

**Ballarat Planning Scheme Amendment C220ball
Dowling Forest Equine Precinct**

Panel Report

Planning and Environment Act 1987

19 August 2021

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act
Ballarat Planning Scheme Amendment C220ball

19 August 2021

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Michael Kirsch, Chair

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Glossary and abbreviations

Council	City of Ballarat Council
PE Act	<i>Planning and Environment Act 1987</i>

Overview

Amendment summary

The Amendment	Ballarat Planning Scheme Amendment C220ball
Common name	Dowling Forest Equine Precinct
Brief description	Implement the Dowling Forest Equine Precinct Planning Scheme Controls Review Final Report, October 2020
Subject land	Dowling Forest
The Proponent	City of Ballarat
Planning Authority	City of Ballarat
Exhibition	12 November to 21 December 2020
Submissions	10 submissions: <ul style="list-style-type: none"> ▪ S Buehner ▪ Wadawurrung Traditional Owners Aboriginal Corporation ▪ SUZ13 Action Group ▪ Neil Haydon and Associates on behalf of various landowners ▪ Department of Environment, Land, Water and Planning ▪ North Central Catchment Management Authority ▪ Gaire Pty Ltd ▪ G Tillet ▪ A Bossner ▪ Dja Wurrung Clans Aboriginal Corporation

Panel process

The Panel	Michael Kirsch
Directions Hearing	27 May 2021, held via video conference
Panel Hearing	Not required
Site inspections	Not required
Citation	Ballarat PSA C220ball [2021] PPV
Date of this report	19 August 2021

1 Report

1.1 The Amendment

The Amendment proposed to implement the Dowling Forest Equine Precinct Planning Controls Review Final Report, October 2020.

The Amendment applies to land around the Dowling Forest Racecourse located to the north of Ballarat.

1.2 Panel process

This report has been produced to meet the requirements of the *Planning and Environment Act 1987* (PE Act).

At its meeting of 10 March 2021, the City of Ballarat (Council) resolved to refer submissions on the Amendment to a panel. The Minister for Planning appointed Mr Michael Kirsch as the panel on 14 April 2021.

A Directions Hearing was held on 27 May 2021 where various matters were discussed, including advice from Council that it intended to further review the Amendment and submissions. To facilitate this, Council sought an adjournment of the public hearing that had been scheduled for the week commencing 21 June 2021. Council also foreshadowed possible outcomes of the review, including the Amendment being abandoned.

These matters were discussed with parties at the Directions Hearing and there were no objections to the adjournment or the Council review. The Panel issued directions that provided for the public hearing to be adjourned and for Council to update the Panel and submitters on the review by 30 July 2021. Council subsequently requested an extension of that date until 14 August 2021. The Panel agreed to that request.

Council wrote to the Panel on 12 August 2021 and advised that it had resolved to abandon the Amendment. This letter is included at Appendix A and was circulated to submitters. Council subsequently confirmed via email that it did not intend to proceed with the public hearing.

The PE Act does not enable a planning authority to make a decision on an amendment between the time it has referred it to a panel and when the panel has provided its report. However, the Panel acknowledges Council's resolution as its intention to abandon the Amendment after it has considered this report.

1.3 Conclusion

The Panel notes Council's advice that it has resolved to abandon the Amendment.

The Panel does not make any recommendations about the Amendment.

Appendix A Letter from City of Ballarat

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AUSTRALIA

Telephone: 03 5320 5500
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Date: 12 August 2021

Our Ref: C220 Panel

Your Ref:

Enquire: 0409 313 746

Direct Email: terrynatt@ballarat.vic.gov.au

Mr Michael Kirsch
C/o Sarah Vojinovic
DELWP
sarah.vojinovic@delwp.vic.gov.au

Dear Mr Kirsch

RE: AMENDMENT C220BALL TO THE BALLARAT PLANNING SCHEME

I refer to the Panel hearing for Amendment C220 to the Ballarat Planning Scheme and correspondence from PPV on 15 July 2021 granting an extension of the Panel direction to provide a brief written update on its review of the amendment to 14 August 2021.

Council's Planning Delegated Committee considered a report on the review of this amendment prepared by council officers on 11 August 2021 and **resolved to abandon Planning Scheme Amendment C220ball.**

As a result, we do not wish to proceed with the planning panel at this stage.

The City of Ballarat will be in contact with all submitters to notify them of this decision of Council and any future strategic work required to pursue any new amendment on the subject land.

We trust this correspondence is satisfactory to the Panel. Please contact Terry Natt on 0409 313746 should you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read "Terry Natt".

Terry Natt
Manager Strategic Planning