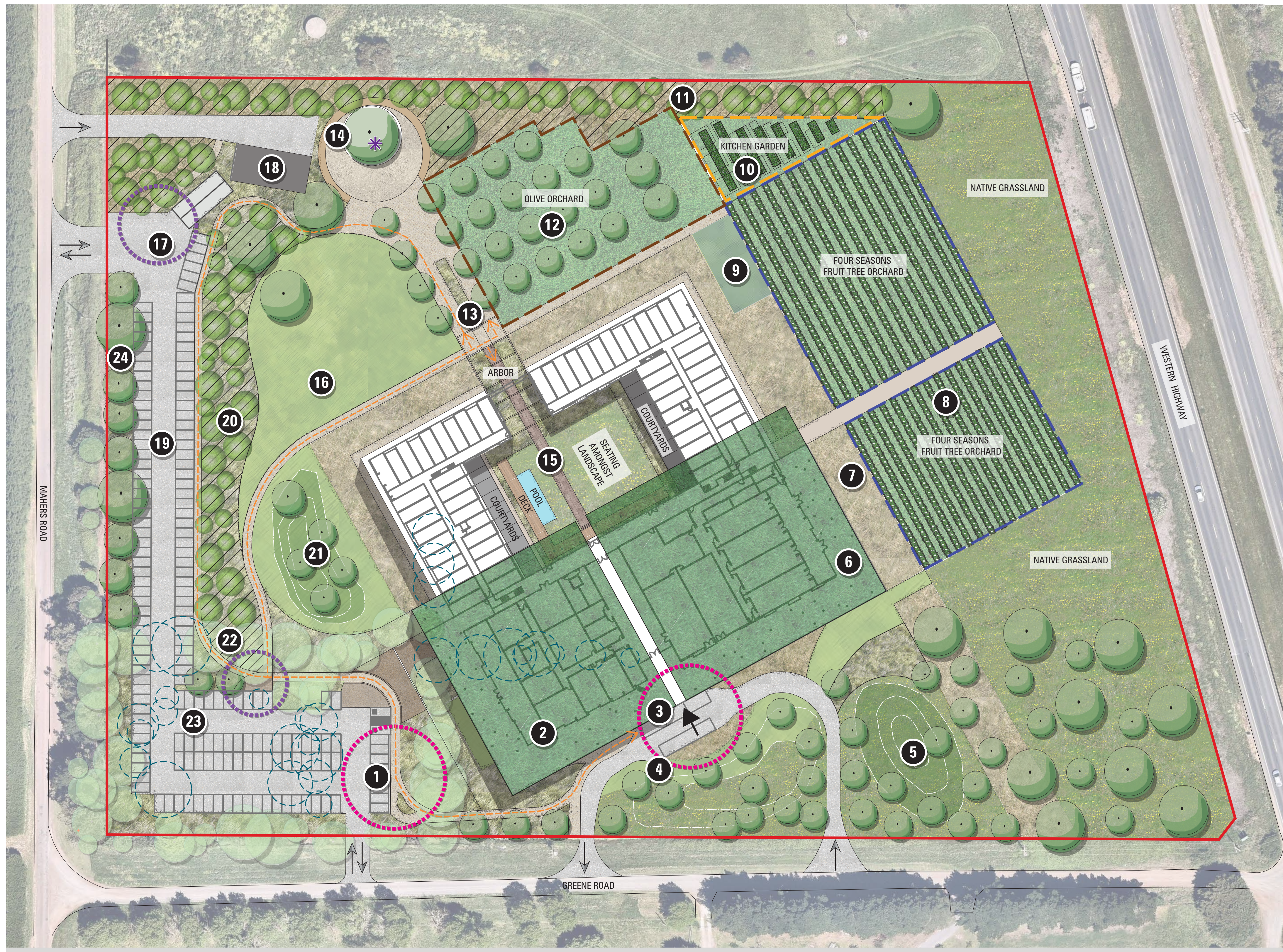


LANDSCAPE STRATEGY & ELEMENTS

LANDSCAPE STRATEGY
 To blend the building into topography and surround the form with structured productive landscape and informal forest within grassland

ELEMENTS

- 1** Visitor Entry / Entry Node
- 2** Extensive/ Biophilic Green Roof
- 3** Main Hotel Entry
- 4** Greene Road Landscape Treatment
- 5** Native Grassland
- 6** Outdoor Function Area
- 7** Landscape Buffer Zone
- 8** Orchard
- 9** WSUD Initiative
- 10** Kitchen Garden & Garden Feature Screen
- 11** Side Boundary Plantings
- 12** Olive Grove
- 13** Garden Entry
- 14** Garden Retreat
- 15** Internal Courtyard
- 16** Main Lawn
- 17** Visitor Entry Node
- 18** Orchard Shed with Gin Distillery
- 19** Visitor & Staff Carpark
- 20** Mounded Landscaping / Screen Planting
- 21** Lawn Mound
- 22** Visitor Access Node
- 23** Main Entry Carpark
- 24** Mahers Road Landscape Treatment



LEGEND





















SITE BOUNDARY	Main Pedestrian Entry to Hotel	Gravel	Large Feature Tree on Central Axis	Existing Tree	Proposed Tree	Seating
Major Visitor Entry Node	Main Pedestrian Access Paths	Vehicular Entry/Exist	Landscape Mounding	Removed Tree (Refer to Tree Map Report)	Proposed Planting	Courtyards
Minor Visitor Entry Node	Vehicular Surface	Gin Distillery	Screen Planting (Shrubs & Grasses)	Rain Garden	Green Roof	Pedestrian Path
Olive Orchard	Four Seasons Fruit Tree Orchard	Kitchen Garden	Pool	Deck	Feature Paving	Lawn

63 Mahers Road, Warrenheip

Dwg No.: 2020.0696
 Scale: 1:500 @A1
 Date: 27/08/2021
 Revision: P

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LANDSCAPE ELEMENTS

 <p>1 17 22</p> <p>VISITOR ENTRY/ ACCESS NODE</p> <p>key actions</p> <ul style="list-style-type: none"> • Provide entry signage/wayfinding • Incorporate access & amenity lighting, seating/meeting point • Establish feature planting to accent main visitor entry path 	 <p>2</p> <p>BIOPHILIC GREEN ROOF</p> <p>key actions</p> <ul style="list-style-type: none"> • Select low flammability native grasses and ground covers • Ground level landscaping at the south-eastern roof tip to provide a seamless transition to the green roof plantings 	 <p>3 4</p> <p>MAIN HOTEL ENTRY & GREENE RD TREATMENT</p> <p>key actions</p> <ul style="list-style-type: none"> • Maintain minimum 3m wide landscape buffer • Provide a landscape setting that responds to the hotel architecture • Establish clear trunked native trees extending through gentle mounds of low shrubs, ground covers and indigenous grasses • Select native trees along the Greene Road frontage to extend & integrate the existing treed landscape at the south-eastern corner of the site • Maintain & enhance the streetscape setting 	 <p>5</p> <p>NATIVE GRASSLAND</p> <p>key actions</p> <ul style="list-style-type: none"> • Provide visual buffer to Western Highway incorporating native/indigenous grasses & canopy trees • Utilise local EVC species
 <p>6</p> <p>OUTDOOR FUNCTION AREA</p> <p>key actions</p> <ul style="list-style-type: none"> • Provide formal undercover space for gatherings/functions 	 <p>7</p> <p>LANDSCAPE BUFFER ZONE</p> <p>key actions</p> <ul style="list-style-type: none"> • Maintain minimum 5m wide landscape buffer zone with native/indigenous low shrubs and grasses along the edge of the public acquisition overlay zone • Consider 'ha-ha' treatment/ rural landscape response 	 <p>8</p> <p>ORCHARD</p> <p>key actions</p> <ul style="list-style-type: none"> • Establish a four seasons fruit orchard (produce for kitchen use) • Maintain agricultural land uses viewable from Western Highway • Opportunity for agricultural interpretation • Possible fruit tree options include: Apples, Pears & Cherries • Orchard row spacings approximately 5.0m x 5.0m 	 <p>9</p> <p>WSUD INITIATIVE</p> <p>key actions</p> <ul style="list-style-type: none"> • Capture water from the green roof & treat storm water on site for re-use in the kitchen garden • Incorporate rain garden/underground water storage tank
 <p>10</p> <p>KITCHEN GARDEN & SCREEN</p> <p>key actions</p> <ul style="list-style-type: none"> • Develop raised herb & vegetable plots for kitchen use • Create garden room with feature screen • Establish climbing produce species (passionfruit or other) 	 <p>11</p> <p>SITE BOUNDARY PLANTING</p> <p>key actions</p> <ul style="list-style-type: none"> • Develop border plantings along the western side boundary incorporating fast growing, native screening species to contribute to the creation of an attractive, evergreen backdrop to the garden 	 <p>12</p> <p>OLIVE GROVE</p> <p>key actions</p> <ul style="list-style-type: none"> • Establish additional orchard with Olives and Citrus species • Align rows with the central axis of the hotel for a strong visual connection between the hotel, central courtyard and broader landscape setting • Opportunity for agricultural interpretation • Orchard row spacings approximately 8.0m x 5.0m 	 <p>13</p> <p>GARDEN ENTRY</p> <p>key actions</p> <ul style="list-style-type: none"> • Incorporate an open garden arbour to reference the hotel's architectural colonnade detailing to provide a visual connection from the hotel's internal courtyard to the property's rear garden • Punctuate the arbour form into the garden to provide a visual cue from the main lawn and orchard areas to access the central courtyard and hotel lobby
 <p>14</p> <p>GARDEN RETREAT</p> <p>key actions</p> <ul style="list-style-type: none"> • Establish an outdoor sitting space with large feature tree (Oak or similar) for summer shade and winter sun • Provides a large canopy tree at the rear of the site with framed views from the hotel • Provide accent lighting, seats and herb border • Utilise species such as rosemary for a connection to the gin distillery • Recommend pea gravel surface or similar 	 <p>15</p> <p>INTERNAL COURTYARD</p> <p>key actions</p> <ul style="list-style-type: none"> • Incorporate an outdoor pool & relaxed garden/sitting areas for use by hotel guests with access for all to the rear garden areas 	 <p>16</p> <p>MAIN LAWN</p> <p>key actions</p> <ul style="list-style-type: none"> • Consider use of native lawn species (E.g., mix of Red Grass, Griffin Weeping Grass & Oxley Wallaby Grass/All Seasons Lawn Mix) • Incorporate a large feature shade tree 	 <p>18</p> <p>ORCARD SHED / GIN DISTILLERY</p> <p>key actions</p> <ul style="list-style-type: none"> • Landscape buffer plantings • Maintenance access • Gin botanical species in surrounding garden areas
 <p>19 23</p> <p>MAIN ENTRY, VISITOR & STAFF CARPARK</p> <p>key actions</p> <ul style="list-style-type: none"> • Retain existing trees where possible within the carpark layout • Visitor parking to accommodate disabled parking spaces and DDA compliant access • Incorporate lighting for safety and access • Include entry signage with accent lighting at carpark entry • Include coach bus parking 	 <p>20</p> <p>MOUNDED LANDSCAPE & SCREENING PLANTS</p> <p>key actions</p> <ul style="list-style-type: none"> • Select native/indigenous plantings with screening shrubs to provide a visual buffer to the carpark. • Utilise native/indigenous species 	 <p>21</p> <p>LAWN MOUND</p> <p>key actions</p> <ul style="list-style-type: none"> • Provide a landscape setting & privacy for the south facing hotel rooms • Incorporate clear trunk trees and lawn mound • Consider LED accent tree up-lights 	 <p>24</p> <p>MAHERS ROAD LANDSCAPE TREATMENT</p> <p>key actions</p> <ul style="list-style-type: none"> • Maintain minimum 3m wide landscape buffer • Maintain & enhance the streetscape setting • Utilise native/indigenous species • Include entry signage and lighting

63 Mahers Road,
Warrenheip

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PLP/2021/626
63 Mahers Road, WARRENHEIP VIC 3352**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 Required

Before the use and/or development starts, 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 emailed to planninginfo@ballarat.vic.gov.au with the planning reference number. The plans must be generally in accordance with the advertised plans but modified to show:

- (a) Waste Management Plan in accordance with condition 5.
- (b) Landscape Plan in accordance with condition 9.
- (c) Stormwater Management Plan in accordance with condition 12.
- (d) Emergency Management Plan in accordance with condition 13.
- (e) Construction Management Plan in accordance with condition 14.

All to the satisfaction of the Responsible Authority.

2. No changes

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.

3. Signs Requiring Further Approval

Unless no permit is required under the Planning Scheme, signs must not be constructed or displayed without a further permit.

4. Hours of Operation

The distillery (rural industry, producer's licence) may operate only between the below ordinary trading hours, without the further written consent of the Responsible Authority:

Ordinary trading hours for a producer's licence are as follows:

- 7am to 11pm Monday to Saturday
- 10am to 11pm Sunday, Good Friday and ANZAC Day.

5. Waste Management Plan

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Details of waste collection and storage areas shall be provided prior to the commencement of use; the waste management plan must take into consideration of waste, recycling and green waste from the subject site.

Storage bins shall be screened from view of the street and adequately covered to the satisfaction of the Responsible Authority to minimise dispersal of material by wind or water and vermin and pest insect access. Appropriate controls shall be implemented to restrict the movement of wind blown litter and prevent the site appearing unsightly. No litter shall be discharged beyond the boundaries of the site. All storage areas shall be surfaced and capable of being washed down with waste water being directed to sewer via an appropriate litter trap. No odour shall be emitted from any waste storage areas so as to cause offence to adjoining property occupiers to the satisfaction of the Responsible Authority.

6. Services

The development must be connected to reticulated sewerage.

The development must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the Responsible Authority.

The development must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the Responsible Authority.

7. Section 173 Agreement - Services connection

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

- a) that all buildings are connected to reticulated sewerage and water, services in accordance with the provider's requirements and relevant legislation at the time.

All to the Satisfaction of the Responsible Authority.

8. Lighting

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

9. Landscape Plan

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Prior to the commencement of any works, a landscape plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit.

The landscape plan must include:

- (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- (b) tree protection zones for all retained trees, including those within the adjoining road reserves, provided in accordance with AS 4970-2009 Protection of trees on development sites.
- (c) details of surface finishes of pathways and driveways;
- (d) details of maintenance for vegetation on the subject site; including but not limited to, details watering provisions, and the green roof preparation, establishment and ongoing plant maintenance, replacement and associated storm water management.
- (e) details of fences and access gates (both pedestrian and vehicle); including provision of a solid boundary fence, with a minimum height of 1.3m to be provided along the length of Mahers and Greene Road.
- (f) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at planting, sizes at maturity, and quantities of each plant.
- (g) Landscaping and the planting of vegetation on the site to reflect good bushfire practices (CFA publication *Landscaping for Bushfire – Garden Design and Plant Selection*).

All landscaping works must be carried out in accordance with the approved landscape plan and Council's Landscape Design Manual (August 2012).

10. **Street Trees**

The following activities or works shall not be undertaken on or adjacent to an existing street tree without the further written approval of the Responsible Authority:

- (a) Excavation within two metres of the sides of any street tree trunk or the drip line of the canopy, whichever is greater;
- (b) Excavation for crushed rock base leading to the crossing exceeding 75mm in depth;
- (c) Damaging or cutting any street tree roots exceeding 30mm in diameter (root pruning will only be permitted under the supervision of the Responsible Authority);
- (d) Stockpiling of building or toxic materials adjacent to any street tree;
- (e) Damaging or cutting any street tree branches;
- (f) Removal of any street tree.

Note: *The construction or altering of a vehicle crossing, footpath, road reserve or any other Council asset may require a Crossing Permit, Road Opening Permit, Temporary Crossing Permit or other City of Ballarat approval. This permit does not constitute such approval.*

11. **Street Tree Provision**

Prior to any works commencing on site, the permit holder shall prepare a plan for the provision of street trees within the road reserve adjacent to and within 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).

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

Or

Prior to any works commencing on site, 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.

12. **Stormwater Management Plan**

Prior to the commencement of works, a Stormwater Management Plan, which details the stormwater detention and management on site shall be provided to and endorsed by the Responsible Authority. Once endorsed, the Stormwater Management Plan will form part of the planning permit.

- (a) Allow for the retention of a 1 in 10 year storm event whilst allowing a rate of discharge equivalent to that presently experienced (undeveloped) from the site;
- (b) Detail a spillway structure to cater for a 1 in 100 year storm event experienced in the whole catchment. The design of the spillway structure must ensure ongoing maintenance of the structure is not necessary.
- (c) The applicant must clearly identify how stormwater runoff from the entire development will be treated prior to discharge from site using best practice.

All works shall be completed to a standard satisfactory to the Responsible Authority prior to the commencement of the use hereby approved.

13. **Emergency Management Plan**

Prior to the commencement of use, an "all hazard" Emergency Management Plan (including bushfire) is to be provided and endorsed by the Responsible Authority. Once endorsed, the Emergency Management Plan will form part of the planning permit. The following must be included:

- Fire Danger Rating triggers for the closure of the facility.
- Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.
- Details of the location/s for emergency assembly, evacuation and shelter-in-place (in the event of evacuation from the site is not practicable).
- Transport arrangements for staff and visitors
- Need for any additional arrangements for persons with special needs.
- Training of staff, visitors on emergency procedures.
- Nature and frequency of emergency procedure exercises.

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ergency procedures (bushfire action statements) including the assignment of roles and responsibilities to staff. This must include assigning responsibility for the:

- Management and oversight of emergency procedures.
- Training of employees in emergency procedures.
- Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.
- Accounting for all persons during the emergency procedures.
- Monitoring and review of the Emergency Plans at least annually.

14. **Construction Management Plan**

Prior to the commencement of works, a Construction Management Plan must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must detail:

- (a) Hours of demolition and construction to accord with Local Laws
- (b) Management of Mahers and Greene Roads, to ensure that they are kept free of parked or standing vehicles or any other obstruction, including building materials, equipment, etc. to maintain free vehicle passage to abutting benefitting properties at all times, unless with the written consent of the Responsible Authority.
- (c) Methods to contain dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site storage waste construction bins and vehicle washing
- (d) Management of parking of construction machinery and workers vehicles to prevent adverse impact on nearby properties
- (e) Management of staging of heavy vehicles, site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity, ensure routes to and from the site minimise disruption to residential properties.
- (f) Minimising disruption to pedestrian access along footpaths.
- (g) measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks, and demolition/construction activities, especially outside of daytime hours
- (h) the provision of adequate environmental awareness training for all on-site contractors and sub-contractors
- (i) a liaison officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced.

All works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

15. **Environmental Health**

- a) The development must be connected to the Central Highlands Water Authority reticulated sewerage system.
- b) Any existing septic tank system on site must be decommissioned to the satisfaction of Council's Environmental Health Unit.
- c) All prescribed accommodation operations (as defined by the Public Health & Wellbeing Act 2008 (Vic)) must register with Council's Environmental Department prior to commencing operation.
- d) All food premises (As defined by the Victorian Food Act (1984)) must register with Council's Environmental Health Department prior to commencing operation.

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- e) Noise must be adequately controlled. Premises must consider the Environment Protection Act 2017, the Environment Protection Amendment Act 2018, the Environment Protection Regulations 2021 and the Public Health & Wellbeing Act 2008.
- f) Industrial/Commercial waste collection times are to be restricted to; 7:00am - 8:00pm Monday to Friday and 9:00am - 8:00pm weekends and Public Holidays.
- g) Delivery times should be restricted in accordance with the Environment Protection Authorities Noise Control Guidelines Publication 1254.2.
- h) The swimming/spa pool(s) must be designed and maintained in accordance with the Public Health & Wellbeing Regulations 2019 (Vic) and the Victorian Department of Health Pool Operator's Handbook.
- i) Backwash water from the swimming pool and/or spa must only be released to a legal point of discharge.
- j) The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - transport of materials, goods or commodities to or from the land;
 - appearance of any building, works or materials;
 - emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - 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.

16. Traffic and Transport

- a) That on-site parking for 174 staff and patron vehicles is provided in accordance with Clause 52.06-9 design standards and generally as indicated on the site plans.
- b) That abutting roads are upgraded to the requirements of Council's Infrastructure Department, including sharing of cost. The developer is to contribute 40% of the cost of the road upgrade prior to the commencement of use.
- c) That the carparks and accessways are constructed, delineated and signed to council approval.
- d) That carpark lighting is provided to Council's satisfaction.
- e) That all vehicles enter and exit the site in a forward direction.
- f) That a separate crossing permit is sought from Council to construct the new crossings proposed in Mahers Road and Greene Road. All works shall be arranged by the Applicant and be at his/her cost.

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PLP/2021/626
63 Mahers Road, WARRENHEIP VIC 3352**17. VicRoads Ref: PPR37629/21**

- (a) Before the use approved by this permit commences, the following roadworks on **the Western Highway** must be completed at no cost and to the satisfaction of the Head, Transport for Victoria:
- i. Creation of a Channelised left hand turning lane
 - ii. All associated drainage, kerb and channel
 - iii. Upgrade of the intersection of Western Highway and Greene Road to the satisfaction of the Head, Transport for Victoria and the Responsible Authority, and at no cost to the Head, Transport for Victoria.
- (b) All work must be undertaken to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and at no cost to the Department of Transport, prior to the commencement of the use hereby approved
- (c) No permanent structures are to be constructed within the Public Acquisition Overlay (PAO1). Any structure may be removed should the Head, Transport for Victoria require the land for the duplication of the Western Highway and at no cost to the Head, Transport for Victoria.
- (d) **Works Agreement**
Prior to the works commencing, the applicant must enter into a works agreement with the Head, Transport for Victoria, confirming design plans and works approval processes, including the determination of fees and the level of the Head, Transport for Victoria service obligations. Contact: western.mail@roads.vic.gov.au
- (e) **Noise Attenuation**
- i. An acoustic report must be submitted to the Head, Transport for Victoria for approval. This report must:
 - ii. be undertaken by a suitably qualified acoustic engineer of a company that is a member of the Association of Australasian Acoustical Consultants (AAAC) or who is prequalified by VicRoads for noise and vibration service and,
 - iii. without limiting its generality, describe the manner in which noise emanating from the Western Highway will be attenuated to a noise level of 63 dB (A) L10 (18 hour) or less, as measured 1 metre out from the façade of the development for a period of at least 10 years after the anticipated construction of the development, or to a noise level that meets relevant interior noise design limits set out in AS2107:2016.
 - iv. provide a plan to show how noise can be attenuated to the level described above.
 - v. recommend a post-construction survey of the internal / external noise levels to demonstrate that the respective noise objectives are achieved.
 - vi. Should any noise attenuation be required, all work is to be constructed to the satisfaction of and at no cost to the Head, Transport Victoria, and with a 10-year maintenance agreement being enter into with the Head, Transport for Victoria.

18. Moorabool Shire Council

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(a) **Upgrade of Greene Road**

The proponent at their own cost is to upgrade Green Road from the Western Freeway to Mahers Road in line with a Low-Density Residential Access Road as specified within the Infrastructure Design Manual. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority (Moorabool Shire) for approval prior to the detailed design being issued.

Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the Responsible Authority (Moorabool Shire) for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.

These plans are to detail any trees existing trees and only the trees shown within the plans are approved to be removed.

(b) **Photographic Evidence of Damage**

Prior to the works commencing on the development, notification including photographic evidence must be sent to Moorabool Shire Council's Infrastructure Services identifying any existing damage to Council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority (Moorabool Shire). If photographic evidence cannot be provided, then the damage then the damage must be fully reinstated at no cost to and to the satisfaction of the Responsibility Authority (Moorabool Shire).

(c) **Approvals and Notice of Commencement**

No work shall commence Greene Road until all approvals are obtained by Moorabool Shire Council. The approvals include, but not limited to:

- i. Detailed Designs in the form of Stamped for Construction Plans.
- ii. Approved Environmental Management Plan.
- iii. Working in Road Reserve Permit.
- iv. Approved Construction Management Plan (which is to include TMP, PMP).
- v. Any other approvals forming part of other planning Certificate conditions.

A copy of all approved documents are to be kept onsite at all times and consent from the relevant authority is required for any departure to the approvals.

(d) **Sediment Control:**

Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).

(e) **Fees Payable:**

Prior to commencement of use for Greene Road, the developer must pay:

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- i. 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
- ii. 2.5% of the total estimated cost of works for the supervision of works associated with that stage of the development.

The fees are to be determined based on the requirements as specified within the Infrastructure Design Manual (Moorabool Shire) and the Subdivision Act.

(f) Asset Requirements

Prior to commencement of use, after all engineering works pertaining to the stage have been completed in accordance with the approved plans and the following "as constructed" details must be submitted in the specified format and approved by the Responsible Authority (Moorabool Shire):

- i. Roadworks construction details in "R-Spec" format.
- ii. As built plans clearing detailing any changes from the as approved drawings
- iii. All relevant test results, including but not limited to, compaction test of each road layer, compaction test of earthworks and certificates for the soil used.

Upon the completion of all works as approved by the relevant authority, a minimum of seven days' notice is to be provided to the relevant authority for the purpose of organising an on maintenance inspection.

(g) Maintenance Obligations

All road, drainage and infrastructure works must be maintained in good condition and repair for a minimum of three months after completion of the works, to the satisfaction of the Responsible Authority (Moorabool Shire).

Prior to Moorabool Shire Council issuing On Maintenance Certificate of Greene Road, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority (Moorabool Shire), to cover the maintenance of all works. The deposit will be returned after the final inspection of works, three months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.

(h) Rectification of Council Damage

The applicant shall rectify any damage to Moorabool Shire Council property (including but not limited to footpaths, road furniture, landscaping/trees drainage, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of the Statement of Compliance.

(i) Landscaping

The landscape plan is to include mounding and tree planting along the Green Road frontage to provide appropriate landscape screening and assist with the reduction of noise emanating off the site.

Landscaping must be complete within six months of the use commencing.

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The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including that any dead, diseased or damaged plants are to be replaced.

(j) Amenity

An acoustic report to be undertaken within the first six months of commencement of use, to be submitted to the Responsible Authority confirming compliance with the EPA noise limits for entertainment venues under the noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (EPA Publication 1826.4).

A copy of the Acoustic Report is to be submitted to Moorabool Shire Council for information, including any rectification and/or mitigation required within a timeframe agreed to by Moorabool Shire Council and the operation if non-compliances are detected.

19. Permit Expiry – Use and Development

Development and use of land expires if:

- (a) The development or any stage of it does not start within two (2) years of the date of this permit; or
- (b) The development or any stage of it is not completed within four (4) years of the date of this permit; or
- (c) The use does not start within two (2) years after the completion of the development; or
- (d) 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 (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

Notes:**Bushfire Prone Area**

This site is located within a designated Bush Fire Prone Area. Compliance with AS3959 is required.

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. The works hereby approved must accord with the requirements of the *Building Act 1993*, *Building Regulations 2018* and *Building Code of Australia 2019*.

Environmental Health

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- The proposed accommodation facilities must be designed in accordance with the requirements of the Public Health & Wellbeing Act 2008 (Vic). A detailed and to scale floor plan of the proposed prescribed accommodation in conjunction with any other requested documents should be supplied to Council's Environmental Health Unit prior to any approval of an application for registration.
- All proposed food premises must be designed in accordance with the requirements of the FSANZ Food Standards Code and Australian Standard. A detailed and to scale floor plan of the proposed food premises in conjunction with any other requested documents should be supplied to Council's Environmental Health Unit prior to any approval of an application for registration.
- The food premises will require the installation of a grease trap. Enquiries should be made with Central Highlands Water in order to obtain the relevant permits and approvals.

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

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 (ie. 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.

Waste Disposal

- Section 3.13 of the Ballarat City Council Community Local Law requires the submission of a Waste Management Plan prior to the commencement of any building demolition work creating more than 2sqm of waste material. Failure to provide a Waste Management Plan is a breach of the Ballarat City Council Community Local Law (10 penalty Units).

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PLP/2021/626
63 Mahers Road, WARRENHEIP VIC 3352**Containment and disposal of Refuse**

- Under the provisions of the Ballarat City Council Community Local Law 2017 an on-site facility for containment of all builders' refuse is required to be provided on any land where any building work within the meaning of the Building Act 1993 is being carried out. The local law contains specific provisions about the type and location of refuse containment facilities and the emptying and removal of such facilities.

Cultural Heritage

- Should the discovery of Aboriginal cultural heritage be discovered during the course of the use and/or development, the discovery must be reported to Aboriginal Victoria. Aboriginal Victoria can be contacted on 1800 762 003.

Environment Protection & Biodiversity

- Approvals for activities which may have significant impact on a matter of national or state environmental significance may be required under the provisions of the Commonwealth Environment Protection & Biodiversity Conservation Act 1999 and/or Flora and Fauna Guarantee Act 1988.
This planning permit does not constitute consent under the Commonwealth Environment Protection & Biodiversity Conservation Act or the Flora and Fauna Guarantee Act 1988.

Air Conditioning Plant

- Any air conditioning system incorporating one or more cooling towers must comply with, and be managed in accordance with the relevant provisions of the Public Health and Wellbeing Act 2008.

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6.3. LAKE WENDOUREE SUBMISSION

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Joanna Cuscaden – Executive Manager Development Facilitation

PURPOSE

1. Provide Council with an update on the proposed listing of Lake Wendouree on the Victorian Heritage Register.
2. Provide an outline of the background and heritage studies completed for Lake Wendouree, including a draft submission to the Victorian Heritage Council in response to the Executive Director, Heritage Victoria's recommendation to include Lake Wendouree and parts of Wendouree Parade on the Victorian Heritage Register.

BACKGROUND

3. On 19 May 2022, the Executive Director of Heritage Victoria wrote to the City of Ballarat, notifying that an assessment of Lake Wendouree had been completed, and that the Executive Director would be recommending its permanent inclusion in the Victorian Heritage Register (VHR) as a place of State-level cultural heritage significance.
4. Before the final determination is made by the Heritage Council of Victoria, there is an opportunity to make submissions regarding the recommendation.
5. Any interested party has the opportunity to make a written submission regarding the Executive Director's recommendation to the Heritage Council of Victoria within 60 days (Tuesday 19 July 2022). The submission may oppose the listing, or support the listing, or provide an alternative suggestion.
6. The current Statement of Significance and full citation associated for the Lake Wendouree precinct from 2006 (updated 2014) states that the Lake Wendouree precinct is considered to be historically, architecturally, aesthetically, scientifically and socially significant at a State level (Attachment C).
7. The Statement of Significance states that this area of Ballarat is highly valued by the community for cultural, aesthetic, natural and man-made landscape. It is also a significant destination for visitors from outside for local community, being the setting for one of the most visited provincial Botanic Gardens in Victoria.

KEY MATTERS

8. The Heritage Council is an independent statutory body responsible for making the determination regarding whether a place is included on the Victorian Heritage Register after considering the recommendation from the Executive Director and any submissions.
9. A copy of the recommendation report prepared by Heritage Victoria and provided to Council is included as an attachment to this report. The recommendation report

documents and assesses the cultural heritage significance of the place and describes the elements of the place which contribute to its significance.

10. The Heritage Council must consider any written submissions and must conduct a hearing if the submission includes a request for one. If no submissions are received by 19 July 2022, the Heritage Council will make a final determination at its August 2022 meeting.
11. If a hearing is requested, all submitters will be informed and given the opportunity to participate in the hearing. A hearing will only be held if one or more submitters request this to occur. The hearing is usually 12-18 weeks from the closing date of submissions.
12. After the hearing, the Heritage Council has a further 90 days to consider the submissions and make a final determination to Include, Not Include or Amend (the Statement of Significance and /or the Extent or Registration). The timing of the hearing date may be influenced by a request for an adjournment, or if the matter is called in by the Minister of Planning.
13. Until the Heritage Council makes a formal determination, the whole of Lake Wendouree (shown in the recommendation report as the Extent of Registration) is subject to the provisions of the *Heritage Act 2017* and is considered to be a place of State Significance, included on the Victorian Heritage Register.
14. The City of Ballarat currently has no role in issuing or influencing the outcome of any permit matter, as Heritage Victoria remain the Responsible Authority until the final determination is made by Heritage Victoria.
15. There are two key areas which Heritage Victoria have recommended changes to which differ to the Interim Protection Order. This includes a) the extent of the area identified for protection by the VHR has been reduced to include crown allotment area (the lake and surrounding foreshore and excluding the roadway), and n) inclusion of the Olympic rings monument.
16. Heritage Victoria have endorsed a set of temporary Standing Permit Exemptions for the Lake Wendouree area prepared by the City of Ballarat. The intention of the permit exemptions is to allow for minor works and events to continue without the need for a permit from Heritage Victoria while a decision of the Heritage Council is pending.
17. In the event that the Heritage Council seeks to include the Lake Wendouree permanently on the heritage register, there will be an opportunity to review and update the Standing Permit Exemptions. Officers are working internally to ensure that appropriate exemptions are included which do not negatively impact or detract from the heritage significance of the Lake, to continue to be allowed for events and community activities.
18. The Standing Permit Exemptions set out a range of works which are considered to be unlikely to cause harm.
19. The temporary Permit Exemptions for the Lake Wendouree area was drafted by the City of Ballarat. This document is included as an attachment to this report (Attachment D).
20. The process for applying for a Permit or Permit Exemption is straightforward, and the Heritage Victoria website provides online forms and additional information for applicants.

21. Figure 1 below shows the proposed boundaries of the VHR listing.



Figure 1: proposed VHR listing area

OFFICER RECOMMENDATION

22. That the Planning Delegated Committee:

22.1 Notes the Recommendation of the Executive Director, Heritage Victoria to the Heritage Council of Victoria to include Lake Wendouree and Wendouree Parade, Lake Wendouree on the Victorian Heritage Register (VHR).

22.2 Authorises officers to lodge a submission (as shown in Attachment B) in response to the Executive Director, Heritage Victoria's recommendation, supporting the recommendation to include Lake Wendouree and Wendouree Parade, Lake Wendouree on the Victorian Heritage Register.

22.3 Notes that the Statement of Significance and full citation currently incorporated into the Ballarat Planning Scheme for Lake Wendouree precinct dated 2006 (updated 2014) states that the Lake Wendouree precinct is considered to be of State Significance (Attachment C).

22.4 Notes the temporary Standing Permit Exemptions endorsed by Heritage Victoria (Attachment D).

ATTACHMENTS

1. Governance Review [6.3.1 - 2 pages]
2. Attachment A ED RECOMMENDATION - LAKE WENDOUREE - INCLUD E_ (003) [6.3.2 - 56 pages]
3. Attachment B Response Letter 2022 CoB Response to Lake Wendo [6.3.3 - 2 pages]
4. Attachment C Statement of Significance- Lake Wendouree [6.3.4 - 11 pages]
5. Attachment D Standing Permit Exemptions [6.3.5 - 5 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This report aligns with the relevant Council strategies and policies. This report has been prepared with specific reference to past Heritage studies and analysis, and the Ballarat Planning Scheme.

COMMUNITY IMPACT

2. Community and stakeholder consultation has been undertaken previously through past Heritage studies, in addition to the current community engagement process being undertaken by Heritage Victoria.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. There are no climate emergency or environmental sustainability implications identified within this report.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. While approvals will be required by Heritage Victoria which are not exempted, Council will continue to work collaboratively with events organisers to ensure that there is no unreasonable impact for events and economic activity around the Lake.

FINANCIAL IMPLICATIONS

5. There are no particular financial implications resulting from this particular report.
6. It would be advisable to work towards increasing heritage advisor capacity and resources to assist in providing proactive heritage advice and guidance to community and officers.

LEGAL AND RISK CONSIDERATIONS

7. The Ballarat Planning Scheme and the *Planning and Environment Act 1987* were considerations of this report.

HUMAN RIGHTS CONSIDERATIONS

8. 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

9. Community consultation is currently being undertaken by Heritage Victoria.
10. The Heritage Council must consider any written submissions and must conduct a hearing if the submission includes a request for one. If no submissions are received

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by 19 July 2022, the Heritage Council will make a final determination at its August 2022 meeting.

GENDER EQUALITY ACT 2020

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

12. 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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Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Name: Lake Wendouree
Address: Wendouree Parade, Lake
Wendouree
Local Government Authority: Ballarat City
Provisional VHR No. PROV VHR H2419



Executive Director recommendation

Under Part 3, Division 3 of the *Heritage Act 2017* (the Act) I recommend to the Heritage Council of Victoria (Heritage Council) that Lake Wendouree, Wendouree Parade, Lake Wendouree should be included in the Victorian Heritage Register (VHR) in the category of registered place.

Handwritten signature of Steven Avery

STEVEN AVERY
Executive Director, Heritage Victoria
DATE OF RECOMMENDATION: 18 May 2022

Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Executive Director recommendation to the Heritage Council of Victoria

The Executive Director, Heritage Victoria (Executive Director), recommends that the Heritage Council include Lake Wendouree, Wendouree Parade, Lake Wendouree, in the VHR in accordance with section 49 of the Act by determining:

- That Lake Wendouree is of State-level cultural heritage significance and should be included in the VHR in the category of registered place in accordance with section 49(1)(a) of the Act.
- That the proposed categories of works or activities which may be carried out in relation Lake Wendouree for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49 (3) of the Act.

Background to this recommendation

On 22 March 2022, the Heritage Council served an Interim Protection Order (IPO) for Lake Wendouree. The IPO had the effect of immediately including Lake Wendouree in the VHR. Heritage Victoria is required to make a recommendation on whether to include the place, or part of the place, in the VHR within 60 days of the IPO being served. This report forms that recommendation.

The area subject to the IPO corresponds to the Heritage Overlay for the Lake Wendouree Heritage Precinct (HO163) in the Ballarat Planning Scheme. It is noted that this area does not include the Ballarat Botanic Gardens (VHR H2252) to the western side of Lake Wendouree which is already included in the VHR in its own right. This IPO will be in place until 22 July 2022 unless the Heritage Council revokes the IPO or makes a determination before that time. The Minister for Planning may also extend the period for which an IPO is in effect.



Area covered by IPO and considered as part of this recommendation indicated by the solid blue line. The area already included in the VHR as the Ballarat Botanical Gardens (VHR H2252) is indicated by the yellow shaded area.



Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

The process from here

1. The Heritage Council publishes the Executive Director's recommendation (section 41).

The Heritage Council will publish the Executive Director's recommendation on its website for a period of 60 days.

2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60 day publication period, any person or body with a real and substantial interest in the place or object can make a submission to the Heritage Council. This submission can support the recommendation, or object to the recommendation and a hearing can be requested in relation to the submission. Information about making a submission and submission forms are available on the Heritage Council of Victoria's website:

<https://heritagecouncil.vic.gov.au/registrations-reviews/executive-director-recommendations/>

3. Heritage Council determination (sections 46 and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place or object in the VHR, or amend a place or object already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to hold a hearing in relation to the submission. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

4. Obligations of owners of places and objects (sections 42 and 43)

The owner of a place or object which is the subject of a recommendation to the Heritage Council has certain obligations under the Act. These relate to advising the Executive Director in writing of any works or activities that are being carried out, proposed or planned for the place or object.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place or object before entering into a contract.

5. Further information

The relevant sections of the Act are provided at Appendix 1.

Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Description



c.2017, Aerial image of Lake Wendouree and its environs. Note that the eastern extent of the Ballarat Botanical Gardens (VHR H2252) comprises the western shore of the lake and extends from Carlton Street in the south to St Aidans Drive in the north (indicated with arrows). Key structures and features associated with Lake Wendouree are labelled and listed below.

Source: Radius

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. 1956 Olympic Games monument and precinct 2. Rowing course (excavated c.1950) 3. Concentration of small boat sheds (various construction dates) and the Ballarat Yacht Club | <ol style="list-style-type: none"> 4. The Rustic Fountain (built 1879, developed in 1901) 5. View Point (developed from the 1870s) 6. Ballarat City Rowing Club, Golden City Paddle Steamer Museum and larger boatsheds (various construction dates) 7. Durham Point 8. Rowing course start |
|---|--|

Lake Wendouree
VHR No: PROV VHR H2419
Hermes No: 208835

4

Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

The following is a description of Lake Wendouree at the time of the site inspection by Heritage Victoria in March 2022.

Lake Wendouree is located approximately 3 kilometres to the north-west of Ballarat's central business district. It comprises a large semi-artificial lake of approximately 238 hectares with central islands and wetlands. The lake itself is surrounded by a parkland reserve which is characterised by extensive areas of lawn and numerous mature exotic trees, particularly featuring willows, elms, oaks and various species of cyprus and pines. Major promentories include View Point located on the eastern shore and Durham Point on the northern shore. The lake includes a 2000m rowing course which starts at the north east edge of the lake near Haddon Street and finishes on the south west edge of the lake near Hamilton Avenue. The lake is encircled by the Steve Moneghetti Track, a six-kilometre walking track, as well as pathways, promenades and car parks. Much of the lake edge is defined by a shore wall. The reserve surrounding the lake features many built structures and landmarks including monuments (late nineteenth to late twentieth centuries); boat sheds (various construction dates); tram shelters (early twentieth century); and modern pontoons, playgrounds and hospitality venues. The western shore of Lake Wendouree is the site of the Ballarat Botanical Gardens (VHR H2252) and includes the picturesque area characterised by willows and winding paths known as Fairyland.



2022, The 1956 Olympic Games monument (unveiled 1958).



2022, View across the rowing course from the Olympic Games monument. The Ray Todd judges box (built 1979) is visible to the left.

Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



2021, One of several modern pontoons on the shores of Lake Wendouree.



2022, A mature pine on the southern shore.



2022, Clear vista across the southern shore towards the Ballarat Yacht Club. This is a typical view from many points around the lake.



2022, Some of the smaller boat sheds in the vicinity of the Ballarat Yacht Club.

Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



2022, The Ballarat Yacht Club originally constructed 1957-58 and substantially upgraded since 1960s.



2022, picnic shelter (1910s) in vicinity of rustic fountain.



2022, Several of the private boat sheds in the vicinity of the Ballarat Yacht Club.



2022, The Rustic Fountain and garden, created in 1879 which celebrates the location of Ballarat's first official water source. The water jet fountain in the background was installed in 1980.

Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



2022, Nineteenth century drinking fountain constructed from quartz.



2022, Boardwalk and approach to View Point on the south-eastern shore of Lake Wendouree.



2022, View Point.



2022, One of two 1861 cannons on View Point.