



Department of Energy, Environment and Climate Action

8 Nicholson Street
East Melbourne, Victoria 3001

Ref: CMS 000010878

Victorian Planning Authority

Sent via email:

Dear

PUBLIC CONSULTATION ON THE BALLARAT NORTH PRECINCT STRUCTURE PLAN, DEVELOPMENT CONTRIBUTIONS PLAN, NATIVE VEGETATION PRECINCT PLAN AND DRAFT AMENDMENT C256BALL TO THE BALLARAT PLANNING SCHEME – DEECA RESPONSE

Thank you for your notification of the Ballarat Planning Scheme Amendment C256BALL (the Amendment) to the Department of Energy, Environment and Climate Action (DEECA) on 19 September 2025. I am responding to you under delegation from the Secretary to DEECA.

DEECA understands that the Amendment introduces the Ballarat North Precinct Structure Plan (PSP), the Ballarat North Development Contributions Plan (DCP) and Ballarat North Native Vegetation Precinct Plan (NVPP). These documents are intended to guide growth in the precinct over the next 20 to 30 years, facilitating the development of approximately 5,600 dwellings and supporting a future population of around 15,700 residents.

The Victorian Planning Authority (VPA) has engaged extensively with DEECA throughout the preparation of this Amendment. This collaborative approach has resulted in an outcome that DEECA supports, subject to the inclusion of minor updates to the amendment documentation.

The recommended updates are as follows:

The Ballarat North PSP

- Include in Section 1.8 Precinct features:

There are existing wetlands and Seasonal Herbaceous Wetland (SHW) areas in the precinct, particularly in the west of the precinct near the Burrumbeet Creek and around the Ballarat Town Common. These wetlands include habitat for Matters of National Environmental Significance (MNES) listed under the Environment Protection and Biodiversity Conservation Act 1999, including the critically endangered 'Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains' ecological community, and threatened flora species such as Stiff Groundsel and River Swamp Wallaby-grass. The PSP supports the protection and sensitive integration of these ecological values into the urban fabric.

- Amend G29 to read:

Bushfire protection measures should be integrated with the open space network where possible, provided that all required bushfire setbacks are located outside of retained native vegetation, including Seasonal Herbaceous Wetland patches and the Burrumbeet Creek corridor, in accordance with Clause 13.02-1S and the Ballarat North Bushfire Development Reports.

- Include the following PSP Implementation Section Note:

The biodiversity assessment was conducted under sub-optimal conditions for some species. Further targeted surveys may be required at permit stage to confirm presence or absence.

The following requirements, guidelines and notes are suggested to ensure that compliance with the NVPP is linked to requirements in the PSP.

- Requirement and Guideline under Section 3.4 (Services and Destinations):

Rxx: Prior to vegetation removal, a fauna salvage and relocation plan must be prepared by a qualified ecologist.

Gxx: Development should avoid removal of hollow-bearing trees and aquatic habitat unless salvage protocols are implemented.

- Requirement under Section 3.6 (Infrastructure Coordination):

Rxx: Prior to any vegetation removal, proponents must submit a Statement of Intention to Remove Native Vegetation, including offset evidence, in accordance with the NVPP and Clause 52.16.

- Notes in the PSP Implementation section:

Offset obligations for vegetation removal are detailed in the Ballarat North NVPP and must be met prior to works commencing.

The NVPP does not constitute approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). While the PSP identifies and protects habitat for Matters of National Environmental Significance (MNES), separate EPBC referrals may be required for actions that may significantly impact listed species or ecological communities.

Urban Growth Zone – Schedule 3

- Amend applied zone for Burrumbeet Creek and proposed conservation reserves

DEECA recommends that the zoning on Burrumbeet Creek and the proposed conservation reserves reflect their current/intended use in the Future Urban Structure within the PSP. These areas should have the applied zone of either Public Park and Recreation Zone or Public Conservation Recreation Zone.

Ballarat North NVPP

DEECA understands that the VPA is currently updating the NVPP in response to feedback provided by DEECA on 5 August 2025.

In addition to those earlier comments, DEECA recommends that the NVPP be updated to clearly identify the properties to which it applies. While the NVPP requires a planning permit for properties that were not accessed for ecological site surveys, their inclusion in Table 2.1 may lead to misinterpretation, suggesting that these properties are covered by the NVPP's permit exemptions.

To address this, DEECA suggests that a new table be created listing all properties that were not accessed. This table should explicitly state that any removal, destruction or lopping of native vegetation on these properties is not in accordance with the NVPP and therefore will require a planning permit under Clause 52.16 of the Ballarat Planning Scheme.

Seasonal Herbaceous Wetland (SHW)

Following DEECA's site visit on 29 October 2025, and in response to your correspondence dated 24 October 2025 regarding the retention of the Seasonal Herbaceous Wetland (SHW), DEECA confirms that the retention of this feature is both ecologically and strategically justified. DEECA supports the inclusion of the SHW within a conservation reserve.

DEECA observed on site that the area appears to have been subject to cropping and reseeded with pasture species since its mapping by WSP in the August 2024 Biodiversity Assessment Report, DEECA is considering any implications of this matter separately. Nevertheless, the SHW should be retained in accordance with previous advice. Specifically:

- The site was holding water in places during the site visit, and native wetland species were observed including, Poison Lobelia (*Lobelia pratiodes*), River Buttercup (*Ranunculus inundatus*), White Purslane (*Montia australasica*), *Amphibromus* sp., and Lesser Loosestrife

(*Lythrum hyssopifolia*), albeit in very low numbers. These observations indicate that the site continues to exhibit seasonal hydrology consistent with SHW ecological function.

- For comparable context, WSP observed a nearby SHW at Miners Rest on the same day as the site visit. This wetland was observed to be thriving under current seasonal conditions and supported a range of characteristic wetland species including Brown-back Wallaby Grass (*Rytidosperma duttonianum*), River Buttercup (*Ranunculus inundatus*), Poison Lobelia (*Lobelia pratioides*), and Prickfoot (*Eryngium vesiculosum*). Given the proximity and similar landscape context, the abundance and diversity of species observed at Miners Rest provides a reliable ecological reference. DEECA considers that, had the Ballarat North SHW not been disturbed, similar species composition and abundance would likely be present, consistent with WSP's 2023 mapping and typical SHW condition.
- SHWs are known to retain viable native seedbanks even after agricultural disturbance. Restoration science, demonstrates that these wetlands can recover ecological function if hydrology is maintained and further degradation is avoided. Provided seasonal inundation continues, natural regeneration of native wetland flora is feasible over time. The UGZ3 requires a Conservation Management Plan which includes protection and enhancement measures supporting the regeneration of the SHW.

If you require further information in relation to this matter, please contact [REDACTED]

Yours sincerely

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5 November 2025