

**CITY OF
BALLARAT**



Planning Special Committee Meeting

29 July 2020

Virtual Meeting

AGENDA

NOTICE IS HEREBY GIVEN THAT A PLANNING SPECIAL COMMITTEE MEETING WILL BE A VIRTUAL MEETING ON 29 JULY 2020 AT 7:00PM.

Due to COVID-19 Stage 3 restrictions around public gatherings and in accordance with the Victorian Government’s *COVID-19 Omnibus (Emergency Measures) Act 2020* and Ministers Good Practice Guideline MGPG-1: Virtual meetings. This meeting will be held virtually and the recording published on council’s website www.ballarat.vic.gov.au after the meeting.

Public representations may be made on any items listed on the agenda for a Planning Special Committee Meeting. Submissions must also be submitted in writing to agendapreparation@ballarat.vic.gov.au by no later than 4.30pm on the day of Planning Special Committee meeting; and limited to no more than 200 words that will be read out by the Chief Executive Officer or her nominated delegate at the meeting prior to the matter being considered by Council.

<h1>AGENDA</h1>

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1. OPENING DECLARATION

Councillors: *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

Mayor: *"I respectfully acknowledge the Wadawurrung and Dja Dja Wurrung People, the traditional custodians of the land, and I would like to welcome members of the public in the gallery."*

2. APOLOGIES FOR ABSENCE

3. DECLARATION OF CONFLICT OF INTERESTS

4. CONFIRMATION OF MINUTES

5. OFFICER BRIEFING

6. PLANNING SPECIAL COMMITTEE REPORTS

6.1. C212BALL - LOFVEN STREET PERMANENT HO

Division: Development and Planning
Director: Angelique Lush
Author/Position: Vanessa O'Shea – Strategic Planner
Lisa Kendal – Manager Strategic Planning

RECOMMENDATION

The Planning Special Committee resolves to:

1. **Request the Minister for Planning to appoint an independent Planning Panel pursuant to Section 23 and the provisions of Part 8 of the *Planning and Environment Act 1987* to consider the submissions received to Amendment C212ball to the Ballarat Planning Scheme.**
2. **Notify submitters of Council's resolution to request the appointment of an independent Planning Panel by the Minister of Planning for Planning Scheme Amendment C212ball.**

EXECUTIVE SUMMARY

In January 2019, the City of Ballarat was informed that partial demolition of a shed with potential heritage significance had taken place, located on the boundary of 113 Lofven Street and Crown Allotment 22C Section AA Nerrina.

A Heritage Citation was completed including a Statement of Significance which determined that the site is significant at a local level. On 3 April 2019 Council resolved to seek authorisation from the Minister for Planning and to place the amendment on exhibition.

Public exhibition was held from 28 May to 30 June 2020 and two submissions were received. One submission has been resolved and the other is unresolved.

This report recommends that Council request that the Minister for Planning appoint an independent Planning Panel to consider the unresolved submission and make recommendations to Council.

RATIONALE

The Statement of Significance provides evidence the shed and immediate surrounds are significant to the City of Ballarat at a local level. The Statement of Significance recommends a Heritage Overlay be applied to the significant elements of the site such as corrugated iron pump shed, concrete machinery foundations associated with the former suction gas engine and producer plant within the shed, and all associated artefacts and archaeological deposits both within and outside the shed.



Image: Former Eureka Lead Gold Sluicing Company's pump shed

Assessment of Heritage Significance

The following is an excerpt from the Former Eureka Lead Gold Sluicing Company pumping site Statement of Significance:

What is significant?

The following features contribute to the significance of the precinct:

- *The former Eureka Lead Gold Sluicing Company pumping site at 113 Lofven Street and Crown Allotment 22C Section AA Nerrina was built c.1934 and operated for about a decade to pump water for gold sluicing operations along the Eureka Reef. It is located next to the large sluice hole and nearby tailings which were produced by the sluicing operation.*
- *The elements of significance include the corrugated iron pump shed, concrete machinery foundations associated with the former suction gas engine and producer plant within the shed, and all associated artefacts and archaeological deposits both within and outside the shed.*

How is it significant?

The former Eureka Lead Gold Sluicing Company pump shed is of technological, archaeological and historical significance to the City of Ballarat.

Why is it significant?

The former Eureka Lead Gold Sluicing Company pumping site is historically and technologically important as characteristic and well-preserved archaeological evidence of hydraulic sluicing technology involving a suction gas engine and producer plant. Evidence of the actual mining that was undertaken also survives nearby in the form of a large sluice pit. The hydraulic sluicing carried out at this site was associated with the revival of gold mining in Victoria in response to the Great Depression of the 1930s and the Eureka Lead Gold Sluicing Company was the foremost mine of the Ballarat gold mining revival in at this time. Mining-related heritage is of crucial importance to the City of Ballarat because of the role gold played in the development of Ballarat as a city. (Criterion A & C).

The pump shed is significant in its own right as a rare and authentic industrial building associated with the operations of the Eureka Lead Gold Sluicing Company. The shed demonstrates the size and type of machinery being used for hydraulic sluicing during the 1930s and is also illustrative of its former use as winding house for an underground mine. (Criteria B & C).

The place is of significance for its rarity as surviving evidence of mining activity in the Ballarat area, as most evidence of both the early alluvial mining and later reef mining, sluicing and dredging has been obliterated by modern development. It is the only site in the City of Ballarat where substantial gold mining production structures survive in their original position. It is one of a small number of places in Victoria that demonstrate the process of hydraulic sluicing and is believed to be the only remaining built fabric in Ballarat related to this important phase in Ballarat's history. (Criteria B).

The place is of archaeological significance because it is associated with Ballarat's gold mining history, is more than 75 years old, and has buried evidence which can be investigated using archaeological methods to produce a better understanding of a significant 1930s gold mining operation. Works around this building have exposed artefacts and buried features likely to contain deposits and artefacts. There is therefore significant potential for historical archaeological features, deposits or artefacts. (Criterion B & C).

The place and its history are also important in understanding the surrounding gold mining landscape preserved on public land (Criterion A & C).

PUBLIC EXHIBITION

Public exhibition was held from 28 May to 30 June 2020 and two submissions were received. One submission has been resolved and the other is unresolved.

Refer to Table 1 below for a summary of issues raised and Council officer response to submissions.

Submitter	Issues raised in submission	Council Officer Response	Outcome
First Nations Legal and Research Services	<p>The sole issue related to reference to Aboriginal Cultural Heritage sites in the proposed Schedule.</p> <p>First nations Legal and Research Services questioned whether the information about the location of these sites should be publicly accessible.</p>	<p>The reference to Aboriginal Cultural Heritage sites is existing content in the schedule.</p> <p>Council officers referred the matter to DELWP who have advised that they are considering a revision to the Schedule to the Heritage Overlay to remove redundant or non-compliant material. This revision would include the removal of reference to Aboriginal Cultural Heritage sites.</p>	<p>No changes to Amendment C212ball.</p> <p>Reference to the Aboriginal Cultural Heritage sites may be removed through a future revision to the Heritage Overlay.</p>

Submitter	Issues raised in submission	Council Officer Response	Outcome
<p>Private landowners</p>	<p>The private landowners raised issues relating to public safety, public access, privacy, amenity, potential tree controls, fire risk and ownership of the identified heritage site.</p> <p>Issues raised by the private landowners are summarised as follows:</p> <p>Issue 1: public safety The shed is structurally unsound and poses a safety risk to landowners of the identified heritage site, visitors and the general public.</p> <p>Issue 2: public access, privacy and amenity Public access to the identified heritage site will result in significant noise, nuisance, traffic, parking and access issues which could impact landowner’s privacy, amenity and enjoyment of their property.</p> <p>Issue 3: potential tree controls Public access to the site may result in tree controls which will require the removal of foliage and trees</p> <p>Issue 4: fire risk Public access to the identified heritage site will increase the fire safety risk to landowners and the general public.</p> <p>Issue 5: ownership of the identified heritage site Reference is made to the Former Eureka Lead Gold Sluicing Company pump site</p>	<p>The issues raised are considered unrelated to the Amendment and can be addressed through alternative avenues such as compliance with the Building Notice issued under the <i>Building Act 1993</i>.</p> <p>Council officer responses to issues raised by the private landowners are as follows:</p> <p>Response 1: public safety Council officers share concerns regarding the safety risk associated with the shed in its current state and have requested rectification.</p> <p>Response 2: public access, privacy and amenity The public cannot access the identified heritage place without permission from landowners. The inclusion of the identified heritage place in the Heritage Overlay has no bearing on public access.</p> <p>Response 3: potential tree controls Public access to the site will not result in the application of tree controls that will result in the removal of native vegetation and trees on the property and immediate surrounds.</p> <p>Response 4: fire risk Protection of the heritage site will not increase fire risk to landowners or the broader community. Amendment C212ball seeks to protect an existing structure and other significant elements by requiring planning permission for certain buildings and work within the overlay.</p>	<p>The submission is unresolved and is proposed to be referred to an independent Planning Panel.</p>

Submitter	Issues raised in submission	Council Officer Response	Outcome
	Conservation Management Plan Peer Review and a formal agreement to facilitate public ownership is sought. The submission maintains that the joint ownership of the identified heritage site has not been raised, addressed or agreed between the City of Ballarat and landowners.	Response 5: ownership of the identified heritage site The City of Ballarat is not a landowner of the site. The City of Ballarat have shared the Former Eureka Lead Gold Sluicing Company pumping site Conservation Management Plan Peer Review with the other adjacent landowners of the site, including the State/Crown, and have advocated for the site to be fully in public ownership.	

Table 1: Issues raised and Council Officer response to Submissions

Next Steps

It is recommended Council refer the amendment to an independent Planning Panel. Following receipt of the Panel Report, Council will have the opportunity to adopt the amendment as exhibited, adopt the amendment with modifications or to abandon the amendment. Refer to figure 1 below for a summary of the Planning Scheme Amendment process.

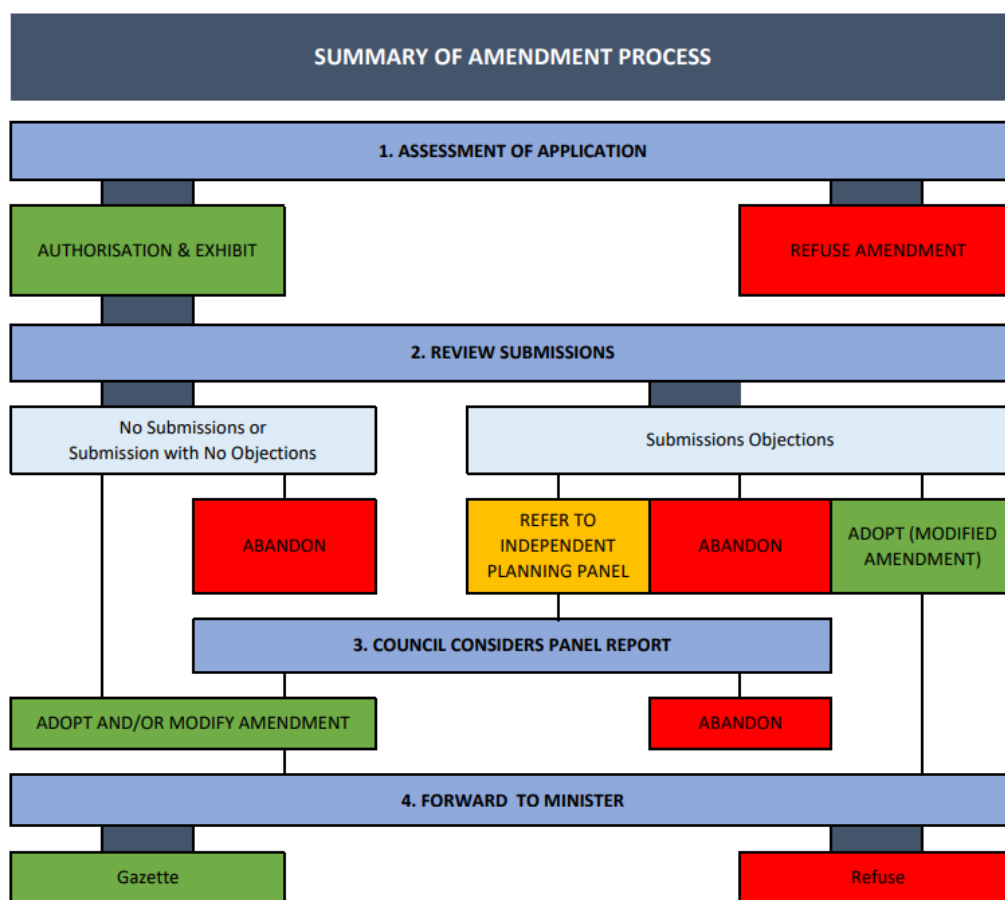


Figure 1: Summary of Planning Scheme Amendment process**LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS****Planning and Environment Act 1987 and Ballarat Planning Scheme**

The proposed amendment is consistent with Council's obligations as a planning authority under the *Planning and Environment Act 1987*. Moreover, *PPN 01 – Applying the Heritage Overlay* and *PPN29 – Ministerial Powers of Intervention in Planning and Heritage Matters* informed Amendment C212ball.

City of Ballarat Council Plan 2017 – 2021

Amendment C212ball supports objectives of the Ballarat Council Plan that seek to protect, maintain and enhance our built and natural assets. The amendment will assist the City of Ballarat to achieve a built environment that reflects the community's needs and aspirations to protect heritage assets throughout Ballarat.

Ballarat Strategy 2015

Amendment C212ball supports the protection of unique heritage which underpins Principle 1 of the Ballarat Strategy – Our Beautiful and Unique City.

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	Yes	Yes
Economic	Yes	No
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	Yes	No
Evaluation and Review	Yes	No

Human Rights – It is considered that this Report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Social/Cultural – the amendment will have a positive social effect through the preservation of a historically significant place, for the benefit of current and future generations.

Environmental/Sustainability– The amendment will have a positive environmental impact by offering protection to a place of local level heritage significance.

Financial/Resources – In progressing with permanent heritage controls Council will need to meet costs associated with the next stage of the amendment, including Planning Panel and statutory approval fees. There is provision in the Strategic Planning budget to meet the cost of Amendment C212.

Risk Management– the amendment ensures proper use of the provisions of the planning system.

OFFICERS DECLARATIONS OF INTEREST

Council officers affirm that no direct or indirect interests need to be declared in relation to the matter of this report.

REFERENCE DOCUMENTS

- Former Eureka Lead Gold Sluicing Company pumping site Statement of Significance
- Ballarat C212ball Explanatory Report Exhibition

ATTACHMENTS

Nil

6.2. C220BALL - DOWLING FOREST PLANNING CONTROLS

Division: Development and Planning
Director: Angelique Lush
Author/Position: Virginia McLeod, Senior Strategic Planner
Lisa Kendal – Manager Strategic Planning

RECOMMENDATION

The Planning Special Committee resolves to:

1. Note revised planning control recommendations for Dowling Forest, as outlined in the *Dowling Forest Equine Precinct Planning Controls Review Final Report, City of Ballarat (June 2020)*.
2. Proceed to place Amendment C220ball, modified in accordance with the *Dowling Forest Equine Precinct Planning Controls Review Final Report, City of Ballarat (June 2020)* and proposed response to community consultation feedback as detailed in this report, on exhibition pursuant to Section 19 of the *Planning and Environment Act 1987*.

EXECUTIVE SUMMARY

On 16 October 2019, Planning Special Committee considered the results of the Dowling Forest Precinct Planning Controls Review and resolved to proceed with Planning Scheme Amendment C220ball.

City of Ballarat subsequently applied for and received conditional authorisation from the Department of Environment Land, Water and Planning (DELWP) in December 2019. The authorisation conditions required City of Ballarat to reconsider the proposed land use planning zone, with consideration of the most appropriate use of the Victorian Planning Provisions. A review has now been completed and a new report “Dowling Forest Equine Precinct Planning Controls Review Final Report, City of Ballarat (June 2020)” (herein referred to as the City of Ballarat Review 2020) (Attachment 1) has been prepared to reflect these changes, replacing the earlier report “Dowling Forest Precinct Review Final Report, Spiire (October 2019) (herein referred to as the Spiire Review, 2019).

The City of Ballarat Review 2020 proposes changes to planning controls which remove restrictions of the current SUZ13 relating to use and develop of land for thoroughbred horse training by licenced trainers - continuing to respond to the desired outcomes of the Spiire Review 2019 whilst aligning with requirements of planning legislation and having the best chance of successfully progressing to an approved planning scheme amendment.

Community and stakeholder consultation on the revised proposal was also undertaken and a number of submissions received.

This report recommends Council proceed with Amendment C220ball as detailed in the City of Ballarat Review 2020, subject to minor modifications as proposed in response to the submissions (see Attachment 5), and place Amendment C220ball on public exhibition.

RATIONALE

The Dowling Forest Racecourse is one of Victoria's premier thoroughbred racing and training facilities, used to train more than 500 horses, with increasing numbers of trainers based at the Racecourse. The Racecourse supports a strong thoroughbred racing industry in Ballarat which has a significant economic impact on a local and regional scale.

Since the introduction of the current planning controls to land surrounding the Racecourse, development of training facilities by trainers has almost exclusively occurred on the Racecourse, as opposed to the land previously zoned to facilitate training facilities. This has left many of the surrounding landowners questioning why the contents of the controls are so restrictive and also so exclusive of other types of equine activities. The controls have not facilitated an uptake of land for thoroughbred training purposes as the restrictiveness of the provisions is not attractive or viable for trainers looking to establish a new facility. Many landowners have expressed concerns about these planning controls and the associated inability to develop or sell their properties.

The Dowling Forest Equine Precinct Planning Controls Review Final Report, City of Ballarat (June 2020) is the product of an extensive process of considering the land use planning options and community engagement to resolve the identified issues.

Authorisation

City of Ballarat applied for and received conditional authorisation from the Department of Environment Land, Water and Planning (DELWP) in December 2019. The authorisation conditions required City of Ballarat to reconsider the proposed land use planning zone, with consideration of the most appropriate use of the Victorian Planning Provisions.

The DELWP authorisation raised issue with how the recommendations of the Spiire Review 2019 would be implemented into the planning scheme, specifically the proposed zone and local planning policy. DELWP conditions included:

- To reconsider the proposed use of the Farming Zone (due to the 2 hectare minimum lot size)
- To improve the local planning policy to provide clear guidance on the intended character and density of residential development in the Precinct, and guidance for other supported land uses.

In the authorisation letter DELWP suggested City of Ballarat reconsider retaining the Special Use Zone as it is one of the only zones that can be tailored to provide for Precinct specific objectives as desired for the Dowling Forest Equine Precinct (the Precinct).

Proposed changes to the planning controls

Council officers have reviewed and redrafted the proposed planning controls in response to the conditions of the DELWP authorisation. A new report "Dowling Forest Equine Precinct Planning Controls Review Final Report, City of Ballarat (June 2020)" (Attachment 1) has been prepared to reflect these changes, replacing the earlier report "Dowling Forest Precinct Review Final Report, Spiire (October 2019).

Building on the Spiire Review 2019, and incorporating the outcomes of further work, the main recommendations of the City of Ballarat Review 2020 are:

- Define the Dowling Forest Equine Precinct with a purpose and location.
- Amend the existing local policy to broaden the direction and purpose of the Dowling Forest Equine Precinct.

- Review of the application of SUZ13 through establishment of criteria to determine where the Special Use Zone 13 should apply.
- Land removed from SUZ13 to be rezoned to a new proposed SUZ19 that implements the above recommendations and removes restrictions related to thoroughbred training.
- Rezone land in FZ Area A and B to SUZ 18 and 17, identical to the proposed SUZ19 but maintaining the existing minimum lot sizes.
- Clearer use of wording and terminologies in zone and policy provisions.

Zoning

As detailed in the City of Ballarat Review 2020, Council officers consider the Special Use Zone to be the most appropriate zone as the purpose and objectives of the zone can be tailored to the desired policy direction and outcomes for the Precinct. Farming Zone objectives are not able to be modified to recognise the role of the areas in the Precinct or provide guidance for decision making. In addition, small lot subdivision is not encouraged in the Farming Zone.

The recommendation is to apply the Special Use Zone to the following areas:

- Special Use Zone – schedule 13 (SUZ13) - consistent with the Spiire Review 2019, the SUZ13 is proposed to be strategically applied to properties that meet criteria for thoroughbred training, considering access and proximity to the Racecourse. The zone would be applied to a reduced number of properties currently zoned SUZ13 and seven new properties
- Special Use Zone – schedule 19 (SUZ19) - would apply to the balance of land currently zoned SUZ13
- Special Use Zone – schedule 18 (SUZ18) – would apply to the land currently zoned Farming Zone – Schedule A; and
- Special Use Zone – schedule 17 (SUZ17)– would apply to the land currently zoned Farming Zone – Schedule B.

The proposed planning controls in the Special Use Zone schedules are identical except for different minimum lot sizes for subdivision (2 hectares, 4 hectares and 10 hectares), which are consistent with the current minimum lot sizes for each of the relevant zones. For more information see Figure 2 below and Attachment 2 – Comparison of Proposed Zones, Attachment 3 – Proposed Draft Ordinance SUZ 17, SUZ 18, SUZ 19 and Attachment 4 – Zoning Map.

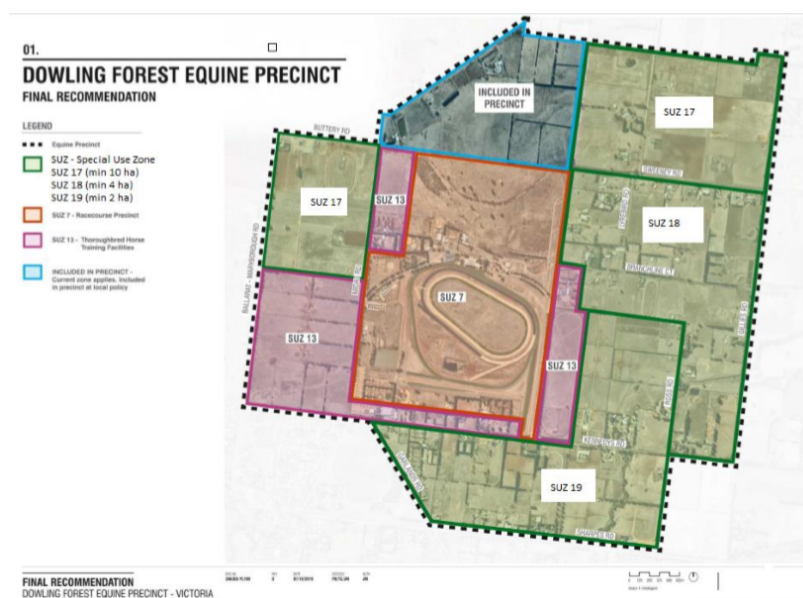


Figure 2 – Dowling Forest Equine Precinct Proposed Zoning

The proposed Special Use Zone and associated schedules continue to implement the desired outcomes of the Spiire Review 2019 while addressing the concerns raised by DELWP. In particular, the proposed SUZ17, 18 and 19 remove the restrictions of the current SUZ13 relating to use and development of land for thoroughbred horse training by licenced trainers. The proposed controls also allow for a range of equine or equine related uses (e.g. horse training, vet, farrier) to allow the area around the Racecourse to develop as an equine Precinct as desired. Subdivision (subject to the minimum lot size) is proposed to be permitted where land is used for 3 purposes related to equine uses – horse training, breeding and boarding. A dwelling is permitted, subject to a permit, on each lot.

It is noted that whilst continued use of the name ‘Special Use Zone’ within the Precinct is of concern to some residents, the Special Use Zone remains the most suitable planning ‘tool’ to achieve the outcomes of the Precinct review. The proposed SUZ17, 18 and 19 are significantly different to the existing SUZ13 and this type of zone is successfully applied to other areas of Ballarat as well as being widely used across Victoria. The ability to transact properties relates to the detail of restrictions on land use or development, not the name of the zone.

Local Planning Policy

The Local Planning Policy (LPP) that forms part of Amendment C220ball has been redrafted to address the authorisation conditions and to generally improve the policy guidance for the Precinct. The proposed LPP differentiates between the inner area of the Precinct (zoned Special Use Zone – Schedule Area 7 and 13) and the wider area (proposed to be zoned Special Use Zone – 17, 18, and 19). This allows strategies specific to each of the outcomes sought in the inner Precinct and wider Precinct, including to address amenity impacts to land in the inner area, provide guidance for subdivision and prevent rural residential development.

Strategic Planning recommendations and next steps

Having considered the submissions (see consultation section below), Council officers recommend continuing with the current Amendment C220ball as proposed in this report, subject to minor modifications detailed in Attachment 5, including:

- Reinstate ‘Dowling Forest Precinct Planning Controls Review, Final Report (October 2019) on the MySay website noting it has been superseded.
- Clarify the use of text from the above report in ‘Dowling Forest Equine Precinct Planning Controls Review (June 2020).
- Modify ‘Dowling Forest Equine Precinct Planning Controls Review (June 2020) in the following manner:
 - provide additional details in the report about the recommended use of the Special Use Zone as opposed to the Farming Zone
 - reflect the fact that most landowners in the Precinct are not involved in thoroughbred training
 - review the purposes of the SUZs; and
 - reinstate that the City of Ballarat intends to work with landowners to remove any redundant Section 173 Agreements should this amendment be approved.

The revised form of Amendment C220ball, detailed in the City of Ballarat Review 2020, is considered to address the most significant issues raised in the review of the Precinct and presents appropriate use of the planning controls.

It is recommended that should Amendment C220ball be adopted and approved by the Minister for Planning, City of Ballarat commits to the non-planning scheme actions recommended through the City of Ballarat Review 2020 including distribution of information and targeted education sessions for the real estate industry about the planning controls. It may also be beneficial for this information to be provided to land valuers who are noted as being critical in the process of determining financing for properties.

The details of the proposed changes will be further refined through the public exhibition process, and unresolved submissions may be considered by an Independent Planning Panel. Figure 3 below shows a summary of the planning scheme amendment process.

If Council does not wish to proceed with Amendment C220ball as recommended in the form proposed, other options available to Council are presented in Table 1 below.

Table 1 – Options for Council

<i>Option</i>	<i>Considerations</i>	<i>Impact to the community and stakeholder</i>
Exhibit Amendment C220ball as resolved by Council on 16 October 2019	Not recommended as DELWP authorisation conditions means that there is a significant risk that the Minister for Planning may refuse the amendment, or make significant modification to the amendment at the approval stage without consultation with landowners and stakeholders	<p>If the amendment was refused by the Minister for Planning none of the recommendations of the Review would be implemented, including addressing the issues with the current SUZ13.</p> <p>The Minister for Planning could modify the amendment in any way he sees fit at the time of approval. Landowners would not be consulted on any modifications that may impact their ability to use or develop land.</p>
Abandon Amendment C220ball entirely	Not recommended as it would fail to address the known issues with the planning controls, and would fail to utilise the significant work that has been undertaken to date to resolve the matter.	Landowners, particularly those in the current SUZ13 area, would continue to be restricted in the use, development and sale of land.
Abandon Amendment C220ball and reassess the Precinct in its entirety	Not recommended as it would require significant resources from City of Ballarat and fail to utilise the work undertaken to date.	<p>Likely to take multiple years to finalise a planning scheme amendment based on a new assessment of the Precinct. Timing of the review will be subject to consideration against other City of Ballarat priorities.</p> <p>Landowners, particularly those in the current SUZ13 area, would continue to be restricted in the use, development and sale of land during this time.</p>

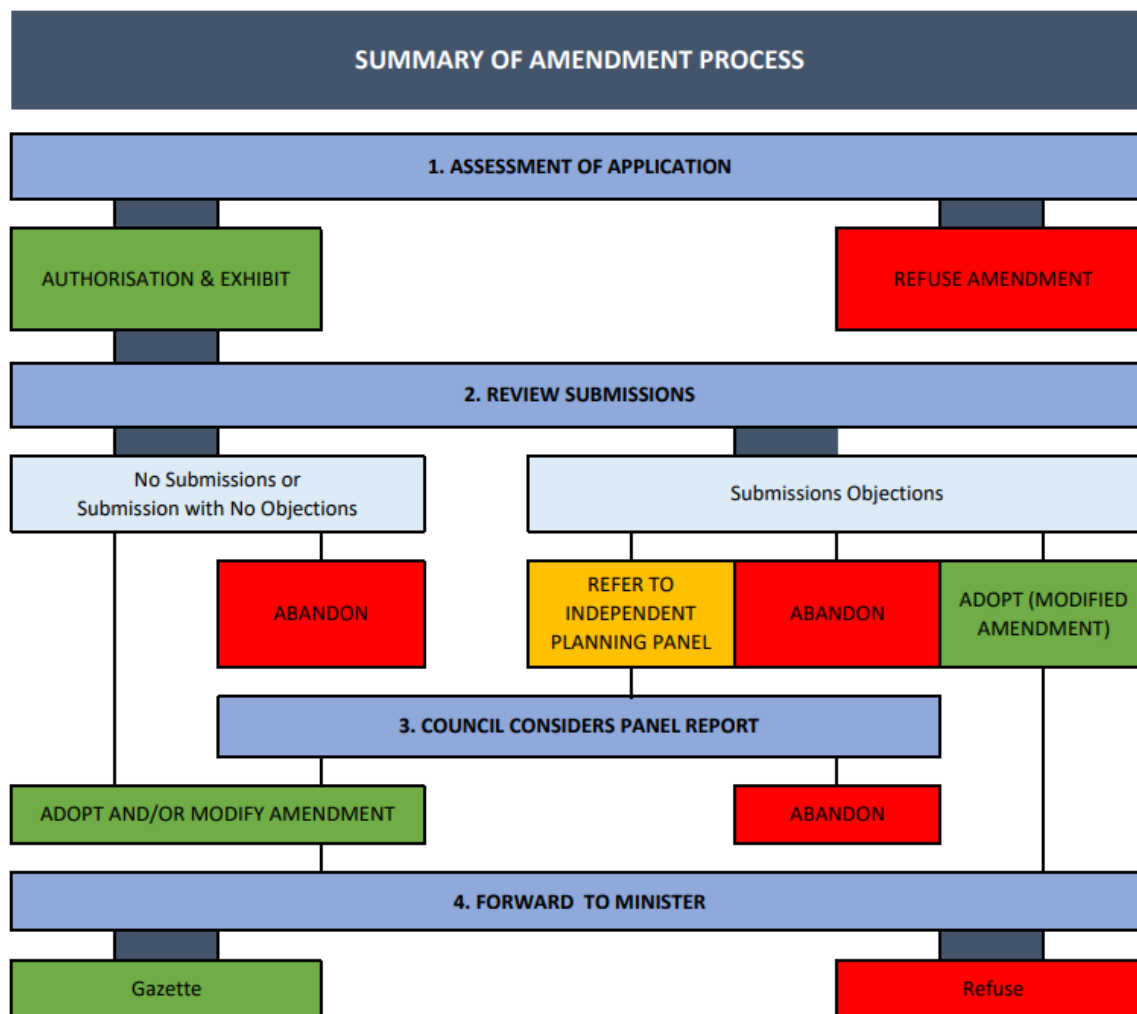


Figure 3: Summary of Planning Scheme Amendment process

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- Charter of Human Rights and Responsibilities Act 2006
- City of Ballarat Council Plan 2017 – 2021
- Planning and Environment Act 1987
- Ballarat Planning Scheme

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	No	No
Social/Cultural	Yes	No
Environmental/Sustainability	Yes	No
Economic	Yes	Yes
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	No	No
Evaluation and Review	No	No

Human Rights – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Social/Cultural – The proposed changes to Amendment C220ball are unlikely to have any additional social or cultural impacts beyond those considered in the report to Planning Special Committee for the Precinct review on 16 October 2019.

Environmental/Sustainability – The proposed changes to Amendment C220ball have minimal environmental impacts as the planning controls for environmental overlays are being retained, and there is no change to the proposed subdivision sizes.

Economic – The changes proposed to Amendment C220ball will continue to implement the recommendations of the Precinct review. The Precinct review was designed to support the economic activity of the Precinct and the ongoing operations of the Ballarat Turf Club based at the Dowling Forest Racecourse. Removing the onerous restrictions of the SUZ13 in land beyond the Racecourse allows land to be used and developed for a range of purposes that supports the economic growth of the wider Precinct. Economic benefits for individual landowners will be realised through ability to freely sell land or develop dwellings on currently undeveloped lots.

Financial/Resources – The resourcing implications of this report are very similar to the previously considered report in October 2019. Redundant Section 173 agreements will be reviewed by Council and the most appropriate legal pathway for removing agreements from land titles will be determined. This process will incur legal costs for Council.

In addition, the submissions made to this consultation process suggest that Amendment C220ball is likely to require hearing by an independent panel appointed by the Minister for Planning. City of Ballarat will incur these costs as part of the planning scheme amendment process.

Risk Management – Failure to adopt the recommendations of this report could result in non-compliance with Section 19 of the *Planning and Environment Act 1987*.

CONSULTATION

Council officers undertook community and stakeholder consultation on the proposed changes to Amendment C220ball from 19 June to 8 July 2020. Consultation relied on electronic distribution of information, one-on-one stakeholder meetings and phone calls. Due to the restrictions of the COVID-19 operating environment, larger community meetings, as held during the previous consultation for the Precinct review, were unable to be held. Five written submissions were received and ten phone calls were received directly from landowners or stakeholders during the submission period. See Attachment 5 for consideration and response to submissions.

Summary of issues raised in submissions:

- One submission generally supported the changes subject to further clarification and addition of one property to SUZ13.
- Multiple submissions raised issue with the change to SUZ 17, 18 and 19 due to the stigma associated with the SUZ13 and how this would continue to affect landowner's ability to sell land or obtain finance.
- One submission requested land outside of the current Precinct be included in Amendment C220ball.

- One submission opposed the changes and requested reinstatement of the 'agreed' Amendment C220ball.
- One submission rejected the proposed changes for numerous reasons including that the proposed controls do not reflect the process or the agreed outcomes, inappropriate use of the Special Use Zone, complexity of multiple zones and lack of acknowledgement of previous work/processes.

It is acknowledged that the process to align stakeholder expectations for Amendment C220ball with the requirements of the planning system in Victoria has been challenging. Multiple submissions reference 'agreement' reached between Council and landowners through the Spiire Review 2019 process prior the commencement of the planning scheme amendment. Whilst there was general agreement about the intent and desired outcomes of the Spiire Review 2019, this was always positioned in the context of the subsequent planning scheme amendment process which includes a significant role for DELWP and the Minister for Planning in the authorisation and approval of amendments.

Formal consultation will be undertaken with stakeholders and community through public exhibition of the amendment during the next stage of the process.

OFFICERS DECLARATIONS OF INTEREST

Council officers affirm that no direct or indirect interests need to be declared in relation to the matter of this report.

REFERENCE DOCUMENTS

- Nil

ATTACHMENTS

1. Attachment 1 - Dowling Forest Equine Precinct Planning Controls Review June 2020 [6.2.1 - 44 pages]
2. Attachment 2 - Comparison of Proposed Zones [6.2.2 - 2 pages]
3. Attachment 3 - Proposed Draft Ordinance SUZ17 SUZ18 SUZ19 [6.2.3 - 15 pages]
4. Attachment 4 - Zoning Map [6.2.4 - 1 page]
5. Attachment 5 - Consideration and Response to Submissions [6.2.5 - 8 pages]



DOWLING FOREST EQUINE PRECINCT
PLANNING CONTROLS REVIEW
FINAL REPORT
June 2020

EXECUTIVE SUMMARY

The Dowling Forest Racecourse is one of Victoria's premier thoroughbred racing and training facilities, used to train more than 500 horses, with increasing number of trainers based at the Racecourse. The Racecourse supports a strong thoroughbred racing industry in Ballarat which has a significant economic impact on a local and regional scale.

Since the introduction of the current planning controls to land surrounding the Racecourse, development of training facilities by trainers has almost exclusively occurred on the Racecourse, as opposed to the land previously zoned to facilitate training facilities. This has left many of the surrounding landowners questioning why the contents of the controls are so restrictive and also so exclusive of other types of equine activities. The controls have not facilitated an uptake of land for thoroughbred training purposes as the restrictiveness of the provisions is not attractive or viable for trainers looking to establish a new facility. Many landowners have expressed concerns about these planning controls and the associated inability to develop or sell their properties.

A thorough review has been undertaken of previous reports and analysis of the area, of the planning controls and of the justification to introduce the current planning controls. Along with this review, consultation with the various stakeholders was extensive. A variety of engagement techniques were used for community workshops, stakeholder meetings and landowner discussions to inform the review and the final recommendations. The consultation program was continuous, with opportunity for input and comment at many stages during the project.

The final recommendations include changes to the planning controls which should meet the needs and expectations of the relevant project stakeholders. For the Dowling Forest Racecourse, the recommendations provide both certainty for and protection of the Racecourse facilities and activities. For the wider Equine Precinct, certain properties will see a relaxing of the overly restrictive planning controls and the ability to accommodate a wider range of complementary equine activities. For the City of Ballarat, the recommendations provide a clear definition of the location and purpose of the Equine Precinct, supported by decision guidelines and planning policy.

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2. INTRODUCTION

This Report summarises the process and outcomes of the Review, and details recommendations which respond to the findings of the Review. This Report is structured in three sections which reflect the three stages of the Review:

Stage One: Understanding the Precinct and Issues

Stage Two: Determining the Future of the Precinct

Stage Three: Recommendations

This Report should be read in conjunction with the Issues and Options Paper and the Engagement and Conversation Report prepared as part of previous stages of the Review.

3. GLOSSARY

The following terms are used throughout this Report and associated materials.

Agriculture: (As per Clause 73.03 of Ballarat Planning Scheme)

Land used to:

- propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf and vegetables; keep, breed, board, or train animals, including livestock, and birds; or
- propagate, cultivate, rear or harvest living resources of the sea or inland waters.

Animal husbandry: (As per Clause 73.03 of Ballarat Planning Scheme)

Land used to keep, breed, board, or train animals, including birds.

Dowling Forest Equine Precinct:

Land generally contained within the current planning controls (SUZ7, SUZ13, FZ Area A & BJ associated with the Dowling Forest Racecourse as shown at Section 4.2.2 of this Report.

Racecourse:

Land contained within SUZ7 which is located at one property within single ownership and includes the Racecourse proper, training facilities, stables and other infrastructure identified as part of the Dowling Forest Racecourse.

4 STAGE ONE: UNDERSTANDING THE PRECINCT AND ITS ISSUES

4.1 CONTEXT OF THE PRECINCT

4.1.1 EXISTING CONDITIONS AND FEATURES

The Dowling Forest Equine Precinct is located on the northern edge of the Miners Rest Township, near Ballarat. Miners Rest is a small village with a rural, open character and basic local services, developed with a mix of established and developing residential areas. The Precinct's location in a broader sense provides good access to Melbourne and other thoroughbred racing facilities in Victoria.

For the purposes of this Review, the Precinct is defined as land where specific planning zones associated with the Dowling Forest Racecourse apply. The current boundary is determined by the extent of these zones.

Most lots within the Precinct are developed with dwellings, and many are used for thoroughbred training or other equine purposes. Larger racehorse trainers are predominantly based on the Racecourse proper, in stables leased from the Ballarat Turf Club (BTC) or on land directly abutting the Racecourse. Smaller trainers are dispersed throughout the Precinct and beyond.

Land is most densely developed with equine infrastructure adjacent to the Racecourse and along Kennedys Road, with land in the north and east less densely developed and containing far more rural lifestyle dwellings and properties not necessarily associated with equine activities.

The Precinct is surrounded by farmland to the west, north and east which is used primarily for grazing, cropping and equine activities, with some scattered dwellings. Land to the south of the Precinct is primarily used for residential purposes with an array of rural residential, low density and more conventional urban residential development to the immediate south.

4.1.2 DOWLING FOREST RACECOURSE

Dowling Forest Racecourse is one of Victoria's premier thoroughbred racing and training facilities. The Racecourse supports a strong thoroughbred racing industry in Ballarat which has a significant economic impact on a local and regional scale. The Racecourse has been identified for significant growth and expansion by Racing Victoria, which has already been experienced in recent years. The training facilities are used to train more than 500 horses by an increasing number of trainers based on the Racecourse, within the Precinct or up to 50 kilometres away. Since the introduction of the current planning controls, development of training facilities by trainers has almost exclusively occurred on the Racecourse, where land supply for further development is extremely limited.

As per the BTC requirements, all horses must be floated to the Racecourse. Horses are not permitted to be walked via surrounding roads due to the associated safety issues. However, properties which directly adjoin the racecourse land and have formal access arrangements with BTC, are permitted to walk horses onto the Racecourse.

4.2 PLANNING CONTEXT

4.2.1 STRATEGIC AND BACKGROUND CONTEXT

Draft Miners Rest Township Plan

The Draft Miners Rest Township Plan is a strategic document which provides a long-term planning and design vision for Miners Rest. It sets a strategic framework to manage and guide future development through to 2040.

The Township Plan identifies the need to protect land in the Precinct for the growth of the Dowling Forest Racecourse and recognises its economic and historical significance to Miners Rest and the wider Region. The Township Plan seeks other equine and associated activities within proximity of the Precinct and encourages the use of Precinct as a buffer to encroaching urban development.

Previous Work

The current planning controls are a product of more than a decade of discussion, research and planning efforts to establish a land use and development Precinct in association with the Dowling Forest Racecourse. Along with other supporting documents, the following relevant reports were reviewed:

- Ballarat Rural Land Use Strategy 2010
- Dowling Forest Precinct Master Plan 2011 - Coffey Commercial Advisory
- Implementation of Dowling Forest Precinct Master Plan, Ballarat Planning Scheme April 2011 - Keaney Planning
- Amendment C149 Planning Panel Report
- Property Market Review And Options Analysis - HillPDA Consulting

All previous work recognised the importance of the Dowling Forest Racecourse, for its value to employment, the economy, entertainment, the community and recreation in the local and regional area. The reports identifies the opportunity Dowling Forest presents over other racecourses but did not anticipate or provide adequate weight to many of the issues which have since caused significant problems, namely the lack of demand for trainers to take up free -hold land.

Amendment C149 introduced the current controls and was guided by the Dowling Forest Precinct Master Plan 2011 and Implementation Plan. The SUZ13 in particular was based on those introduced into the Cardinia Planning Scheme to address the relocated Pakenham course. The Master Plan identified the minimum lot size of 2 hectares and the use of the Special Use Zone or Rural Activity Zone with schedules as the most appropriate tools for the Precinct. The SUZ was eventually selected as the most suitable zone as it provided the greatest ability to tailor the provisions to respond to the strategic intent for the Precinct and provides a clear link between the Racecourse and the anticipated training facilities. Determining the extent of the Precinct was a consistent point of contention throughout all materials. The determination of the current Precinct boundary was based on a demand of 15-60 hectares for thoroughbred training purposes, the inclusion of land which has a direct functional relationship with the Racecourse and land which is within walking proximity to the Racecourse (maximum walkable distance of 2 kilometres).

Amendment C149 was the second attempt to renew planning controls in the Dowling Forest Precinct following the abandoned Amendment C148. The Panel Report found the previous planning controls in the Dowling Forest Precinct had failed to prevent rural residential type development and could be accommodated elsewhere in the municipality. Other equine uses were not supported in the Precinct

as they were considered to have no connection at all with the Racecourse and could be accommodated elsewhere in the Farming Zone. The Amendment Panel Report acknowledged many of the issues within the Precinct were associated with planning enforcement and recognised the proposed planning controls were very strict, particularly the requirements related to licensed trainers. However, the Panel considered the strategic reasons for the introduction of the controls to be valid.

4.2.2 CURRENT PLANNING CONTROLS

Special Use Zone Schedule 7 (SUZ7)

The Special Use Zone 7 applies to the Dowling Forest Racecourse and only permits activities associated with the Racecourse. The SUZ7 is currently operating with no issues and in the manner it was intended, therefore it is not targeted as part of this Review.

Special Use Zone Schedule 13 (SUZ13)

The Special Use Zone 13 applies to land immediately west, south and east of the Racecourse and contains more requirements for use, subdivision and development than the SUZ7. The SUZ13 is intended to facilitate thoroughbred horse training activities in association with the Dowling Forest Racecourse. It includes a minimum subdivision size of 2 hectares. The SUZ13 is the main focus of this Review as it contains some contentious requirements for use, subdivision and development, in particular:

"A permit is required to use land for a dwelling. A permit can be issued subject to a condition requiring the landowner to enter into an agreement under Section 173 of the Planning and Environment Act 1987 that requires that the dwelling is occupied by a licensed horse trainer within the meaning of the Australian Rules of Racing or an employee of a licensed horse trainer, including their domestic partners and dependants."

Farming Zone Area A & Area B (FZ Area A, FZ Area B)

Farming Zone Area A and Area B apply to land in the northern and outer portions of the Precinct.

These controls are essentially the same as the standard Farming Zone provisions, except where land is used for Animal Husbandry (thoroughbred horse training). In this circumstance, minimum lot sizes of 4 hectares in Area A and 10 hectares in Area B are allowed.

Table 1: Summary of Current Zoning provisions within the Precinct

	Special Use Zone Schedule 7	Special Use Zone Schedule 13	Farming Zone Area A	Farming Zone Area B
Zoned Land	180ha	216ha	129ha	142ha
Minimum Subdivision Size	None	2ha*	40ha or 10ha*	40ha or 10ha*
Subdivision	Permit required for subdivision. Intended outcome must have strategic link to the overall operation of the racecourse.	Permit required for subdivision. *Must enter into Sec. 173 agreement that requires the land must be used for the purposes of horse training and horse stables.	Permit required for subdivision. Smaller lots permitted if subdivision is to create a lot for an existing dwelling or for re-subdivision where no additional lots are created. *Permitted where land is used for Animal husbandry (thoroughbred horse training)	
Minimum Lot Size Dwelling	None	2ha* (except lots which existed as a separate title on 1 January 2011).	70ha or 4ha*	70ha or 10ha*
Dwellings	Permit required for caretaker's house. All other accommodation prohibited.	Permit required for new dwellings. *Must be the only dwelling on the lot, must be 'in conjunction with' horse stables or animal training facilities conducted on the lot. Must be occupied by a licensed horse trainer or employee of licensed horse trainer, provide 'Integrated Land Management Plan', enter into Sec. 173 agreement and other requirements.	No permit required for new dwellings on lots which meet the minimum lot size. *Must be used in association with lot established for Animal husbandry (thoroughbred horse training). Permit required for dwellings on lots less than minimum lot size.	
Other Uses	Permit required for equestrian supplies and most other equine related uses.	Permit required for group accommodation, rural industry, rural store, store and veterinary centre.	Permit not required for agricultural, rural industry, rural store, home-based business. Permit required for veterinary centre.	
Building and works	Permit required for all buildings and works.	Permit required for buildings and works associated with Section 2 Use or within particular setbacks. No permit required for buildings and works less than 50sqm if associated with existing dwelling or less than 100sqm if associated with existing agricultural building.	Permit required for buildings and works associated with Section 2 Use or within particular setbacks. No permit required for building and works less than 100sqm if associated with an existing dwelling or less than 200sqm if used for agriculture.	

Overlays and Other Controls

The Precinct is affected in part by the Land Subject to Inundation Overlay, Floodway Overlay and the Environmental Significance Overlay. While overlays influence the development of land, these controls will not be reviewed as they operate independently of the Zones within the Precinct.

Local Planning Policy

Clause 21.07-6 Racing Industry supports the Zones within the Precinct stating:

The thoroughbred horse racing industry is based at Dowling Forest Racecourse, harness racing at the Bray Raceway in Redan and greyhound racing at Morshead Park in Redan. Each site is an important cultural, economic and sporting centre for Ballarat.

Council has identified an area surrounding the Dowling Forest Racecourse for the development of a thoroughbred horse training precinct. The primary purpose of the land in the precinct is for the training of thoroughbred racehorses. Any 'accommodation' associated with horse training must be ancillary to that primary purpose. Council does not encourage any urban or rural residential outcomes on the land that it has identified for thoroughbred horse training facilities.

The objective of this policy is:

To create prosperity through the development of the thoroughbred, harness and greyhound racing industries.

The policy includes the following strategies relevant to the Dowling Forest Equine Precinct:

10.1 Discourage land use and development within the vicinity of Dowling Forest Racecourse that will restrict its use and development for thoroughbred racing and training purposes.

10.2 Encourage the establishment of land uses associated with the thoroughbred horse racing and training industry within proximity to Dowling Forest Racecourse.

10.3 Discourage urban or rural residential outcomes surrounding Dowling Forest Racecourse that are unrelated to the thoroughbred horse racing and training industry.

This policy expands very little from the purposes of the zones and does not supply any specific decision guidelines or criteria for the consideration of planning permit applications. This policy applies to land beyond the Dowling Forest Equine Precinct, yet does not define the extent of the Racecourse's vicinity or the Dowling Forest Equine Precinct. For these reasons, it is considered appropriate to review this policy.

4.3 CURRENT PURPOSE OF THE PRECINCT

An explicit purpose for the whole Precinct is not outlined in any existing documents but is inferred from the commonalities in the purposes of the relevant planning controls, as follows:

Clause 21.07-6 Racing Industry

To create prosperity through the development of the thoroughbred, harness and greyhound racing industries.

Farming Zone Area A and Farming Zone Area B

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Special Use Zone 7

To provide for the use of land for the purpose of a racecourse.

Special Use Zone 13

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.

Despite some differences, the current planning controls present a shared purpose for the Precinct which can be expressed as such:

To encourage and facilitate the development and prosperity of the Dowling Forest Racecourse thoroughbred horse training and the associated industry.

4.4 CONSULTATION

Stakeholder consultation was central to the Review and provided an understanding of the day-to-day effect of the planning controls on the operation of the Precinct, by allowing the opportunity for all affected parties to be involved and informed. Opportunities for consultation were provided via public information sessions, one-on-one meetings and written submissions. The following stakeholders were engaged throughout the Review:

- Ballarat North Ward Councillor - Councillor. Grant Tillett
- Ballarat Turf Club (BTC)
- SUZ13 Action Group
- Landowners within the Precinct
- Landowners from beyond the Precinct (Stage 2 and 3)

Consultation was conducted in three stages, generally in accordance with the three stages of the Review.

Stage One sought to build upon preliminary research to establish a solid basis for the Review. This stage found the SUZ13 is too restrictive, too complicated. This stage produced the eight Key Issues for the Precinct which guided the following stages of the Review.

Stage Two explored the potential options for action and intervention. This stage confirmed the desired outcomes of all stakeholders and guided the approach to developing preliminary recommendations.

Stage Three was the formalised exhibition period of the Review and provided highly detailed discussion and feedback on preliminary recommendations.

Please refer to the Engagement and Conversation Report for further detail.

4.5 KEY ISSUES

All issues identified throughout the Review can be grouped and summarised into eight Key Issues. All of the Key Issues are interconnected with one-another, however not all issues were directly related to planning controls.

Confusion and Compounding Stigma Associated with SUZ13

A stigma towards the SUZ13 existed prior to the implementation of Amendment C149 and continues to the present day. This stigma is rooted in the initial resistance to the implementation of the SUZ13, but is now largely due to confusion and misinformation regarding the content of the provisions and to a lesser extent, the prioritisation of thoroughbred activities.

The factors contributing to this confusion were not deeply investigated as part of this Review, however they seem to be associated with incorrect and inconsistent interpretations of the provisions, complexity and differences in the controls and a lack of understanding of the planning process. This stigma has significantly tarnished perceptions among the community of not just the SUZ13, but the SUZ in general.

Use of Four Different Planning Controls

The use of four separate but similar planning controls was an underlying issue throughout the Review. Land on or directly adjacent to the Racecourse is the only land which has a distinct function or significant advantage in the Precinct. Particularly since the banning of access to the Racecourse by foot, there is no effective difference with other land in the Precinct.

Land Supply and Demand

The amount of land contained within and the location of the Precinct boundaries was an underlying issue throughout the Review. Although previous research and strategic work indicated the Precinct contained an oversupply or very-long term land supply of land, there has been no take-up of freehold properties by trainers to date, leaving many questioning the need for the planning controls to cover such a large area.

Justification for the Precinct's boundary was initially based on conditions which have since changed and demand assumptions which have proved to be significantly over-estimated. This issue is closely tied to industry and property market trends, the restrictiveness of the controls (perceived or actual) and activities on the Racecourse, including the growth of facilities or access arrangements.

Exclusivity and Restrictiveness

Although the purpose of the Precinct is to protect and facilitate the use and development of land for thoroughbred racing, there were frequent questions surrounding why the contents of the controls are so restrictive and exclusive of other types of equine activities. The controls have not facilitated an uptake of land for thoroughbred training purposes as the restrictiveness of the provisions is not

attractive or viable for trainers looking to establish a new facility. Previous research saw little exploration into why the specification of "thoroughbred" was required and whether this may be too restrictive.

Non-thoroughbred properties have also seen a lack of development or property movement due to the restrictive controls which are perceived as confusing and unfair, particularly for use and development which is not generally considered to be harmful to thoroughbred training activities. The actual issue in this case seems to be a combination of both the perceived and actual restrictions of the planning controls and their impact on property rights.

Land Prices, Financing and Saleability

As a result of the confusion, misinformation and stigma surrounding the Precinct, the current planning controls have had real impacts on current and potential land owners and occupiers. Many residents attributed difficulties selling or financing properties in the SUZ13, particularly the requirements associated with holding and/or obtaining a thoroughbred trainer's license for operating a business, and the resultant financial requirements of lending in situations. While it is not clear whether the planning controls have caused these issues directly, the establishment of this Precinct has clearly contributed to issues with land prices, financing and saleability. This is mostly due to widespread misconceptions surrounding the role of planning and the effect of the controls over property movement and rights within the Precinct.

Perceived Bias for BTC Interests

There was strong criticism that the planning controls do not facilitate fair use or development opportunities and that they are used as a tool for the exclusive benefit of BTC. The existence of the Precinct is founded on the presence and significance of the Dowling Forest Racecourse, as well as a desire to prioritise and exclude particular activities. However, the planning controls seek to facilitate the growth of the thoroughbred racing industry as a whole rather than for the commercial benefit of the BTC, as demonstrated in the provisions of the planning controls and local policy.

Rural Living Pressure

It was evident from the consultation there is still significant pressure on the land to become a rural residential area. This pressure is in part due to previous failures of planning provisions which have allowed the establishment of many rural residential properties which continue to be used as such today. Rural living outcomes could reduce the amount of useable land for agricultural/ thoroughbred/ equine purposes where they can cause amenity impacts on dwellings which may not align with the expectations of residents.

Roads, Access and Safety

Issues associated with traffic, safety and Racecourse access were frequently mentioned and were a significant point of concern for many stakeholders. Recent changes to traffic conditions such as the banning of walking access to the track and a supposed increase in vehicle activity due to new developments in the surrounding area have further exacerbated these issues.

While these issues are relevant and an important consideration for this Review, this issue cannot be addressed via the planning controls. Planning controls must be independent from infrastructure solutions and by separating these issues, changes to traffic conditions will not have such a significant impact on planning controls.

5. STAGE TWO: DETERMINING THE FUTURE OF THE PRECINCT

5.1 POTENTIAL OPTIONS

With a thorough understanding of the context, issues and desired outcomes of the Precinct, highly detailed and specific options can be explored. It is recognised that some issues in the Precinct are beyond the realm of planning control and so, these options seek only to address the statutory planning and policy related issues. However, it is likely these options will have flow-on effects to non-planning issues.

Option A: Do Nothing

No change to the content, application or method of communication for the planning controls and no further research or strategic work undertaken.

- Pro: Could ensure thoroughbred activities continue to be prioritised within the Precinct, particularly for established larger trainers.
- Con: Would not address many of the peripheral issues or concerns of stakeholders and has limited capacity to adapt to any future changes. Confusion and frustration with the planning controls would not be addressed and issues with the use, development and sale of land would likely continue.

Option B: Relax the Planning Controls

Maintain the current planning controls and their application but with amended provisions to make the controls less restrictive and exclusive. This may involve allowing more use and development which is not detrimental to equine activities without a planning permit, broadening the Precinct's purpose to include other equine-related uses and the establishment of a new trainer test.

- Pro: Could simplify the planning controls which would improve the perception of the planning controls and potentially increase the sale and development of properties.
- Con: Poses risks such as the potential for the expansion of rural residential development and land becoming compromised for equine activities.

Option C: Change the Planning Controls

Overhaul the Precinct with different or new planning controls and changes to where or how they are applied. This could be utilised to varying degrees to 'wipe the slate clean' and directly address many of the issues raised by stakeholders.

- Pro: Could improve the consistency of the controls and ensure the Precinct can be more adaptable or specific where it needs to be a new, simplified zone could also help address the stigma and confusion around the current planning controls.
- Con: The SUZ has already been established as the most appropriate Zone for the Precinct and a whole new set of planning controls could see the rise of new, unforeseen issues.

Option D: Remove the Planning Controls

Removal of all the Precinct specific controls and revert land to a standard zone. This would facilitate very similar use and development as the present controls but would not distinguish between equine activity and other agricultural outcomes.

- Pro: Would allow market forces to prevail and equine activity to occur with relatively little restriction.

- Con: Due to the broad nature and previous failures of the Farming Zone, it is unlikely that this option would ensure thoroughbred/equine activities are prioritised.

Table 2: Could the Potential Option address the Key Issues?

KEY ISSUES	OPTION			
	A	B	C	D
Confusion and Compounding Stigma SUZ13	X	?	✓	✓
Land Supply and Demand	X	✓	✓	X
Exclusivity and Restrictiveness	X	✓	✓	✓
Land Prices, Financing and Saleability	X	?	?	X
Use of Four Different Planning Controls	X	X	✓	✓
Perceived bias for BTC interests	X	X	✓	✓
Rural Living Pressure	X	?	✓	X
Roads, Access and Safety	X	X	?	X

City of Ballarat Suggestion

- Option B & C

City of Ballarat recommends a combination of Option B and Option C. This would see both the relaxation of planning controls and the amendment of the requirements and their application to land. This suggested course of action is considered most as it is likely to produce the best possible outcome for all stakeholders through providing the ability to address most appropriate as it is likely to produce the best possible outcome for all stakeholders through the best possible outcome for all stakeholders through providing the ability to address most of the issues with the current planning controls whilst ensuring the purpose of the Precinct is maintained.

In order for any changes to be successful, details and planning provisions must be balanced, adaptable and context appropriate.

Stage Two Consultation

Stage Two of the stakeholder consultation explored potential options, identified the processes required to achieve them and linked desired outcomes for the Precinct with potential planning interventions. This stage of consultation provided meaningful information which directed the development of final recommendations.

This stage identified the desired outcome for the review of most landowners as such:

- Any development which allows landowners to improve their property, run their business or improve their lifestyle, should not require planning permission if it is not determined to equine use, particularly for shedding, housing and stables.

5.2 DISCUSSION

The following section provides discussion on the major topics which dominated conversation throughout the review process. This section provides an insight into the interaction between different influences in the precinct and outlines the basis for the Recommendations.

Purpose of the Precinct

All recommendations presented as part of the Final Report must directly contribute to the realisation of the Purpose of Precinct.

- *To encourage and facilitate the development and prosperity of the Dowling Forest Racecourse, thoroughbred horse training and the associated industry.*

As the review has progressed, the Purpose of the Precinct has slipped from focus. Going beyond the original scope of the Review could introduce additional variables and complexity thereby increasing the chance of conflicts and oversight. Therefore, requests or changes which are not related to the aim cannot be considered.

Defining the Precinct

In this Review, the Dowling Forest Equine Precinct refers to the land which is affected by the planning controls associated with the Dowling Forest Racecourse. The presence of the Precinct is only inferred throughout the existing planning controls, referring to the land in the “vicinity” of the Dowling Forest Racecourse and the application of specialised zones. Given land used in association with Dowling Forest Equine Precinct extends far beyond the land affected by the planning controls, there was no general understanding of the intended extent of the Precinct by the community, which further contributed to confusion. For these reasons, it is necessary to explicitly define the Precinct to ensure consistency.

Additionally, there is no definitive purpose laid out for the Precinct. While each zone contains a purpose somewhat related to the Dowling Forest Racecourse, none refer to the intended function of the entire Precinct. Supporting the re-establishment of a Precinct as an alternative to the highly restrictive SUZ13 would require a strong purpose statement which demonstrates a clear outcome for the area. This would help to reduce the potential for discretion and conflict yet be less prescriptive than the SUZ13 and could be achieved via local policy and the establishment of a Precinct map.

Size and Expansion of the Precinct

When considering the findings of the HillPDA Report and the lack of demand for or establishment of training properties on private land since the introduction of the SUZ13, there is a demonstrated oversupply of land strictly allocated for the thoroughbred training via the SUZ13. Given there is significantly more land beyond the SUZ13 where thoroughbred activities can establish, expansion of the Precinct is not required to satisfy the purpose of the Review. Special Use Zone 17, 18 and 19 would retain additional land beyond the SUZ13 for racehorse training in the event of unanticipated growth, without placing unreasonable restrictions on landowners and encouraging complementary activities in the interim. Therefore, with the exception of the Precinct to the east, west or south is not required for a buffer to the Racecourse as this is already provided within the precinct Boundary.

Miners Rest Township Plan

The Miners Rest Township Plan and this Review are closely linked; therefore, it is important the Recommendations are consistent with the outcome and objectives of the Plan. Since the research stage of this Review, the Final Plan has been released which contains additional findings and strategy related to the Dowling Forest Equine Precinct and surrounding area to be considered by Council for adoption in late 2019.

Terminology

Terminology used throughout the Review uses the common meaning of terms where possible. In some instances, it has been necessary to use Planning Scheme terms which may have a different interpretation to their common meaning. Submissions have demonstrated improvements are needed in the use of equine industry terms to ensure there is no unintentional discrimination through language. It is also necessary to ensure the use of terms is consistent throughout all materials produced as part of this Review to maintain clarity and reduce confusion surrounding the planning controls.

Thoroughbred or Equine

The use of the term thoroughbred was considered to be discriminatory, however, this was merely used as shorthand to specify the type of equine activities which are directly associated with the Racecourse. Although non-thoroughbred training activities are currently discouraged in the Precinct, no strong evidence has been provided which demonstrates these activities cause conflicts which would be detrimental to the Racecourse or thoroughbred training. Considering there is low demand for private properties for thoroughbred training at present, and there are large numbers of non-thoroughbred equine properties already in operation, equine activities more generally seems to be a more appropriate land use description.

Buffers

Throughout the Review, there was frequent mention of the need to provide a buffer between encroaching residential and urban development from Miners Rest. This is recognised as a potential threat to the Precinct, however does not automatically award the need to expand the Precinct boundaries. Buffers do not need to consist of large physical distances; they can be provided via design controls and other means. It is the racecourse land and that which is immediately adjacent which is most valuable. The buffer for these features is provided within the Precinct, with the inclusion of three properties to the north, through the Special Use Zones 17, 18 and 19 and the local policy.

The Special Use Zone 13

The SUZ13 is highly restrictive so as to serve a very specific function – to protect land for the development of thoroughbred training facilities. The requirements were based on zones implemented around other racecourses in Victoria, however unlike this Precinct, land was within single ownership, in a largely undeveloped area and being developed by the Racecourse.

The SUZ13 has in some ways been extremely effective in achieving its purpose, however its implementation has had unintended consequences on existing landowners. While there are some minor issues associated with the requirements of the SUZ13, the real problem in this circumstance is its perception, interpretation and application to land. The absence of change within the Precinct,

lack of uptake by new trainers and application of the zone to properties where further development is severely restricted demonstrates the inappropriate application and oversupply of SUZ13.

Through only applying the SUZ13 to strategically valuable land and improving communication about the operation of the SUZ13, current issues can be resolved. The establishment application of the SUZ13, which is independent of potentially variable influences could ensure any changes to the Precinct do not see a repeat of the current issues.

The Special Use Zone 17,18 and 19

The existing minimum subdivision sizes within SUZ17, SUZ18 and SUZ19 are predominately a product of historical planning controls and should only be applied where there is confidence such lot sizes would be appropriate for the Precinct. The sizes for dwellings; currently they are permitted in support of the establishment of race horse training facilities and equine uses in association with the Dowling Forest Equine Precinct.

The Farming Zone

Despite containing some special provisions relevant to the Precinct, FZ Areas A and B maintain the purpose of the standard FZ. The existing minimum subdivision sizes within FZ Area A and B are predominantly a product of historical planning controls and should only be applied where there is confidence such lot sizes would be appropriate for the Precinct; currently they are permitted in support of the establishment of race horse training facilities and equine uses in associated with the Dowling Forest Equine Precinct. Furthermore a desire to legitimise existing subdivision sizes or more accurately recognise land use activities is not a sufficient reason to amend planning controls.

Subdivision

The review did not suggest there was a demand to provide for additional lots or smaller subdivision sizes for equine purposes within the Precinct. Subdivision sizes should not be determined without thorough analysis of land capability, land supply/demand, flooding and environmental conditions. Since no additional land is required for the Equine Precinct, it would be beyond the scope of the Review to consider the subdivision capacity of land beyond the existing Precinct.

Findings of the Review suggest equine industry trends are leaning towards larger property sizes than the Precinct's previously established 2 hectare lot sizes. Additionally, the majority of this land is already used for equine purposes and/or cannot be further subdivided. Therefore, the provision of a significant amount of land capable of 2 hectare subdivision is not required to meet the anticipated needs of the equine industry and therefore, the Precinct.

Rural Living

Some submitters considered rural living to be compatible with the Precinct. As stated in earlier stages of the Review, rural living outcomes have the potential to cause significant conflicts within agricultural areas, including equine activity areas. Additionally, some submissions requesting the rezoning of land beyond the Precinct are explicitly motivated by desires for rural residential development.

Section 173 Agreements

Section 173 Agreements on land established from previous planning control which no longer apply are able to be removed via the standard statutory process between landowners and Council.

Traffic and Road Safety

Planning and road safety controls operate almost exclusively of one another, despite being highly influential over a property. For this reason, any changes should not be implemented on the basis of any current road conditions or measures which could likely change, as seen with the present controls.

DESIRED OUTCOMES

As concluded through research and feedback throughout the Review, any Recommendations need to achieve the following outcomes:

- Address the Key Issues.
- Support the Precinct for equine purposes more broadly, not just thoroughbred training
- Provide a clear definition of the Precinct's purpose and location.
- Be adaptable to potential physical, legal or operational changes at the Racecourse or within the Precinct.
- Address the practical impact of any changes to planning controls.
- Manage any direct interfaces with urban land.
- Ensure landowners can improve their property, operate their business or improve their lifestyle in a manner consistent with the purpose of the Precinct.
- Ensure the planning controls do not require further review until the long term future or in the event of extreme contextual change.

6. STAGE THREE: RECOMMENDATIONS

6.1 SUMMARY OF MAIN RECOMMENDATIONS

Following from the above discussion and description of the desired outcomes, below is a summary of the main changes recommended through this Review:

- Define the Dowling Forest Equine Precinct with a purpose and location.
- Amend the existing local policy to broaden the direction and purpose of the Dowling Forest Equine Precinct.
- Review of the application of SUZ13 through establishment of criteria to determine where the Special Use Zone 13 should apply.
- Land removed from SUZ13 to be rezoned to a new proposed SUZ19 that implements the above recommendations and removes restrictions related to thoroughbred training.
- Rezone land in FZ Area A and B to SUZ 18 and 17, identical to the proposed SUZ19 but maintaining the existing minimum lot sizes.
- Clearer use of wording and terminologies in zone and policy provisions.

Further details on these and other recommended changes are provided below.

6.2 DEFINING THE EQUINE PRECINCT

Resulting from the Review process, the following role/purpose is recommended for the Dowling Forest Equine Precinct:

1. To protect the operations and function of the Dowling Forest Racecourse, in recognition of its prominence in the thoroughbred horse training industry and associated net benefits this facility creates for the local region.
2. To retain land that is currently used and developed for thoroughbred horse training within the core of the Precinct in SUZ and SUZ13 (subject the application of criteria for the SUZ13).
3. To ensure there is suitable land available within Dowling Forest Equine Precinct to meet any future growth in demand from the thoroughbred training industry.
4. To provide land upon which horse training, horse breeding, or horse boarding are encouraged and facilitated, as long as these do not prejudice the operation and functioning of the Dowling Forest Racecourse. This land is designated within the Special Use Zones 17, 18 and 19.
5. To allow a range of uses that support the equine Precinct – for example vet, farrier, feed merchants, saddlery.
6. To provide a buffer between the Dowling Forest Racecourse and surrounding residential and agricultural land uses. The separation of land uses incompatible with horse racing and training, such as residential dwellings and other types of agriculture can be an effective way to minimise land use conflict and enable the Racecourse to better operate with fewer constraints. Such separation also plays a key role in biosecurity and in managing any impacts of noise, early morning starts and traffic, including such impacts on race/event days.

This review also provides the following recommendation on the boundary or location of the Dowling Forest Equine Precinct:

- Retention of all areas currently within the Precinct. Particularly considering the buffer role as described above, the Review did not find a sound planning basis to remove any of the properties from the Precinct.

- Addition of 6 parcels adjacent to the Racecourse along Midas Road and properties at 68, 147 and 168 Mount Pisgah Road, Miners Rest. These properties currently interface directly with the Dowling Forest Racecourse, have an agreement in place with the Ballarat Turf Club to directly access the racecourse, and/or are currently used for horse training or other equine purposes. Whilst topography of Mount Pisgah Road provides some separation between the racecourse, and agricultural areas to the north of Mount Pisgah Road, the inclusion of these properties in the Equine Precinct provides an additional “on the ground” buffer for the racecourse and retains additional land for race horse training if the need arises.

6.3 LOCAL PLANNING POLICY

Clause 21.07-6 Racing industry currently exists in the Ballarat Planning Scheme in recognition of the thoroughbred horse racing industry at Dowling Forest, the harness racing industry at Bray Raceway and greyhound racing at Morsehead Park. The policy provides justification for the application of the SUZ13 around the Dowling Forest Racecourse and states the primary purpose for the Precinct is for the training of thoroughbred racehorses. Whilst this remains one of the purposes of the Dowling Forest Equine Precinct, it is recommended the Policy be amended to reflect the outcomes of this Review and include the purposes of the Equine Precinct as outlined above with the new strategies to reflect this broadened purpose.

6.4 LAND USES WITHIN THE EQUINE PRECINCT

Following from the purpose and location of the Precinct as per Section 6.2 above, it is recommended the following land uses are provided for within the Dowling Forest Equine Precinct:

6.4.1 DOWLING FOREST RACECOURSE – SPECIAL USE ZONE 7

The Dowling Forest Racecourse, as currently administered by the Ballarat Turf Club, was not the subject of the Review. The Racecourse appears to be operating without issue, and therefore, from land use planning perspective, it is not proposed to amend the current planning provisions of the Special Use Zone 7 which apply to this land.

6.4.2 THOROUGHBRED HORSE TRAINING – SPECIAL USE ZONE 13

The training of thoroughbred race horses remains the focus of the Dowling Forest Racecourse and the Ballarat Turf Club. Nothing throughout this Review has questioned the role the Racecourse plays in this regard and the importance of this facility at a State wide level. However, as discussed extensively during the consultation and in this Report, the application of the SUZ13 to the area it currently applies has resulted in significant angst and confusion to the landowners. The Review has found widespread support for removing the area to which the SUZ13 applies, including support from the BTC, and the following criteria has been recommended to determine how the SUZ13 is allocated:

Apply the Special Use Zone 13 to land which meets at least two of the following criteria:

- Directly adjoins the Racecourse.
- Is within close proximity to the Racecourse
- Can gain direct access to the Racecourse, or has an opportunity to do so.
 - *Direct access is defines as “The ability to move safely and efficiently between a private property and the Racecourse proper and/or associated training infrastructure, without the need to pass through separate land, or in a manner approved by BTC”*
- Has formal access arrangement with the Ballarat Turf Club.
- Has significant opportunity for the intensification of use and development in accordance with the purposes of the SUZ13.

As shown on the plan in Appendix A, the application of this criteria reduces the area to which the SUZ13 applies.

The Review does not recommend any changes to the provisions of the SUZ13, other than allowing extensions to existing dwellings and outbuildings associated with existing outbuildings up to 100 square metres without a planning permit. Currently the size limit is 50 square metres.

6.4.3 SPECIAL USE ZONE 19

Special Use Zone 19 will apply to the former SUZ13 area and retain the minimum lot size of 2 hectares.

It is recommended to include land removed from SUZ13 into SUZ19. The Special Use Zone is the most tool to ensure land in this area can be used consistent with the outcomes of this review as the Special Use Zone can be tailored to promote the uses expected in the equine Precinct. With the support of the recommended local policy, the Special Use Zone 19 will ensure the current minimum subdivision sizes are maintained whilst recognising the equine role of the land and ensuring it continues to act as a buffer to SUZ7 land.

6.4.4 SPECIAL USE ZONE 17 and 18

To ensure fairness and consistency throughout the Precinct, land currently zoned FZ Area B and FZ Area A is recommended to be rezoned to Special Use Zone 17 and 18. This will ensure that land in this area, as with the SUZ19, can be used and developed for the equine Precinct

The current minimum lot sizes for subdivision or for which no permit is required to use land for a dwelling of 4 hectares and 10 hectares will remain, however inserting new schedules to the Special Use Zone mandates that subdivision can only occur where land is used for a purpose clearly defined in the Ballarat Planning Scheme – horse boarding, breeding or training – and is subject to a Section 173 Agreement on title to ensure the use is ongoing.

6.4.5 EQUINE ACTIVITIES – FARMING ZONE

This Review recommends the Farming Zone be applied as follows:

- The Farming Zone will be maintained on the properties at 69, 1477 and 468 Mount Pisgah Road, Miners Rest proposed to be included in the Dowling Forest Equine Precinct through inclusion in the local policy only. Whilst these properties are proposed to be included in the Precinct, this review does not recommend any change to the provisions of the Farming Zone as they apply to these properties, including minimum lot sizes.

6.5 RECOMMENDED CHANGE TO THE BALLARAT PLANNING SCHEME

Feature	Recommended Change	Justification	Desired Outcome
Special Use Zone 7	No Change	The SUZ7 was not the subject of contention discussion at any stage of the Review.	Continue existing use and operations at the Racecourse.
Special Use Zone 13	Amend Clause 4.0 of Schedule 13 to the SUZ according to Appendix B to allow extension to existing dwellings and outbuildings associated with existing outbuildings up to 100 square metres without a planning permit.	The current allowance of 50 square metres is considered too small within a rural context to likely generate any potential impacts on adjoining land.	Allow greater flexibility to existing landowners and occupants whom are not licensed trainers to maintain and improve their property.
Special Use Zone 17 and 18	Introduce SUZ17 and SUZ18 to replace FZ Area B and A Current minimum subdivision provisions and minimum area for which no permit is required to use land for a dwelling provisions for SUZ17 and SUZ18 with new recommended provisions (Appendix C and D) that only allow subdivision for specific uses (horse breeding, training or boarding) subject to a legal agreement on title. One dwelling can be constructed on each lot subject to conditions.	Maintain the current subdivision sizes of these area. Special Use Zone can be drafted to support the specific outcomes desired in the Precinct, and the objectives of the zone tailored to these outcomes.	Ensure landowners can improve their property, run their business or improve their lifestyle where it will not adversely impact upon the Dowling Forest Racecourse or equine activities in the Equine Precinct. Long-term development of the Precinct for equine uses. Land is suitable for thoroughbred horse training in case of future demand by trainers.
Special Use Zone 19	Introduce to replace most of SUZ13	Maintain the current subdivision sizes of these area. Special Use Zone can be drafted to support the specific outcomes desired in the Precinct, and the objectives of the zone tailored to these outcomes.	Land in Special Use Zone 17,18 and 19 all has the same function and planning controls (with the exception of minimum subdivision sizes). Ensure landowners can improve their property, run their business or improve their lifestyle where it will not adversely impact upon the Dowling Forest Racecourse or equine activities in the Equine Precinct. Long-term development of the Precinct for equine uses. Land is suitable for thoroughbred horse training in case of future demand by trainers.

Feature	Recommended Change	Justification	Desired Outcome
<p>Clause 21.07-6 – Racing Industry</p>	<p>Replace existing Clause 21.07-6 with recommended local policy (at Appendix F) which refers to the Precinct as “Dowling Forest Equine Precinct”</p>	<p>Existing Policy needed to be strengthened to better define the location and purpose of the Dowling Forest Equine Precinct and provide strategies and decision guidelines for the assessment of planning permit applications within the Precinct.</p>	<p>Better definition and awareness of the location and purpose of the Precinct.</p> <p>Identification of core SUZ7 and SUZ13 area, and recognition of wider equine Precinct.</p> <p>Greater focus on horse training, horse breeding, or horse boarding with the equine Precinct, along with the core thoroughbred Precinct.</p> <p>Clear objectives to protect and buffer the Dowling Forest Racecourse and allow a range of compatible uses throughout the remainder of the Precinct.</p>
<p>Zone Mapping</p>	<p>Remove parcels from the SUZ13 and include in Special Use Zone 19 as shown on the map at Appendix A.</p>	<p>Application of the SUZ13 to some areas of the Precinct has resulted in angst and confusion, and has not resulted in the take up of land for thoroughbred horse training. Land sales have stagnated and with the SUZ13, landowners are unable to develop or improve their properties. All land removed from SUZ13 is to be transferred to SUZ19.</p>	<p>Landowners will be able to sell, develop or improve their property, operate their business or improve their lifestyle where it will not adversely impact upon the Dowling Forest Racecourse or equine activities in the Equine Precinct.</p>
	<p>Include additional parcels in the SUZ13 as shown on the Map at Appendix A.</p>	<p>These parcels meet the criteria established for the inclusion in the SUZ13, which are outlined in Section 6.4.2 above. The inclusion of these areas in the SUZ13 provides opportunity for future development and/or expansion of thoroughbred racehorse training facilities on land with safe and convenient access to the Racecourse.</p>	<p>Ensure strategically located land is protected from inappropriate development and is maintained for current/future use in direct support of the Racecourse.</p>

6.6 WHAT WILL THESE CHANGES LOOK LIKE IN REALITY?

	Special Use Zone 7	Special Use Zone 13	Special Use Zone 17 and 18	Special Use Zone 19
What is required for the use and development of land for a new dwelling?	Same as current requirements. Any application must include a site plan showing how the proposed use will complement the racecourse.	Same as current requirements. Any application must be accompanied by an 'Integrated Land Management Plan' (ILMP) describing the horse training facilities on the site (or proposed on the site) and explain how the proposal responds to the required provisions.	Applications must meet the minimum subdivision size in the schedule to the SUZ and demonstrate consistency with Clause 21.07-6.	Applications must meet the minimum subdivision size in the schedule to the SUZ and demonstrate consistency with Clause 21.07-6.
Can non-thoroughbred racehorse trainers or non-employees of trainers occupy/purchase a dwelling/property?	Same as current requirements.	Same as current requirements. Any application must be accompanied by an 'Integrated Land Management Plan' (ILMP) describing the horse training facilities on the site (or proposed on the site) and explain how the proposal responds to the required provisions. Provisions include that dwellings are occupied by licenced trainers.	Yes. There are no restrictions on who can purchase or occupy an existing dwelling.	Yes. There are no restrictions on who can purchase or occupy an existing dwelling.
What changes can be made to existing buildings without a permit?	Same as current requirements. Up to 50sqm extension to an existing dwelling. Up to 50sqm extension to an existing outbuilding.	Up to 100sqm extension to an existing dwelling. Up to 100sqm extension to an existing outbuilding.	Up to 100sqm extension to an existing dwelling. Up to 100sqm extension to an existing outbuilding.	Up to 100sqm extension to an existing dwelling. Up to 100sqm extension to an existing outbuilding.
What is the minimum subdivision size and under what conditions do these apply?	Same as current requirements.	Same as current requirements.	10 ha in SUZ17 where land is used in accordance with Clause 21.07-6. 4 ha in SUZ18 where land is used in accordance with Clause 21.07-6.	2 ha where land is used in accordance with Clause 21.07-6
How does the local policy at Clause 21.07-6 influence applications?	All planning permit applications must be consistent with the objective and strategies in this clause.	All planning permit applications must be consistent with the objective and strategies in this clause.	All planning permit applications must be consistent with the objective and strategies in this clause.	All planning permit applications must be consistent with the objective and strategies in this clause.

6.7 OTHER SUGGESTED CHANGES

The following suggested changes cannot be implemented via a planning scheme amendment but are considered important follow-up actions which are relevant to the Dowling Forest Equine Precinct:

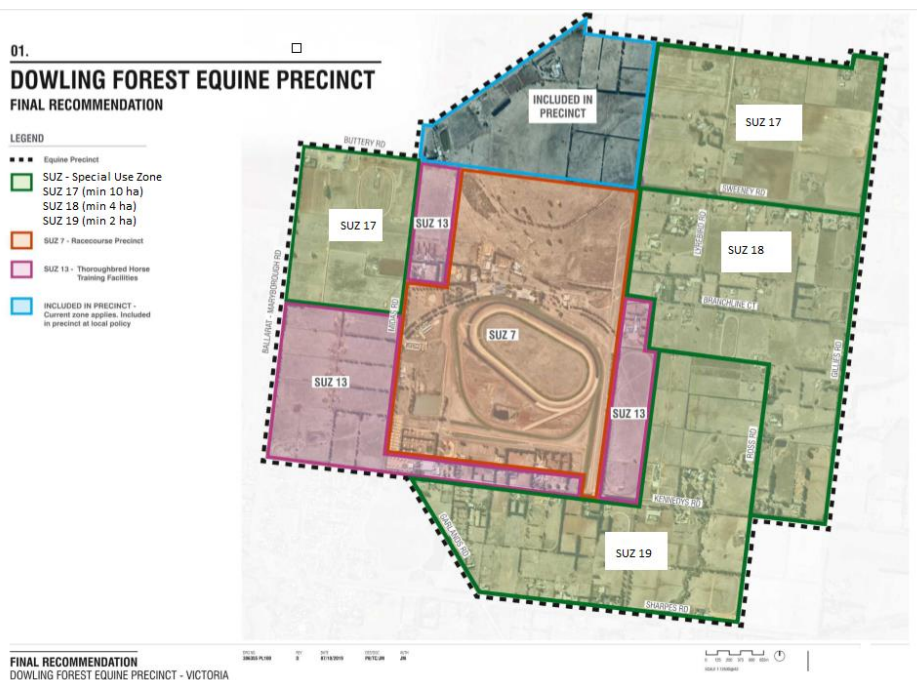
- Inform all relevant stakeholders of the changes to the Precinct via:
 - Relaunching the Precinct through marketing which emphasises renewed purpose and outcomes for the Precinct.
 - Property Industry Workshops
 - Publicly available brochures and other materials which clearly and simply explain the operation and effect of the planning controls.
- A strategic review of land south of Sharpes Road to determine and designate a future land use outcome for the area following the outcomes of the Growth Corridors Study and the Miners Rest Township Strategy.
- Encourage the BTC to establish legal rights of access into the Racecourse along Midas Road to ensure horses can access the facilities safely and efficiently, and there be no safety risk posed to the users of Midas Road.
- Discuss with the BTC the suggested opportunity to establish public road connections through Lyrebird Court and Branchline Court directly to the Racecourse.

6.8 NEXT STEPS

- Council to determine its position on the recommended changes to the Dowling Forest Equine Precinct.
- Proceed to the exhibition stage of the Planning Scheme Amendment.

7. APPENDICES

7.1 APPENDIX A: FINAL RECOMMENDATION



7.2 APPENDIX B: RECOMMENDED SCHEDULE TO SPECIAL USE ZONE 13

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2. This does not apply to:
 - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than 100 square metres.
 - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 100 square metres.
 - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than 100 square metres.
 - A rainwater tank.
- A building which is within any of the following setbacks:
 - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay of 50 metres.
 - The setback from any other road of 20 metres.
 - The setback from any boundary of 5 metres.
 - The setback from a dwelling not in the same ownership of 5 metres.
 - 100 metres from a waterway, wetlands or designated flood plain.

**7.3 APPENDIX C: RECOMMENDED SCHEDULE TO SPECIAL USE ZONE 17
SCHEDULE 17 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as SUZ17.

DOWLING FOREST EQUINE PRECINCT

Purpose

To retain land within the Dowling Forest Equine Precinct for possible future demand by the horse racing industry based at the Dowling Forest Racecourse.

To support use and development associated with horse training or related industry within the Dowling Forest Equine Precinct.

To buffer the operation of the Ballarat Turf Club from surrounding Farming Zone land by limiting conflicting uses and associated amenity impacts.

To ensure land used and developed for dwellings is in conjunction with specified horse husbandry uses.

1.0 Table of uses

Section 1 - Permit not required

Use	Condition
Agriculture (other than Animal husbandry, Apiculture, Intensive animal husbandry, Rice growing and Timber production)	
Animal husbandry (excluding Horse husbandry)	Must be no more than 5 animals.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent Persons Unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 3.0
Dwelling (other than a bed and breakfast)	Must be the only dwelling on the lot. Must meet the requirements of Clause 3.0
Horse husbandry	
Home occupation Informal outdoor recreation Minor utility installation Railway Tramway	
Veterinary centre	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Animal husbandry	If the Section 1 condition is not met
Broiler farm	Must meet the requirements of Clause 52.31.
Caretaker's house	Must meet the requirements of Clause 3.0
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot	Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Cemetery Community market Crematorium	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 3.0
Emergency services facility Freezing and cool storage	
Group accommodation	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Host farm	Must be 'in conjunction with' use of the land for Horse husbandry. Must meet the requirements of Clause 3.0
Intensive animal husbandry (other than Broiler farm and Cattle feedlot) Interpretation centre Leisure and recreation (other than informal outdoor recreation and Motor racing track) Manufacturing sales Mineral, stone or soil extraction (other than Mineral exploration, Mining and Search for stone)	
Place of assembly (other than Carnival and Circus)	Must not be used for more than 10 days in a calendar year
Primary produce sales Renewable energy facility (other than Wind energy facility)	
Residential hotel	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Restricted retail premises Rural industry Rural store Saleyard Store Trade supplies Timber production Utility installation (Other than Minor utility installation and Telecommunications facility) Winery	

Section 3 – Prohibited

Use
Accommodation (other than Caretakers house, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)
Industry (other than Rural industry and Store)
Motor racing track
Retail premises (other than Market and Primary produce sales)
Rice growing
Transfer station
Warehouse (other than Store)
Any other use not in Section 1 or 2

2.0 Subdivision

A permit is required to subdivide land.

A permit may only be granted to subdivide land if:

- The minimum lot size for any lot created is 10 hectares.
- Effluent disposal fields are nominated on the plan if the lots are not connected to a reticulated sewerage system.
- The permit is issued subject to a condition requiring the landowner to enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 that provides for or requires that: –
 - The land must be used for the purposes of horse training, horse breeding, or horse boarding.

A permit may only be granted to create smaller lots if the subdivision is by a public authority or utility service provider to create a lot for a utility installation.

3.0 Use of land for a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel

A permit may only be granted for a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel if all of the following apply:

- There is only one dwelling on a lot (other than a caretakers house, dependent persons unit, group accommodation, host farm or residential hotel).
- Dwelling or permitted accommodation building will be can be connected to a reticulated sewerage system or if not available, the waste water can be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling or other permitted accommodation building can be connected to a reticulated potable water supply or is able to have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or other permitted accommodation building can be connected to a reticulated electricity supply or have an alternative energy source.

4.0 Buildings and works

A permit is required to construct or carry out buildings and works.

This does not apply to:

- An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than 100 square metres.

- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 100 square metres.
- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than 100 square metres.
- A rainwater tank.
- A building which is within any of the following setbacks:
 - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay of 50 metres. – The setback from any other road of 20 metres.
 - The setback from any boundary of 5 metres.
 - The setback from a dwelling not in the same ownership of 5 metres.
 - 100 metres from a waterway, wetlands or designated flood plain.

5.0 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, and in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- How the use or development relates to the purposes of the zone.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The layout of the subdivision;
- The suitability of the location of the training facilities on the site;
- Access arrangements;
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.

Agricultural issues

- Whether the use or development will make the land permanently unsuitable for horse husbandry uses.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the use.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Accommodation issues

- Whether the use of the land for accommodation will adversely affect the operation and expansion of adjoining and nearby uses.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area.

- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- The views of the relevant catchment management authority.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts including the visual impact on the landscape.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Traffic issues

- Whether the use and development will require any traffic management measures.

5.0 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 4.

**7.4 APPENDIX D: RECOMMENDED SCHEDULE TO SPECIAL USE ZONE 18
SCHEDULE 18 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as SUZ18.

DOWLING FOREST EQUINE PRECINCT

Purpose

To retain land within the Dowling Forest Equine Precinct for possible future demand by the horse racing industry based at the Dowling Forest Racecourse.

To support use and development associated with horse training or related industry within the Dowling Forest Equine Precinct.

To buffer the operation of the Ballarat Turf Club from surrounding Farming Zone land by limiting conflicting uses and associated amenity impacts.

To ensure land used and developed for dwellings is in conjunction with specified horse husbandry uses.

1.0 Table of uses

Section 1 - Permit not required

Use	Condition
Agriculture (other than Animal husbandry, Apiculture, Intensive animal husbandry, Rice growing and Timber production)	
Animal husbandry (excluding Horse husbandry)	Must be no more than 5 animals.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent Persons Unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 3.0
Dwelling (other than a bed and breakfast)	Must be the only dwelling on the lot. Must meet the requirements of Clause 3.0
Horse husbandry	
Home occupation Informal outdoor recreation Minor utility installation Railway Tramway	
Veterinary centre	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Animal husbandry	If the Section 1 condition is not met
Broiler farm	Must meet the requirements of Clause 52.31.
Caretaker's house	Must meet the requirements of Clause 3.0
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot	Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Cemetery Community market Crematorium	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 3.0
Emergency services facility Freezing and cool storage	
Group accommodation	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Host farm	Must be 'in conjunction with' use of the land for Horse husbandry. Must meet the requirements of Clause 3.0
Intensive animal husbandry (other than Broiler farm and Cattle feedlot) Interpretation centre Leisure and recreation (other than informal outdoor recreation and Motor racing track) Manufacturing sales Mineral, stone or soil extraction (other than Mineral exploration, Mining and Search for stone)	
Place of assembly (other than Carnival and Circus)	Must not be used for more than 10 days in a calendar year
Primary produce sales Renewable energy facility (other than Wind energy facility)	
Residential hotel	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Restricted retail premises Rural industry Rural store Saleyard Store Trade supplies Timber production Utility installation (Other than Minor utility installation and Telecommunications facility) Winery	

Section 3 – Prohibited

Use
Accommodation (other than Caretakers house, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)
Industry (other than Rural industry and Store)
Motor racing track
Retail premises (other than Market and Primary produce sales)
Rice growing
Transfer station
Warehouse (other than Store)
Any other use not in Section 1 or 2

2.0 Subdivision

A permit is required to subdivide land.

A permit may only be granted to subdivide land if:

- The minimum lot size for any lot created is 4 hectares.
- Effluent disposal fields are nominated on the plan if the lots are not connected to a reticulated sewerage system.
- The permit is issued subject to a condition requiring the landowner to enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 that provides for or requires that: –
 - The land must be used for the purposes of horse training, horse breeding, or horse boarding.

A permit may only be granted to create smaller lots if the subdivision is by a public authority or utility service provider to create a lot for a utility installation.

3.0 Use of land for a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel

A permit may only be granted for a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel if all of the following apply:

- There is only one dwelling on a lot (other than a caretakers house, dependent persons unit, group accommodation, host farm or residential hotel).
- Dwelling or permitted accommodation building will be can be connected to a reticulated sewerage system or if not available, the waste water can be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling or other permitted accommodation building can be connected to a reticulated potable water supply or is able to have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or other permitted accommodation building can be connected to a reticulated electricity supply or have an alternative energy source.

4.0 Buildings and works

A permit is required to construct or carry out buildings and works.

This does not apply to:

- An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than 100 square metres.
- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 100 square metres.

- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than 100 square metres.
- A rainwater tank.
- A building which is within any of the following setbacks:
 - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay of 50 metres. – The setback from any other road of 20 metres.
 - The setback from any boundary of 5 metres.
 - The setback from a dwelling not in the same ownership of 5 metres.
 - 100 metres from a waterway, wetlands or designated flood plain.

5.0 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, and in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- How the use or development relates to the purposes of the zone.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The layout of the subdivision;
- The suitability of the location of the training facilities on the site;
- Access arrangements;
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.

Agricultural issues

- Whether the use or development will make the land permanently unsuitable for horse husbandry uses.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the use.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Accommodation issues

- Whether the use of the land for accommodation will adversely affect the operation and expansion of adjoining and nearby uses.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- The views of the relevant catchment management authority.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts including the visual impact on the landscape.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Traffic issues

- Whether the use and development will require any traffic management measures.

5.0 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 4.

**7.5 APPENDIX E: RECOMMENDED SCHEDULE TO SPECIAL USE ZONE 19
SCHEDULE 19 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as SUZ19.

DOWLING FOREST EQUINE PRECINCT

Purpose

To retain land within the Dowling Forest Equine Precinct for possible future demand by the horse racing industry centred at the Dowling Forest Racecourse.

To support use and development associated with horse training within the Dowling Forest Equine Precinct.

To buffer the operation of the Ballarat Turf Club from surrounding Farming Zone land by limiting conflicting uses and associated amenity impacts.

To discourage urban or rural residential outcomes unrelated to horse training.

1.0 Table of uses

Section 1 - Permit not required

Use	Condition
Agriculture (other than Animal husbandry, Apiculture, Intensive animal husbandry, Rice growing and Timber production)	
Animal husbandry (excluding Horse husbandry)	Must be no more than 5 animals.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent Persons Unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 3.0
Dwelling (other than a bed and breakfast)	Must be the only dependent person's unit in the lot. Must meet the requirements of Clause 3.0
Horse husbandry	
Home occupation Informal outdoor recreation Minor utility installation Railway Tramway	
Veterinary centre	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Animal husbandry	If the Section 1 condition is not met
Broiler farm	Must meet the requirements of Clause 52.31.
Caretaker's house	Must meet the requirements of Clause 3.0
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot	Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Cemetery Community market Crematorium	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 3.0
Emergency services facility Freezing and cool storage	
Group accommodation	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Host farm	Must be 'in conjunction with' use of the land for Horse husbandry. Must meet the requirements of Clause 3.0
Intensive animal husbandry (other than Broiler farm and Cattle feedlot) Interpretation centre Leisure and recreation (other than informal outdoor recreation and Motor racing track) Manufacturing sales Mineral, stone or soil extraction (other than Mineral exploration, Mining and Search for stone)	
Place of assembly (other than Carnival and Circus)	Must not be used for more than 10 days in a calendar year
Primary produce sales Renewable energy facility (other than Wind energy facility)	
Residential hotel	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Restricted retail premises Rural industry Rural store Saleyard Store Trade supplies Timber production Utility installation (Other than Minor utility installation and Telecommunications facility) Winery	

Section 3 – Prohibited

Use
Accommodation (other than Caretakers house, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)
Industry (other than Rural industry and Store)
Motor racing track
Retail premises (other than Market and Primary produce sales)
Rice growing
Transfer station
Warehouse (other than Store)
Any other use not in Section 1 or 2

2.0 Subdivision

A permit is required to subdivide land.

A permit may only be granted to subdivide land if:

- The minimum lot size for any lot created is 2 hectares
- Effluent disposal fields are nominated on the plan if the lots are not connected to a reticulated sewerage system.
- The permit is issued subject to a condition requiring the landowner to enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 that provides for or requires that: –
 - The land must be used for the purposes of horse training, horse breeding, or horse boarding.

A permit may only be granted to create smaller lots if the subdivision is by a public authority or utility service provider to create a lot for a utility installation.

3.0 Use of land for a dwelling

A permit may only be granted to use the land for the purposes of a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel if all of the following apply:

- There is only one dwelling on a lot (other than a caretakers house, dependent persons unit, group accommodation, host farm or residential hotel).
- The dwelling can be connected to a reticulated sewerage system or if not available, the waste water can be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling can be connected to a reticulated potable water supply or is able to have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling can be connected to a reticulated electricity supply or have an alternative energy source.

4.0 Buildings and works

A permit is required to construct or carry out buildings and works.

This does not apply to:

- An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than 100 square metres.
- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 100 square metres.
- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than 100 square metres.

- A rainwater tank.
- A building which is within any of the following setbacks:
 - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay of 50 metres. – The setback from any other road of 20 metres.
 - The setback from any boundary of 5 metres.
 - The setback from a dwelling not in the same ownership of 5 metres.
 - 100 metres from a waterway, wetlands or designated flood plain.

5.0 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, and in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- How the use or development relates to the purposes of the zone.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The layout of the subdivision;
- The suitability of the location of the training facilities on the site;
- Access arrangements;
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.

Agricultural issues

- Whether the use or development will make the land permanently unsuitable for use for horse training.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the use.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Accommodation issues

- Whether the use of the land for accommodation will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

- The views of the relevant catchment management authority.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts including the visual impact on the landscape.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Traffic issues

- Whether the use and development will require any traffic management measures.

5.0 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 4.

7.6 APPENDIX F: RECOMMENDED AMENDED CLAUSE 21.07-6 RACING INDUSTRY

21.07-6 Racing Industry

The thoroughbred horse racing industry is based at Dowling Forest Racecourse, harness racing at the Bray Raceway in Redan and greyhound racing at Morsehead Park in Redan. Each site is an important cultural, economic and sporting centre for Ballarat.

Council has identified an area surrounding the Dowling Forest Racecourse for the development of a thoroughbred horse training precinct. The primary purpose of the land in the precinct is for the training of thoroughbred racehorses. Any 'accommodation' associated with horse training must be ancillary to that primary purpose. Council does not encourage any urban or rural residential outcomes on the land that it has identified for thoroughbred horse training facilities.

Objective 10

To create prosperity through the development of the harness and greyhound racing industries.

Strategies

10.1 Encourage the growth and development of the harness and greyhound industries.

10.2 Discourage activities that will restrict the use and development of the Redan harness and greyhound facilities.

Objective 11

To protect the value and function of the Dowling Forest Racecourse through the establishment of the Dowling Forest Equine Precinct.

To retain and protect the core of the Dowling Forest Equine Precinct (zoned Special Use Zone – Schedule 7 and Special Use Zone - Schedule 13) for thoroughbred horse training.

To ensure that land within the wider Precinct (zoned Special Use Zone 17,18 and 19) provides a buffer to the Dowling Forest Racecourse, and can be used and developed for equine purposes or related equine industry.

Strategies

- In the core of the Dowling Forest Equine Precinct (zoned Special Use Zone – Schedule 7 and Special Use Zone – Schedule 13):
 - Ensure land is used and developed for horse husbandry, specifically thoroughbred horse training in conjunction with the Dowling Forest Racecourse.
 - Ensure other permitted land uses and associated development do not compromise the land for future use for thoroughbred training.
- In the wider Dowling Forest Equine Precinct (zoned Special Use Zone – Schedule 17, 18 and 19):
 - Encourage use of the land for equine purposes, not limited to thoroughbred horse training.
 - Encourage use of land that supports the equine industry (for example vet, farrier, horse transportation).
 - Ensure use or development of land will not compromise future use of the land for equine purposes.

- Ensure non-equine use of land does not result in adverse amenity impacts to land within the core of the Dowling Forest Equine Precinct.
- Allow subdivision of land only where it will be used for the ongoing purpose of horse training, horse breeding or horse boarding.
- Protect land from rural living intensification and associated amenity conflicts by limiting the construction of dwellings to one dwelling per lot, and preventing further subdivision for rural living.

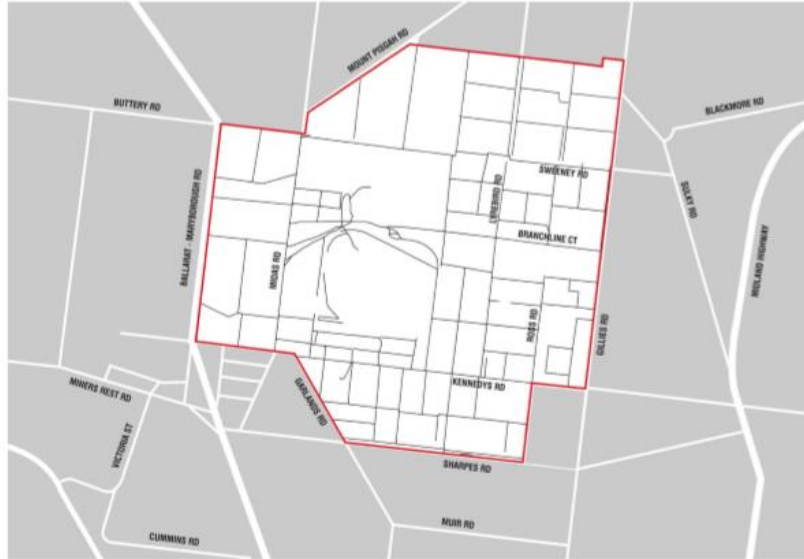
7.7 APPENDIX G: EQUINE PRECINCT BOUNDARY – RECOMMENDED AT CLAUSE 21.07-6 RACING INDUSTRY

01.

DOWLING FOREST EQUINE PRECINCT
EQUINE PRECINCT BOUNDARY

LEGEND

— Dowling Forest Equine Precinct



ZONING PROVISIONS
MINERS REST - VICTORIA

SCALE: 1:10,000
DATE: 01/10/2019
PROJECT: 19/03/19

spire

Attachment 2 – Dowling Forest Equine Precinct - Proposed zoning changes

Current zoning	Proposed zoning in Spiire Review 2019	Proposed zoning in City of Ballarat Review 2020	Rationale
<p><u>Special Use Zone – Schedule Area 13</u></p>	<p><u>Special Use Zone – Schedule Area 13 retained on a reduced number of properties and 7 additional properties</u></p> <p><u>All other properties - Farming Zone (with subdivision to 2 ha and dwellings in accordance with Local Planning Policy)</u></p>	<p><u>Special Use Zone – Schedule Area 13 retained on a reduced number of properties and 7 additional properties</u></p> <p><u>- All other properties – Special Use Zone – Schedule Area 19 (with subdivision to 2 ha and dwellings in accordance with Local Planning Policy)</u></p>	<ul style="list-style-type: none"> • Removes the onerous restrictions of the current Special Use Zone 13 relating to use and development of land for thoroughbred training and by licenced trainers. • Purpose and objectives of the Special Use Zone 19 are tailored to the outcomes sought in this area of the Precinct. • Allows a range of uses (some subject to a planning permit) consistent with the intent to create an 'equine precinct'. • Allows one dwelling to be constructed on each lot (subject to a planning permit for buildings and works). This will allow 6 additional dwellings within the Precinct. • Retains minimum subdivision size of current Special Use Zone 13 (2 ha) only where land is used for horse training, breeding or boarding (terms used in the Ballarat Planning Scheme) and subject to a legal agreement registered on the title of the land.
<p><u>Farming Zone – Schedule Area A and B</u></p>	<p><u>Farming Zone – Schedule Area B and C – minimal change</u></p>	<p><u>Special Use Zone – Schedule Area 17 and 18</u></p>	<ul style="list-style-type: none"> • Makes land within these areas very similar to land within the proposed Special Use Zone – Schedule Area 19. • Purpose and objectives of the Special Use Zone 17 and 18 are tailored to the outcomes sought in this area of the Precinct. • Allows a range of uses (some subject to a planning permit) consistent with the intent to create an 'equine precinct'. • Allows one dwelling to be constructed on each lot (subject to a planning permit for buildings and works). This will allow 6 additional dwellings within the Precinct. • Retains existing minimum subdivision size of 10 ha and 4 ha respectively. Modifies where subdivision is permitted to be consistent with proposed Special Use Zone – Schedule 19 – where land is used for horse training breeding or boarding (terms used in the Ballarat Planning Scheme) and subject to a legal agreement registered on the title of the land.

Attachment 2 – Proposed zoning changes

Commented [LK1]: @Kimberley Purvis are you happy with these additions in yellow?

Commented [KP2R2]: @Lisa Kendal yes all good

Current zoning	Zoning as adopted by Council 16 October 2019	Proposed zoning	Rationale
Special Use Zone – Schedule Area 13	<p>Special Use Zone – Schedule Area 13 for 7 additional properties</p> <p>All other properties – Farming Zone (with schedule allowing subdivision to 2 ha and dwellings in accordance with Local Planning Policy)</p>	<p>Special Use Zone – Schedule Area 13 for 7 additional properties</p> <p>All other properties – Special Use Zone – Schedule Area 19</p>	<ul style="list-style-type: none"> • Removes the onerous restrictions of the current Special Use Zone 13 relating to use and development of land for thoroughbred training and by licenced trainers. • Purpose and objectives of the Special Use Zone 19 are tailored to the outcomes sought in this area of the Precinct. • Allows a range of uses (some subject to a planning permit) consistent with the intent to create an 'equine precinct'. • Allows one dwelling to be constructed on each lot (subject to a planning permit for buildings and works). This will allow 6 additional dwellings within the Precinct. • Retains minimum subdivision size of current Special Use Zone 13 only where land is used for horse training, breeding or boarding (terms used in the Ballarat Planning Scheme) and subject to a legal agreement registered on the title of the land.
Farming Zone – Schedule Area A and B	Farming Zone – Schedule Area B and C – <i>minimal change</i>	Special Use Zone – Schedule Area 17 and 18	<ul style="list-style-type: none"> • Makes land within these areas very similar to land within the proposed Special Use Zone – Schedule Area 19. • Purpose and objectives of the Special Use Zone 17 and 18 are tailored to the outcomes sought in this area of the Precinct. • Allows a range of uses (some subject to a planning permit) consistent with the intent to create an 'equine precinct'. • Allows one dwelling to be constructed on each lot (subject to a planning permit for buildings and works). This will allow 6 additional dwellings within the Precinct. • Retains existing minimum subdivision size of 10 ha and 4 ha respectively. Modifies where subdivision is permitted to be consistent with proposed Special Use Zone – Schedule 19 – where land is used for horse training breeding or boarding (terms used in the Ballarat Planning Scheme) and subject to a legal agreement registered on the title of the land.

SCHEDULE 17 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ17.

DOWLING FOREST EQUINE PRECINCT

Purpose

To retain land within the Dowling Forest Equine Precinct for possible future demand by the horse racing industry based at the Dowling Forest Racecourse.

To support use and development associated with horse training or related industry within the Dowling Forest Equine Precinct.

To buffer the operation of the Ballarat Turf Club from surrounding Farming Zone land by limiting conflicting uses and associated amenity impacts.

To ensure land used and developed for dwellings is in conjunction with specified horse husbandry uses.

1.0 Table of uses

Section 1 - Permit not required

Use	Condition
Agriculture (other than Animal husbandry, Apiculture, Intensive animal husbandry, Rice growing and Timber production)	
Animal husbandry (excluding Horse husbandry)	Must be no more than 5 animals.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent Persons Unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 3.0
Dwelling (other than a bed and breakfast)	Must be the only dwelling on the lot. Must meet the requirements of Clause 3.0
Horse husbandry	
Home occupation Informal outdoor recreation Minor utility installation Railway Tramway	
Veterinary centre	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Animal husbandry	If the Section 1 condition is not met
Broiler farm	Must meet the requirements of Clause 52.31.
Caretaker's house	Must meet the requirements of Clause 3.0
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot	Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Cemetery Community market Crematorium	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 3.0
Emergency services facility Freezing and cool storage	
Group accommodation	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Host farm	Must be 'in conjunction with' use of the land for Horse husbandry. Must meet the requirements of Clause 3.0
Intensive animal husbandry (other than Broiler farm and Cattle feedlot) Interpretation centre Leisure and recreation (other than informal outdoor recreation and Motor racing track) Manufacturing sales Mineral, stone or soil extraction (other than Mineral exploration, Mining and Search for stone)	
Place of assembly (other than Carnival and Circus)	Must not be used for more than 10 days in a calendar year
Primary produce sales Renewable energy facility (other than Wind energy facility)	
Residential hotel	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Restricted retail premises Rural industry Rural store Saleyard Store Trade supplies	

Timber production Utility installation (Other than Minor utility installation and Telecommunications facility) Winery	
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Section 3 – Prohibited

Use
Accommodation (other than Caretakers house, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)
Industry (other than Rural industry and Store)
Motor racing track
Retail premises (other than Market and Primary produce sales)
Rice growing
Transfer station
Warehouse (other than Store)
Any other use not in Section 1 or 2

2.0 Subdivision

A permit is required to subdivide land.

A permit may only be granted to subdivide land if:

- The minimum lot size for any lot created is 10 hectares.
- Effluent disposal fields are nominated on the plan if the lots are not connected to a reticulated sewerage system.
- The permit is issued subject to a condition requiring the landowner to enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 that provides for or requires that: –
 - The land must be used for the purposes of horse training, horse breeding, or horse boarding.

A permit may only be granted to create smaller lots if the subdivision is by a public authority or utility service provider to create a lot for a utility installation.

3.0 Use of land for a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel

A permit may only be granted for a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel if all of the following apply:

- There is only one dwelling on a lot (other than a caretakers house, dependent persons unit, group accommodation, host farm or residential hotel).
- Dwelling or permitted accommodation building will be can be connected to a reticulated sewerage system or if not available, the waste water can be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- The dwelling or other permitted accommodation building can be connected to a reticulated potable water supply or is able to have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or other permitted accommodation building can be connected to a reticulated electricity supply or have an alternative energy source.

4.0 Buildings and works

A permit is required to construct or carry out buildings and works.

This does not apply to:

- An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than 100 square metres.
- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 100 square metres.
- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than 100 square metres.
- A rainwater tank.
- A building which is within any of the following setbacks:
 - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay of 50 metres. – The setback from any other road of 20 metres.
 - The setback from any boundary of 5 metres.
 - The setback from a dwelling not in the same ownership of 5 metres.
 - 100 metres from a waterway, wetlands or designated flood plain.

5.0 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, and in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- How the use or development relates to the purposes of the zone.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The layout of the subdivision;
- The suitability of the location of the training facilities on the site;
- Access arrangements;
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.

Agricultural issues

- Whether the use or development will make the land permanently unsuitable for horse husbandry uses.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the use.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Accommodation issues

- Whether the use of the land for accommodation will adversely affect the operation and expansion of adjoining and nearby uses.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- The views of the relevant catchment management authority.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts including the visual impact on the landscape.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Traffic issues

- Whether the use and development will require any traffic management measures.

5.0 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 4.

SCHEDULE 18 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ18.

DOWLING FOREST EQUINE PRECINCT

Purpose

To retain land within the Dowling Forest Equine Precinct for possible future demand by the horse racing industry based at the Dowling Forest Racecourse.

To support use and development associated with horse training or related industry within the Dowling Forest Equine Precinct.

To buffer the operation of the Ballarat Turf Club from surrounding Farming Zone land by limiting conflicting uses and associated amenity impacts.

To ensure land used and developed for dwellings is in conjunction with specified horse husbandry uses.

1.0 Table of uses

Section 1 - Permit not required

Use	Condition
Agriculture (other than Animal husbandry, Apiculture, Intensive animal husbandry, Rice growing and Timber production)	
Animal husbandry (excluding Horse husbandry)	Must be no more than 5 animals.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent Persons Unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 3.0
Dwelling (other than a bed and breakfast)	Must be the only dwelling on the lot. Must meet the requirements of Clause 3.0
Horse husbandry	
Home occupation Informal outdoor recreation Minor utility installation Railway Tramway	
Veterinary centre	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Animal husbandry	If the Section 1 condition is not met
Broiler farm	Must meet the requirements of Clause 52.31.
Caretaker's house	Must meet the requirements of Clause 3.0
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot	Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Cemetery Community market Crematorium	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 3.0
Emergency services facility Freezing and cool storage	
Group accommodation	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Host farm	Must be 'in conjunction with' use of the land for Horse husbandry. Must meet the requirements of Clause 3.0
Intensive animal husbandry (other than Broiler farm and Cattle feedlot) Interpretation centre Leisure and recreation (other than informal outdoor recreation and Motor racing track) Manufacturing sales Mineral, stone or soil extraction (other than Mineral exploration, Mining and Search for stone)	
Place of assembly (other than Carnival and Circus)	Must not be used for more than 10 days in a calendar year
Primary produce sales Renewable energy facility (other than Wind energy facility)	
Residential hotel	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Restricted retail premises Rural industry Rural store Saleyard Store Trade supplies	

Timber production Utility installation (Other than Minor utility installation and Telecommunications facility) Winery	
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Section 3 – Prohibited

Use
Accommodation (other than Caretakers house, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)
Industry (other than Rural industry and Store)
Motor racing track
Retail premises (other than Market and Primary produce sales)
Rice growing
Transfer station
Warehouse (other than Store)
Any other use not in Section 1 or 2

2.0 Subdivision

A permit is required to subdivide land.

A permit may only be granted to subdivide land if:

- The minimum lot size for any lot created is 4 hectares.
- Effluent disposal fields are nominated on the plan if the lots are not connected to a reticulated sewerage system.
- The permit is issued subject to a condition requiring the landowner to enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 that provides for or requires that: –
 - The land must be used for the purposes of horse training, horse breeding, or horse boarding.

A permit may only be granted to create smaller lots if the subdivision is by a public authority or utility service provider to create a lot for a utility installation.

3.0 Use of land for a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel

A permit may only be granted for a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel if all of the following apply:

- There is only one dwelling on a lot (other than a caretakers house, dependent persons unit, group accommodation, host farm or residential hotel).
- Dwelling or permitted accommodation building will be can be connected to a reticulated sewerage system or if not available, the waste water can be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- The dwelling or other permitted accommodation building can be connected to a reticulated potable water supply or is able to have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or other permitted accommodation building can be connected to a reticulated electricity supply or have an alternative energy source.

4.0 Buildings and works

A permit is required to construct or carry out buildings and works.

This does not apply to:

- An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than 100 square metres.
- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 100 square metres.
- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than 100 square metres.
- A rainwater tank.
- A building which is within any of the following setbacks:
 - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay of 50 metres. – The setback from any other road of 20 metres.
 - The setback from any boundary of 5 metres.
 - The setback from a dwelling not in the same ownership of 5 metres.
 - 100 metres from a waterway, wetlands or designated flood plain.

5.0 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, and in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- How the use or development relates to the purposes of the zone.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The layout of the subdivision;
- The suitability of the location of the training facilities on the site;
- Access arrangements;
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.

Agricultural issues

- Whether the use or development will make the land permanently unsuitable for horse husbandry uses.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the use.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Accommodation issues

- Whether the use of the land for accommodation will adversely affect the operation and expansion of adjoining and nearby uses.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- The views of the relevant catchment management authority.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts including the visual impact on the landscape.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Traffic issues

- Whether the use and development will require any traffic management measures.

5.0 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 4.

SCHEDULE 19 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ19.

DOWLING FOREST EQUINE PRECINCT

Purpose

To retain land within the Dowling Forest Equine Precinct for possible future demand by the horse racing industry based at the Dowling Forest Racecourse.

To support use and development associated with horse training or related industry within the Dowling Forest Equine Precinct.

To buffer the operation of the Ballarat Turf Club from surrounding Farming Zone land by limiting conflicting uses and associated amenity impacts.

To ensure land used and developed for dwellings is in conjunction with specified horse husbandry uses.

1.0 Table of uses

Section 1 - Permit not required

Use	Condition
Agriculture (other than Animal husbandry, Apiculture, Intensive animal husbandry, Rice growing and Timber production)	
Animal husbandry (excluding Horse husbandry)	Must be no more than 5 animals.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent Persons Unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 3.0
Dwelling (other than a bed and breakfast)	Must be the only dwelling on the lot. Must meet the requirements of Clause 3.0
Horse husbandry	
Home occupation Informal outdoor recreation Minor utility installation Railway Tramway	
Veterinary centre	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Animal husbandry	If the Section 1 condition is not met
Broiler farm	Must meet the requirements of Clause 52.31.
Caretaker's house	Must meet the requirements of Clause 3.0
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot	Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Cemetery Community market Crematorium	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 3.0
Emergency services facility Freezing and cool storage	
Group accommodation	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Host farm	Must be 'in conjunction with' use of the land for Horse husbandry. Must meet the requirements of Clause 3.0
Intensive animal husbandry (other than Broiler farm and Cattle feedlot) Interpretation centre Leisure and recreation (other than informal outdoor recreation and Motor racing track) Manufacturing sales Mineral, stone or soil extraction (other than Mineral exploration, Mining and Search for stone)	
Place of assembly (other than Carnival and Circus)	Must not be used for more than 10 days in a calendar year
Primary produce sales Renewable energy facility (other than Wind energy facility)	
Residential hotel	Must be 'in conjunction with' use of the land for horse husbandry. Must meet the requirements of Clause 3.0
Restricted retail premises Rural industry Rural store Saleyard Store Trade supplies	

Timber production Utility installation (Other than Minor utility installation and Telecommunications facility) Winery	
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Section 3 – Prohibited

Use
Accommodation (other than Caretakers house, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)
Industry (other than Rural industry and Store)
Motor racing track
Retail premises (other than Market and Primary produce sales)
Rice growing
Transfer station
Warehouse (other than Store)
Any other use not in Section 1 or 2

2.0 Subdivision

A permit is required to subdivide land.

A permit may only be granted to subdivide land if:

- The minimum lot size for any lot created is 2 hectares.
- Effluent disposal fields are nominated on the plan if the lots are not connected to a reticulated sewerage system.
- The permit is issued subject to a condition requiring the landowner to enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 that provides for or requires that: –
 - The land must be used for the purposes of horse training, horse breeding, or horse boarding.

A permit may only be granted to create smaller lots if the subdivision is by a public authority or utility service provider to create a lot for a utility installation.

3.0 Use of land for a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel

A permit may only be granted for a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel if all of the following apply:

- There is only one dwelling on a lot (other than a caretakers house, dependent persons unit, group accommodation, host farm or residential hotel).
- Dwelling or permitted accommodation building will be can be connected to a reticulated sewerage system or if not available, the waste water can be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- The dwelling or other permitted accommodation building can be connected to a reticulated potable water supply or is able to have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or other permitted accommodation building can be connected to a reticulated electricity supply or have an alternative energy source.

4.0 Buildings and works

A permit is required to construct or carry out buildings and works.

This does not apply to:

- An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than 100 square metres.
- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 100 square metres.
- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than 100 square metres.
- A rainwater tank.
- A building which is within any of the following setbacks:
 - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay of 50 metres. – The setback from any other road of 20 metres.
 - The setback from any boundary of 5 metres.
 - The setback from a dwelling not in the same ownership of 5 metres.
 - 100 metres from a waterway, wetlands or designated flood plain.

5.0 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, and in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- How the use or development relates to the purposes of the zone.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The layout of the subdivision;
- The suitability of the location of the training facilities on the site;
- Access arrangements;
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.

Agricultural issues

- Whether the use or development will make the land permanently unsuitable for horse husbandry uses.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the use.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Accommodation issues

- Whether the use of the land for accommodation will adversely affect the operation and expansion of adjoining and nearby uses.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- The views of the relevant catchment management authority.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts including the visual impact on the landscape.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Traffic issues

- Whether the use and development will require any traffic management measures.

5.0 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 4.



Attachment 5 – Consideration and Response to Submissions

Submission Number	Submission detail	Response to submission	Proposed action
1	<ol style="list-style-type: none"> 1. Important to provide opportunity for growth in the thoroughbred training industry, with the Racecourse being close to development capacity. 2. Generally supports the amendment and proposed Special Use Zone – Schedule Areas 17, 18 and 19 (SUZ 17, 18 and 19) 3. Clarification of the proposed zoning of land along Mt Pisgah Road 4. Raised concern about some land adjoining the racecourse not being in SUZ13 and impacts from use of the land. 5. Suggested inclusion of one additional property in SUZ13 	<ol style="list-style-type: none"> 1. The SUZ 17, 18 and 19 have been drafted to allow existing landowners fair use and development of their land allowing a range of compatible uses, with a focus on equine or equine related uses in accordance with outcome of supporting the Dowling Forest Equine Precinct. The SUZ17, 18 and 19 and accompanying local policy includes requirements to address amenity impact on the Racecourse and ensure that land use will not compromise the ability of land to be bought and used for thoroughbred training in the future, should demand increases. The planning controls include allowing subdivision if land is being for horse training, breeding or boarding. This will ensure a range of lot sizes are available to meet any future demand. 3. There is no proposed rezoning of land along Mt Pisgah Road. The properties noted in the Explanatory Report in this area are proposed to be included at the local planning policy level only due to their location adjoining the Racecourse. 4. Land in the area discussed in this submission is currently in Farming Zone Area A and is proposed to be included in SUZ18. These planning controls are similar in the extent of uses that may be permitted on the property. This land does not 	<p>No change to the amendment recommended</p>

		<p>meet the criteria for inclusion in the SUZ13 at the current time.</p> <p>5. If Council resolve to proceed with Amendment C220ball it is recommended that the submitter or the landowner make a submission for inclusion of this land in the SUZ13 to be considered by Council through the formal amendment process.</p>	
2	<ol style="list-style-type: none"> 1. Special Use Zone will be problematic for people trying to sell or secure loans. 2. The name of the zone 'Special Use Zone' creates stigma. 3. Does not agree with retaining private land for possible future demand by the training industry. 4. The recommendations in the superseded report by Spiire were agreed to at the workshops and why is this not being followed through. 	<ol style="list-style-type: none"> 1. The most restrictive elements of the existing Special Use Zone 13, that have impacted the ability of landowners to sell land or secure finance, are proposed to be removed through Special Use Zone 17, 18 and 19. It is recommended that, should Amendment C220ball be approved, City of Ballarat undertaken education sessions and information distribution to real estate agents and land valuers to ensure correct information about the zones is available. 2. As above. Stigma may remain with the use of the name Special Use Zone, however the contents of the zone are fundamentally different to the existing SUZ13. Special Use Zone is the recommended zoning to achieve the outcomes desired in the Precinct. City of Ballarat is bound by the requirements set be the Minister for Planning and is unable to change the name of the zone. 3. Private land is not being retained for future demand. Rather the SUZ17, 18 and 19 allows landowners fair use their land for a range of purposes, and build a dwelling (subject to a permit) if they are yet to do so. If demand increases for freehold land, properties in this 	No change to the amendment recommended

		<p>area may be attractive for purchase by the training industry.</p> <p>4. The recommendations of the Spiire report are being implemented, with one recommendation – use of the Farming Zone, being delivered through a different proposed planning tool. The Department of Environment, Land, Water and Planning issued conditional authorisation of Amendment C220ball requiring City of Ballarat to make several changes to how the recommendations were being implemented. City of Ballarat recommendations addressing these conditions before proceeding with the amendment.</p>	
3	<p>1. Submission of behalf of four landowners seeking inclusion in the Dowling Forest Equine Precinct, SUZ19 area, due to the location of the properties and suitability of the land.</p>	<p>1. As the Precinct review noted, there has been a lack of demand for freehold land within the Precinct by the thoroughbred training industry. As such there is no strategic support for the addition of more land into the Precinct, and the resulting development of additional houses or further subdivision. It is recommended that this land is not included in the Precinct at this time, however it is noted that, should Council proceed with C220ball, the submitter may wish to have this matter considered as part of the Amendment.</p>	<p>No change to the amendment recommended</p>
4	<p>1. Reject the proposed changes. Agreement was reached with the City of Ballarat and the proposed changes undermine the work undertaken.</p> <p>2. City of Ballarat has not released the Minister for Planning response [to authorisation].</p>	<p>1. City of Ballarat is required to carefully consider any response from the Minister for Planning or his delegate in performing its role as the planning authority. In this case it is recommend that Amendment C220ball should not proceed in the form adopted by Council, but be modified. The modifications are designed to continue to</p>	<p>No change to the amendment recommended</p>

	<p>3. Changes are confusing.</p>	<p>address the issues raised during consultation and provide a fair and equitable solution particularly for landowners in the SUZ13 area.</p> <p>2. Correspondence from the Minister for Planning or his delegate to the City of Ballarat is not required to be released or considered by the community. City of Ballarat is acting in its role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to advise Council on what it considers to be the best method to implement the changes and recommendations of the Precinct review including considering the risks of continuing with the Amendment as adopted. City of Ballarat is not seeking to undermine the outcomes of the Precinct review.</p> <p>3. It is noted that the use of multiple Special Use Zones and the process of the amendment has been difficult and confusing. City of Ballarat is required to use the planning ‘tools’ of the Victoria Planning Provisions in the form directed by the Minister for Planning and is therefore unable to change the name or number of zones to remove repetition.</p>	
<p>5</p>	<ol style="list-style-type: none"> 1. Request reinstatement of the report ‘Dowling Forest Precinct Planning Controls Review, Final Report (October 2019). 2. The report [by the City of Ballarat, Strategic Planning] dated June 2020 is deceptive and misleading 3. No explanation is provided by Department of Environment, Land, Water and Planning why the SUZ is 	<ol style="list-style-type: none"> 1. This report will be reinstated on the MySay website, noting it has been superseded. Note that the 16 October Council resolution is to proceed with the amendment, and that the Spiire Review 2019 is not an adopted Council report. The City of Ballarat Review 2020 reflects updated advice to Council on the amendment. 2. The report prepared by the City of Ballarat contained large amounts of material prepared 	<p>Change the proposed Amendment in the following manner:</p> <ul style="list-style-type: none"> • Reinstated ‘Dowling Forest Precinct Planning Controls Review, Final Report (October 2019) on the MySay website noting it has been superseded. • Clarify the use of text from the above report in

	<p>more appropriate than the adopted Farming Zone. Landowners have not been provided details why the SUZ is more appropriate</p> <ol style="list-style-type: none"> 4. It has taken 6 months since City of Ballarat received authorisation to progress to Council. 5. Proposed planning controls do not reflect the outcome of the agreed process 6. Report states that the primary purpose of the Precinct is for thoroughbred training 7. SUZ will have impacts on landowners ability to sell or finance land. People will incorrectly interpret the zone requirements relating to dwellings and use of land. 8. Using the term ‘horse training or related industry’ in the purposes to the SUZ17, 18 and 19 suggest a link to thoroughbred horse training. 9. The increased number of planning controls in the Precinct. 10. Inappropriate use of Section 173 Agreements. 11. Report has removed reference to removal of redundant Section 173 Agreements. 12. DELWP Planning Practice Note number 3 discourages the use of 	<p>by a consultant engaged by the City of Ballarat. This material is owned by the City of Ballarat and able to be reproduced. City of Ballarat in no way intended to mislead or deceive stakeholders or community members by the content of this report. City of Ballarat will make changes to the report to clarify the use of this material and a project process flowchart clarifying the components of each stage.</p> <ol style="list-style-type: none"> 3. The Department of Environment, Land, Water and Planning (DELWP) suggested City of Ballarat reconsider the use of Special Use Zone due to issues with the use of the proposed Farming Zone. DELWP is not required to justify this recommendation and it was provided to assist City of Ballarat. City of Ballarat can provide additional details in the report about the recommended use of the Special Use Zone as opposed to the Farming Zone. 4. City of Ballarat required this time to redraft Amendment C220ball including engaging with external review and DELWP. 5. City of Ballarat is required to carefully consider any response from the Minister for Planning or his delegate in performing its role as the planning authority. In this case it is recommend that Amendment C220ball should proceed in the form adopted by Council, but be modified. The modifications are designed to continue to address the issues raised during consultation and provide a fair and equitable 	<p>‘Dowling Forest Equine Precinct Planning Controls Review (June 2020) and include a project process flowchart clarifying the components of each stage</p> <ul style="list-style-type: none"> • Modify ‘Dowling Forest Equine Precinct Planning Controls Review (June 2020) in the following manner: <ul style="list-style-type: none"> ○ Provide additional details in the report about the recommended use of the Special Use Zone as opposed to the Farming Zone. ○ reflect the fact that most landowners in the Precinct are not involved in thoroughbred training. ○ Review the purposes of the SUZs ○ Reinstate that the City of Ballarat intends to work with landowners to remove any redundant Section 173 Agreements should this amendment be approved.
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	<p>Special Use Zone and states it should not be used if another zone is more appropriate.</p> <p>13. Land in the 'buffer' area should be Farming Zone (with scheduled subdivision sizes of 2ha, 4 ha and 10 ha) and subdivision permitted for any horse husbandry use without a Section 173 Agreement.</p> <p>14. Horse husbandry is a sub-set of agriculture [as defined in the Ballarat Planning Scheme] therefore consistent with the purpose of the Farming Zone.</p>	<p>solution particularly for landowners in the SUZ13 area.</p> <p>6. The accompanying report can be modified to reflect the fact that most landowners in the Precinct are not involved in thoroughbred training.</p> <p>7. The most restrictive elements of the existing Special Use Zone 13, that have impacted the ability of landowners to sell land or secure finance, are proposed to be removed through Special Use Zone 17, 18 and 19. It is recommended that, should Amendment C220ball be approved, City of Ballarat undertaken education sessions and information distribution to real estate agents and land valuers to ensure correct information about the zones is available.</p> <p>8. City of Ballarat will review the purposes to the zones prior to exhibition and consider if changes are required to remove any suggestion that only thoroughbred training can be undertaken on the land.</p> <p>9. It is noted that the use of multiple Special Use Zones and the process of the amendment has been difficult and confusing. City of Ballarat is required to use the planning 'tools' of the Victoria Planning Provisions in the form directed by the Minister for Planning and is therefore unable to change the name or number of zones to remove repetition.</p> <p>10. Section 173 Agreements are deemed necessary in this instance to ensure that the Precinct is not developed unchecked for rural</p>	
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		<p>residential development. The SUZ 17, 18 and 19 allow subdivision only with this agreement mechanism. While there are issues with enforcement of Section 173 Agreements, it remains a mechanism through which City of Ballarat can ensure subdivision is occurring for the purposes listed in the zones.</p> <p>11. This is erroneous and will be reinstated. City of Ballarat intends to work with landowners to remove any redundant Section 173 Agreements should this amendment be approved.</p> <p>12. The Special Use Zone is considered by City of Ballarat’s Strategic Planning department to be the most appropriate use of the zone in this case, for the purpose of creating specific objectives regarding the Precinct. In addition, DELWP, who are responsible for advising on the use of the Victoria Planning Provisions, encouraged City of Ballarat to reconsider the use of Special Use Zone in the Precinct.</p> <p>13. City of Ballarat does not agree with this recommendation as it is likely to result in the relatively unchecked expansion of rural residential subdivision and development. The smaller lot subdivision provisions proposed through the SUZ17, 18 and 19 are designed to accommodate growth in demand from the training industry connected to the use of the Racecourse or from compatible equine uses that are likely to be commercial in nature.</p> <p>14. The Farming Zone is designated to support land for agriculture and, as correctly identified</p>	
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		by the submitter 'horse husbandry' fits in the land use definition of agriculture. However the Farming Zone objectives are not able to be modified recognise the role of the areas in the Precinct, or provide guidance for decision making. In addition, small lot subdivision, is not encouraged in the Farming Zone.	
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7. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA

8. CLOSE