

OFFICIAL

Planning Delegated Committee Meeting

Agenda

9 February 2022 at 6:30pm

Virtual Meeting



PUBLIC SUBMISSIONS

1. In consideration of current COVID-19 around public gatherings, the following has been put in place.
2. Public representations may be made on any items listed on the agenda in a Planning Delegated Committee Meeting.
3. Submissions must also be submitted in writing to governance@ballarat.vic.gov.au by no later than 4.30pm on the day of Planning meeting; and limited to no more than 200 words that will be read out by the Chief Executive Officer or nominated delegate at the meeting prior to the matter being considered by Council.
4. If you would like to make your submission personally at the Virtual Planning Meeting, please contact governance@ballarat.vic.gov.au to arrange this.

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1. WELCOME TO COUNTRY



The City of Ballarat acknowledges the Traditional Custodians of the land we live and work on, the Wadawurrung and Dja Dja Wurrung People, and recognises their continuing connection to the land and waterways. We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

2. APOLOGIES FOR ABSENCE

3. DECLARATION OF CONFLICT OF INTERESTS

4. CONFIRMATION OF MINUTES

5. OFFICER BRIEFING

6. PLANNING DELEGATED COMMITTEE REPORTS

6.1. PLP/2021/401 - 3 ALLAN STREET BUNINYONG

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Heath Steward – Principal Statutory Planner

PURPOSE

1. The purpose of this report is to determine a position on Planning Permit Application PLP/2021/401.

BACKGROUND

DATE RECEIVED	16/6/2021, plans amended 8/12/2021
PROPERTY ADDRESS	3 Allan Street, Buninyong VIC 3357
APPLICANT	TGM Group Pty Ltd - Ballarat
PROPOSAL	Three (3) lot subdivision
ZONE	Neighborhood Residential Zone, Schedule 2 (NRZ2)
OVERLAY/S	Nil
PERMIT TRIGGERS	Clause 32.09-3 – Subdivision
RESTRICTIVE COVENANTS	Nil
CURRENT USE/ DEVELOPMENT	Single dwelling
CULTURAL HERITAGE MANAGEMENT PLAN	Not required as the site is not located in an area of Aboriginal Cultural Heritage Sensitivity
SUBMISSIONS	11 objections

Proposal

2. This application has been formally amended under Section 57A of the Planning and Environment Act 1987. The amended application replaces the original. This assessment is based upon the amended plans.
3. The application seeks approval to subdivide the land into three lots as follows:
 - Lot 1 is proposed to be 1815sqm in total. It comprises two parts are divided by common property in the form of the common driveway. Part 1 is 1488sqm in area and Part 2 is 327sqm. Lot 1 contains the existing single storey brick dwelling. Access is provided via the existing driveway.
 - Lot 2 is proposed to be 860sqm in area. It sits at the rear of Lot 1 and is accessed via the existing driveway. No building is proposed on this lot as part of this application.
 - Lot 3 is proposed to be 963sqm in area. It sits at the rear of Lot 1 and is accessed via a private driveway that connects to the existing crossover. No building is proposed on this lot as part of this application.

- Common property in the form of the existing driveway provides vehicular and pedestrian access to all lots. This common property totals 222sqm in area.
- Building envelopes on Lot 2 and Lot 3 are proposed as part of this subdivision. The building envelopes are set back 5m from the rear boundary of both Lot 2 and 3. The building envelope on Lot 2 is set back 3 metres from its northern boundary and 2m from its southern boundary. It is also set back at least 5m from the boundary of proposed Lot 1. For Lot 3, the building envelope is set back 2m from its southern boundary and northern boundary and 2-5m from the boundary of proposed Lot 1.
- Inclusions of a restriction on the titles for Lot 2 and 3 that limit the maximum building height to 476.6 metres AHD. This is approximately 6.6m above the highest point of the land at the rear of proposed Lot 2.
- Inclusion of front fence restrictions so that within a 25m set back from Allan Street, fencing must have a minimum transparency of 80%.
- All lots use the existing vehicle crossover.
- Landscaping is proposed along the north, east and south of proposed Lots 2 and 3, with selected species ranging from 4-10m in height at maturity, intended to provide screening to neighboring properties.

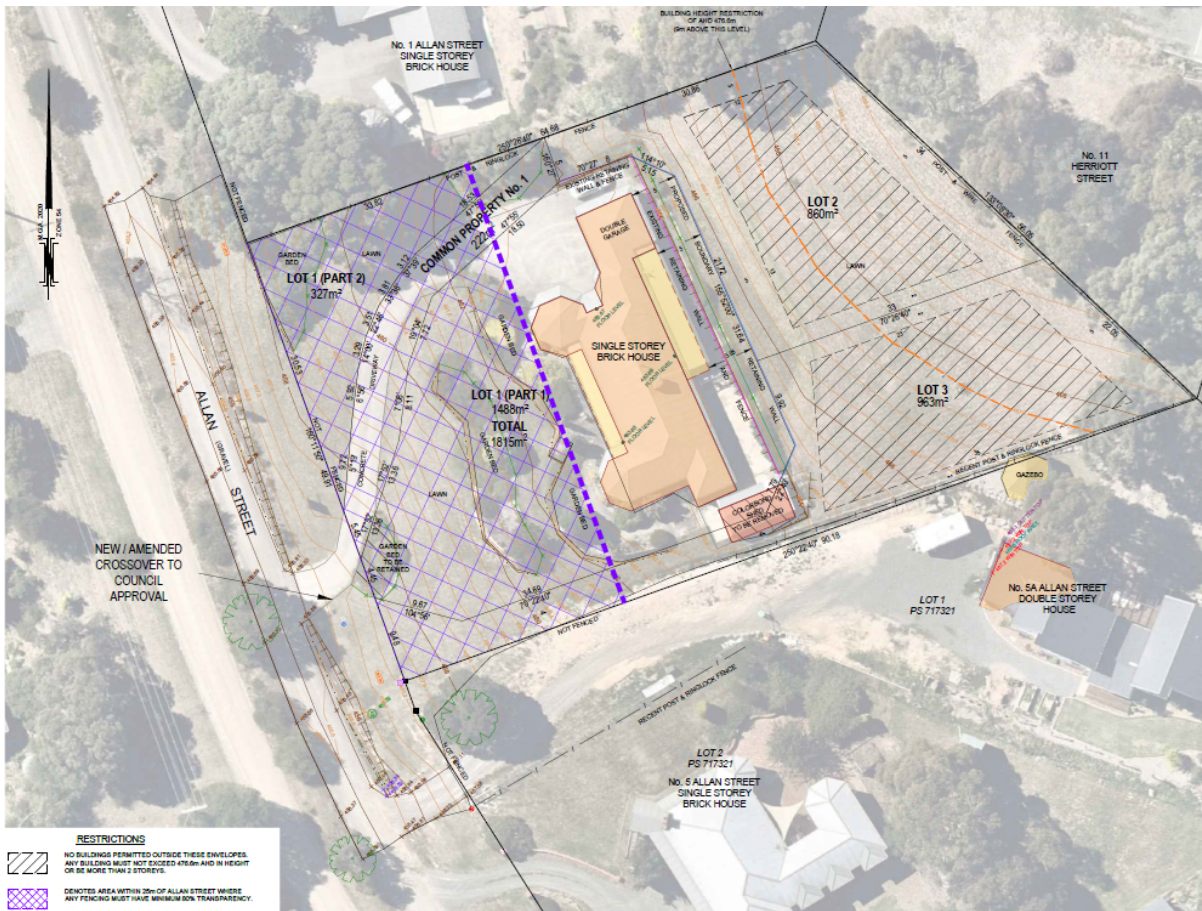


Image 1 – Proposed subdivision with restrictions. Source: Application documents

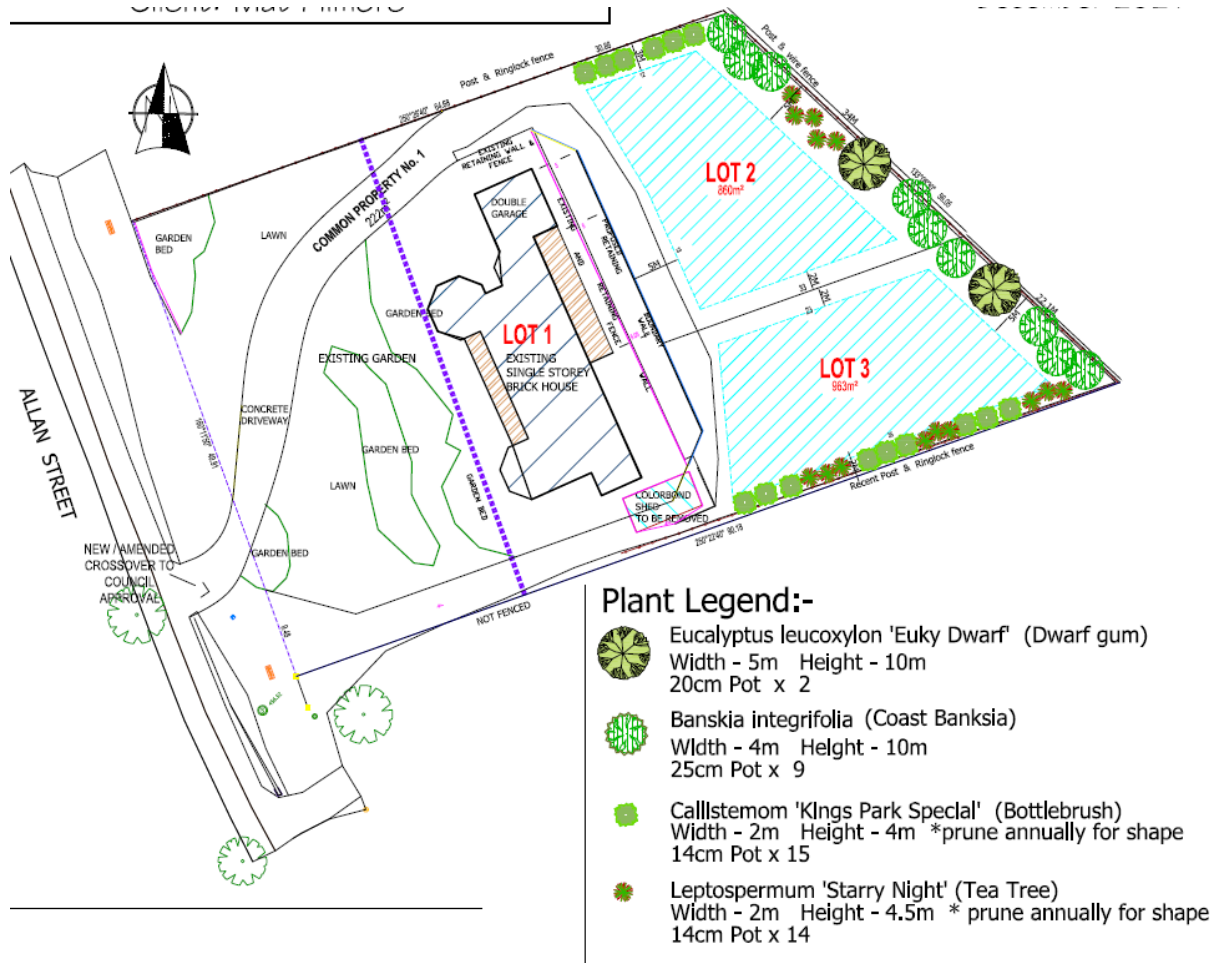


Image 2 – Proposed Landscape Plan. Source: Application documents

Subject site and locality

- The subject site is located on the east side of Allan Street and is irregular in shape measuring a total area of 3,817sqm. It has a frontage (western boundary) of 49.91 metres, a northern boundary of 64.69 metres, a southern boundary of 90.18 metres and an eastern boundary of 58.05 metres. The Site slopes from the east to the west, at an average slope of 17.56%. The steepest slopes are located immediately behind the existing dwelling (east).
- The site is currently occupied by a single storey dwelling that is located toward the centre of the site setback approximately 27m from Allan Street. There are some garden beds with small shrubs and trees in the existing front setback which forms a raised landing.
- The floor plan of the dwelling is geared towards westerly views with living spaces opening to the landing and the area immediately east of the dwelling acting as a service area rather than secluded private open space. Access to Allan Street is via an existing crossover near the southwestern corner of the Site. An existing curved driveway is located in the front setback, providing access to the dwelling's garage. South of the existing dwelling is an existing outbuilding which would be demolished to accommodate the proposal.



Image 3 – Street view. Source: Google Maps



Image 4 – Aerial view, including sewerage (red) and potable water (blue). Source: IntraMaps



Image 5 – Rear service area of the house and indicative location of boundary between Lots 1, 2 & 3. Source: Heath Steward

7. The surrounding area is residential and characterised by single or two storey dwellings. The surrounding lots have generous front, rear and side setbacks. These lots in the immediate area are generally above 2,000sqm in size, with some measuring over 5,000sqm. There are some instances in the immediate surrounds where a lot has been subdivided into smaller lots, the resulting lot often being battle-axe in shape and generally above 1,000sqm in area. Dwellings often have large footprints (in excess of 250sqm) with additional outbuildings.
8. Directly to the north of the site is a residential property (1 Allan Street) with a lot size of approximately 2,939sqm. The area along the common boundary is vegetated with established trees.
9. Directly east of the site is a residential property (11 Herriott Street) with a lot size of approximately 3,777sqm. The site abuts the private open space of this property.
10. Directly south of the site is a residential property (5A Allan Street) with a lot size of approximately 2,605sqm. The lot is battle-axe in shape and is accessed via a private driveway that runs along the common boundary. The dwelling on this lot is situated at the rear of 5 Allan Street.
11. Directly west of the site is Allan Street itself. This is an unsealed local road with a two-lane two-way carriage separated by a landscaped reserve. There are no pedestrian footpaths or cycle lanes on the street.

12. Lots further north, that is, lots north of Herriott Street, are generally smaller in size (i.e. around 1,000sqm) compared to the lots in the immediate surrounds. Further south and east of the site, that is, south of Somerville Street and east of Lal Lal Street, land is included in a Rural Living Zone. Lots here are generally larger in size (approximately 2ha in area). The land is located in the original township area of Buninyong, however the regular north-south and east-west grid alignment was not applied, presumably due to the slope of the land.

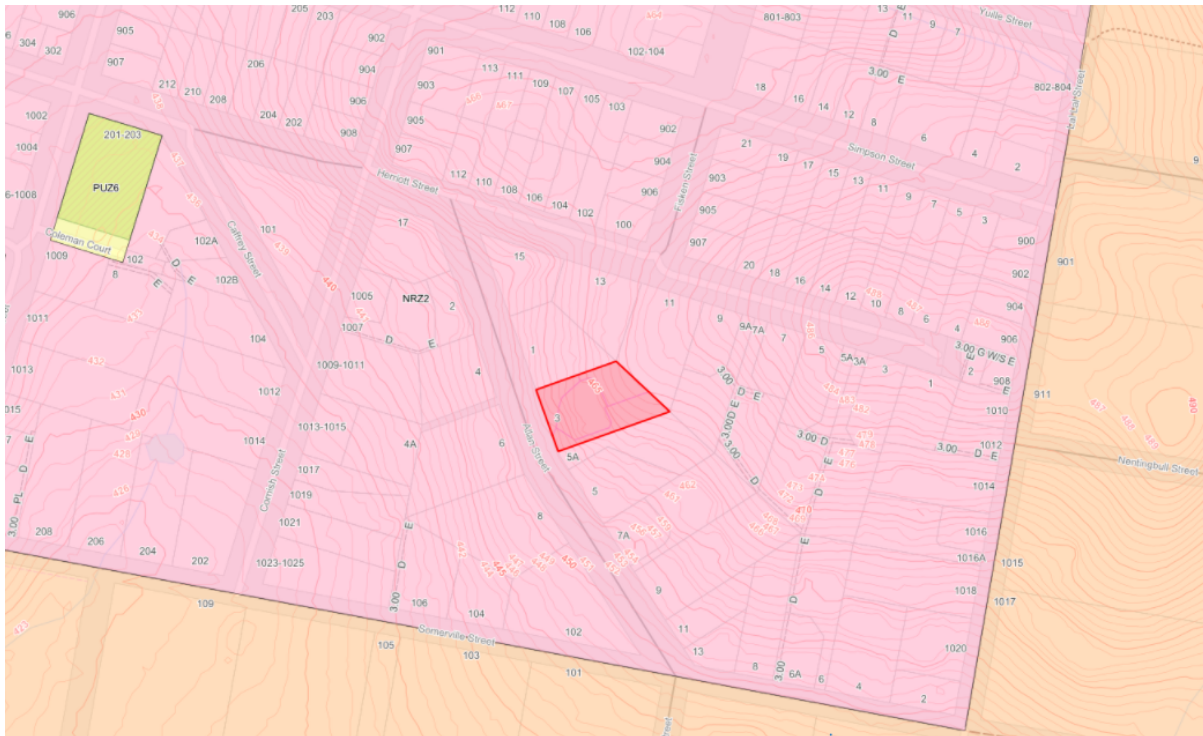




Image 5 – Zone, contours and contours. Source: IntraMaps

13. Services and facilities surrounding the site, include:

- Buninyong Primary School, located approximately 400m northwest of the site;
- Buninyong Botanical Gardens, located approximately 500m north of the site;
- Royal Park, located approximately 600m west of the site;
- Bus route 21 (Ballarat – Buninyong) with bus stops located on Warrenheip Street, approximately 800m west of the site.

Permit/ site history

14. The site has had the following permits issued:

- PLP/1997/76 – Detached dwelling and ancillary building

Public notification

15. The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining land; and
- Placing a sign on site.

Submissions

16. In the initial round of public notification, a total of 11 objections were lodged with Council.

17. The concerns of objectors are summarised and responded to as follows:

Out of keeping with Neighbourhood Character

- *Proposed lots are smaller than the general lot size in the area, creating a suburban character.*
- *Loss of the rural and spacious feel in the neighbourhood.*
- *Lack of street frontage for Lot 2 and Lot 3.*
- *There are no three lot subdivisions in the immediate area.*
- *Concerns that the lot size will lead to an overdevelopment, with dwelling typologies and heights that are not in keeping with the neighbourhood character.*

Response to concerns:

18. An assessment regarding neighbourhood character follows. Although Lots 2 and 3 are smaller in area than the surrounding lots, given their siting behind Lot 1 and the generous front set back of the existing dwelling, future development on the new lots would not cause visual impacts from Allan Street. The proposed building envelopes and restriction on title regarding maximum building heights and fences will also help ensure future development is in keeping with the neighbourhood character. It is considered however that the proposed building envelopes should be setback further from side boundaries, at least along one side of the lot to maintain the existing rhythm of spacing between buildings in the area and also to allow sufficient space for canopy tree planting so that future development appears to nestle into the landscape. Canopy trees would also compliment the neighbourhood character. Conditioning setbacks of 5m from the north boundary of Lot 2 and 5m from the south boundary of Lot 3 is recommended.

External amenity issues relating to future development

- *Concerns that the subdivision will allow the future development of dwellings that would overlook into the private open space and rooms of adjoining properties.*
- *Concerns that the subdivision will allow future development to overshadow adjoining properties. Objectors raised the need for screening along the driveways and southern boundary*
- *Concerns that the subdivision will allow for future development that would have minimal setbacks from adjoining properties and minimal open space areas.*
- *Concerns that the subdivision will allow future development that impacts on rural views and outlook from surrounding properties.*

Response to concerns:

19. Overlooking is an issue that is addressed at development stage. A range of mechanisms can be used to address these issues including through the siting of the buildings, the location of windows and the screening of windows where necessary. The lot design as proposed through this subdivision application does not preclude these mechanisms to be implemented.

20. It is considered that the proposed lot design allows future development on Lots 2 and 3 to minimise overshadowing to an acceptable level. The two properties that may be impacted by overshadowing are the properties to the east and south. The secluded private open space of the property to the east abuts the common boundary. The

maximum building height of 476.6 AHD to be applied to the new lots would limit any development to 2 Storeys.

21. Given the minimum 5m proposed setback from the rear boundary and the generously sized and elevated private open space of the property to the east, it is likely that future development on the new lots would have no overshadowing impact on the property to the east, or at the very least only a minor incursion which would comply with the overshadowing requirements set out in the standards to Clause 54 (if this applied). This would similarly be the case for the property to the south. Importantly for this property, the driveway runs along the common driveway. Its main secluded private open space appears to be situated on the southern side of the dwelling along its southern boundary. Any overshadowing would therefore not fall on the main secluded private open space area of the property to the south.
22. The building envelope and building height restrictions also ensure future buildings would not be inappropriately sited to neighbouring properties. These restrictions ensure that buildings would be in compliance with the setback standards set out in Clause 54.
23. The proposed lot sizes would provide sufficient private open space in compliance with the standards set out in Clause 54. The SPOS of surrounding lots are generally delineated by permeable fences, rather than solid fencing. In this context, it is the large area of SPOS available on each lot, sited away from common property or public space, that affords a reasonable amount of privacy.
24. Given the topography and the proposed building height limit restriction, it is not considered that outlook from other properties will be detrimentally impacted. The open, spacious and the treed character can be maintained. Furthermore, the loss of views is not a valid planning consideration.

Traffic and infrastructure

- *Concern that Allan Street cannot accommodate the traffic generated from the increase in density and that the increased density will further contribute to the degradation of the street.*
- *Concern that future development would increase demand for off-street car parking.*
- *Concern that emergency services vehicles will not be able to access Lot 2 and 3.*
- *Concern that there is insufficient infrastructure and services to service the proposed lots, such as stormwater drainage.*

Response to concerns:

25. The Traffic and Engineering departments were both consulted and no specific concerns were raised. The most recent traffic data available is from November 2008 which shows very low traffic flow on a street designed to accommodate up to 1000 movements per day (although it is acknowledged it is not constructed at such a standard). The road is a candidate for the capital works program however is not currently funded. The road has a regular maintenance regime. Both carriageways (top and bottom) can be used two-way in accordance with the Victorian road rules as there is no signage to the contrary. Drainage is unlikely to increase substantially as conditions will require runoff from buildings to be treated and controlled on site to existing conditions (WSUD (Water Sensitive Urban Design) water detention by S173).

26. As a local access road with very low daily movements, it is possible to park on the street with vehicles passing. The additional traffic movements generated by two new dwellings is highly unlikely to impact upon the condition or safety of the road.
27. Emergency service vehicles will be able to access the driveways and it is highly likely that new dwellings will incorporate turn around areas adjacent to their garages as they will not want to reverse down the driveways. Furthermore, there is a fireplug located in front of the site immediately adjacent to the crossover allowing fire services to connect at the street and be within 120m of the rears of the building envelopes (as per CFA requirements).

Impacts on biodiversity and vegetation

- *Concern that there is insufficient space for landscaping, including trees, that support various forms of biodiversity.*
- *Concern that vegetation, including native vegetation, along the common boundaries will be impacted, such as through service provision.*

Response to concerns:

28. Each lot is sized so it provides sufficient space for landscaping, including trees. The building envelopes allow a rear set back of 5m which in turn allows the provision of canopy trees along the rear boundary. As previously stated, it is recommended that the side setbacks of the building envelopes be increased to 5m. This will facilitate on-site planting and informal TPZ's for trees on neighbouring lots. Furthermore, conditions can address common trenching and avoid root damage.

Other issues

- *Additional noise and light emissions generated from increase of dwellings.*

Response to concerns:

29. Noise and light emissions from additional dwellings are not anticipated to exceed those otherwise expected from a residential property. Screening plants and fences can adequately address light and noise pollution, and the new dwellings will effectively end up back-to-back so the noise and light of cars will not compound one another.
30. Following a mediation meeting, the application was amended to include building envelopes, fencing requirements and landscaping. Amendments were circulated to all objectors via email. Letters and public notices were not required as the amended proposal did not change the layout or number of lots and the three immediately adjoining properties were all already registered objectors.
31. No objections were withdrawn as a result of the amended proposal; most objectors maintained their original concerns.
32. The provisions of the *Planning and Environment Act 1987* are such that all objections made in relation to the original application are to be taken to be objections to the amended application.

Referrals

33. The following external referrals were undertaken:

Authority	Advice	Report Response
Powercor (S55)	<i>No objection subject to standard conditions</i>	Noted and included
Downer (S55)	<i>No objection subject to standard conditions</i>	Noted and included
Central Highlands Water (S55)	<i>No objection subject to standard conditions</i>	Noted and included
CFA (S52)	<i>No objection subject to standard conditions</i>	Noted and included

34. The following internal referrals have been undertaken:

Department	Advice	Discussion
Engineering	Consent is granted subject to standard conditions.	Noted and included.
Traffic & Transport	<p><i>The following comments are submitted by the Traffic & Transport Section regarding the proposed 3 lot plan of subdivision at 3 Allan Street, Buninyong. Notice of the referral was received on 21 June 2021.</i></p> <p><i>The 3,899sqm irregular shaped site is in the Neighbourhood Residential Zone with a 50m frontage to Allan Street. The land is occupied by a single storey dwelling located centrally on the large block. The land has a gradual slope from the east (rear of the site) down to Allan Street and does not include any native trees.</i></p> <p><i>All surrounding land is developed for residential development comprising single dwellings on lots of greater than 800sqm and up to 4,500sqm. The fronting street is a gravel surfaced split level divided roadway with grassed verges and table drains.</i></p> <p><i>This proposal is seeking a three-lot subdivision with the existing dwelling remaining on irregular shaped 1346sqm Lot 1 with two battle axe shaped lots behind, 860sqm Lot 2 and 1093sqm Lot 3 respectively. There would be a 562sqm irregular shaped common property accessway across the northern end of the frontage serving all three lots. Only Lot 3 would have direct frontage to the street (13m).</i></p> <p><i>Access</i></p> <p><i>The site currently has access via a concrete crossover from Allan Street just south of the centre of the street frontage. It is the Applicant's intention to utilise this access for all three new lots via the common property. The joint access arrangement appears a little cumbersome as individual</i></p>	<p>Noted, however the common property accessway and shared crossover is considered acceptable due to the steep fall from the front naturestrip to the spoon drain. The current crossover has good visibility and construction and will adequately serve all three properties.</p> <p>It is noted that these comments</p>

	<p><i>access points could be constructed for new Lots 2 and 3 pending suitable gradients being available. This could dispense with the need for common property which would seem preferable.</i></p> <p><i>Given the shared crossover and accessway all vehicles should be able to enter and exit each lot in a forward direction.</i></p> <p><i>Recommendations</i></p> <p><i>1. That the three-lot subdivision of 3 Allan Street, Buninyong is supported in principle pending the following;</i></p> <p><i>- that the common property accessway is widened to a minimum 5.5m to facilitate two-way traffic for at least that section to be shared. Alternatively, the subdivision plan is reviewed and each lot is provided with street frontage and independent access, dispensing with the need for common property.</i></p> <p><i>- that any roadside improvements required by Council's Infrastructure Department are undertaken to Council approval.</i></p> <p><i>2. That all vehicles enter and exit the shared accessway in a forward direction.</i></p> <p><i>3. That the shared accessway and street crossing are constructed and drained to Council approval.</i></p> <p><i>4. That a separate crossing permit is sought to check the compliance of the existing crossover in Allan Street. Any remedial or widening works are to be arranged and paid for by the Applicant.</i></p>	<p>relate to the original submission which included Part 2 of Lot 1 as common property.</p>
Vegetation	<p><i>Vegetation adjacent to the site.</i></p> <ul style="list-style-type: none"> <i>•Tree protection in accordance with AS4970-2009 must be provided to all trees located on adjoining property's during the development process.</i> <p><i>Vegetation within the site.</i></p> <ul style="list-style-type: none"> <i>•No issues identified.</i> <p><i>Street Trees.</i></p> <ul style="list-style-type: none"> <i>•Please include the standard Condition LS7.7 Street Trees. 6 X Eucalyptus viminalis (Manna Gum) across the frontage.</i> 	<p>Noted and included accordingly.</p>

Officer Direct or Indirect Interest

35. No officer involved in the preparation of this report has declared any conflict of interest.

Planning Policy Framework

36. The following planning policies, objectives and strategies of the Ballarat Planning Scheme are applicable to this application:

Clause 11.01-1S Settlement

- *Limit urban sprawl and direct growth into existing settlements.*

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

Clause 11.01-1R Settlement - Central Highlands

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

Clause 11.02-1S Supply of Urban Land

- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
- *Ensure that sufficient land is available to meet forecast demand*

Clause 12.03-1S River Corridors, Waterways, Lakes and Wetlands

- *Facilitate growth in established settlements where water and wastewater can be managed.*

Clause 12.05-2R Landscapes – Central Highlands

- *Provide clear urban boundaries and maintain distinctive breaks and open rural landscapes between settlements.*

Clause 15.01-3S Subdivision design

- *To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*
- *In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:*
- *Creating compact neighbourhoods that have walkable distances between activities.*
- *Creating urban places with a strong sense of place that are functional, safe and attractive.*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Protecting and enhancing native habitat.*
- *Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.*
- *Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.*

Clause 15.01-5S Neighbourhood character

- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*
- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*
- *Pattern of local urban structure and subdivision.*
- *Underlying natural landscape character and significant vegetation.*
- *Neighbourhood character values and built form that reflect community identity.*

Clause 16.01-1S Housing supply

- *To facilitate well-located, integrated and diverse housing that meets community needs.*
- *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas*

- *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*

Clause 21.01 (Municipal Overview) outlines Council's aspiration to facilitate a '10 minute City' and a 'City in the Landscape' in Ballarat. It identifies the key issues for Ballarat, including:

- *Accommodating a projected population of about 160,000 people by 2040.*
- *Maintaining a compact settlement form as part of Ballarat's '10 Minute City'.*
- *Encouraging greater densities along key transport corridors.*
- *Recognising community values and infrastructure limitations unique to townships.*
- *Encouraging a variety of housing opportunities to respond to diverse community needs and aspirations for housing.*
- *Protecting and enhancing the distinctive sense of place, cultural identity and the natural, cultural and historic landscape across the Ballarat municipality.*
- *Ensuring new development adopts best practice approaches to minimising energy, resource and water use, reuse and recycling.*
- *Minimising the impacts of development on water catchments.*
- *Managing water demand including the impact of development and population growth.*
- *Ensuring infill development enhances the cultural significance and character of historic areas.*
- *Transitioning Ballarat towards a more sustainable transport system.*
- *Ensuring infrastructure provision keeps pace with population and housing growth.*

37. The Strategic Framework Plan nominates Buninyong as a township and rural settlement.

38. Clause 21.02 (Settlement and Housing) nominates the site as within an ongoing change area. Ongoing change areas are residential areas that are valued for their existing suburban character and housing supply. Infill development is encouraged at a scale appropriate to their relative distance to high frequency public transport corridors, activity centres, employment and taking into account the neighbourhood character. In fringe areas, overall density should provide an important transition between urban areas and rural, lifestyle or other low density non-urban uses.

Clause 21.02 sets out the following objectives and strategies:

- *To facilitate limited incremental growth in ongoing change areas at a scale and density appropriate to the area.*
- *Encourage development that is in keeping with local scale and development intensity within ongoing changes areas.*
- *Ensure consideration of the interface of areas abutting the urban fringe with adjoining land.*

39. In addition, Clause 21.01 describes townships (including Buninyong) and their surrounding communities as places that provide an attractive lifestyle choice in a rural setting. These townships are valued by residents for their character, community and lifestyle. They represent a different style of living to urban Ballarat and contribute to the diversity of lifestyle and choice in the municipality. Services and infrastructure are unique to each township, as are local values and expectations. Significant land use changes should respond to local township character, and long-term community aspirations... Natural, engineering and cultural considerations place limitations on new growth and development opportunities.

40. In these areas, Council seeks to:
- *Reinforce the township atmosphere and valued local character when managing long-term change in township areas.*
 - *Maintain residential development to within existing township boundary.*
41. Clause 21.02-7 (Housing Diversity) sets out the following relevant objectives and strategies:
- *To provide a range of choices in housing design, location and density*
 - *Support a range of housing types and options to meet diverse housing needs*
 - *Encourage a range of lot sizes and densities within new residential subdivisions*
42. Clause 21.03 (Environmental and Landscape Values) identifies Mount Buninyong and the Buninyong Corridor as key areas with important natural features and high natural biodiversity values.
43. This clause sets out the following relevant objectives and strategies:
- *To protect and enhance habitats and biodiversity.*
 - *Encourage retention and enhancement of native and remnant vegetation when designing the subdivision or development of sites*
 - *Minimise the environmental impact of infrastructure development and utility services, especially on native vegetation.*
 - *To rehabilitate, protect and enhance landscapes with identified values.*
 - *Protect and enhance the vegetation, biodiversity, habitat, amenity and attractiveness of identified landscape values and significant environmental features.*
44. The site itself is not affected by any environmental and landscape overlays.
45. Clause 21.06-1 (Urban Design) sets out the following relevant objectives and strategies:
- *To protect and enhance the quality and character of built areas, considering context and local values.*
 - *Ensure that the scale, bulk and quality of new development contributes to the character and amenity of the built environment.*
46. Clause 21.06-3 (Neighbourhood Character) sets out the following relevant objectives and strategies:
- *To recognise places of distinct neighbourhood character.*
 - *Maintain the garden settings of buildings and the tree canopy of neighbourhoods.*
 - *Maintain the rhythm of spacing between buildings.*
47. 21.09 (Local Areas) nominates the site as being within the Canadian Valley. The Canadian Valley Outline Development Plan 2005 sets out the preferred form and principles of future development in the Canadian Valley. The plan recommends limiting residential development to areas that are already zoned for residential use and recognises the constraints imposed by native vegetation, landscape character and existing non-urban areas. Some of Ballarat's population growth will occur in the Canadian Valley in areas already designated for residential development. Relevant objectives and strategies include:
- *Promote infill development within Buninyong that respects existing development patterns.*
 - *Contain residential development in Buninyong to within the existing residential area, unless guided by specific local planning.*

- *Consolidate settlement at Buninyong within defined urban growth boundary by encouraging appropriate infill development which respects heritage and neighbourhood character.*
 - *Protect and enhance natural and landscape values in the Canadian Valley including ridgelines, vegetated backdrops, non-urban breaks and open rural landscape vistas.*
48. The Canadian Valley Framework Plan identifies the site as being within the urban boundary and also within a significant landscape area.
49. 22.04 (Koala and Koala Habitat Protection) applies to all land in the locality. It has the following objectives:
- *To protect koala habitat areas from any development that would compromise the quality or integrity of existing koala habitat.*
 - *To ensure that any development within or adjacent to koala habitat areas occurs in an environmentally sensitive manner.*
 - *To incorporate the restoration of koala habitat as a component of developments where restoration is identified as required by the Ballarat Koala Habitat Planning Map.*
 - *To ensure that any development maintains existing connectivity between areas of koala habitat and minimises threats to safe koala movement between such areas.*
50. Map 1 to Clause 22.04 identifies the site as 'Mainly cleared land'. The policy seeks to *make provision, where appropriate, for the restoration of koala habitat areas, including Habitat Buffers and Habitat Linking Areas over mainly cleared land and other vegetation.*

Zoning

51. The site is located in the Neighborhood Residential Zone, Schedule 2 (NRZ2), the purposes of which include:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To recognise areas of predominantly single and double storey residential development.*
 - *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
 - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
52. Schedule 2 to the NRZ sets out the following specific requirements to be met:
- Minimum subdivision area of 800sqm.
 - A permit is not required to construct a dwelling on a lot of 800sqm or greater.
 - The number of dwellings on a lot must not exceed one.

Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	45%
Permeability	A6 and B9	30%
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	Side setbacks 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre over 6.9 metres Rear setbacks 5 metres
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

53. The proposed subdivision generally responds to the objectives of the NRZ2. As discussed above, the subdivision, subject to conditions, respects the existing neighbourhood character in terms of lot design and is of a sufficient size to allow for future development on the site to respect the open spacious landscape character of the area.

54. Importantly, given the slope of the site and the fact that new lots will be at the rear and generally concealed from view from the public realm, future dwellings would not impact upon streetscape character. It is likely future new dwellings would be mostly, if not entirely, concealed from view from Allan Street.

Overlays

55. No overlays apply to the land.

Relevant Particular Provisions

56. Clause 53.01 (Public Open Space Contribution and Subdivision) applies to the proposal stating that:

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both).

57. In this case, a 5% public open space contribution based upon the value of the land is required.

58. Clause 56 (Residential Subdivision) applies to the proposal, the purposes of which are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

- *To create liveable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
 - *Metropolitan Melbourne growth areas.*
 - *Infill sites within established residential areas.*
 - *Regional cities and towns.*
- *To ensure residential subdivision design appropriately provides for:*
 - *Policy implementation.*
 - *Liveable and sustainable communities.*
 - *Residential lot design.*
 - *Urban landscape.*
 - *Access and mobility management.*
 - *Integrated water management.*
 - *Site management.*
 - *Utilities.*
- *An application to subdivide land:*
 - *Must be accompanied by a site and context description and a design response.*
 - *Must meet all of the objectives included in the clauses specified in the zone.*
 - *Should meet all of the standards included in the clauses specified in the zone.*

59. An assessment of the application against the provisions of Clause 56 follows (refer Attachment 1)

60. The subdivision complies with or can be conditioned to be compliant with the relevant standards of Clause 56. Where compliance to the standard is not met, the subdivision complies with the related objective.

61. In terms of amenity impacts on adjoining dwellings, it is considered that the proposed lot sizes provide sufficient space for any future development to satisfy the standards of Clause 54 (if this applied, these standards can be applied to guide any future assessment rather than being directly applicable). Importantly, the proposed and recommended setbacks of building envelopes will ensure general compliance with the siting standards of Clause 54.

Relevant Planning Scheme Amendments

62. There are no amendments relevant to the consideration of this application.

KEY MATTERS

Does the proposed subdivision satisfactorily respond to the objectives of the PPF (Planning Policy Framework) and LPPF?

63. In general, the proposal responds to the objectives and strategies of the PPF and LPPF subject to conditions. This is discussed below.

Strategic Suitability for Growth

64. Relevant objectives and strategies of the PPF and LPPF seek to facilitate housing diversity and growth in suitable locations. Both State and Local policy seek to encourage growth close to facilities and services, including public transport. The LPPF also seeks to facilitate ongoing incremental growth and infill development within the

settlement boundary of Buninyong that respects and enhances the existing and preferred neighbourhood character.

65. The Site is within the established settlement boundary of Buninyong and is located within walking distance to public open spaces and schools. It is also accessible to public transport, located 800m from the site, which connects the site directly to the town centre in Buninyong (located 1.3km from the site) and further north to Ballarat CBD. The site is therefore considered suitable for incremental growth. The proposed subdivision would increase lot density by an additional two lots. This is considered incremental in nature as the lots would be at least 800 square metres. This lot size allows sufficient space for future development to maintain the spacious character of the area. A more in-depth discussion on neighbourhood character is included below.

Neighborhood Character

66. The PPF and LPPF seek to protect existing and preferred neighbourhood character. In particular, growth in identified ongoing change areas, which the site is within, should be in keeping with local scale. Clause 21.06-3 (Neighbourhood Character) seeks to maintain the garden settings of buildings, tree canopy of neighbourhoods and the rhythm of spacing between buildings. Specific to the Canadian Valley, Council seeks to protect its landscape values including ridgelines, vegetated backdrops, non-urban breaks and open rural landscape vistas.

Lot size and shape

67. Lots in the immediate surroundings are generally above 2,000 square metres, with some lots above 5,000 square metres. There are some lots in the immediate area that are below 2,000sqm but above 1,000sqm, including 2 Allan Street (1,223sqm), 7A Allan Street (1,468sqm), 11 Allan Street (1,790sqm) and 13 Allan Street (1,189sqm).
68. The proposed lots are 860sqm (Lot 2), 963sqm (Lot 3) and 1,815sqm (Lot 1) in area. The size of proposed Lot 1 is in keeping with the character of surrounding lots, given that there are several instances on the same street that have similar or smaller lot sizes.
69. Contrastingly, Lot 2 and Lot 3, being less than 1,000sqm, are smaller in size than surrounding lots. It is reasonable to assume that there is an intention for the new lots to be developed with buildings at a future stage.
70. Lot 2 and 3, although smaller in size, are sited at the rear of Lot 1. In particular, Lot 2 in its entirety is situated behind Lot 1 and the proposed common lot (given its vehicle access is via the existing driveway). Similarly, Lot 3 is situated at the rear of Lot 1, though it has a separate vehicular access that partially runs across the front setback of the existing dwelling. Given the generous front setback of the existing dwelling on Lot 1 and the positioning of Lot 2 and 3 mostly behind Lot 1, future development on Lots 2 and 3 would not have an unacceptable visual impact from Allan Street or any other public space.
71. The positioning of Lot 2 and Lot 3 behind Lot 1 maintains the appearance of an existing wide lot frontage on Allan Street. This is in keeping with the existing character of the streetscape. Existing battle-axe lots are present in the immediate surrounds, including 5A Allan Street, which directly adjoins the site to the south. The proposed common property driveway for Lot 1 and Lot 2 will ensure that the site will look similar to that of 5 and 5A Allan Street as only a common driveway to the front dwelling and a battle-

axe driveway will be visible from the street. The lot shape is therefore considered acceptable in this context.

Impact of future dwellings on Lot 2 and Lot 3

72. The immediate surrounds have a semi-rural character and feature lots that are landscaped so that dwellings appear to be sitting amongst vegetation, including established trees. Dwellings on surrounding lots are generally sited so that there is a generous rear setback and at least one side setback that is generous in width. The side and rear boundaries of lots are also often landscaped with tree cover (such as 1, 6, 7 and 9 Allan St).
73. The front setbacks are generally open in character with no front fence, which contributes to the spacious character of streetscapes. It is important to consider whether the proposed subdivision, building envelopes and front fence controls would allow future development on these lots to respect and enhance this existing neighbourhood character.
74. The application proposes to limit future buildings on Lot 2 and Lot 3 to a maximum height of 476.6m AHD. This equates to 6.6m above the highest point on the land (rear of Lot 2 at 470m AHD) and then as the land slopes downhill will increase to the maximum height allowed by the zone of 9m, and two-storeys. Further to this, the NRZ height limit can be increased by 1m where the land slopes greater than 2.5 degrees (measured at any cross section of the site of the building wider than 8 metres).
75. Given this, the height limit is considered acceptable in this context as it aligns with the NRZ mandatory height limit while also limiting its potential impact on the property to the east (11 Herriott St). However, given the topography of the site, it is considered necessary to provide screening in the form of landscaping so that any future development proposed on Lots 2 and 3 appear to be nestled into the landscape to reduce visual impacts. Sufficient landscaping that allows for canopy trees would further help ensure that the tree canopy of the neighbourhood is maintained and that development does not dominate open rural landscape vistas. The proposed landscaping will adequately achieve this with its 4-10m tree heights which will be required to be planted and maintained via conditions.
76. The inclusion of building envelopes on the lots is a mechanism that helps maintain appropriate setbacks from lot boundaries. The setbacks of the building envelopes from all lot boundaries, inclusive of the revised 5m side setbacks, will be reflected on the titles. The proposed rear setbacks of building envelopes (5 metres) is acceptable as it allows for large canopy trees (10m in height) to be planted in the rear setback. It is also in line with the 5m rear setback requirement in Schedule 2 to the Neighbourhood Residential Zone.
77. Moreover, it is proposed that any area within the 25-metre front setback from Allan Street will only allow fencing that has a minimum transparency of 80%. This is considered appropriate in both maintaining the open character of the area and clearly delineating private property from common property.
78. Overall, on the condition that landscaping, fencing requirements, building envelopes and a maximum building height are provided to the satisfaction of the Responsible Authority, the subdivision of the site is considered to appropriately respond to the existing streetscape and landscape character of the area.

Environmental and Biodiversity Consideration

79. While the Site is within a 'mainly cleared land' area in terms of koala habitat, it is within close proximity to 'preferred' habitat land to the east and southeast. Given its location, the requirement for landscaping will contribute to a buffer to this habitat land.
80. In addition, the plans must indicate any proposed easement on the site. Where easements are proposed along a common boundary, conditions will ensure any works to be undertaken conserve existing vegetation (including on neighbouring properties) to the satisfaction of the Responsible Authority.
81. In light of the above, it is recommended that the application is supported subject to conditions.

OFFICER RECOMMENDATION

82. That the Planning Delegated Committee:

82.1 Having caused notice of Planning Permit Application PLP/2020/262 to be given under Section 52 of the *Planning and Environment Act 1987*; and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice or Decision to Grant a Planning Permit under the Ballarat Planning Scheme in respect of the land known and described as 3 Allan Street, Buninyong for a Three (3) lot subdivision subject to Conditions in Attachment 2.

ATTACHMENTS

1. Governance Review [6.1.1 - 2 pages]
2. Attachment 1 Clause 56 [6.1.2 - 17 pages]
3. Attachment 2 Proposed Conditions [6.1.3 - 8 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The report aligns with Council’s Vision, Council Plan, Strategies and Policies

COMMUNITY IMPACT

2. There are no community impacts identified for the subject of this report

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. There are no economic sustainability implications identified for the subject of this report

FINANCIAL IMPLICATIONS

5. Council’s cost of running a VCAT hearing is already included within the Statutory Planning Unit’s approved budget.

LEGAL AND RISK CONSIDERATIONS

6. The application does not raise any legal risks or concerns of note.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

8. The planning permit application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*

GENDER EQUALITY ACT 2020

9. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

10. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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ATTACHMENT 1 – CLAUSE 56 ASSESSMENT

DATE RECEIVED	16/6/2021, plans amended 8/12/2021
PROPERTY ADDRESS	3 Allan Street, Buninyong VIC 3357
APPLICANT	TGM Group Pty Ltd - Ballarat
PROPOSAL	Three (3) Lot Subdivision
ZONE	Neighborhood Residential Zone, Schedule 2 (NRZ2)
OVERLAY/S	Nil
PERMIT TRIGGERS	Clause 32.09-3 – Subdivision
RESTRICTIVE COVENANTS	Nil
CURRENT USE/ DEVELOPMENT	Single dwelling
CULTURAL HERITAGE MANAGEMENT PLAN	Not required as the site is not located in an area of Aboriginal Cultural Sensitivity
SUBMISSIONS	11 objections

Clause 56.03-5 – Neighbourhood Character	
Objectives	<i>To design subdivisions that respond to neighbourhood character</i>
	Achieved
Standard C6	<p><i>Subdivision should:</i></p> <ul style="list-style-type: none"> <i>Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</i> <i>Respond to and integrate with the surrounding urban environment.</i> <i>Protect significant vegetation and site features.</i>
	Complies with the standard
Clause 56.03-5 – Neighbourhood Character Assessment	
Refer council officer assessment.	

Clause 56.04-1 – Lot Diversity and Distribution	
Objectives	<ul style="list-style-type: none"> • <i>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</i> • <i>To provide higher housing densities within walking distance of activity centres.</i> • <i>To achieve increased housing densities in designated growth areas.</i> • <i>To provide a range of lot sizes to suit a variety of dwelling and household types.</i>
	Achieved
Standard C7	<p><i>A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.</i></p> <p><i>Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.</i></p> <p><i>A range and mix of lot sizes should be provided including lots suitable for the development of:</i></p> <ul style="list-style-type: none"> • <i>Single dwellings.</i> • <i>Two dwellings or more.</i> • <i>Higher density housing.</i> • <i>Residential buildings and Retirement villages.</i> <p><i>Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.</i></p> <p><i>Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.</i></p>
	Complies with objective.
Clause 56.04-1 – Lot Diversity and Distribution Assessment	
<p>The site has access to bus services along Warrenheip Street, with stops located 800m from the site. This does not comply with the 400m as stated in the standard. However, Buninyong is a township that has been identified as an ongoing change area which continues to facilitate incremental growth. The proposed three lots are considered to be incremental as they maintain a minimum lot size of 800sqm in line with the minimum subdivision size set out in the NRZ2. The local areas policy also seeks to encourage infill development in Buninyong and consolidate settlement within the defined settlement boundary. As it is located within walking distance to open space and facilities such as schools and is within the settlement boundary, the increased lot density on the site would provide a greater lot density in the area that would suit a variety of dwelling and household types, appropriately adding diversity to the area. This is suitable, particularly given the area is within a designated walking and cycling priority area and the bus service located 800m from the site provides access to the Buninyong Town Centre and the Ballarat CBD.</p>	

Clause 56.04-2 – Lot Area and Building Envelopes	
Objectives	<p><i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</i></p>
	Achieved
Standard C8	<p><i>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:</i></p> <ul style="list-style-type: none"> · <i>That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or</i> · <i>That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</i> <p><i>Lots of between 300 square metres and 500 square metres should:</i></p> <ul style="list-style-type: none"> · <i>Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</i> · <i>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</i> <p><i>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</i></p> <p><i>Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.</i></p> <p><i>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</i></p> <ul style="list-style-type: none"> · <i>The objectives of the relevant standards are met, and</i> · <i>The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.</i> <p><i>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</i></p> <ul style="list-style-type: none"> · <i>The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and</i> · <i>The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</i> <p><i>Lot dimensions and building envelopes should protect:</i></p> <ul style="list-style-type: none"> · <i>Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.</i> · <i>Existing or proposed easements on lots.</i> · <i>Significant vegetation and site features.</i>
	Can comply with the standard

Clause 56.04-2 – Lot Area and Building Envelopes Assessment	
Building envelopes have been provided for both Lot 2 and Lot 3 able to accommodate a 10x15m building.	
The building envelopes on Lot 2 and Lot 3 would allow any dwelling constructed on these lots to comply with the objectives and standards of Clause 54 (if applicable), including building setbacks.	

Clause 56.04-3 – Solar Orientation of Lots	
Objectives	<i>To provide good solar orientation of lots and solar access for future dwellings.</i>
	Achieved
Standard C9	<p><i>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</i></p> <p><i>Lots have appropriate solar orientation when:</i></p> <ul style="list-style-type: none"> • <i>The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</i> • <i>Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</i> • <i>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</i>
	Complies with the objective
Clause 54.04-3 – Solar Orientation of Lots Assessment	
The lots are orientated to have appropriate solar orientation.	

Clause 56.04-4 – Street Orientation	
Objectives	<i>To provide a lot layout that contributes to community social interaction, personal safety and property security.</i>
	Achieved
Standard C10	<p><i>Subdivision should increase visibility and surveillance by:</i></p> <ul style="list-style-type: none"> • <i>Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.</i> • <i>Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.</i> • <i>Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.</i> • <i>Providing roads and streets along public open space boundaries.</i>
	Complies with the standard
Clause 56.04-4 – Street Orientation Assessment	
Lot 1 fronts Allan Street. The existing dwelling on proposed Lot 1 will continue to have outlook towards this street.	

Clause 56.04-5 – Common Area	
Objectives	<ul style="list-style-type: none"> • <i>To identify common areas and the purpose for which the area is commonly held.</i> • <i>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</i> • <i>To maintain direct public access throughout the neighbourhood street network.</i>
	Achieved
Standard C11	<p><i>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</i></p> <ul style="list-style-type: none"> • <i>The common area to be owned by the body corporate, including any streets and open space.</i> • <i>The reasons why the area should be commonly held.</i> • <i>Lots participating in the body corporate.</i> • <i>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</i>
	Can comply with the objective
Clause 56.04-5 – Common Area Assessment	
Common property is clearly identified and able to be easily maintained.	

Clause 56.05-1 – Integrated Urban Landscape	
Objectives	<ul style="list-style-type: none"> • <i>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</i> • <i>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</i> • <i>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</i> • <i>To provide for integrated water management systems and contribute to drinking water conservation.</i>
	Achieved
Standard C12	<p><i>An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</i></p> <p><i>The landscape design should:</i></p> <ul style="list-style-type: none"> • <i>Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.</i> • <i>Create attractive landscapes that visually emphasise streets and public open spaces.</i> • <i>Respond to the site and context description for the site and surrounding area.</i> • <i>Maintain significant vegetation where possible within an urban context.</i> • <i>Take account of the physical features of the land including landform, soil and climate.</i> • <i>Protect and enhance any significant natural and cultural features.</i> • <i>Protect and link areas of significant local habitat where appropriate.</i> • <i>Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space.</i> • <i>Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.</i> • <i>Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.</i> • <i>Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.</i> • <i>Provide for walking and cycling networks that link with community facilities.</i> • <i>Provide appropriate pathways, signage, fencing, public lighting and street furniture.</i> • <i>Create low maintenance, durable landscapes that are capable of a long life.</i> • <i>The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</i>
	Not applicable
<p>There is no street or public open space that is proposed to be created as part of this subdivision.</p> <p>The submitted landscaping plan would be endorsed and conditioned under the planning permit, requiring 18 months maintenance.</p>	

Clause 56.06-2 – Walking and Cycling Network	
Objectives	<ul style="list-style-type: none"> To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution.
	Not applicable
Standard C15	<p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. Link to any existing pedestrian and cycling networks. Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. Ensure safe street and road crossings including the provision of traffic controls where required. Provide an appropriate level of priority for pedestrians and cyclists. Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. Be accessible to people with disabilities.
	Not applicable
There is no walking or cycling network proposed or required as part of this subdivision.	

Clause 56.06-4 – Neighbourhood Street Network	
Objectives	To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.
	Not applicable
Standard C17	<p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes. Provide clear physical distinctions between arterial roads and neighbourhood street types. Comply with the Roads Corporation’s arterial road access management policies. Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.

	<ul style="list-style-type: none"> • Provide safe and efficient access to activity centres for commercial and freight vehicles. • Provide safe and efficient access to all lots for service and emergency vehicles. • Provide safe movement for all vehicles. • Incorporate any necessary traffic control measures and traffic management infrastructure. <p>The neighbourhood street network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant transport strategy, plan or policy for the area set out in this scheme. • Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand. • Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand. • Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles. • Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles. • Provide an appropriate level of local traffic dispersal. • Indicate the appropriate street type. • Provide a speed environment that is appropriate to the street type. • Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles). • Encourage appropriate and safe pedestrian, cyclist and driver behaviour. • Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. • Minimise the provision of culs-de-sac. • Provide for service and emergency vehicles to safely turn at the end of a dead-end street. • Facilitate solar orientation of lots. • Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees. • Contribute to the area's character and identity. • Take account of any identified significant features.
	Not applicable
No changes are proposed to the neighbourhood street network. Access to all three lots are to be from Allan Street from the existing crossover.	

Clause 56.06-5 – Walking and Cycling Network Detail	
Objectives	<ul style="list-style-type: none"> • To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities. • To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.
	Not applicable
Standard C18	<p>Footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> • Be part of a comprehensive design of the road or street reservation. • Be continuous and connect.

	<ul style="list-style-type: none"> • Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. • Accommodate projected user volumes and mix. • Meet the requirements of Table C1. • Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound. • Provide appropriate signage. • Be constructed to allow access to lots without damage to the footpath or shared path surfaces. • Be constructed with a durable, non-skid surface. • Be of a quality and durability to ensure: <ul style="list-style-type: none"> ○ Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles. ○ Discharge of urban run-off. ○ Preservation of all-weather access. ○ Maintenance of a reasonable, comfortable riding quality. ○ A minimum 20 year life span. • Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.
	<p>Not applicable</p>
<p>There is no walking or cycling network proposed or required as part of this subdivision.</p>	

<p>Clause 56.06-7 – Neighbourhood Street Network Detail</p>	
<p>Objectives</p>	<p><i>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</i></p> <p>Not applicable</p>
<p>Standard C20</p>	<p><i>The design of streets and roads should:</i></p> <ul style="list-style-type: none"> • Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. • Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. • Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. • Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. • Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. • Provide a safe environment for all street users applying speed control measures where appropriate. • Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles. • Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners. • Ensure streets are of sufficient strength to:

	<ul style="list-style-type: none"> ○ Enable the carriage of vehicles. ○ Avoid damage by construction vehicles and equipment. ● Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> ○ Safe passage of pedestrians, cyclists and vehicles. ○ Discharge of urban run-off. ○ Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. ● Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority. ● Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span. ● Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> ○ Perform the required integrated water management functions. ○ Delineate the edge of the carriageway for all street users. ○ Provide efficient and comfortable access to abutting lots at appropriate locations. ○ Contribute to streetscape design. ● Provide for the safe and efficient collection of waste and recycling materials from lots. ● Be accessible to people with disabilities. ● Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met. ● A street detail plan should be prepared that shows, as appropriate: <ul style="list-style-type: none"> ○ The street hierarchy and typical cross-sections for all street types. ○ Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices. ○ Water sensitive urban design features. ○ Location and species of proposed street trees and other vegetation. ○ Location of existing vegetation to be retained and proposed treatment to ensure its health. ○ Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.
	Not Applicable.
No changes are proposed to the existing neighbourhood street network.	

Clause 56.06-8 – Lot Access	
Objectives	<i>To provide for safe vehicle access between roads and lots.</i>
	Achieved
Standard C21	<ul style="list-style-type: none"> ● <i>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</i> ● <i>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</i> ● <i>The design and construction of a crossover should meet the requirements of the relevant road authority.</i>

	Can comply with the standard
Clause 56.06-8 – Lot Access Assessment	
<p>The proposal utilises the existing crossover onto Allan Street for all three lots; the existing crossover is concrete and of suitable construction and grade to provide for all three lots. Furthermore, the battle-axe lots can readily connect to the crossover. Nevertheless, due to the fire plug and severe change in levels south of the existing access and to avoid confusion/conflict with future owners, a condition will require the crossover to be upgraded (as needed) to provide a 'Y' fork to Lot 3 to the satisfaction of the responsible authority.</p>	

Clause 56.07-1 – Drinking Water Supply	
Objectives	<ul style="list-style-type: none"> To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.
	Achieved
Standard C22	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.
	Can comply with the standard
Clause 56.07-1 – Drinking Water Supply Assessment	
The supply of drinking water to each lot will be from the existing reticulated water supply mains in accordance with the requirements of Central Highlands Water (CHW).	

Clause 56.07-2 – Reused and Recycled Water	
Objectives	To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.
	Achieved
Standard C23	<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services. Provided to the boundary of all lots in the subdivision where required by the relevant water authority.
	Complies with objective
Clause 56.07-2 – Reused and Recycled Water Assessment	
Any requirements set out by the Central Highlands Water will also be included as conditions of the permit.	

Clause 56.07-3 – Waste Water Management	
Objectives	To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.
	Achieved
Standard C24	<p>Waste water systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. Consistent with any relevant approved domestic waste water management plan.

	<ul style="list-style-type: none"> • <i>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</i>
	Complies with the standard
Clause 56.07-3 – Waste Water Management Assessment	
Wastewater will be connected to the existing reticulated sewerage system to the satisfaction of Central Highlands Water.	

Clause 56.07-4 – Stormwater Management	
Objectives	<ul style="list-style-type: none"> • <i>To minimise damage to properties and inconvenience to residents from stormwater.</i> • <i>To ensure that the street operates adequately during major storm events and provides for public safety.</i> • <i>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</i> • <i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i> • <i>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</i>
	Achieved
Standard C25	<p><i>The urban stormwater management system must be:</i></p> <ul style="list-style-type: none"> • <i>Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</i> • <i>Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.</i> • <i>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</i> • <i>Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</i> <p><i>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</i></p> <p><i>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</i></p> <ul style="list-style-type: none"> · <i>Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</i> · <i>Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</i> <p><i>For storm events greater than 20% AEP and up to and including 1% AEP standard:</i></p> <ul style="list-style-type: none"> · <i>Provision must be made for the safe and effective passage of stormwater flows.</i>

	<ul style="list-style-type: none"> · <i>All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</i> · <i>Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $da Vave < 0.35 m^2 /s$ (where, da = average depth in metres and $Vave$ = average velocity in metres per second).</i> <p><i>The design of the local drainage network should:</i></p> <ul style="list-style-type: none"> · <i>Ensure stormwater is retarded to a standard required by the responsible drainage authority.</i> · <i>Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</i> · <i>Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.</i> · <i>Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</i> <p><i>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</i></p>
	<p>Can comply with the standard</p>
<p>Clause 56.07-4 – Stormwater Management Assessment</p>	
<p>Council Engineering conditions will adequately address WSUD and pre-development conditions.</p>	

Clause 56.08 – Site Management	
Objectives	<p><i>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</i></p> <p><i>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</i></p> <p><i>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</i></p>
	Achieved
Standard C26	<p><i>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</i></p> <ul style="list-style-type: none"> · <i>Erosion and sediment.</i> · <i>Dust.</i> · <i>Run-off.</i> · <i>Litter, concrete and other construction wastes.</i> · <i>Chemical contamination.</i> · <i>Vegetation and natural features planned for retention.</i> <p><i>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</i></p>
	Can comply with the standard
Clause 56.08 – Site Management Assessment	
<p>This can be adequately addressed through standard local law requirements in terms of sediment control, road occupancy permits, construction hours, etc.</p>	

Clause 56.09-1 – Shared Trenching	
Objectives	<ul style="list-style-type: none"> • <i>To maximise the opportunities for shared trenching.</i> • <i>To minimise constraints on landscaping within street reserves.</i>
	Achieved
Standard C27	<i>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</i>
	Can comply with the standard
Clause 56.09-1 – Shared Trenching Assessment	
A condition will be included on the permit to require shared trenching, unless otherwise agreed with the Responsible Authority.	

Clause 56.09-2 – Electricity, Telecommunications and Gas	
Objectives	<ul style="list-style-type: none"> • <i>To provide public utilities to each lot in a timely, efficient and cost effective manner.</i> • <i>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</i>
	Achieved
Standard C28	<p><i>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</i></p> <p><i>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</i></p> <p><i>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</i></p> <p><i>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</i></p>
	Can comply with the standard
Clause 56.09-2 – Electricity, Telecommunications and Gas Assessment	
Standard conditions on the permit outlining the required relevant agreements with all service providers will be included.	

Clause 56.09-3 – Fire Hydrants	
Objectives	To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.
	Achieved
Standard C29	<p>Fire hydrants should be provided:</p> <ul style="list-style-type: none"> · A maximum distance of 120 metres from the rear of each lot. · No more than 200 metres apart. <p>Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.</p>
	Can comply with objective
Clause 56.09-3 – Fire Hydrants Assessment	
The closest fire plug is located directly in front of the site adjacent to the existing driveway which will be within 120 metres from the rear of the proposed building envelopes. Additionally, the CFA have recommended a condition to confirm this requirement.	

Clause 56.09-4 – Public Lighting	
Objectives	<ul style="list-style-type: none"> • <i>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</i> • <i>To provide pedestrians with a sense of personal safety at night.</i> • <i>To contribute to reducing greenhouse gas emissions and to saving energy</i>
	Achieved
Standard C30	<ul style="list-style-type: none"> • <i>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</i> • <i>Public lighting should be designed in accordance with the relevant Australian Standards.</i> • <i>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</i>
	Complies with objective
Clause 56.09-4 – Public Lighting Assessment	
No additional public lighting is required.	

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3 Allan Street, BUNINYONG VIC 3357**RECOMMENDATION:****Notice of Decision to Grant a Planning Permit:**

That the delegated officer having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of the Ballarat Planning Scheme, subject to the following conditions:

1. Amended Plans

Prior to certification of the plan of subdivision, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be submitted to planninginfo@ballarat.vic.gov.au. The plans must be generally in accordance with the Cardno TGM plans Revision 04 dated 15/11/21 but modified to show:

- (a) The setback to the northern boundary on Lot 2 increased to 5m;
- (b) The setback to the southern boundary on Lot 3 increased to 5m;
- (c) The crossover shown with a "Y" connecting to Lot 3; and
- (d) Details of the proposed retaining wall between Lot 1 and Lots 2 and 3.

2. Completion and Maintenance of Landscaping Works

Prior to the statement of compliance, all landscape works forming part of the approved Landscape Plans must be completed to the satisfaction of the Responsible Authority. The landscaping shown on the approved landscape plan must be maintained to the satisfaction of the Responsible Authority for 18 months from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

3. Street Tree Provision (Subdivision)

Prior to any works commencing on site, the permit holder shall prepare a plan for the provision of six (6) street trees of species *Eucalyptus viminalis* (Manna Gum) within the road reserve adjacent to the proposed development at locations approved by the Responsible Authority. The street tree locations must accord with the requirements of Section 5 of Council's Landscape Design Manual (August 2012).

Prior to the issue of a Statement of Compliance, the street trees shall be planted within the road reserve in accordance with the approved plan. The trees shall be of semi-mature age and approved species and supplied, planted and maintained in accordance with the Responsible Authority's Tree Planting Guidelines. The permit holder is to provide a bond in the amount of \$500 per street tree. The tree(s) shall be maintained for a period of eighteen (18) months from planting to the satisfaction of the Responsible Authority. The bond will be

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returned eighteen (18) months after completion of planting and maintenance works to the satisfaction of the Responsible Authority.

Or

Prior to the issue of Statement of Compliance the permit holder must pay Council \$750 per street tree for their provision and eighteen (18) month maintenance period.

Note: For information regarding suitable street tree species see Council's adopted Urban Design Manual Part B: Landscape Character Area Guidelines (Version 1.0, 2012), available on Council's website.

4. Services - Vegetation Protection

The installation of all services shall be undertaken so as to minimise the disturbance of vegetation on and adjacent the site. If services are to be installed in the Tree Protection Zone (TPZ) of adjoining trees, details of the route of services and location of site vegetation shall be provided to the satisfaction of the Responsible Authority for approval by the Responsible Authority prior to the commencement of site works. Any required tree protection must be in accordance with AS4970-2009.

Note: A permit may be required to remove native vegetation.

5. Vehicle Access – Subdivision

Prior to the issue of a Statement of Compliance, vehicle access to the site must be constructed in accordance with plans and specifications set under an approved Vehicle Crossing Permit to the satisfaction of the Responsible Authority.

6. Internal Access Ways and Car Parking

Prior to the issue of statement of compliance, the areas set aside for the parking of vehicles and access lanes as shown on the approved plans must to the satisfaction of the Responsible Authority and be;

- (a) Constructed with a flexible granular pavement and spray sealed or concrete or crushed rock;
- (b) Properly formed to such levels that they can be used in accordance with the plans; and
- (c) Drained.

Access ways must be maintained and kept available for these purposes at all times.

Prior to the issue of the statement of compliance, all works shall be completed in accordance with plans submitted to and approved by the Responsible Authority.

7. Works Required Prior to Statement of Compliance

The following works must be completed prior to statement of compliance being issued, to the satisfaction of the Responsible Authority:

- (a) Removal of the colourbond shed on the south side of the existing dwelling;

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- (b) Construction of an extended common accessway all the way to Lot 2;
- (c) Construction of a crossover from the road to Lot 3; and
- (d) Construction of the retaining wall between Lot 1 and Lots 2 and 3.

8. Drainage Plans and Construction (Subdivision)

Prior to works commencing on site, drainage, stormwater detention and stormwater treatment plans & computations must be submitted to and approved by the Responsible Authority. The drainage, stormwater detention and stormwater treatment plans & computations must accord with the Infrastructure Design Manual, Council's Site Stormwater Management Systems Policy and Council's WSUD guidelines. All drainage works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the issue of statement of compliance.

At the completion of the works 'as constructed' civil plans shall be submitted to the Responsible Authority by a suitably experienced and qualified engineer.

Any raingardens and rainwater tanks forming part of the approved drainage plans/system must be installed and maintained in good operational condition on an ongoing basis to the satisfaction of the Responsible Authority.

9. Drainage Easements

All easements deemed necessary to protect existing or future drainage lines within the proposed development site and properties between the development site and the nominated point of discharge shall be created to the satisfaction of the Responsible Authority.

10. Section 173 Agreement – OSD/WSUD (Sub)

If for the purpose of meeting On-Site Stormwater Detention (OSD) and/or Water Sensitive Urban Design (WSUD) requirements rainwater tanks and/or rain gardens are proposed, and if rainwater tanks and/or rain gardens are approved for such use by the Responsible Authority, then;

Prior to the issue of Statement of Compliance, an Agreement pursuant to Section 173 of the *Planning & Environment Act 1987* shall be entered into between the owner and the Responsible Authority. The Agreement shall be prepared and registered on the Certificate of Title of the subject land, requiring the owner to install and maintain a rainwater tank and/or rain gardens as a designated OSD/WSUD system in a condition and to a standard that ensures its correct operation and otherwise to the satisfaction of the Responsible Authority.

Prior to the issue of Statement of Compliance, an application must be made to the Register of Titles to register the Section 173 agreement on the title to the land under section 181 of the Act. The responsible authority will not release Statement of Compliance or allow occupation of the development until the agreement has been registered at the titles office and a dealing number assigned confirming that the agreement has been registered.

The Responsible Authority may release the owner from these obligations and/or vary the requirements upon the written request of the owner. The Responsible Authority must be

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satisfied that the release and/or variation to the agreement will result in a better planning outcome or that the agreement is no longer required.

All costs associated with the preparation, signing, lodgement, registration, amending and ending of the Agreement must be borne by the owner, including all notification costs and legal fees.

11. Contamination Assessment (Subdivision)

Prior to the Certification of the Plan of Subdivision, a Preliminary Site Investigation Report prepared in accordance with AS4482.1-2005 shall be submitted to the Responsible Authority.

Should the Preliminary Site Investigation report indicate that contaminating activities took place on the site or that contaminants are present, a Detailed Site Investigation in accordance with AS4482.1-2005 shall be undertaken. The Detailed Site Investigation Report shall include any recommended remediation works.

If the report is accepted by the Responsible Authority, the remediation works shall be completed by the applicant to the satisfaction of the Responsible Authority prior to the issue of the Statement of Compliance.

If there are concerns about the nature and extent of the contamination found in the Preliminary and Detailed Site Investigation reports, the Responsible Authority reserves the right to require a statutory environmental audit to be undertaken. In this case either:

- (a) A certificate of environmental audit shall be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* prior to the issue of the Statement of Compliance; **OR**
- (b) An environmental auditor appointed under the *Environmental Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the intended use prior to the issue of the Statement of Compliance.

to the satisfaction of the Responsible Authority.

- (c) Where a Statement of Environmental Audit is issued for the land, the development including subdivision hereby approved must comply with all the directions and conditions contained within the Statement.
- (d) Where a Statement of Environmental Audit is issued for the land, prior to the issue of a Statement of Compliance for each stage, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* or such other qualified person to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.
- (e) Unless otherwise approved in writing by the Responsible Authority, where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, prior to the issue of a Statement of Compliance for any stage of the subdivision authorised by this permit, the permit holder must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*. All costs associated with setting up the Agreement must be borne by the owner. The

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Agreement must be registered on Title and run with the land, and must provide to the satisfaction of the Responsible Authority:

- i. That the registered proprietor will undertake all required maintenance and/or monitoring in accordance with the statement.
- ii. Prior to the development commencing, application must be made to the Registrar of Titles to Register the Section 173 Agreement on the title to the land under Section 181 of the *Planning and Environment Act 1987*.

12. Creation of Restriction – Building Envelopes

The plan of subdivision submitted for certification must include a creation of restriction on a separate sheet showing the building envelopes in accordance with the approved plan. The wording of the creation of restriction shall generally be as follows:

Restriction 1

Land to be Burdened: All lots on this plan.

Land to Benefit: All lots on this plan

Creation of Restriction

Upon registration of this plan, the following restriction is created.

Description of Restriction

No building shall be located outside the building envelopes shown hatched.

Definitions

“Building” - any structure except a fence.

Variations

Variation of these requirements will require approval from the Responsible Authority.

Restriction 2

Land to be Burdened: All lots on this plan.

Land to Benefit: All lots on this plan

Creation of Restriction

Upon registration of this plan, the following restriction is created.

Description of Restriction

Fencing in the area shown hatched must have minimum 80% transparency.

Definitions

“Fencing” – has the same meaning as “fence” in the Fences Act 1968.

Variations

Variation of these requirements will require approval from the Responsible Authority.

13. Easements

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All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

14. Public Open Space Monetary Contribution

Prior to the issue of the Statement of Compliance, a monetary contribution of an amount equal to 5% of the current value of all the land within the subdivision shall be paid to the Responsible Authority. If the land is subdivided in stages, the contribution may be paid proportionally to the area of the lots being created.

15. Telecommunications

The owner of the land must enter into an agreement with:

- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- (c) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (d) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

16. Country Fire Authority Ref: 15000-73404-110746

Hydrants

Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- (a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres. These distances must be measured around lot boundaries.
- (b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

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Note – CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au).

17. Central Highlands Region Water Authority

- (a) Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- (b) Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- (c) A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- (d) The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
- (e) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

18. Powercor Australia Ltd Ref: 308030279

- (a) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- (b) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

19. DownerTenix REF: S21-1604

The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the *Subdivision Act 1988*.

20. Expiry of Permit - Subdivision

The plan of subdivision must be certified within two (2) years of the date of issue of this Permit unless the Responsible Authority grants an extension of the Permit upon application in writing by the permit holder within six (6) months of the prescribed expiry date. Once the

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plan of subdivision is certified, the Permit will expire five years from the date of certification of the plan of subdivision.

Notes:

Heritage Note

Under the terms of the Heritage Act 2017 there is blanket protection for all historical archaeological sites in Victoria, including sites that are not included in the Victorian Heritage Register or Heritage Inventory. Section 123 of the Act stipulates that it is an offence to knowingly or negligently disturb any historical archaeological site unless Consent has been obtained from the Executive Director, Heritage Victoria. Penalties apply.

If historical archaeological remains, including artefacts, are uncovered at any time during works, it is necessary for all activities to cease and for the City of Ballarat and Heritage Victoria to be notified immediately. In this case, a program of archaeological investigations and recording may be required in consultation with Heritage Victoria.

Building Act

Building Approvals

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained. Works must accord with the requirements of the *Building Act 1993*, *Building Regulations 2018* and *Building Code of Australia 2019*.

Works within Road Reserve

The construction or altering of a vehicle crossing, footpath and/or any other works or alterations within a road reserve or any other Council asset may require either a Crossover Permit (which includes a driveway and new crossover), a Road Opening Permit (i.e. opening up a road for installation of infrastructure), Asset Protection Permit (Temporary Crossing Permit i.e. providing for temporary site access) or other approval to be obtained from the City of Ballarat. This Planning Permit does not constitute such approval. Failure to obtain an appropriate permit or damaging Council infrastructure, including footpaths, kerbs, drains, street trees, nature strips etc or failing to remove redundant crossings and reinstate the kerb, drain, footpath, nature strip or other part of the road is a breach of the Ballarat City Council Community Local Laws (10 Penalty Units). For further information, please contact Council's Asset Protection Officer in relation to Road Opening or Asset Protection permits and Council's Infrastructure Planning & Development Unit via Council's Customer Service Officers and the Arborist relating to Street trees.

OFFICIAL

7. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA

8. CLOSE