Planning and Environment Act 1987

BALLARAT PLANNING SCHEME

AMENDMENT C233ball

EXPLANATORY REPORT

Who is the planning authority?

The Minister for Planning is the planning authority for this amendment.

The amendment has been made at the request of Development Victoria on behalf of VicTrack

Land affected by the amendment

The amendment applies to land at 17 Liberator Drive, Mitchell Park (Lot 5 on Plan of Subdivision PS906346M), shown on Map 1 and Figure 1 below.



Map 1. Land affected by the amendment

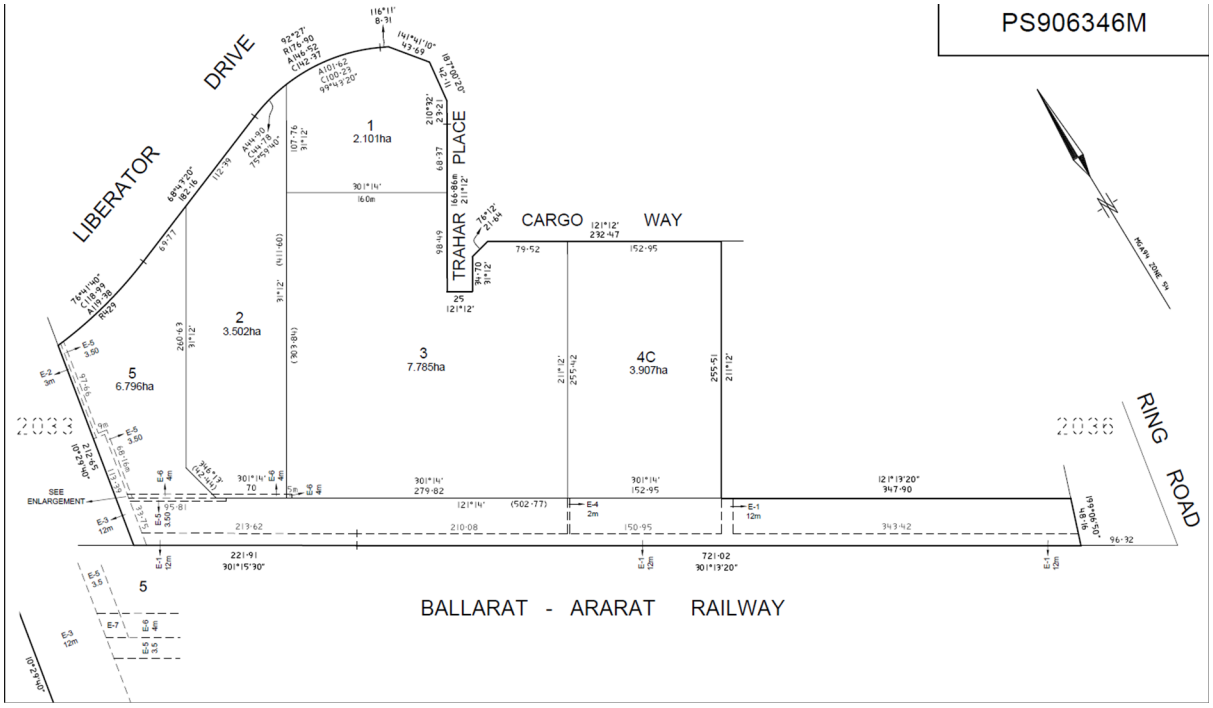

Figure 1: Certified Plan of Subdivision identifying Lot 5, the land affected by the amendment.

The land is currently vacant, and will be acquired by VicTrack for use as an intermodal freight hub as identified in the *Ballarat West Employment Zone Master Plan* (2012) and *Ballarat West Employment Zone Development Plan* (2018).

What the amendment does

The amendment seeks to rezone the land from the Special Use Zone Schedule 14 (SUZ14) to Transport Zone 1 'State transport infrastructure' (TRZ1).

The application of the TRZ1 will allow for the use and development of the land for transport (rail freight) purposes without requiring a planning permit under the Ballarat Planning Scheme. The rezoning to TRZ1 will better reflect the future land ownership by VicTrack.

Strategic assessment of the amendment

Why is the amendment required?

The amendment will facilitate the delivery of an integral component of the *Ballarat West Employment Zone* (BWEZ). The affected land will be used for a new intermodal freight hub catering for container freight from the Port of Melbourne as well as interstate freight terminals.

The SUZ14 that currently applies to the land identifies it for the purpose of a freight hub. This use of the land was originally allowed via the approval of the *Ballarat West Employment Zone Master Plan* (the Masterplan) in 2012. The land use Framework Plan from the Masterplan was incorporated into SUZ14 at that time, and it identified the subject land as a *"Freight Hub - rail line interface"*. The City of Ballarat undertook considerable consultation with stakeholders and the wider community while preparing the original BWEZ Masterplan in 2011–12, which included stakeholder workshops, technical working group and information sessions.

A planning permit is currently required to use and develop the land for a freight hub under the SUZ14. In applying TRZ1 to the land, the amendment removes this requirement, to facilitate the timely and coordinated delivery of the freight hub.

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

The amendment implements the objectives of planning in Victoria as set out in section 4 of the *Planning and Environment Act 1987* as follows:

a) To provide for the fair, orderly, economic and sustainable use and development of land.

The amendment facilitates the timely delivery of the intermodal freight hub, which will support the State's freight network using its strategic links to Melbourne, regional and rural Victoria, Adelaide and the Ports of Melbourne, Geelong, and Portland.

c) To ensure pleasant, efficient, and safe working, living and recreational environment for all Victorians and visitors to Victoria

The amendment facilitates the provision of infrastructure that directly supports improvements to freight service capacity. The amendment facilitates the intermodal freight hub, improving Victoria's freight network to meet the current and future user demands.

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

The amendment rezones the land to a zone that reflects its future ownership and intended use for transport purposes, namely a VicTrack owned Intermodal Freight Hub.

The proposed freight hub forms an integral part of the BWEZ precinct and will create significant social and economic impacts for the City of Ballarat and the wider region. An economic assessment undertaken as part of the BWEZ master planning process identified the potential for the BWEZ to generate up to 9,030 direct jobs and $5.078 billion in economic output per annum. The BWEZ is considered critical for the delivery of future jobs to service Ballarat's growing population base as reinforced by the *Ballarat Strategy* (2015).

As part of preparing the BWEZ Master Plan, extensive investigation was carried out to assess the environmental values of the wider BWEZ area. It found the environmental values of the subject site to be generally low, with no patches of remnant native vegetation within it. The site is dominated by introduced grasses which have limited habitat value, and no fauna species of national or state significance have been found within the site. As such, it is considered that the amendment will not have any adverse impacts on the natural resources of the land.

Furthermore, the freight hub has been planned in a location more than 500m away from sensitive uses, to reduce the potential for environmental impacts on nearby residential areas.

Does the amendment address relevant bushfire risk?

The subject site was rezoned to facilitate industrial development in 2012.

The BWEZ is bounded by existing urban areas (residential and industrial) to the north and east, Ballarat Airport to the north and west, rural-residential areas to the south and farming land to the west. The existing urban areas present little bushfire risk. Similarly, the rural land has been modified and cleared by past land uses, has very sparse tree canopies and presents a low to moderate risk for bushfire. Land management of the environmental corridor running through the BWEZ site will also include the management of any bushfire risk.

The CFA have been consulted with throughout the BWEZ project, including most recently as part of the subdivision which created the lot proposed to be rezoned to Transport Zone. They provided consented for certification for this subdivision application and included conditions relating to hydrants that will be complied with.

The amendment does not in itself increase the level of bushfire risk on the land and is unlikely to result in any increased risk to life, property, or the environment.

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

Section 12(2)(a) of the *Planning and Environment Act 1987* requires that in preparing an amendment, a planning authority must have regard to the Minister's directions. The amendment complies with the following relevant Ministerial Directions:

Ministerial Direction – The Form and Content of Planning Schemes

The amendment has been prepared in accordance with the Ministerial Direction – Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987.*

Ministerial Direction No. 11 Strategic Assessment of Amendments

The amendment has been prepared having regard to the *Ministerial Direction No. 11 – Strategic Assessment of Amendment* and *Planning Practice Note 46: Strategic Assessment Guidelines for Planning Scheme Amendments*. The requirements of this Direction are addressed by the contents of this explanatory report.

Ministerial Direction No. 15 The Planning Scheme Amendment Process

The amendment will adhere to the steps outlined in the direction.

Ministerial Direction No. 19 Preparation and Content of Amendments that may significantly impact the Environment, Amenity and Human Health

Ministerial Direction No.19 requires planning authorities to seek and address the views of the Environment Protection Authority (EPA) in the preparation of a planning scheme amendment that may allow use or development of land that could result in significant impacts on the environment, amenity, and human health due to pollution and waste.

In accordance with this ministerial direction, the written views of the EPA were sought in the preparation of this amendment. The EPA acknowledged the proposal and advised that since the adoption of the BWEZ Masterplan and Development Plan, the general environmental duty (GED) was introduced. They recommended consideration of EPA Publication 1834: *Civil Construction, Building and Demolition Guide* if applicable.

The *BWEZ Masterplan* (2012) and *BWEZ Development Plan* (2014) had ensured that the freight hub was planned in a suitable location – more than 500m away from sensitive uses. This included the preparation of an interface assessment. The amendment also retains the existing Development Plan Overlay Schedule 10, to ensure the provision of adequate buffer and interfaces. By locating the freight hub away from sensitive uses, these strategies are considered consistent with EPA's guidance for effective management of environmental risks, including those associated with noise and vibration, and sediment and dust transfer in Publication 1834 and Publication 1856*: Reasonably practicable*.

As such, it is considered that there are adequate protections in place to reduce the potential for impacts on nearby sensitive uses, including on adjoining residential areas.

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

The amendment supports and implements the objectives and strategies of the State Planning Policy Framework. In particular, the amendment will facilitate:

Clause 11.01-15 Settlement, Clause 11.02-3S Sequencing of Development

The amendment promotes the sustainable growth and development of the freight network. It facilitates the freight hub that will contribute towards the current and future needs of the freight network. The project is a direct response to planned improvements in the freight network which will ultimately support the economic growth of the region and Melbourne.

Clause 13.05-1S Noise abatement

This clause seeks to guide the control of noise effects on sensitive land uses. The BWEZ Masterplan approved as part of introducing SUZ14 to the BWEZ precinct located the freight hub away from sensitive land uses to mitigate any potential amenity effects on those uses.

This amendment does not seek to alter the location or size of the prosed Freight Hub and will not give rise to greater noise impacts to those that would otherwise arise if the land remained in the SUZ14.

Clause 13.07-1S Land use compatibility

This clause aims to safeguard community amenity while facilitating appropriate commercial, industrial, or other uses with potential off-site effects. The use of VicTrack owned land for transport purposes is an appropriate land use outcome and is consistent with the BWEZ Master Plan.

Clause 17.01-1S Diversified Economy, Clause 17.01-2S Innovation and Research

The project will contribute to a strong and innovative economy by improving the operation of the freight network. This will benefit the local community, providing employment, and will also have a positive effect on the Ballarat region and Victoria's freight network, which will in turn benefit the economic development of the State.

Clause 18.01-1 Land Use and Transport Integration, Clause 18.01-2S Transport System, Clause 18.01-2R – Transport System – Central Highlands, Clause 18.02-5S Freight

The project will assist in improving the operation of the freight network across the State by improving both its efficiency and capacity.

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

The amendment supports and implements the following clauses of the Local Planning Policy Framework in the Ballarat Planning Scheme:

- Clause 21.01 Municipal Overview
- Clause 21.03 Environmental and Landscape Values
- Clause 31.07 Economic Development
- Clause 21.08 Transport and Infrastructure

The amendment supports and implements these clauses as follows:

- The project will provide for the delivery of an improved freight network for the broader region and contribute positively to the vision of City of Ballarat.
- There will be no impacts on native vegetation.
- A Cultural Heritage Management Plan (CHMP) was prepared and approved for the subject land on 1 July 2015 (CHMP 13090), and future development of the site will be guided by the recommendations of the CHMP.
- The delivery of the freight hub will encourage additional investment to the area and create additional jobs within the BWEZ precinct.
- The freight hub will improve the freight network and will assist with creating a freight transport system that addresses accessibility needs and integrates transport and land use planning.

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

The amendment applies the TRZ1 to facilitate an intermodal freight hub. The relevant purposes of the TRZ1 are to provide for an integrated and sustainable transport system and to ensure the efficient and safe use of transport infrastructure and land comprising the transport system.

The application of the TRZ1 will allow the use and development of the land for transport-related purposes. The land is currently identified for the purpose of 'Freight Hub and ancillary uses' in the Schedule to SUZ14, which implements the *BWEZ Master Plan.*

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

The amendment was prepared in consultation with the EPA, VicTrack and City of Ballarat, and their views have been taken into account in the final drafting of the amendment.

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

The amendment will have a positive impact on the transport system by facilitating an intermodal freight hub that will contribute to the overall effectiveness of Victoria's rail freight network. The Amendment supports the relevant transport system objectives of the *Transport Integration Act 2010* as follows:

Economic prosperity

The amendment facilitates a component of a wider project that will contribute to economic prosperity by:

a) enabling efficient and effective access for goods to places of employment, markets and services;
b) increasing efficiency through reducing costs and improving timeliness;
c) fostering competition by providing access to markets;
d) facilitating investment in Victoria; and
e) supporting financial sustainability.

Integration of transport and land use

The amendment facilitates an intermodal freight hub that will provide for the effective integration of transport and land use by improving transport efficiency and accessibility to markets and providing transport infrastructure and services in a timely manner in response to demand.

Efficiency, coordination and reliability

The amendment facilitates an intermodal freight hub that will contribute to networkwide efficient, coordinated, and reliable movement of goods.

Resource and administrative costs

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

The rezoning will reduce the resource and administrative costs of the responsible authority.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Ballarat City Council website at https://www.ballarat.vic.gov.au/ ; or

The amendment is available for public inspection, free of charge, during office hours at:

Ballarat City Council
25 Armstrong Street South
BALLARAT

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at http://www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.