evidence of Darren Tardio (Aircraft Noise)	Resi
19	15/05/2023	Statement of evidence of Ian Jennings (Aviation)	Resi
20	15/05/2023	Statement of evidence of Rob Swan (Drainage and Flooding)	Resi
21	15/05/2023	Letter from Gadens including: a) Email dated 21 March 2023 from Andrew Bondini (Boral) re Boral quarry remediation b) Proposal for environmental auditing services - AAA Environmental dated 15 September 2022 c) Environmental audit update - AAA Environmental dated 11 April 2023 d) Environmental site assessment and remediation overview	Resi

No.	Date	Description	Provided by
11-91 Victoria Street Miners Rest – Beveridge Williams			
22	15/05/2023	Resi Hearing book	Resi
23	15/05/2023	A Smith and M Clifford Final Farm Management Plan (06/05/2023)	Haydon Associates
24	15/05/2023	S and K Kennedy Draft Farm Management Plan (08/09/2016)	Haydon Associates
25	17/5/2023	Council Part B Submission	Council
26	17/5/2023	Email to PPV from Council outlining Hearing arrangements	Council
27	19/05/2023	Council documents for Panel Hearing	Council
28	23/05/2023	Submission on behalf of Resi Ventures Pty Ltd	Resi
29	23/05/2023	Planning map of the Equine Precinct	Mr N. Haydon
30	23/05/2023	Submission by Alan Ford	Mr A. Ford
31	23/05/2023	Moorabool Planning Scheme Amendment C88 Panel Report	Mr N. Haydon
32	25/05/2023	Reply on behalf of the City of Ballarat to matters raised during the Hearing	Council

Appendix C Planning context

C:1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The State policy objectives are set out in section 4 of the PE Act. They include to:

- provide for the fair, orderly, economic and sustainable use and development of land
- provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- conserve and enhance buildings, areas or places which are of scientific, aesthetic, architectural or historical interest or special cultural value
- protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community
- facilitate development in accordance with the above objectives
- facilitate the provision of affordable housing in Victoria
- balance the present and future interests of all Victorians.

Planning Policy Framework

The Planning Policy Framework is the expression of State and Regional planning policies. Planning policies relevant to the Amendment include:

Clause 11.01-1S: Settlement which includes the strategies to:

Focus investment and growth in places of State significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries.

Provide for growth in population and development of facilities and services across a regional or sub-regional network.

Promote and capitalise on opportunities for urban renewal and infill redevelopment.

Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Clause 11.01-1R: Settlement: Central Highlands, which includes strategies to:

Support Ballarat as the main centre for regional growth, services and employment with major growth focused to the west.

Provide local and sub-regional services at Avoca, Ballan, Beaufort, Clunes, Creswick, Daylesford and Smythesdale to support ongoing growth, ...

Direct growth to well serviced settlements with good access to Melbourne or Ballarat, particularly Bacchus Marsh, Ballan, Creswick, Clunes, Beaufort and Smythesdale.

Clause 11.02-1S: Supply of Urban Land, which includes strategies to:

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by town basis.

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

Clause 11.03-2S: Growth Areas, which includes the strategy to encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare, and over time, seek an overall increase in residential densities to more than 20 dwellings per net developable hectare.

Clause 11.03-6S: Regional and Local Places which includes strategies to:

Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

Clause 15.01-5S: Neighbourhood Character, which has the objective to recognise, support and protect neighbourhood character, cultural identity and sense of place. It includes strategies to:

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.

Clause 16.01-1S: Housing Supply which includes strategies to:

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas

Identify opportunities for increased residential densities to help consolidate urban areas.

Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

Clause 16.01-2S: Housing Affordability which includes strategies to:

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.

Clause 21 (the Municipal Strategic Statement)

The Municipal Strategic Statement Context identifies that people are attracted to Ballarat for a variety of reasons including its significant history, character and lifestyle (Clause 21.01-1).

The Strategic Framework Plan identifies Miners Rest as one of six townships and rural settlements outside of the metropolitan area of Ballarat and outside of the ten minute city where housing development is to be focused (Clause 21.01-4).

Clause 21.02-1 deals with urban growth. The Housing Framework Plan designates Miners Rest as an ongoing change area. The area immediately south and east of Miners Rest South is identified as a Greenfield Investigation Area.

Clause 21.02-6 (Townships) contains support for the development of a specific Township Plan for Miners Rest:

The townships of Buninyong, Burrumbeet, Cardigan Village, Learmonth, Miners Rest and Warrenheip and their surrounding communities provide an attractive lifestyle choice in a rural setting. These townships are valued by residents for their character, community and lifestyle. They represent a different style of living to urban Ballarat and contribute to the diversity of lifestyle and choice in the municipality. Services and infrastructure are unique to each township, as are local values and expectations. Significant land use changes should respond to local township character, and long-term community aspirations.

In some small towns and surrounding rural living communities there is a need for a clear long-term vision. Natural, engineering and cultural considerations place limitations on new growth and development opportunities. Structure and community plans are needed to provide a framework for informing land use planning decisions, directing future growth and development opportunities that respond to community needs.

Objective 6

To facilitate development in township areas in accordance with local area planning and the long-term aspirations of the community.

Strategies

6.1 Reinforce the township atmosphere and valued local character when managing long-term change in township areas.

6.2 Maintain residential development to within existing township boundary.

Clause 21.09 is entitled Local Areas and provides detailed local area strategies.

The Local Areas Strategy for Miners Rest is at Clause 21.09-5 and states:

Miners Rest is an important township to the north of the Ballarat, separated from the main urban area by the Western Freeway. The area has significant constraints on development such as flood prone land and airport flight paths.

C:2 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

i) Zones

Miners Rest North is predominantly in a GRZ. The purposes of the GRZ are:

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The Amendment proposes to rezone the northern areas of Miners Rest from GRZ1 to NRZ3, except the area of GRZ1 which forms part of the town centre (immediately south of Creek Street).

The purposes of the NRZ are:

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

ii) Overlays

Areas of Miners Rest North is subject to the Flooding Overlay, Land Subject to Inundation Overlay, Environmental Significance Overlay, Erosion Management Overlay and the Design and Development Overlay.

C:3 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions and Practice Notes

The Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018
- Planning Practice Note 91 (Using the residential zones, DELWP 2019).

That discussion is not repeated here.

Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victorian Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.