

OFFICIAL

Planning Delegated Committee Meeting

Agenda

13 July 2022 at 6:30pm

**Council Chamber, Town Hall, Sturt Street,
Ballarat**



PUBLIC SUBMISSIONS

- Public representations may be made on any items listed on the agenda in a Planning Meeting apart from those listed in the confidential section.
- All attendees are encouraged to register their attendance by 4:30pm on the day of the meeting
- If you do wish to attend the meeting in person to make a submission, please contact governance@ballarat.vic.gov.au or call 5320 5875 to register
- Members of the public who wish to make a submission on an agenda item but who are unable to attend the meeting in person may make a submission in writing:
 - Submissions must 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.

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1. ACKNOWLEDGEMENT OF 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/2003/880/B - 26-34 LYDIARD STREET NORTH, BALLARAT CENTRAL

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Katy Baker – Coordinator Statutory Planning

PURPOSE

1. The purpose of this report is to advise the Planning Delegated Committee of Planning Permit Application PLP/2003/880/B and request that Committee determine a position.

BACKGROUND

2. A summary of the application has been provided below:

History	The application was submitted on 19 August 2021 and advertised in October 2021. Three objections were received in response to the application.
Subject Land	26-34 Lydiard Street North, BALLARAT CENTRAL VIC 3350
Restrictive covenants	Notice Section 16(2) <i>Historic Building Act 1981</i> , Register No. 115.
Applicant	Mecone Town Planning
Permit Preamble	Use of land for a tavern and for the sale and consumption of liquor (on premises licence)
Zone	Commercial 1 Zone (C1Z)
Overlay(s)	Heritage Overlay, Schedule 72 (HO72)
Permit Triggers	The application seeks to vary a condition of the existing planning permit included by way of a previous VCAT process.
Recommendation	Notice of Decision

PURPOSE

3. This application seeks approval to delete Condition 9(a) of Planning Permit PLP/2003/880/A and amend Condition 9(b) to alter the time the acoustic curtain across the first floor balcony of the premise must be drawn from 6pm to 11pm and add wording excluding the northern curtain abutting an adjacent laneway.

SUBJECT SITE AND SURROUNDS

4. The subject site is located at 30 Lydiard Street North, Ballarat Central. Known as 'The Deck' the subject premise occupies the first floor of the existing historic building on site. This building forms part of a commercial precinct comprising a mix of uses, including, but not limited to, accommodation, retail, restaurants/cafes and late-night premises.

Planning Permit History

5. Planning Permit PLP/2003/880 was issued on 22 January 2004 and allowed 'Extensions to existing Premises Liquor License to 3am and use premises as a tavern'.
6. Planning Permit, PLP/2003/880/A was amended through VCAT and agreed changes to the permit as follows:
 - 6.1. Amend Condition 5 by only allowing 93 patrons on the balcony before 11pm, 75 patrons from 11pm-1am and 50 patrons from 1am to 3am;
 - 6.2. Amend Condition 8 relating to acoustic requirements;
 - 6.3. The addition of new conditions to specifically control the use of the balcony, most notably Conditions 9(a) and (b);
 - 6.4. Reword the noise and amenity condition to be more restrictive; and
 - 6.5. Inclusion of an additional condition requiring a noise limiter.

Public Notification

7. The following forms of notice were undertaken in October 2021:
 - Notices sent to the owners and occupiers of all properties in the immediate vicinity of the site; and
 - One public notice displayed on site.
8. Two objections were received in response to the application.
9. The key issues raised by objectors are:
 - 9.1. The curtains have remained open past the current allowed times;
 - 9.2. Excessive noise from the subject site.
10. A mediation meeting was undertaken in early 2022. Following this meeting, the applicant offered to close the acoustic curtains at 9.30pm, as opposed to 11pm as originally proposed.
11. No objections were withdrawn or amended following this offer.

REFERRALS

Victoria Police, Ballarat (S52)

12. Objection. The proposed amendments would detract from or be detrimental to the amenity of the surrounding area in which the licensed premise is situated – namely by way of noise and anti-social behavior.

Victorian Commission for Gambling and Liquor (S52)

13. No formal response provided.

Environmental Health

14. Objection. Recent and previous concerns have been raised by both the VCGLR and Victoria Police regarding amenity issues at this premise since September 2020. Planning compliance enforcement activity followed in December 2020.

Compliance

15. Objection to increase curtain opening hours due to previous breaches of curtain closure times over a period of 12 months.
16. Compliance has considered the proposed reduced time and oppose a 9.30pm closing time.

OFFICER DIRECT OR INDIRECT INTEREST

17. No officer in the preparation of this report has declared a conflict of interest.

PLANNING PERMIT TRIGGERS

18. The proposal relates to Conditions 9(a) and 9(b) of Planning Permit PLP/2003/880/A. These conditions were included in response to previous objections raised as part of a VCAT proceeding. The permit trigger is Section 72 of the *Planning and Environment Act 1987*.

PLANNING POLICY FRAMEWORK & LOCAL PLANNING POLICY

19. The following clauses, which form part of the Municipal Strategic Statement, have been considered in response to the proposed amendment:
 - 19.1. Clause 21.07-3 - *Council supports a strong and diverse network of Activity Centres providing vibrant, sustainable and accessible shopping, employment, entertainment, social and community focal points throughout the City.*
 - 19.2. Clause 21.09-1 - *Significant new mixed-use development will be encouraged in the CBD. The area will be managed as a key entertainment destination, a hub of knowledge, retail employment activities and inner-city living with street level and out of hours activation. Strong emphasis will be placed on a high-quality public realm, pedestrian amenity and a people first approach to managing space.*

CASE LAW

20. *The King David School v Stonnington CC & Ors* [2011] VCAT 520 (29 March 2011) is relevant to this application.
21. The conditions under consideration were imposed as part of a Practice Day hearing at VCAT. In a similar fashion, conditions imposed upon The King David School had been imposed via a panel process, conducted by a delegate of the Minister.
22. In *The Kind David School* case the Tribunal noted that *it will often be appropriate to amend a permit to clarify its ambit or intent, to tidy-up conditions to resolve ambiguity or unintended consequences, or to allow modifications that respond to unforeseen circumstances as a development or use proceeds.*
23. In this regard, the application has been considered in regard to case law, on the basis of unforeseen circumstances.

24. These unforeseen circumstances include the impacts of the Covid19 global pandemic and how this has affected uses such as this, including imposed and lengthy lockdowns and closures.
25. Without doubt, business has had to adapt to ensure survival since closures were first imposed in March 2020. This has had lasting effects, including reduced capacities at many entertainment venues and the increased use of outdoor spaces to dine and entertain.
26. While relevant legislation pre-dates the 2019 Practice Day hearing, officers also note that in accordance with 2017 reforms to the *Tobacco Act 1987* the applicant must now seek approval from the VCGLR to the use the northern end of the balcony as a smoking area. This necessitates the removal of the north-facing acoustic curtain.

ASSESSMENT AND CONCLUSION

27. Officer's are of the view that the continued use of the balcony, in association with the use of the site as a tavern, is acceptable in the context of both the aforementioned policy provisions of the MSS and the overarching purposes of the Commercial 1 Zone (C1Z).
28. Indeed, late night operations such as this are best located in commercial precincts as a means of supporting the vibrancy of the centre and also to ensure amenity impacts do not transfer into residential areas.
29. Whilst short-term accommodation is located in close proximity to the site, it is noted that this is just that – short-term. Being located in a commercial precinct, the operators of nearby hotels and the like, as well as their guests, must accept a lesser standard of amenity is expected here. This is the balance struck between amenity and access to a variety of services, including late-night entertainment venues.
30. Whilst it is anticipated that the surrounding area will accommodate an increased number of residential uses (both short and long term) in the near future, it is the agent of change (the incoming use) which must mitigate any potential amenity effects. To this end, any new residential buildings built in the surrounding area would need to comprise the necessary noise mitigation measures to ensure residents benefit from an appropriate standard of amenity.
31. That said, State level environmental standards exist and these are reflected in Condition 10 of Permit PLP/2003/880/A. These noise requirements will remain and if the prevailing land use character of the surrounding area were to alter in the future, the noise levels generated by the use would need to adapt accordingly in accordance with State standards.
32. Whilst the concerns of objectors are understood and previous breaches of operating conditions are noted, again in the context of the policy framework that governs this site, including the provisions of the C1Z (the stated objectives of which include to support a vibrant mixed-use environment accommodating a variety of commercial uses and complementary residential uses), it is considered that the later closing times of the acoustic curtains (9.30pm) are reasonable and strike a fair balance between the commercial needs of the operator and the amenity of nearby short-term hotel guests.
33. With reference to The King David School principles, it is considered that sufficient justification exists to vary the relevant conditions on the basis of the unforeseen circumstances that have impacted the hospitality sector in particular since March 2020.

34. Whilst the effects of the Covid19 pandemic should not be used as reason alone to vary or reduce operational requirements, these effects have offered a chance to re-examine the expectation created by existing permit conditions.
35. It might be considered that these conditions have created an unreasonable expectation of residential amenity along the city's primary commercial strip and this, in turn, might now inhibit commercial activity.
36. In the context of the surrounding land use character and policy framework, it is again considered only reasonable to encourage, rather than inhibit, commercial activity here.
37. Importantly, a clear distinction must be drawn between the intentions of amended permit conditions and the management of the premise.
38. Whilst well-intended conditions would allow a reasonable outcome in this context, the management of the facility must match these intentions. This includes appropriate crowd control prior to, as well as after, the drawing of the curtains.
39. The operator should be reminded of their obligations in this regard. The suite of conditions attached to the existing permit seek to ensure appropriate management controls are in place. These must however be implemented. Where failures exist this leads to civil issues and this is what has prompted objections from Victoria Police.
40. Though the concerns of Victoria Police are noted and valid, the planning assessment process can only consider the appropriateness of the land use itself, not the behaviour of individuals attending that land use.
41. That said, where operational failures exist and these breach permit conditions, enforcement action can and will be taken by Council; often hand-in-hand with Victoria Police.

OFFICER RECOMMENDATION

42. That the Planning Delegated Committee having considered all the matters required under Section 60 of the Planning and Environment Act 1987, that the Responsible Authority grant a Notice of Decision to Grant an Amended Planning Permit in respect of the land known and described as 26-34 Lydiard Street North, BALLARAT CENTRAL 3350, for the deletion of Condition 9(a) and variation of Condition 9(b) of Planning Permit PLP/2003/880/A:

43. Amended permit conditions as follows (amendments highlighted in red):

1. Amended Plans Required

Within 60 days of the permit being amended, 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 drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with plans prepared Pop Design Studios dated 9 July 2019 but modified to show:

- a) The acoustic curtain as installed at the premises including details with respect to the specifications of the acoustic curtain track and installation system.**

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

2. **Approved Plans**

The serving and consumption of liquor is restricted to the licensed area shown on the approved plans and must not be altered without the further written consent of the Responsible Authority.

3. **Heritage Victoria Approval**

Prior to the use commencing written approval from Heritage Victoria in relation to the proposed acoustic curtain along the balcony must be provided to the Responsible Authority.

4. **Sale and Consumption of Liquor – Hours**

Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed area between the following hours:

Internal

Monday- Saturday 9:00am-3:00am

Sunday 10am-3:00am

Good Friday and Anzac Day 12noon-3:00am

External balcony

Monday-Wednesday 9:00am-1:00am

Thursday-Sunday 10:00am-3:00am

Good Friday and ANZAC 12 noon-1:00am

5. **Limit on Number of Patrons**

Without the prior written consent of the Responsible Authority, not more than 510 patrons may be present on the premises at any one time and not more than:

- 93 patrons on the balcony before 11:00pm;
- 75 patrons on the balcony before 1am; and
- 50 patrons on the balcony between 1am and 3am on Thursday to Sunday.

If a lesser number of patrons is determined acceptable by a Registered Building Surveyor and/or the Victorian Commission for Gambling and Liquor Regulation, the lesser number will apply.

6. **Amenity**

The use must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land;
- b) appearance of any building, works or materials;
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

- d) presence of vermin or otherwise;

In the event of any nuisance being caused to the neighbourhood by activities related to the use and development the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance be undertaken.

7. **Patron Management Plan**

- a) The use shall be managed in accordance with the requirements of the Security and Patron Management Plan prepared by Global Public Safety 16 March 2019 (Amended 29 January 2020) (Patron Management Plan) which has been endorsed to form part of the permit and must not be altered without the further written consent of the Responsible Authority. Any measures recommended by the Patron Management Plan must be implemented prior to the commencement of the use to the satisfaction of the Responsible Authority.
- b) The Patron Management Plan must be reviewed in collaboration with the Victoria Police and the City of Ballarat on a bi-annual basis. The permitted use must be conducted in accordance with the provisions of the Patron Management Plan to the satisfaction of the Responsible Authority.

8. **Acoustic Measures**

- a) Within 60 days of the permit being amended, an amended acoustic report must be submitted to and approved by the Responsible Authority (the Amended Acoustic Report). When approved the Amended Acoustic Report will be endorsed and will form part of the Permit. The Amended Acoustic Report must be in accordance with the Acoustic Report prepared by Renzo Tonin & Associates dated 22 March 2019 and the outcomes of the Conclave Report dated 3 February 2020 prepared by Darren Tardio and Enfield Acoustics and Tom Evans of Resonate Consultants.
- b) Within 90 days of the permit being amended, all measures recommended by the Amended Acoustic Report must be implemented to the satisfaction of the Responsible Authority.
- c) If the acoustic curtain is to be modified in any way, further acoustic testing must be carried out to ascertain whether the use complies with the prescribed noise levels. All acoustic testing is to be carried out during a “busy period”. For the purpose of this condition “busy period” means when the premises (including the outdoor areas) are at 80% capacity (or greater). All to the satisfaction of the Responsible Authority. The results of testing are to be provided to the Responsible Authority and made available to the George Hotel and Licensing Inspector on request.

9. The Balcony

- a) *Deleted*
- b) The acoustic curtain must remain properly closed between the hours of 9.30pm and closure of the premises each day. This excludes the curtain on the northern end of the balcony, abutting the laneway.
- c) No live music entertainment may be provided on the balcony.
- d) Amplified background music may be provided on the balcony, only where connected to a noise limiting device as described in Condition 11.
- e) Access doors to the balcony must remain closed except for when patrons are entering or exiting the balcony.

10. Noise and Amenity from Premises

The level of noise emitted from the premises shall not exceed, to the satisfaction of the Responsible Authority:

- a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 (Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area);
- b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2;
- c) the licensee shall ensure that the musical amplification system at the premises is limited and calibrated by a suitably qualified acoustic consultant to ensure compliance with SEPP N-2;
- d) music noise levels must not exceed SEPP N-2 within the hotel bedrooms of The George Hotel;
- e) patron noise levels must not exceed 30dB(A) Leq,30min within the hotel rooms of The George Hotel between 11:00pm and 7:00am the following morning.

11. No Entertainment or Music

No entertainment or music (live or amplified) may be provided on the balcony to the satisfaction of the Responsible Authority.

12. Installation of Noise Limiting Device

- a) All amplification within the venue, including any background music approved on the balcony, shall be controlled by permanently installed noise limiting devices which include:
 - i. A calibrated microphone sensor(s) in a tamper-proof enclosure which provides feedback to the limiting system;
 - ii. The ability to monitor, log and record noise levels in 15-minute intervals;

- iii. The ability to monitor, log and record in Octave Bands between 63Hz and 4kHz; and
- iv. A password protection system only made available to the venue's management.
 - b) No hire-in or temporary amplification equipment or loudspeakers shall be permitted for use on the land unless operated through the noise limiting system and calibrated by a suitably qualified acoustic consultant.
 - c) The noise limiting system shall be calibrated by a suitably qualified acoustic consultant to ensure compliance with SEPP N-2 after installation of the acoustic curtain. A calibration report shall be provided showing the locations of the limiting devices and sensors and the limit settings.
 - d) Data records shall be stored on the limiter and provided to the Responsible Authority on request.
 - e) Any changes to the amplification settings, equipment or location of microphone sensors shall only be carried out on the condition that the system is recalibrated by a suitably qualified acoustic consultant.

13. Time for Starting and Completion – Use only

The permit for the use of the land expires if:

- a) The use does not start within two years of the date of this permit; or
- b) The use is discontinued for a period of two years

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

NOTES

Building Act 1993

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. The works hereby approved must accord with the requirements of the *Building Act 1993*, Building Regulations 2018 and Building Code of Australia 2016.

Food Act 1984

An application for, and assessment of, food premises construction compliance under the Victorian *Food Act 1984* must be made with Council's Environmental Health Unit prior to its construction and use. Detailed floor and elevation plans will form the basis of that assessment and must be submitted for initial approval. A schedule of fixtures fittings and materials used for the fit out is also required.

Any proposed alteration to a food premises must be designed in accordance with requirements of the FSANZ Food Standards Code and Australian Standard 4674

Waste

An external area for the storage of garbage and recyclable matter and for cleaning of waste receptacles is to be provided. This area must be adequately sized to contain the volume of waste generated, capable of preventing pest and animal access and designed so that it can be easily and effectively cleaned.

Tobacco Act 1987

An application for, and assessment of, outdoor drinking and dining compliance under the Victorian *Tobacco Act 1987* must be made with Council's Environmental Health Unit prior to its construction and use. Detailed floor and elevation plans will form the basis of that assessment and must be submitted for initial approval. A schedule of fixtures fittings and materials used for the fit out is also required.

Any proposed alteration to food or liquor licensed premises for the purpose of facilitating the consumption of tobacco products must be designed in accordance with requirements of the Smoke Free Guide: Licensed Premises and Outdoor Dining or Drinking Areas.

Heritage Victoria

Prior to any works commencing onsite approval must be obtained from Heritage Victoria for the proposed alteration of the acoustic curtain and any associated works.

ATTACHMENTS

1. Governance Review [6.1.1 - 1 page]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This 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 economic 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. If applicable, the cost of running a VCAT hearing is already included within the Statutory Planning Unit's approved budget.

LEGAL AND RISK CONSIDERATIONS

6. There are no legal and risk considerations relevant to the subject of this report.

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.

OFFICIAL

6.2. PLP/2021/626 - 63 MAHERS ROAD

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Katy Baker – Coordinator Statutory Planning

PURPOSE

1. The purpose of this report is to determine Planning Permit application PLP/2021/626.

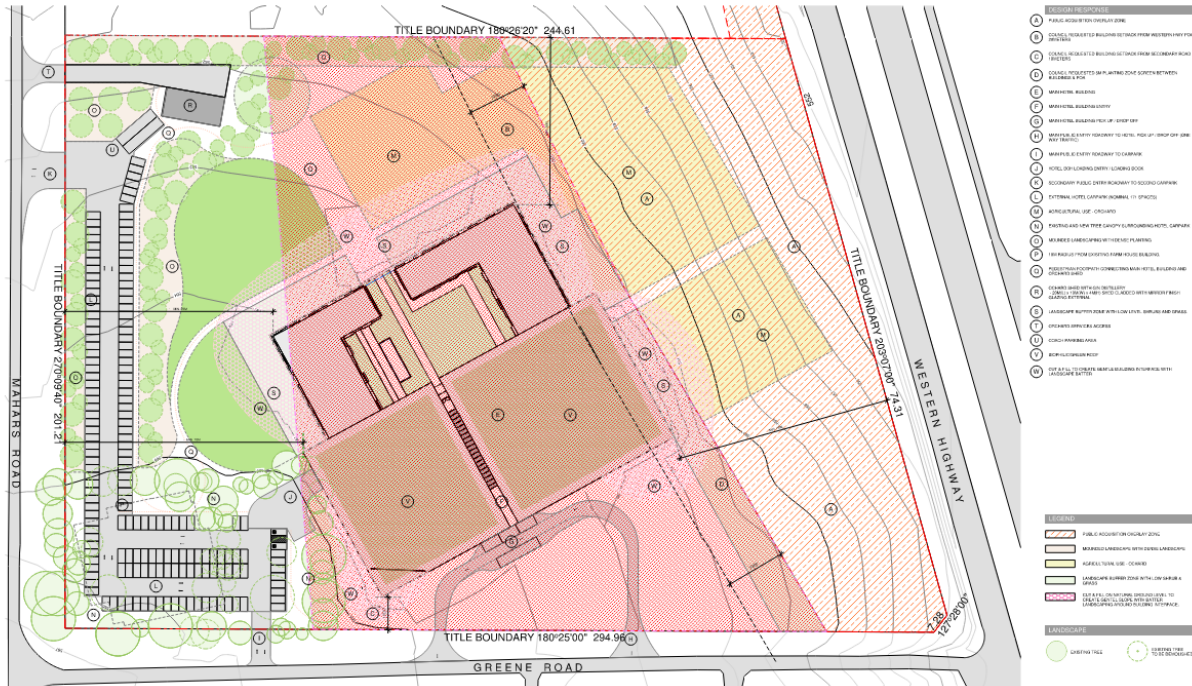
BACKGROUND

Date Received	6 September 2021
Property Address	63 Mahers Road, Warrenheip (Lot 1 TP216462)
Applicant	Glossop Town Planning
Proposal	Use and development of Residential Hotel and associated works
Zone	Farming Zone (FZ)
Overlays	Public Acquisition Overlay, Schedule 1 (PAO1) Design and Development Overlay, Schedule 2 (DDO2)
Permit Triggers	Clause 35.07-1 (FZ) for the use of land for a residential hotel (and ancillary place of assembly, restaurant and distillery). Clause 37.05-4 (FZ) to construct and carry out works for a Section 2 use (residential hotel), and to construct and carry out works within reduced setbacks. Clause 43.02 (DDO) to construct a building and construct and carry out works. Clause 45.01-1 (PAO) to use land for a section 2 use, and to construct a building and construct and carry out works.
Restrictive Covenants	N/A
Current Use / Development	Mixed use: single dwelling and agriculture
Cultural Heritage Management Plan	The subject site is not within an area of Cultural Heritage Significance.
Submission	6 objections

Proposal

2. The proposed development of the site, for the use and development of a residential hotel, includes the following key features:
 - A two storey residential hotel with 119 rooms
 - an ancillary function area accommodating a maximum of 140 patrons.
 - an ancillary restaurant (open to the public) accommodating a maximum of 80 patrons
 - an ancillary bar; and

- an ancillary agricultural area and gin distillery.
3. The application does not include any consideration of signage, or for the sale and consumption of alcohol on site. Should a planning permit for PLP/2021/626 be approved, separate applications, in accordance with the Ballarat Planning Scheme may be required. Any future applications will be assessed on their merits, at the time of lodgement.



 HIDDEN ARCHITECTURE INTERIOR MARKETING	 HACHEM	 GONNETTA PARTNERS ARCHITECTS	Name: AGRICULTURAL HOTEL DEVELOPMENT 63 MAHERS ROAD, WARRENHEIP	Client: FORTE GROUP PTY LTD	Design: DESIGN RESPONSE PLAN Date: 21.10.2021	Title: TOWN PLANNING APPLICATION Date: 21.10.2021 Scale: A
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Image 1 – proposed site development plan. Source: Application documents



HACHEM ARCHITECTURE
INTERIOR MARKETING

HACHEM

CORNETTA PARTNERS ARCHITECTS

21 02
21 10 2021

PERSPECTIVE IMAGES

AGRICULTURAL HOTEL DEVELOPMENT

63 MAHERS ROAD, WARRENHEIP

Image 2 – proposed perspective images. Source. Application documents

Subject site and locality

4. The subject site is located at 63 Mahers Road, Warrenheip. The Certificate of Title for the land describes it as lot 1 on Title Plan 216462T (TP216462T).
5. The Certificate of Title indicates that the land is not burdened by any restrictive instruments. A 10.98 metre easement runs along the north boundary (to the Western Freeway).
6. The subject site is irregular in shape with an area of approximately 5.5 hectares with abuttal to Mahers Road of 201.21 metres and a maximum depth of 294.96 metres to Greene Road. The land has a maximum fall of approximately 10 metres from the south to north (along its eastern boundary to Greene Road) and approximately 9 metres along its western boundary.
7. The site is currently occupied by a single detached dwelling and a small collection of outbuildings all located in the site's south-eastern corner. A building permit exists for demolition of the dwelling on site. A collection of trees of varying ages and sizes surround the buildings. Vehicle access is provided from Mahers Road. The rest of the property has been used for cropping.
8. Adjoining land uses to the north include the Western Highway, and further north, areas of Farming Zone, which include a mixture of residential and agricultural uses.
9. To the east and south-east of the subject site, opposite Greene Road and the intersection of Mahers and Greene Roads, within the Moorabool Shire Council area, are properties within the Farming Zone, which contain a mixture of residential and agricultural uses.

- 10. To the south and south-west of the subject site, opposite Mahers Road, are properties within the Farming Zone, also containing a mixture of residential and agricultural uses.
- 11. To the west of the subject site is an area of Mixed Use Zone, containing vacant land directly adjoining, and then a commercial area, which contains the Amazing Mill Markets.



HACHEM ARCHITECTURE INTERIOR MARKETING | CORNETTA PARTNERS ARCHITECTS | EXISTING STREETSCAPE PHOTOGRAPHS | AGRICULTURAL HOTEL DEVELOPMENT | 63 MAHERS ROAD, WARRENHEIP

Image 3 – Street view. Source: Application documents.

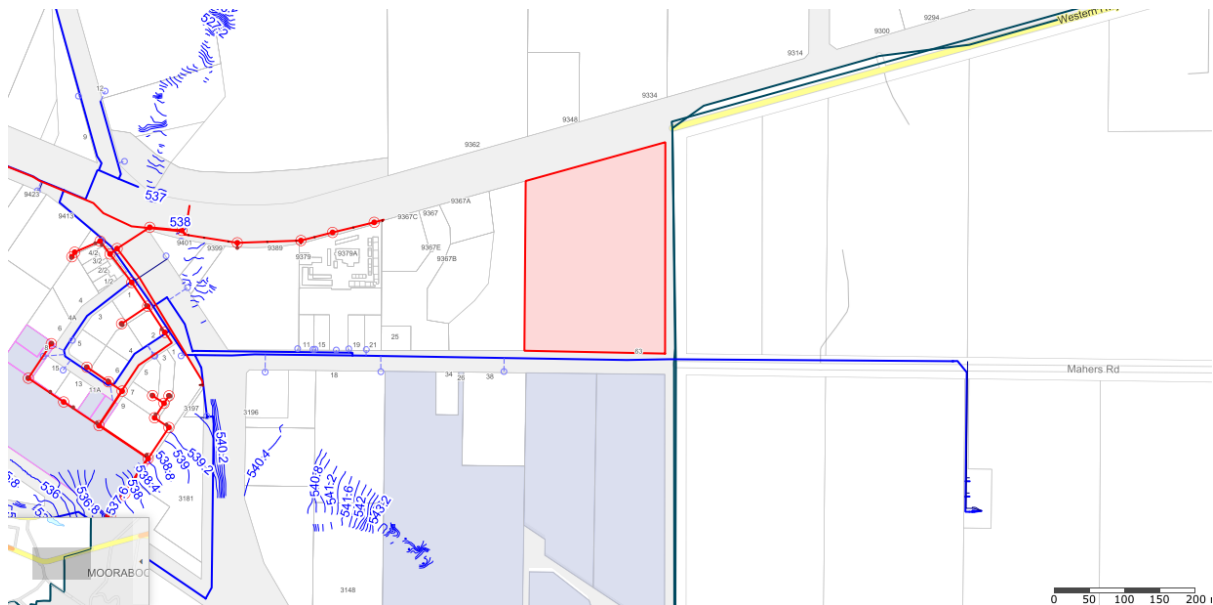


Image 4 – Aerial view, including sewage (red) and potable water (blue). Source: IntraMaps

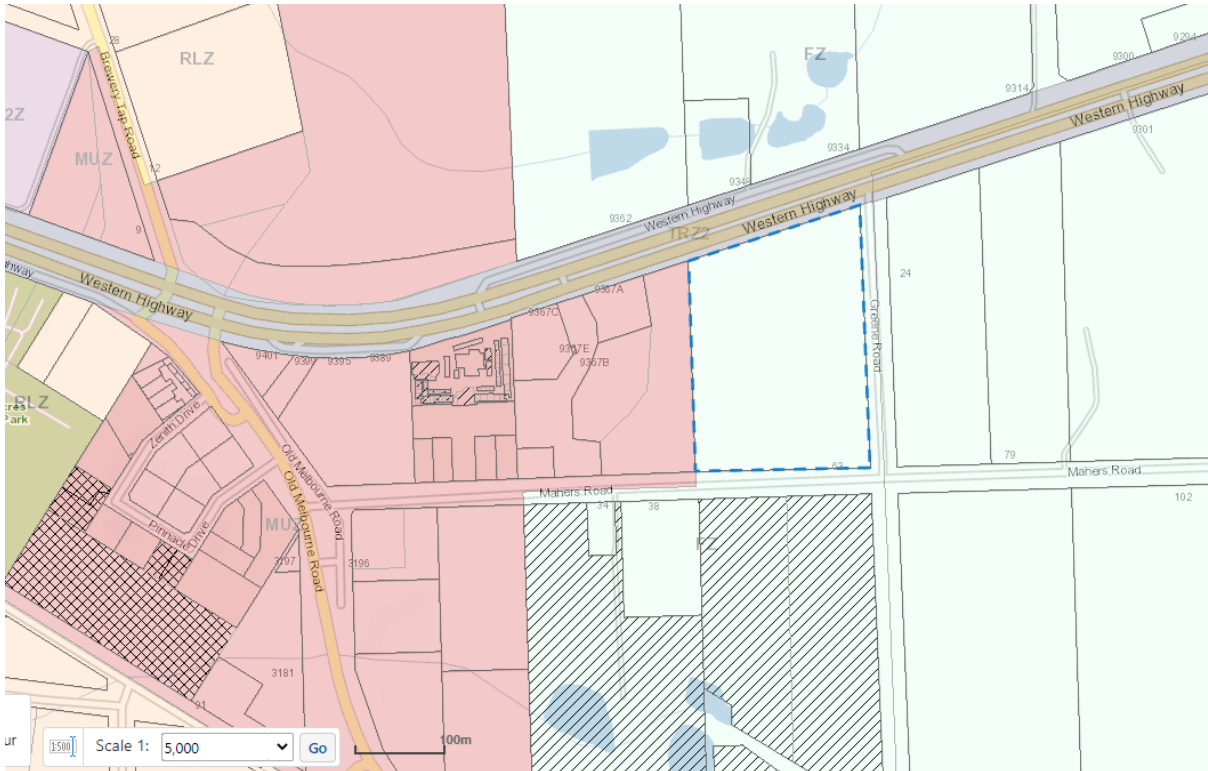


Image 5 – Planning Scheme Zone. Source: VicPlan

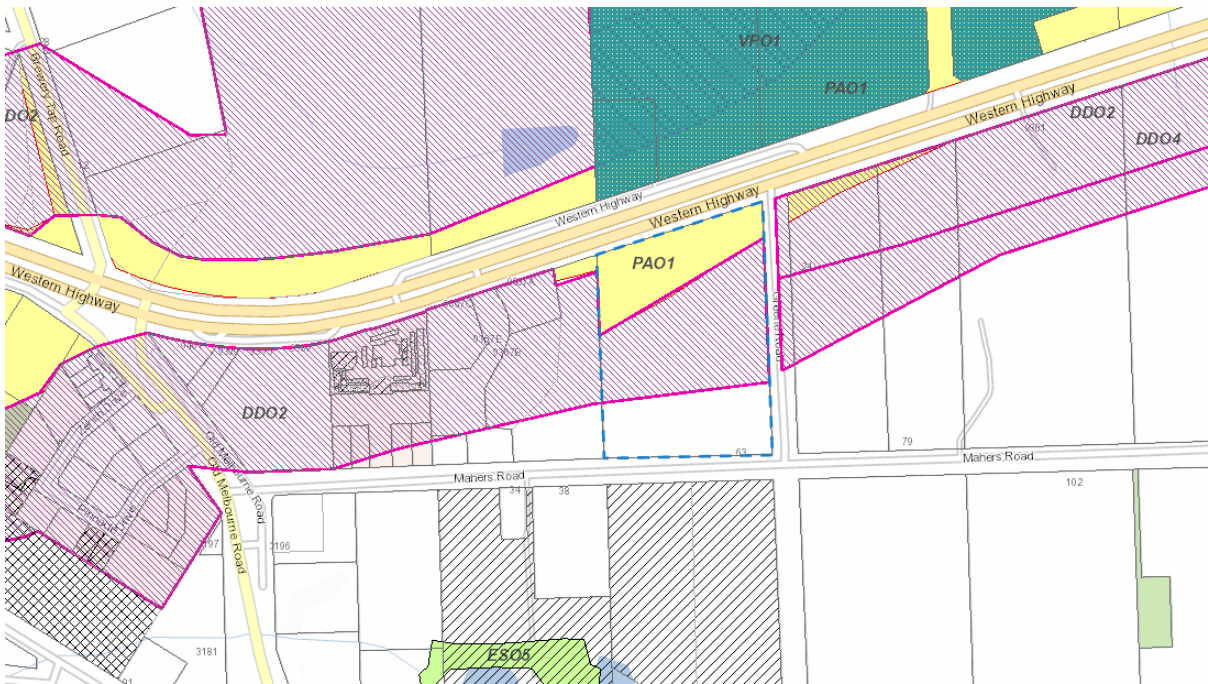


Image 6 – Overlays. Source: VicPlan

Planning Permit history

12. No historical planning matters for the subject site are relevant to the current proposal.

REFERRALS

Section 55 and 52 Referrals

13. The following external referrals were undertaken:

Authority	Advice	Discussion
Country Fire Authority (S52)	Consent	Recommended landscaping and emergency management plan conditions will be included within the recommendation. Standard Bushfire Prone note will be included within the recommendation.
Central Highlands Water (S52)	<p>CHW provided the below advice, any connection requirements and upgrades will be required by agreement with the developer and CHW.</p> <p>'The above site is not within one of Central Highland Water's (CHW) sewerage or water supply districts and no provisions have been made to supply these services to the land.</p> <p><i>(at the time of the advice, October 2021)</i> CHW has not been formally approached to ascertain in detail our capacity or the costs involved in supplying these services to the land/proposed development.</p> <p>The sewerage network is subject to an augmentation program in coming years, but there is very limited space capacity in this area at present. In relation to water, due to the relevant of the land, relevant to the nearby supply tank, water pressures and flows cannot currently be supplied at the minimum standards.'</p>	Conditions will be included within the recommendation requiring connection to reticulated sewer and water mains.
The Head Transport for Victoria (S55)	Consent, subject to conditions	Conditions will be included within the recommendation

Internal Referrals

14. The following internal referrals have been undertaken:

Department	Advice	Discussion
Traffic and Transport	Support, subject to provision of conditions.	Conditions will be included within the recommendation
Environmental Health	Support, subject to provision of conditions.	Conditions will be included within the recommendation
Program Development Officer	Support, subject to provision of condition.	Condition will be included within the recommendation

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. Following public notification, a total of 6 objections were lodged with Council.

17. The below is a summary of key matters raised by the objectors.

- The adjoining roads are currently used for agricultural purposes (movement of livestock and farm machinery) and addition of tourist vehicles could be detrimental. It is also a narrow road, and subject to stormwater damage during heavy downfalls.
- Storm water management and run off from site, impacting on natural springs as well as household and farm bores.
- Impact on breeding areas of wedgetail eagles and natural habitat of koalas.
- Hours of operation of the motel and distillery, will result in excessive noise.
- Location and access of proposed car park in relation to existing accessways is inappropriate.
- Operation of the business will conflict with the purpose of the Rural Living Zone.
- Request for high enclosed brick fence to reduce noise of car park, and view of rubbish bins and smell along the property boundary adjoining Mahers and Greene Roads.
- Concern that the residential hotel will include permanent residents.
- Storm water and sewerage, major storms in September 2021 resulted in a washout of Mahers Road and dangerous edges.
- The proposal does not align with intent of the 'The Woodman's Hill Gateway Precinct Masterplan (Revision 7, 14 January 2015)', to protect the rich soils for future agricultural use.
- VC103 was about value adding farm enterprises not changing the farm zone completely, a hotel is not farming and to say they will farm on the public acquisition site, this may be taken by Vic Roads any moment leaving no farming at all.

18. Response to concerns:

- Upgrades of both Mahers and Greene Road will be required as part of the recommended conditions, these have been provided by the relevant departments with City of Ballarat and Moorabool Shire Council.
- City of Ballarat Program Development Officer has advised that Mahers Road is listed within the 2023/2024 financial year road infrastructure capital works

program. A condition will be included in the recommendation requiring a 40% developer contribution.

- Borehole location mapping has been provided below, image 7. Council notes that the subject site is outside of the potable catchment water (Declared Special Water Supply Catchment Areas) areas as defined under the *Catchment and Land Protection Act 1994*. As such, no referral was required in accordance with Clause 66.02-5 of the Ballarat Planning Scheme. Connection will be required to reticulated sewerage on site, which will reduce impact of stormwater runoff.
- Within the planning permit recommendation, a permit note, relating to the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999* and *Flora and Fauna Guarantee Act 1988* have been included to ensure that any national or state matters relating to environment, flora and fauna are met.
- Conditions will be included within the recommendation relating to the hours of operation for the distillery; standard amenity conditions; and further requirements relating to provision of the boundary fence.
- Pursuant to Clause 73.03, a Residential Hotel is defined as *land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.*
- The Woodman's Hill Gateway Precinct Masterplan' predates VC103, which introduced reformed rural zones, including the Farming Zone. Pursuant to Clause 35.07-1, most recently updated by VC210, a residential hotel is a section 2 use, and can therefore be considered within the Farming Zone.

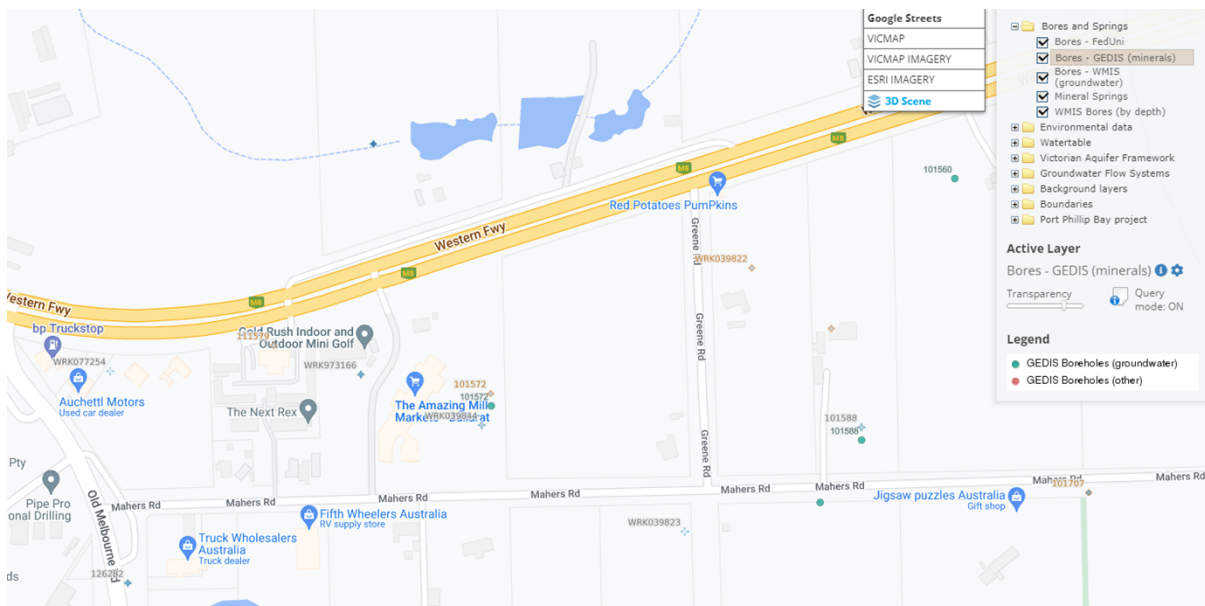


Image 7 – Borehole location map. Source: Visualising Victoria's Groundwater.

Mediation Meeting

19. On 2 February 2022, a virtual mediation meeting was undertaken, no agreement was reached during the mediation.
20. Following the mediation meeting, the applicant provided further written comments to the objectors for review relating to matters raised. The key matters are summarised below:

- Western Freeway (VicRoads/Department of Transport): a dedicated left turn deceleration lane is proposed along the Western Freeway to provide access to Greene Road.
- Greene Road (Moorabool Shire Council): upgrades of the road will be required to the satisfaction of Moorabool Shire Council.
- Mahers Road to west of Greene Road (Ballarat City Council): upgrades of the road will be required to the satisfaction of Ballarat City Council.
- Acoustic treatment/noise: The architectural design of the building includes acoustic attenuation features and includes an angular setback from Greene Road to further assist. The hotel's back of house features are predominately location in the south-east corner of the building and will operate in an internal area. The north-east corner includes the restaurant, bar and function room and will have an outdoor area. Between the function areas and Greene Road, landscape mounding is proposed, as well as tree planting. Compliance with EPA noise regulations will be required.
- Landscaping/impact on koalas: a permit is not required for the subject site for tree removal, and the proposed master landscape plan includes a mixture of indigenous species, including trees for future habitat. The planting on the green roof includes species considered to be low fire risk. The proposed orchard species will be guided by the Agricultural Assessment by Cumbre based on sustainable for the area.
- Water Use/Stormwater: stormwater will be managed by way of a stormwater management condition. The site will be connected to reticulated water and sewerage.
- Loss Agricultural land: the future use of the site for agricultural purposes is considered already constrained due to the location of the PAO.
- Western boundary fence: post and wire fence proposed along the western boundary.

21. No objections were withdrawn following the mediation and additional written response.

KEY MATTERS

Officer Direct or Indirect Interest

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

ASSESSMENT

Planning Policy Framework

Clause 11.03 Planning for Places
 Clause 13.05 Noise
 Clause 13.07 Amenity, Human Health and Safety
 Clause 14.01 Agriculture
 Clause 15.01 Built Environment
 Clause 15.02 Sustainable Development
 Clause 17.01 Economic Development
 Clause 17.02 Commercial
 Clause 17.04 Tourism
 Clause 18.01 Land Use and Transport
 Clause 21.01 Municipal Overview
 Clause 21.06 Built Form, Heritage and Design
 Clause 21.07 Economic Development

Clause 21.08 Transport and Infrastructure
Clause 21.10 Reference Documents
Clause 35.07 Farming Zone
Clause 43.02 Design and Development Overlay, Schedule 2
Clause 45.01-1 Public Acquisition Overlay
Clause 52.06 Car Parking

Zoning

Clause 35.07 Farming Zone

23. Pursuant to Clause 35.07-1 (FZ), a planning permit is required for use of the site for a residential hotel, and the ancillary functions, being the distillery (industry), restaurant and place of assembly (function centre).
24. Pursuant to Clause 35.07-4, a planning permit is required for buildings and works associated within a section 2 use, or for a building that is within the listed setbacks. The following setbacks have not been met:
- *The setback from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road specified in a schedule to this zone, 100m.*
 - *The setback from any other road or boundary specified in a schedule to this zone, 20m.*
 - *The setback from a dwelling not in the same ownership specified in a schedule to this zone, 100m.*
25. The purposes of the Farming Zone are:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To provide for the use of land for agriculture.*
 - *To encourage the retention of productive agricultural land.*
 - *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
 - *To encourage the retention of employment and population to support rural communities.*
 - *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
 - *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*
26. While the primary purposes of the Farming Zone are to provide for land use for agricultural purposes, the zone allows for a range of uses to be considered. In determining if a planning permit should be granted for an alternative use, the Responsible Authority should include a range of matters as set out in the Decision Guidelines of the Farming Zone. Additionally, the Decision Guidelines set out considerations for development.

Assessment against the Decision Guidelines of the Farming Zone

27. General issues

The use of the land is generally compatible with the Municipal Planning Strategy and the Planning Policy Framework. The site must be connected to reticulated water and sewerage, and therefore a land capability assessment has not been undertaken. The

site is therefore considered, subject to required connection works, to be capable of accommodating the development. The lot is bordered by three roads, and an area of Mixed Use Zone, it is therefore considered that consolidation with existing farms is difficult, and loss of land due to the location of the POA has also been considered in regard to future productivity of the site for agricultural purposes.

28. Agricultural issues and the impact from non-agricultural uses

The proposed site is in an area that includes both retail, residential and agricultural purposes. It is considered that due to the mixed nature of the locality, and the pending loss of site due to the location of the POA, that subject to conditions managing amenity, that the proposed use is acceptable.

29. Environmental issues

The proposed use and development will be connected to reticulated water and sewerage, additional, by condition, a stormwater management plan and landscape management plan will be required to ensure that the proposed use and development do not negatively impact on the water quality and biodiversity of the subject site.

30. Design and siting issues

The proposed location and design of the building, taking into consideration the slope of land within the area, and use of appropriate setbacks has been reviewed and it is considered that due to the mixed character and appearance of buildings within the vicinity of the subject site, that the design is appropriate.

Overlay

Clause 43.02 Design and Development Overlay, Schedule 2

31. Pursuant to Clause 43.02-2 (DDO) a planning permit is required to construct a building or construct and carry out works. The subject site is located within Schedule 2, the Woodmans Hill Gateway Precinct.
32. The design objectives include consideration of the nature, scale and appearance of new development in consideration of the landscape. The proposed design, including the height, and landscape masterplan has been considered and is considered respectively located and scaled in regard to the nature of the area, including appropriate provision of landscaping strips along the property frontages, and alignment of the PAO area. Access to the site has been appropriately located away from the Western Highway.

Clause 45.01-1 Public Acquisition Overlay

33. Pursuant to Clause 45.01-1, a planning permit is required to use land for any section 2 use and construct a building or construct and carry out works.
34. The proposed development has been reviewed by the Department of Transport, who consent to the application, and conditions have been included within the recommendation.
35. The proposed extent of works; location, dimension, design and materials of the proposed buildings and works have been appropriately located outside of the POA

area. The applicant has proposed use of the POA area for a kitchen garden, orchard and native grassland, bearing in mind that this area is subject to removal in the future.

Particular Provisions

Clause 52.06 Car Parking

36. Pursuant to Clause 52.06-2, before a new use commences the number of car parking spaces specified under Clause 52.06-5 must be provided on the land prior to the commencement of use.
37. The Western Highway/Greene Road intersection is to be upgraded with a left-turn deceleration lane on the Western Highway. The Greene Road carriageway is to be widened to accommodate a 6.2m wide seal for a distance of at least 50 metres from the Western Highway. Along the remaining length of Greene Road, widened gravel passing areas are to be provided at intervals of approximately 50-100 metres, to Council approval.
38. The existing sealed carriageway in Mahers Road is proposed to be retained. In a similar arrangement to that proposed for Greene Road, gravel passing areas are proposed at intervals of approximately 50-100 metres between Greene Road and Old Melbourne Road to the satisfaction of Council.
39. Vehicle access for the proposed residential hotel is to be provided as follows:
 - Separate entry and exit only connections with Greene Road on the eastern boundary of the site which will provide access to the hotel drop-off and pick-up area,
 - A two-way connection with Greene Road which will provide access to the main car park and hotel loading area,
 - A two-way connection with Mahers Road which provides access to the main car park and bus parking bays, and
 - A two-way connection with Mahers Road which provides access to the 'Orchard Shed'.
40. An on-site loading bay is to be provided for deliveries and waste collection. This loading bay is to be accessed via the main car park with trucks entering and exiting via the southern access connection with Greene Road.
41. There is no specified car parking rate under Table 1 of Clause 52.06-5 of the Planning Scheme for a 'residential hotel' or 'agriculture' use. Accordingly, car parking spaces must be provided to the satisfaction of the Responsible Authority as stated at Clause 52.06-6. A car parking assessment has been undertaken by the Traffic Consultant.
42. Given the site's location, the Traffic Consultant expects that the majority of guests and staff will travel to/from the site via a private motor vehicle. They consider it appropriate to adopt a peak car parking rate of 1 car space per room, inclusive of staff and guest car parking demands. On this basis, the residential hotel component of the development is expected to generate a demand for up to 119 car spaces.
43. The function space is considered ancillary to the operation of the residential hotel under the land-use term at Clause 73.03 of the Planning Scheme and therefore will not generate a separate requirement for patrons. There is a high likelihood that patrons of the function space would also stay at the proposed hotel and therefore not generate

a separate demand for car parking. However, it is expected that additional staff associated with the function space will require onsite car parking during events. The Consultant estimates that the provision of 20 car spaces for function space staff will sufficiently accommodate any staff demands.

44. The bar and restaurant are also considered ancillary to the operation of the residential hotel. The Parking Assessment has assessed the car parking demand likely to be generated at a rate of 0.4 spaces per patron, which is the same rate as a standalone restaurant. Based on this conservative assumption the Consultant concluded that the restaurant would require 32 car parking spaces, inclusive of staff and customer demands.
45. The agricultural component of the site is intended to be used solely for the purposes of ingredients for use on site. Any car parking demands for these components will be accommodated informally within the area adjacent to the orchard shed.
46. For the expected critical PM peak hour traffic, the Consultant has assumed a 50% turnover of the peak predicted car parking demand (171 car spaces) will generate either a vehicle arrival or departure movement during the PM peak hour. This equates to approximately 86 vehicle movements per hour, or approximately only 1.4 vehicle movements per minute on average. This level of peak hour traffic is relatively low in traffic engineering terms and the Consultant is satisfied it can be adequately accommodated by the proposed access arrangements and the surrounding road network and intersections without any unacceptable impacts.
47. A total of 174 on-site car parking spaces are to be provided as follows:
 - 171 car spaces in the main car park including two (2) accessible spaces, and
 - Three (3) drop-off/pick-up car spaces near the hotel entrance.
48. Additionally, two (2) bus parking bays are to be provided towards the eastern side of the car park, capable of accommodating up to 14.5m long buses/coaches. A bus drop-off/pick-up bay is also to be provided near the main hotel entrance.
49. Bicycle parking is to be provided on-site for staff in a secure bike store that is located within the hotel building and for visitors near the lobby.
50. All car park layouts and accessways should generally conform to Clause 52.6-9 design standards and relevant standards as indicated in the TIAR. A suitable swept path analysis has been provided for service vehicle and bus turning maneuvers.

Relevant Planning Scheme Amendments

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

OFFICER RECOMMENDATION

That the Planning Delegated Committee:

52. Having caused notice of the Planning Permit Application PLP/2021/626 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 of Decision to Grant a Planning Permit under the Ballarat Planning Scheme in respect of the land known and

described as 63 Mahers Road Warrenheip, for the *Use and development of a residential hotel, and associated works*, subject to conditions in Attachment 2.

ATTACHMENTS

1. Governance Review [**6.2.1** - 1 page]
2. Development Plans [**6.2.2** - 15 pages]
3. Landscape Master Plan [**6.2.3** - 2 pages]
4. Recommendation [**6.2.4** - 12 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This 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 economic 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. If applicable, the cost of running a VCAT hearing is already included within the Statutory Planning Unit's approved budget.

LEGAL AND RISK CONSIDERATIONS

6. There are no legal and risk considerations relevant to the subject of this report.

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.

OFFICIAL

TOWN PLANNING APPLICATION

PHOTOGRAPHIC ANALYSIS

AERIAL PHOTOGRAPH
EXISTING SITE PHOTOS
EXISTING STREETScape PHOTOGRAPHS

ARCHITECTURAL DRAWINGS

TPA01.1 NEIGHBOURHOOD & SITE DESCRIPTION
TPA02.1 DESIGN RESPONSE PLAN
TPA02.2 EXISTING TREES RETAINING AND REMOVAL PLAN
TPA03.1 GROUND LEVEL PLAN
TPA03.2 LEVEL 1 PLAN
TPA03.3 ROOF LEVEL PLAN
TPA03.4 HOTEL ROOM MODULES
TPA04.1 ELEVATION - NORTH & SOUTH
TPA04.2 ELEVATION - EAST & WEST

SUPPLEMENTARY DOCUMENTS

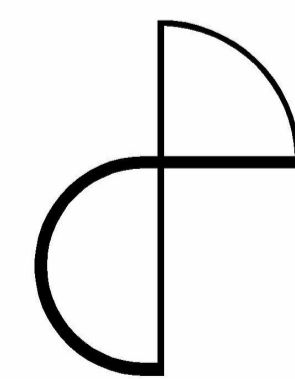
EXTERNAL MATERIAL & FINISHES SCHEDULE
PERSPECTIVE IMAGES



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Date
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COVER PAGE

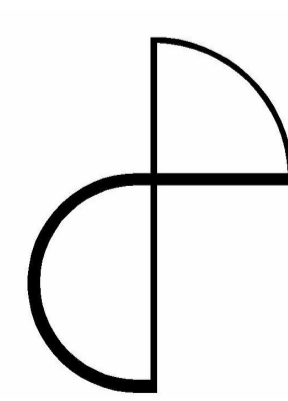
AGRICULTURAL HOTEL DEVELOPMENT

63 MAHERS ROAD, WARRENHEIP



HACHEM ARCHITECTURE
 INTERIOR MARKETING

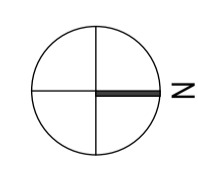
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PHOTOGRAPHIC ANALYSIS

AGRICULTURAL HOTEL DEVELOPMENT

63 MAHERS ROAD, WARRENHEIP



STREETSCAPE PHOTOGRAPH - MAHERS ROAD - FACING SUBJECT SITE

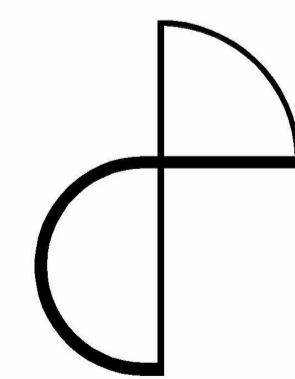


STREETSCAPE PHOTOGRAPH - WESTERN HIGHWAY - FACING SUBJECT SITE

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EXISTING STREETSCAPE PHOTOGRAPHS

AGRICULTURAL HOTEL DEVELOPMENT

63 MAHERS ROAD, WARRENHEIP



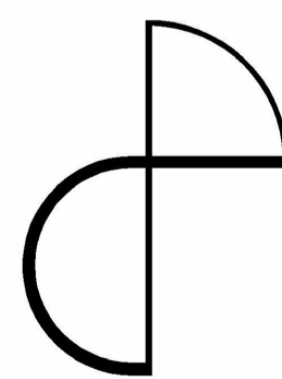
EXISTING PHOTO DESCRIPTION

- 01 SUBJECT SITE - CORNER OF WESTERN HIGHWAY & GREENE ROAD
- 02 VIEW FROM GREENE ROAD TOWARDS EAST OF SUBJECT SITE
- 03 SUBJECT SITE - CORNER OF GREENE ROAD & MAHERS ROAD
- 04 VIEW FROM MAHERS ROAD TOWARDS SOUTH OF SUBJECT SITE
- 05 VIEW FROM MAHERS ROAD TOWARDS SOUTH WEST CORNER OF SUBJECT SITE
- 06 VIEW FROM WESTERN HIGHWAY TOWARDS NORTH WEST CORNER OF SUBJECT SITE
- 07 VIEW ALONG GREENE ROAD TOWARDS SOUTH
- 08 VIEW ALONG MAHERS ROAD TOWARDS EAST
- 09 VIEW FROM MAHERS ROAD TOWARDS "THE AMAZING MILL MARKETS" BUILDING
- 10 VIEW TOWARDS SOUTH WEST CORNER OF "THE AMAZING MILL MARKETS" BUILDING
- 11 MAIN ENTRANCE TO "THE AMAZING MILL MARKETS" BUILDING
- 12 MAIN ENTRY FROM WESTERN HIGHWAY TO THE SITE OF "THE AMAZING MILL MARKETS" & "GOLD RUSH MINI GOLF"

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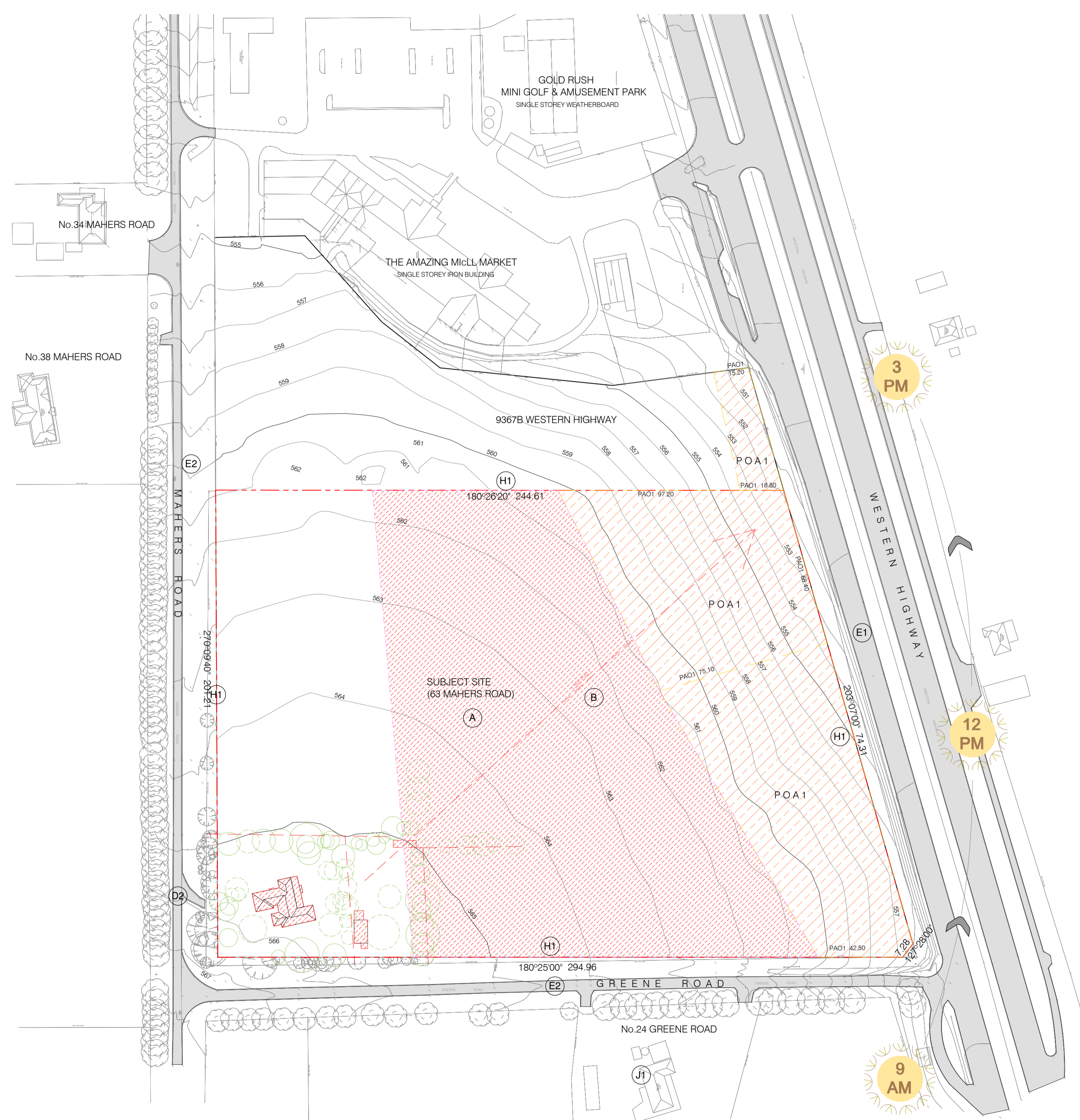
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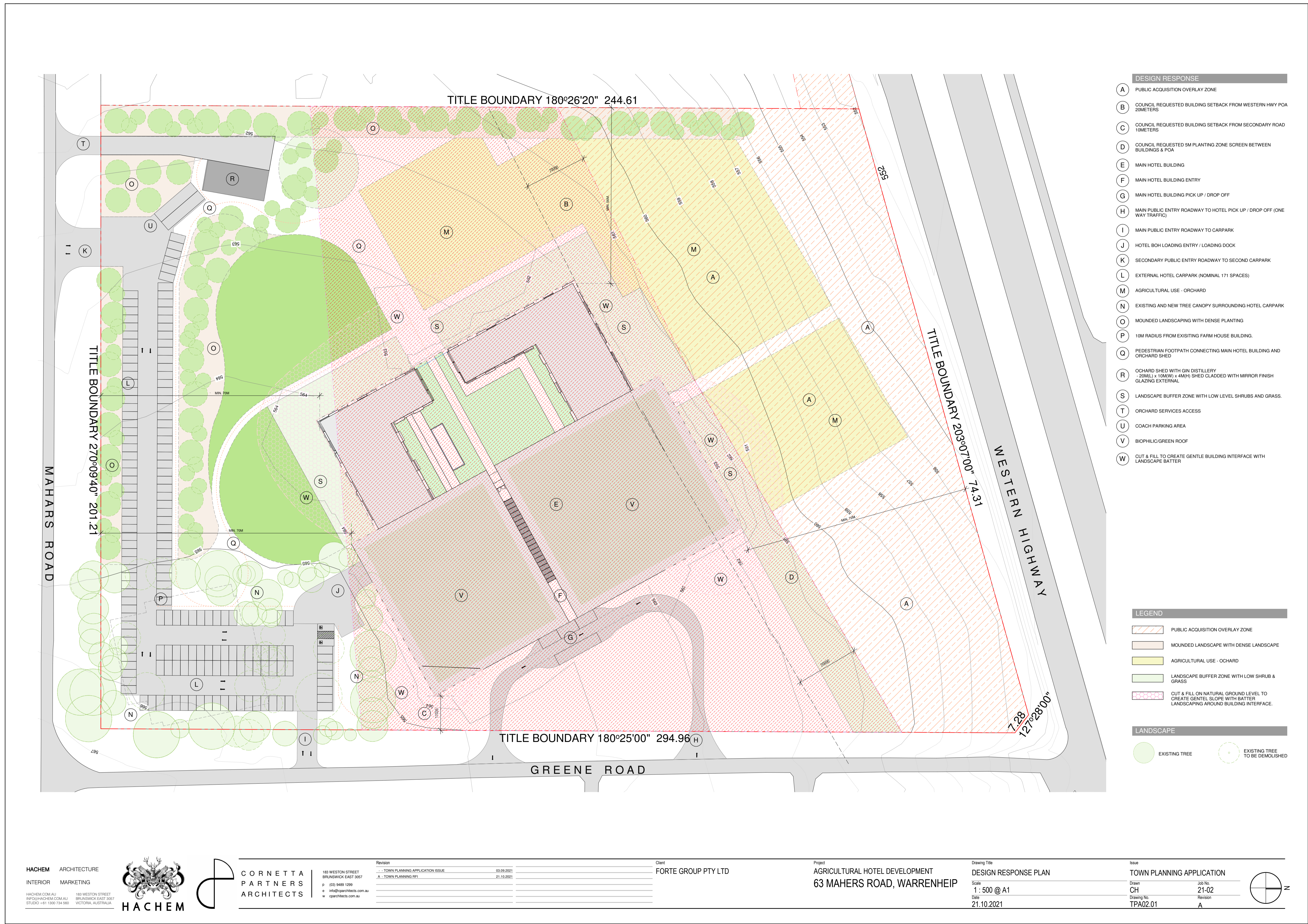
EXISTING SITE PHOTOS
AGRICULTURAL HOTEL DEVELOPMENT

63 MAHERS ROAD, WARRENHEIP



- ORIENTATION & SLOPE**
 - (A) SUBJECT SITE NORTH SOUTH ORIENTATED RECTANGLE SITE WITH 3 SIDES ADJOINING WESTERN HIGHWAY, GREENE ROAD & MAHERS ROAD.
 - (B) THE SITE SLOPES DOWN BY APPROX. 13m FROM SOUTH EAST (HIGH POINT) TO NORTH WEST (LOW POINT)
- VEGETATION & ACCESS**
 - (C1) EX. TREES ON THE SUBJECT SITE
 - (C2) EX. STREET TREES
 - (D1) EX. PEDESTRIAN ACCESS IS NOT AVAILABLE
 - (D2) EX. VEHICULAR ACCESS FROM MAHERS ROAD
 - (D3) NO EX. VEHICULAR ACCESS FROM WESTERN HIGHWAY
 - (E1) HIGH VOLUMES OF VEHICULAR PASSING BY WITH VEHICULAR NOISE
 - (E2) LOCAL TRAFFIC - LOW VEHICULAR NOISE
- DRAINAGE & SERVICES**
 - (F) DRAINAGE POINT TO BE CONFIRMED. MOST LIKELY AT REAR OF SITE
 - (G1) SITE HAS ACCESS TO INFRASTRUCTURE (SEWER, WATER SUPPLY, ELECTRICITY, GAS AND TELEPHONE)
 - (G2) SITE HAS NO ACCESS TO INFRASTRUCTURE (SEWER, WATER SUPPLY, ELECTRICITY, GAS AND TELEPHONE)
- FENCE, BOUNDARIES & EASEMENT**
 - (H1) POST & WIRE FENCE
 - (H2) WOVEN WIRE FENCE
 - (H3) NOT FENCED
- LOCATION / USE OF SURROUNDING BUILDING**
 - (J1) SINGLE STOREY BRICK DWELLING, TILED PITCHED ROOF
 - (J2) SINGLE STOREY BRICK DWELLING, ZINC PITCHED ROOF
 - (J3) SINGLE STOREY ZINC CLADDED COMMERCIAL BUILDING, ZINC PITCHED ROOF
 - (J4) SINGLE STOREY WEATHERBOARD CLADDED COMMERCIAL BUILDING, ZINC PITCHED ROOF
- TOPOGRAPHY**
 - (K) LEVELS AT SITE BOUNDARIES GENERALLY FOLLOW THE TOPOGRAPHY OF THE LAND
- SPOS / HABITABLE ROOM WINDOWS**
 - (L) NO SECLUDED OPEN SPACE ON ADJOINING OR NERBY PROPERTIES
 - (M) NO HABITABLE ROOM WINDOWS WITHIN 9.0m OF SITE
- NEARBY PUBLIC OPEN SPACE**
 - MOUNT WARRENHEIP FLORA RESERVE DISTANCE (APPROX.): 1.91 KM
 - WARRENHEIP RECREATION RESERVE DISTANCE (APPROX.): 2.0 KM
 - PRYOR PARK DISTANCE (APPROX.): 3.43 KM
 - BALLARAT NORTH BUSHLAND RESERVE DISTANCE (APPROX.): 6.33 KM
 - OVVAL PARK DISTANCE (APPROX.): 6.38 KM
 - BUNINYONG H18 BUSHLAND RESERVE DISTANCE (APPROX.): 8.18 KM
 - ST GEORGES RESERVE DISTANCE (APPROX.): 9.48 KM
 - DICK FLEMING OVAL DISTANCE (APPROX.): 9.5 KM
 - HALIOAKE PARK DISTANCE (APPROX.): 9.74 KM
- PUBLIC TRANSPORT**
 - BALLARAT REGIONAL TRAIN STATION DISTANCE (APPROX.): 7.0 KM
 - GYPPRESS RD/GRACEFIELD RD BUS STOP - BALLARAT/BROWN HILL ROUTE 15 DISTANCE (APPROX.): 2.50 KM
 - T1 TREE RD/OLD MELBOURNE RD BUS STOP - BALLARAT/MT EGERTON VIA GORDON ROUTE DISTANCE (APPROX.): 3.70 KM
- LOCAL SCHOOLS - PRIMARY**
 - WARRENHEIP PRIMARY SCHOOL DISTANCE (APPROX.): 1.53 KM
 - SANT FRANCIS XAVIER PRIMARY SCHOOL DISTANCE (APPROX.): 3.00 KM
 - SANT BRENDANS PRIMARY SCHOOL DISTANCE (APPROX.): 3.70 KM
 - CALEDONIAN PRIMARY SCHOOL DISTANCE (APPROX.): 4.34 KM
 - GLEN PARK PRIMARY SCHOOL DISTANCE (APPROX.): 4.54 KM
 - LITTLE BENDIGO PRIMARY SCHOOL DISTANCE (APPROX.): 4.75 KM
 - CANADIAN LEAD PRIMARY SCHOOL DISTANCE (APPROX.): 5.64 KM
 - BUNGAREE PRIMARY SCHOOL DISTANCE (APPROX.): 5.9 KM
- LOCAL SCHOOLS - SECONDARY**
 - WOODMANS HILL SECONDARY COLLEGE DISTANCE (APPROX.): 3.00 KM
 - BALLARAT SECONDARY COLLEGE (EAST CAMPUS) DISTANCE (APPROX.): 4.34 KM
 - BALLARAT SECONDARY COLLEGE (BARKLY SENIOR CAMPUS) DISTANCE (APPROX.): 6.31 KM
 - MOUNT CLEAR COLLEGE DISTANCE (APPROX.): 7.35 KM
 - BALLARAT CLARENDON COLLEGE DISTANCE (APPROX.): 7.93 KM
 - DAMASCUS COLLEGE DISTANCE (APPROX.): 8.05 KM
- LOCAL SCHOOLS - UNIVERSITIES**
 - FEDERATION UNIVERSITY AUSTRALIA (SMB CAMPUS) DISTANCE (APPROX.): 7.32 KM
 - FEDERATION UNIVERSITY AUSTRALIA (MT HELEN CAMPUS) DISTANCE (APPROX.): 8.00 KM
 - AUSTRALIA CATHOLIC UNIVERSITY DISTANCE (APPROX.): 8.46 KM
- LOCAL SHOPS**
 - ROMAN AROUND CAFE / AMAZING MILL MARKETS DISTANCE (APPROX.): 0.10 KM
 - SHELL COLES EXPRESS / OLIVER'S REAL FOOD DISTANCE (APPROX.): 0.40 KM
 - LEIGH CREEK ROADHOUSE / GOLDEN NUGGET BAKERY DISTANCE (APPROX.): 1.80 KM
- ZONE LEGEND**
 - PAO1 - PUBLIC ACQUISITION OVERLAY 1
 - DDO2 - DESIGN DEVELOPMENT OVERLAY 2
- DEMOLITION LEGEND**
 - EXISTING CONSTRUCTION TO REMAIN
 - EXISTING CONSTRUCTION TO BE DEMOLISHED
 - NEW CONSTRUCTION
- LANDSCAPE**
 - EXISTING TREE
 - EXISTING TREE TO BE DEMOLISHED

<p>HACHEM ARCHITECTURE INTERIOR MARKETING</p> <p>HACHEM.COM.AU 183 WESTON STREET BRUNSWICK EAST 3087 STUDIO +61 1300 734 660</p>	<p>CORNETTA PARTNERS ARCHITECTS</p> <p>183 WESTON STREET BRUNSWICK EAST 3087 P (03) 9489 1290 E info@cornetta.com.au W www.cornetta.com.au</p>	<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">Revision</td> <td style="font-size: 8px;">Client</td> </tr> <tr> <td style="font-size: 8px;">A - TOWN PLANNING APPLICATION ISSUE</td> <td style="font-size: 8px;">FORTE GROUP PTY LTD</td> </tr> <tr> <td style="font-size: 8px;">A - TOWN PLANNING RFI</td> <td style="font-size: 8px;"></td> </tr> <tr> <td style="font-size: 8px;"></td> <td style="font-size: 8px;"></td> </tr> <tr> <td style="font-size: 8px;"></td> <td style="font-size: 8px;"></td> </tr> <tr> <td style="font-size: 8px;"></td> <td style="font-size: 8px;"></td> </tr> </table>	Revision	Client	A - TOWN PLANNING APPLICATION ISSUE	FORTE GROUP PTY LTD	A - TOWN PLANNING RFI								<p>Project AGRICULTURAL HOTEL DEVELOPMENT 63 MAHERS ROAD, WARRENHEIP</p>	<p>Drawing Title NEIGHBOURHOOD & SITE DESCRIPTION PLAN</p> <p>Scale: 1:1000 @ A1 Date: 21.10.2021</p>	<p>Issue TOWN PLANNING APPLICATION</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">Drawn: CH</td> <td style="font-size: 8px;">Job No: 21-02</td> </tr> <tr> <td style="font-size: 8px;">Drawing No: TPA01.01</td> <td style="font-size: 8px;">Revision: A</td> </tr> </table>	Drawn: CH	Job No: 21-02	Drawing No: TPA01.01	Revision: A
Revision	Client																				
A - TOWN PLANNING APPLICATION ISSUE	FORTE GROUP PTY LTD																				
A - TOWN PLANNING RFI																					
Drawn: CH	Job No: 21-02																				
Drawing No: TPA01.01	Revision: A																				



- DESIGN RESPONSE**
- (A) PUBLIC ACQUISITION OVERLAY ZONE
 - (B) COUNCIL REQUESTED BUILDING SETBACK FROM WESTERN HWY POA 20METERS
 - (C) COUNCIL REQUESTED BUILDING SETBACK FROM SECONDARY ROAD 10METERS
 - (D) COUNCIL REQUESTED 5M PLANTING ZONE SCREEN BETWEEN BUILDINGS & POA
 - (E) MAIN HOTEL BUILDING
 - (F) MAIN HOTEL BUILDING ENTRY
 - (G) MAIN HOTEL BUILDING PICK UP / DROP OFF
 - (H) MAIN PUBLIC ENTRY ROADWAY TO HOTEL PICK UP / DROP OFF (ONE WAY TRAFFIC)
 - (I) MAIN PUBLIC ENTRY ROADWAY TO CARPARK
 - (J) HOTEL BOH LOADING ENTRY / LOADING DOCK
 - (K) SECONDARY PUBLIC ENTRY ROADWAY TO SECOND CARPARK
 - (L) EXTERNAL HOTEL CARPARK (NOMINAL 171 SPACES)
 - (M) AGRICULTURAL USE - ORCHARD
 - (N) EXISTING AND NEW TREE CANOPY SURROUNDING HOTEL CARPARK
 - (O) MOUNDED LANDSCAPING WITH DENSE PLANTING
 - (P) 10M RADIUS FROM EXISTING FARM HOUSE BUILDING.
 - (Q) PEDESTRIAN FOOTPATH CONNECTING MAIN HOTEL BUILDING AND ORCHARD SHED
 - (R) ORCHARD SHED WITH GIN DISTILLERY ~20(ML) x 10(MW) x 4(MH) SHED CLADDED WITH MIRROR FINISH GLAZING EXTERNAL
 - (S) LANDSCAPE BUFFER ZONE WITH LOW LEVEL SHRUBS AND GRASS.
 - (T) ORCHARD SERVICES ACCESS
 - (U) COACH PARKING AREA
 - (V) BIOPHILIC/GREEN ROOF
 - (W) CUT & FILL TO CREATE GENTLE BUILDING INTERFACE WITH LANDSCAPE BATTER

- LEGEND**
- PUBLIC ACQUISITION OVERLAY ZONE
 - MOUNDED LANDSCAPE WITH DENSE LANDSCAPE
 - AGRICULTURAL USE - ORCHARD
 - LANDSCAPE BUFFER ZONE WITH LOW SHRUB & GRASS
 - CUT & FILL ON NATURAL GROUND LEVEL TO CREATE GENTLE SLOPE WITH BATTER LANDSCAPING AROUND BUILDING INTERFACE.

- LANDSCAPE**
- EXISTING TREE
 - EXISTING TREE TO BE DEMOLISHED

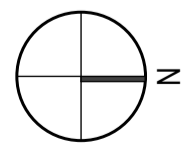
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 W CPARCHITECTS.COM.AU

Revision	Date
... TOWN PLANNING APPLICATION ISSUE	03.09.2021
A - TOWN PLANNING RFI	21.10.2021

Client	Project	Drawing Title	Issue
FORTE GROUP PTY LTD	AGRICULTURAL HOTEL DEVELOPMENT 63 MAHERS ROAD, WARRENHEIP	DESIGN RESPONSE PLAN	TOWN PLANNING APPLICATION
		Scale: 1:500 @ A1	Job No: 21-02
		Date: 21.10.2021	Revision: A





LEGEND

- 'LOW' RETENTION VALUE RECOMMENDED FOR REMOVAL - REMOVED
- 'LOW' RETENTION VALUE RECOMMENDED 'COULD BE RETAINED'. - REMOVED
- 'LOW' RETENTION VALUE RECOMMENDED 'COULD BE RETAINED'. - RETAINED
- MODERATE RETENTION VALUE - RETAINED
- STREET TREE - RETAINED
- STREET TREE - REMOVED

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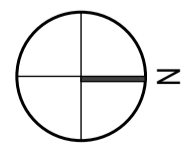
Revision	Date
... TOWN PLANNING APPLICATION ISSUE	03.09.2021
A - TOWN PLANNING RFI	21.10.2021

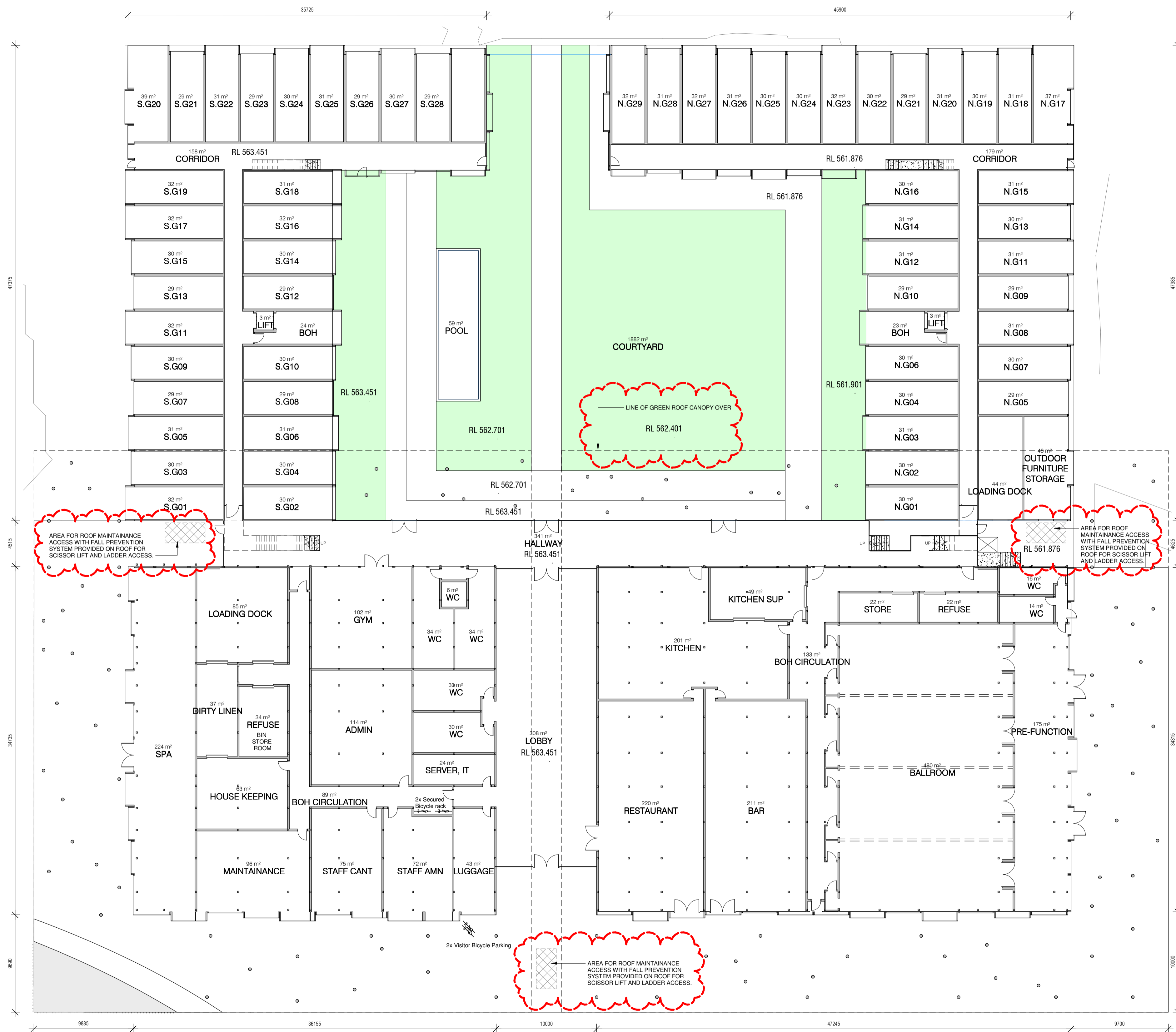
Client
FORTE GROUP PTY LTD

Project
**AGRICULTURAL HOTEL DEVELOPMENT
 63 MAHERS ROAD, WARRENHEIP**

Drawing Title
EXISTING TREES RETAINING AND REMOVAL PLAN
 Scale: 1:300 @ A1
 Date: 21.10.2021

Issue	Job No.
TOWN PLANNING APPLICATION	21-02
Client: CH	Revision
Drawing No: TPA02.02	A





SITE DEVELOPMENT SUMMARY

AREA	%
HOTEL	8026 m ² 14.63%
OPEN AREA	46617 m ² 85.00%
SHED	202 m ² 0.37%
SITE AREA	54846 m ² 100.00%

AREA ANALYSIS

LEVEL	AREA
GROUND LEVEL	7630 m ²
LEVEL 1A	1192 m ²
LEVEL 1	1069 m ²
TOTAL	9891 m ²

MODULE COUNT

LEVEL	COUNT	AREA
GROUND LEVEL	58	1771 m ²
LEVEL 1A	32	969 m ²
LEVEL 1	29	886 m ²
TOTAL: 119		3646 m ²

PARKING SUMMARY

LOCATION	NO.
BICYCLE PARKING	
EMPLOYEE BICYCLE	2
VISITOR BICYCLE	2
CAR PARKING	4
ACCESSIBLE CAR	2
CAR	169
CAR PICK UP / DROP OFF	3
TOTAL	174
COACH PARKING	
COACH	2
COACH PICK UP / DROP OFF	1
TOTAL	3

AREA ANALYSIS

NAME	AREA
GROUND LEVEL	
ADMIN	114 m ²
BALLROOM	480 m ²
BAR	254 m ²
BOH	47 m ²
BOH CIRCULATION	222 m ²
CORRIDOR	336 m ²
COURTYARD	1882 m ²
DIRTY LINEN	37 m ²
GYM	102 m ²
HALLWAY	341 m ²
HOUSE KEEPING	63 m ²
KITCHEN	201 m ²
KITCHEN SUP	49 m ²
LIFT	6 m ²
LOADING DOCK	129 m ²
LOBBY	308 m ²
LUGGAGE	43 m ²
MAINTENANCE	96 m ²
OUTDOOR	48 m ²
FURNITURE	
STORAGE	
POOL	59 m ²
PRE-FUNCTION	175 m ²
REFUSE	56 m ²
RESTAURANT	220 m ²
SERVER IT	24 m ²
SPA	224 m ²
STAFF AMN	72 m ²
STAFF CANT	75 m ²
STORE	22 m ²
WC	164 m ²
TOTAL	5899 m ²
LEVEL 1A	
CAR PARKING	21 m ²
CORRIDOR	179 m ²
LIFT	3 m ²
TOTAL	203 m ²
LEVEL 1	
BOH	20 m ²
CORRIDOR	160 m ²
LIFT	3 m ²
TOTAL	183 m ²

DEMOLITION LEGEND

- EXISTING CONSTRUCTION TO REMAIN
- EXISTING CONSTRUCTION TO BE DEMOLISHED
- NEW CONSTRUCTION

LANDSCAPE

- EXISTING TREE
- EXISTING TREE TO BE DEMOLISHED

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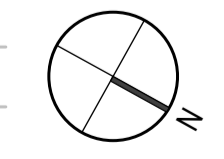
Revision	Description	Date
P1	PRELIMINARY ISSUE FOR TOWN PLANNING	21/10/2021

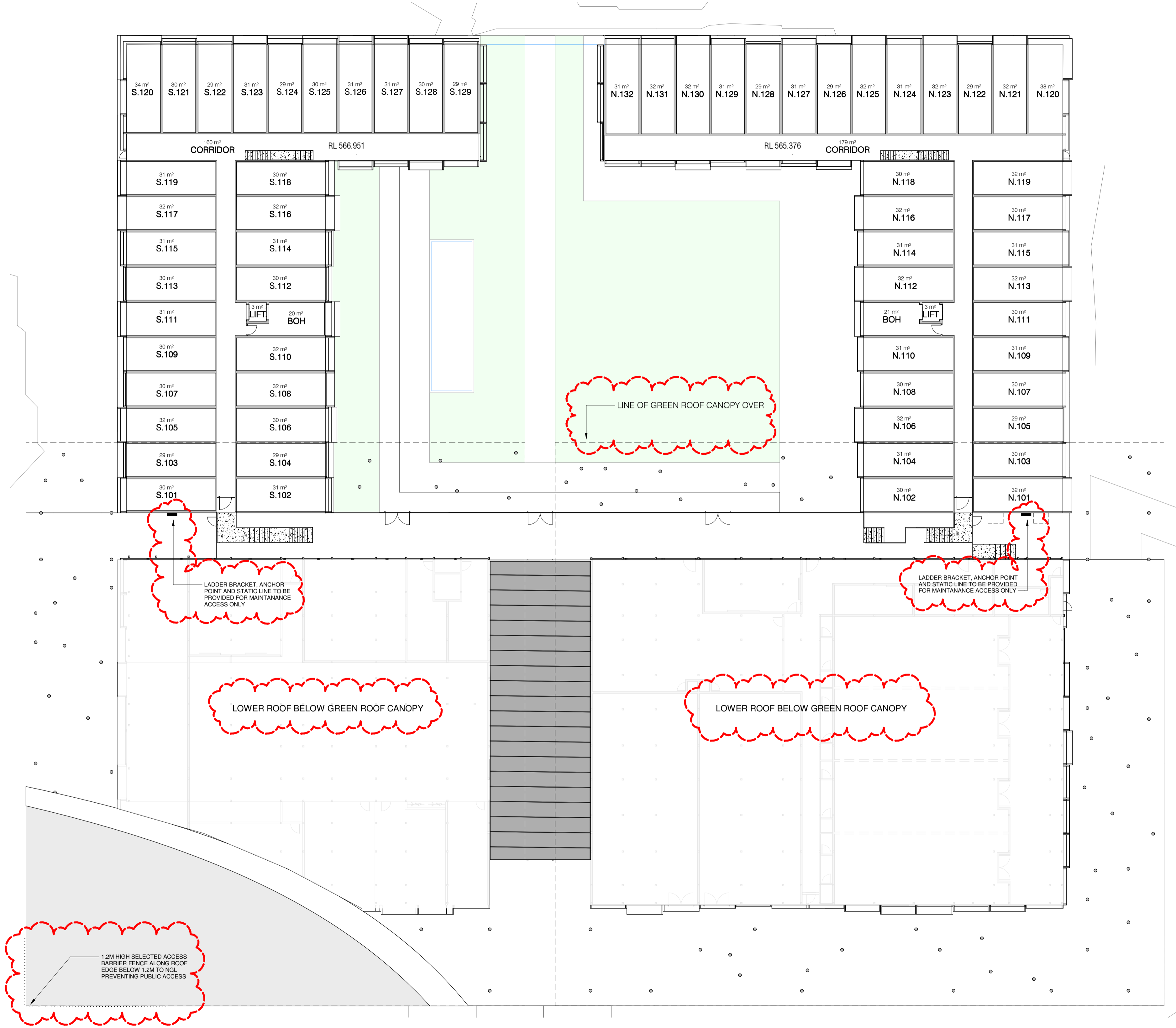
Client: **FORTE GROUP PTY LTD**

Project: **AGRICULTURAL HOTEL DEVELOPMENT
 63 MAHERS ROAD, WARRENHEIP**

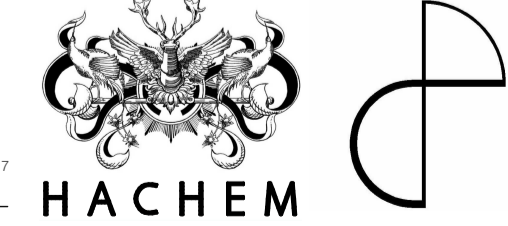
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 Scale: **1:200 @ A1**
 Date: **21.10.2021**

Issue: **TOWN PLANNING APPLICATION**
 Drawn: **CH** Job No: **21-02**
 Drawing No: **TPA03.01** Revision: **R1**





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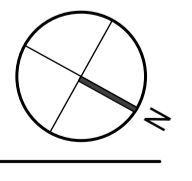
Revision	Description	Date
P1	PRELIMINARY ISSUE FOR TOWN PLANNING APPLICATION	21/10/2021
A	TOWN PLANNING PERMIT	21/10/2021

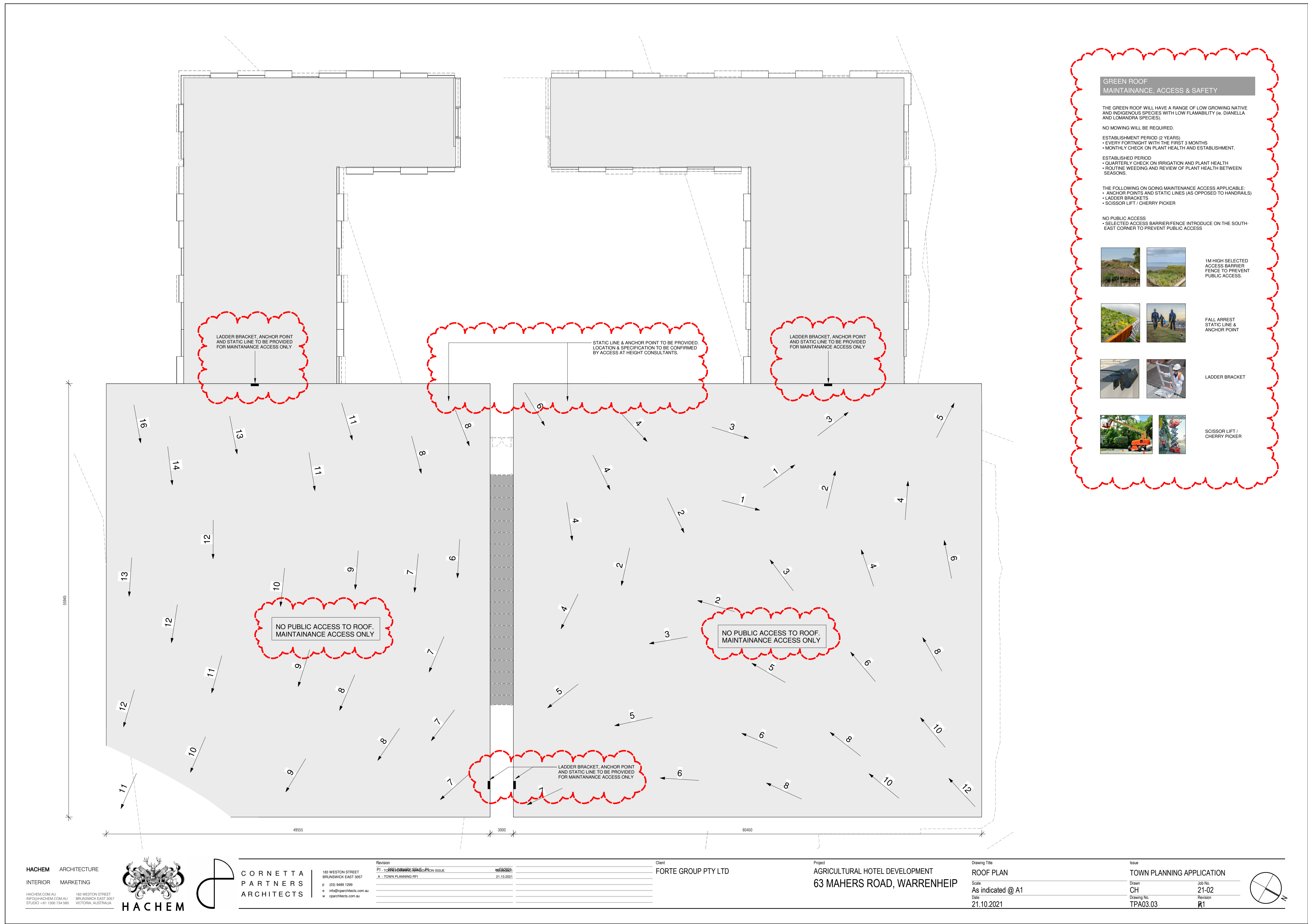
Client
FORTE GROUP PTY LTD

Project
**AGRICULTURAL HOTEL DEVELOPMENT
 63 MAHERS ROAD, WARRENHEIP**

Drawing Title
LEVEL 1 PLAN
 Scale
1:200 @ A1
 Date
21.10.2021

Issue	Job No.
TOWN PLANNING APPLICATION	21-02
CH	Revision
Drawing No.	R1
TPA03.02	





**GREEN ROOF
MAINTENANCE, ACCESS & SAFETY**

THE GREEN ROOF WILL HAVE A RANGE OF LOW GROWING NATIVE AND INDIGENOUS SPECIES WITH LOW FLAMMABILITY (ie. DIANELLA AND LOMANDRA SPECIES).

NO MOWING WILL BE REQUIRED.

ESTABLISHMENT PERIOD (2 YEARS)

- EVERY FORTNIGHT WITH THE FIRST 3 MONTHS
- MONTHLY CHECK ON PLANT HEALTH AND ESTABLISHMENT.

ESTABLISHED PERIOD

- QUARTERLY CHECK ON IRRIGATION AND PLANT HEALTH
- ROUTINE WEEDING AND REVIEW OF PLANT HEALTH BETWEEN SEASONS.

THE FOLLOWING ON GOING MAINTENANCE ACCESS APPLICABLE:

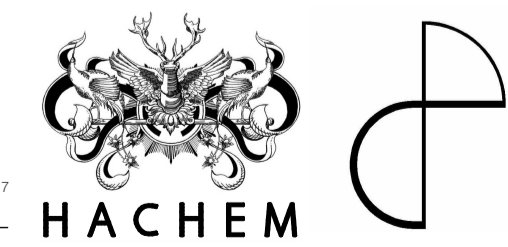
- ANCHOR POINTS AND STATIC LINES (AS OPPOSED TO HANDRAILS)
- LADDER BRACKETS
- SCISSOR LIFT / CHERRY PICKER

NO PUBLIC ACCESS

- SELECTED ACCESS BARRIER/FENCE INTRODUCE ON THE SOUTH-EAST CORNER TO PREVENT PUBLIC ACCESS



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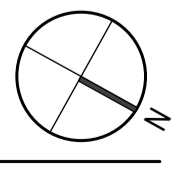
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P1 - PRELIMINARY ISSUE <td>ISSUE <td>21.10.2021</td> </td>	ISSUE <td>21.10.2021</td>	21.10.2021
A - TOWN PLANNING RFP	RFP	21.10.2021

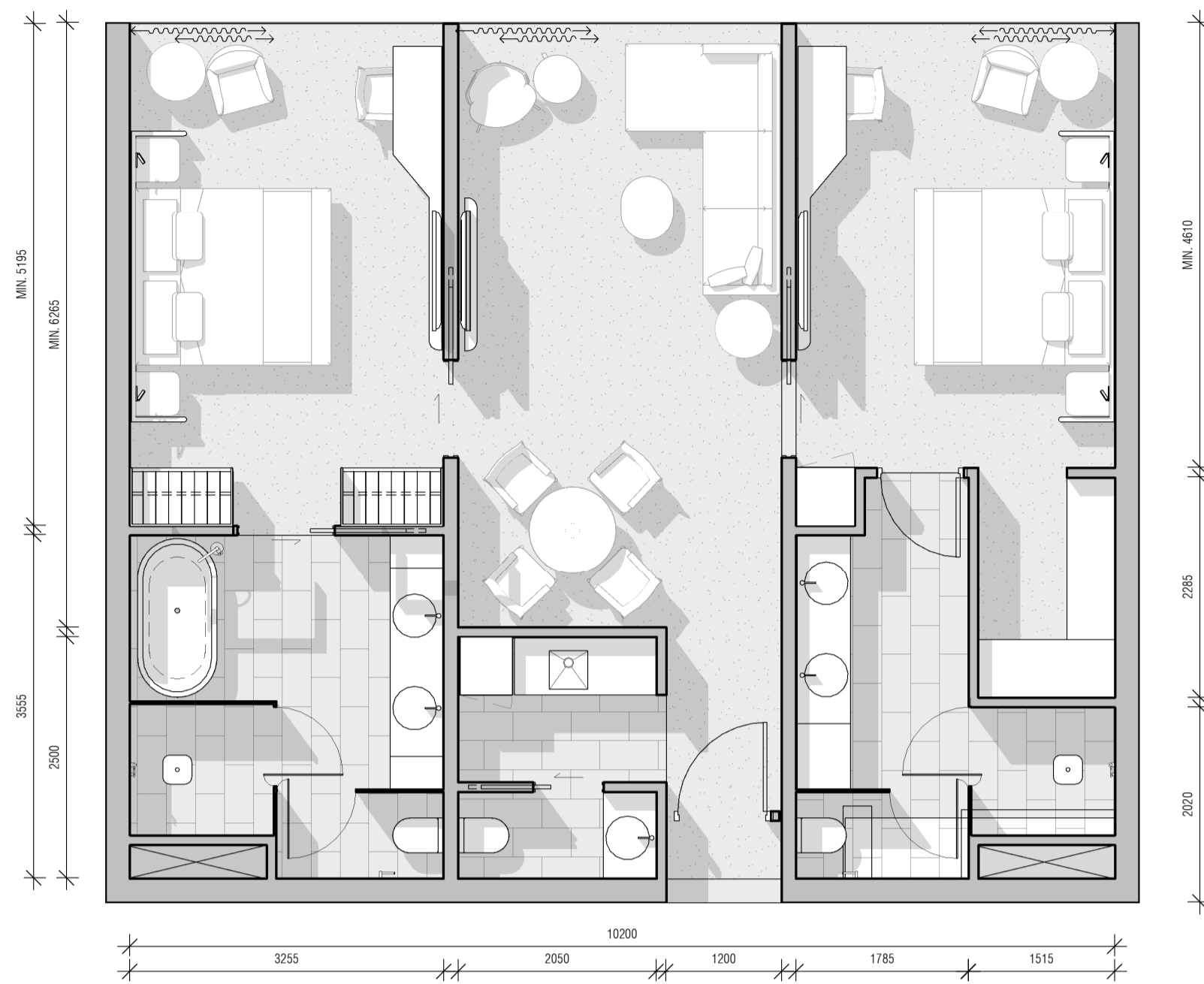
Client
FORTE GROUP PTY LTD

Project
**AGRICULTURAL HOTEL DEVELOPMENT
63 MAHERS ROAD, WARRENHEIP**

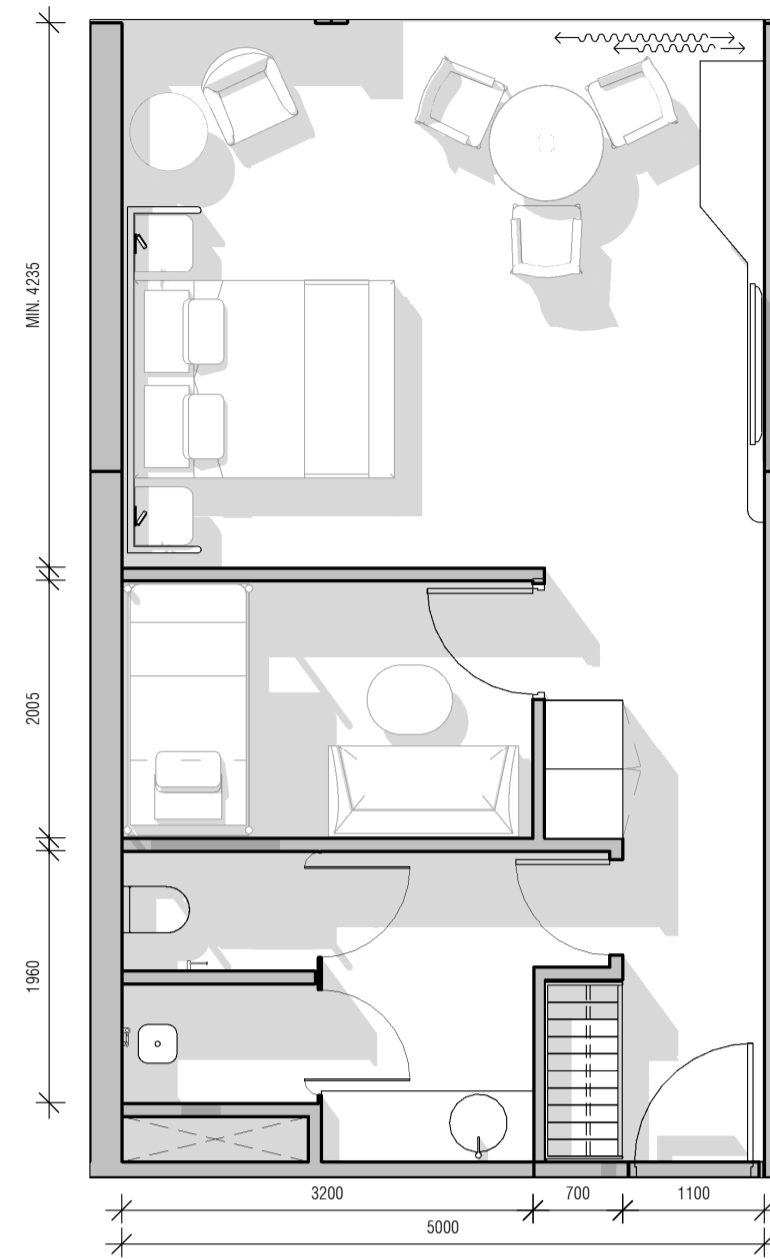
Drawing Title
ROOF PLAN
Scale:
As indicated @ A1
Date
21.10.2021

Issue
TOWN PLANNING APPLICATION
Job No.
CH 21-02
Drawing No.
TPA03.03
Revision
R1

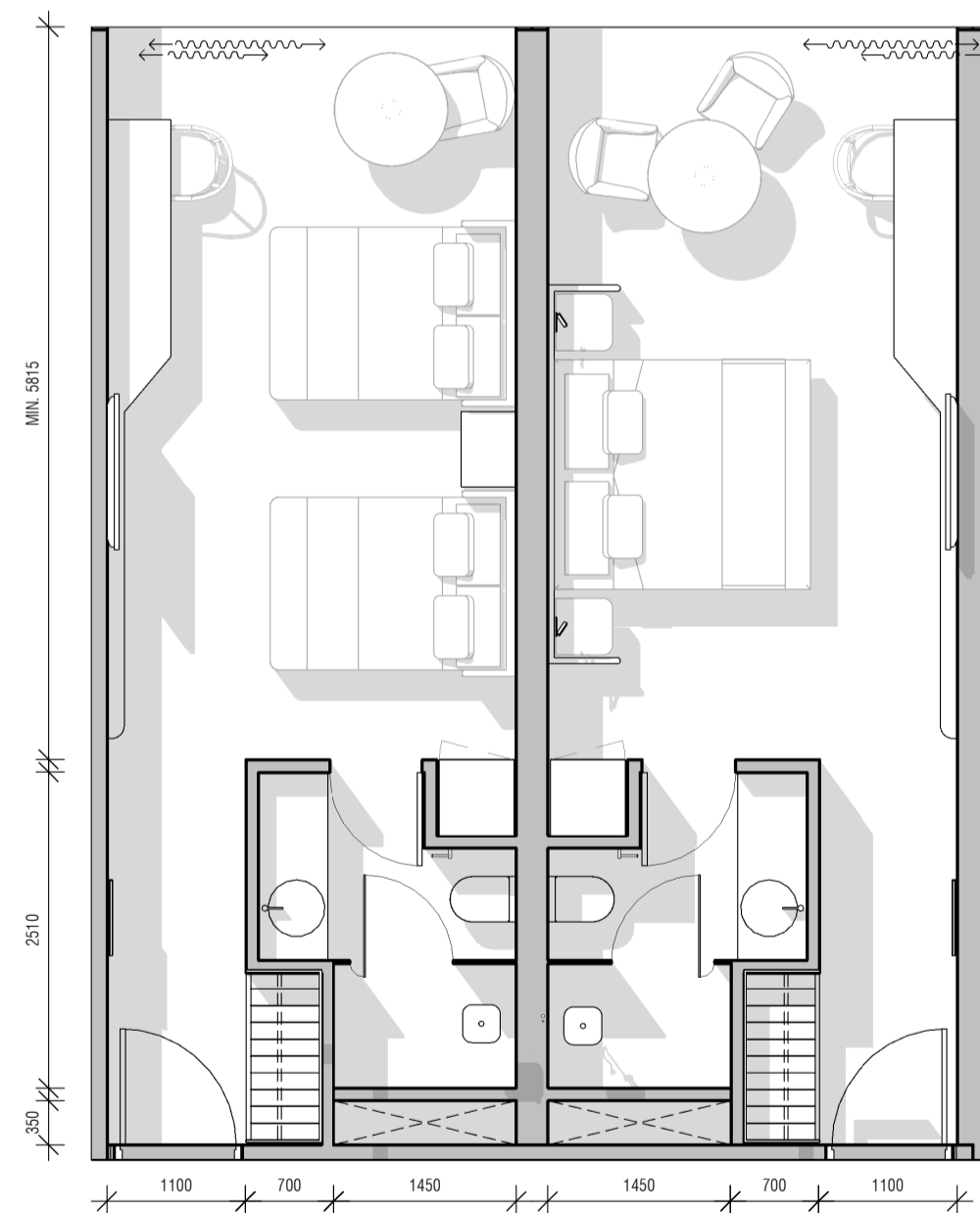




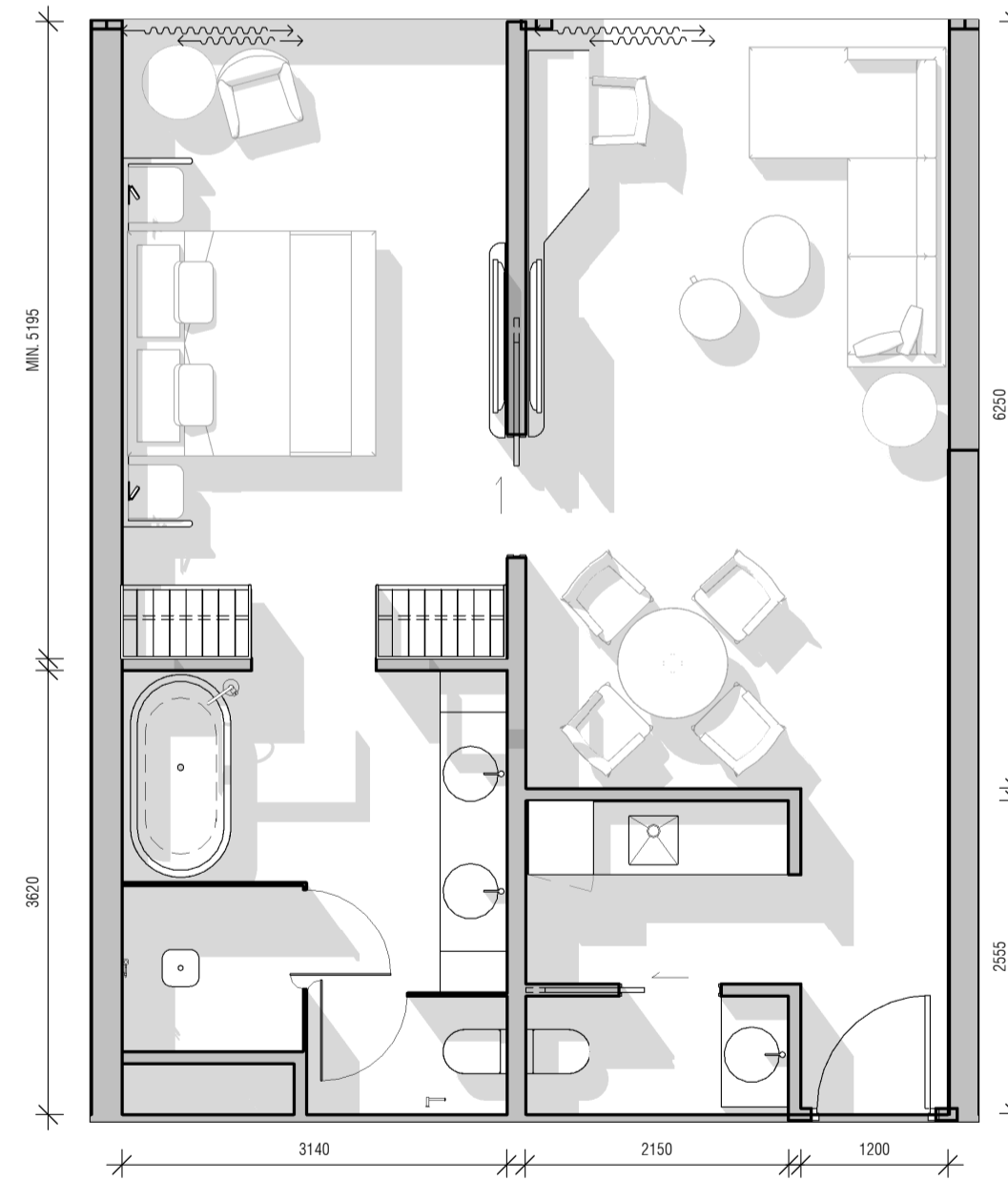
4 HOTEL ROOM FLOOR PLAN - 3 BAYS
TPA04.01 1:50



2 HOTEL ROOM FLOOR PLAN - 1.5 BAYS
TPA04.01 1:50



1 HOTEL ROOM FLOOR PLAN - STANDARD 1 BAYS
TPA04.01 1:50



3 HOTEL ROOM FLOOR PLAN - 2 BAYS
TPA04.01 1:50

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A - TOWN PLANNING RFI	21.10.2021

Client
FORTE GROUP PTY LTD

Project
AGRICULTURAL HOTEL DEVELOPMENT
63 MAHERS ROAD, WARRENHEIP

Drawing Title
HOTEL ROOM MODULES

Scale
1:50 @ A1
Date
21.10.2021

Issue
TOWN PLANNING APPLICATION

Author
TPA03.04
Revision
A

