

# LANDSCAPE ELEMENTS

**1**  
**17**  
**22**




**VISITOR ENTRY/ ACCESS NODE**

key actions

- Provide entry signage/wayfinding
- Incorporate access & amenity lighting, seating/meeting point
- Establish feature planting to accent main visitor entry path

**2**



**BIOPHILIC GREEN ROOF**

key actions

- 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

**3**  
**4**




**MAIN HOTEL ENTRY & GREENE RD TREATMENT**

key actions

- 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

**5**




**NATIVE GRASSLAND**

key actions

- Provide visual buffer to Western Highway incorporating native/indigenous grasses & canopy trees
- Utilise local EVC species

**6**



**OUTDOOR FUNCTION AREA**

key actions

- Provide formal undercover space for gatherings/functions

**7**



**LANDSCAPE BUFFER ZONE**

key actions

- 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

**8**



**ORCHARD**

key actions

- 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

**9**



**WSUD INITIATIVE**

key actions

- 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

**10**



**KITCHEN GARDEN & SCREEN**

key actions

- Develop raised herb & vegetable plots for kitchen use
- Create garden room with feature screen
- Establish climbing produce species (passionfruit or other)

**11**




**SITE BOUNDARY PLANTING**

key actions

- 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

**12**



**OLIVE GROVE**

key actions

- 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

**13**



**GARDEN ENTRY**

key actions

- 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

**14**




**GARDEN RETREAT**

key actions

- 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

**15**



**INTERNAL COURTYARD**

key actions

- Incorporate an outdoor pool & relaxed garden/sitting areas for use by hotel guests with access for all to the rear garden areas

**16**



**MAIN LAWN**

key actions

- 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

**18**



**ORCHARD SHED / GIN DISTILLERY**

key actions

- Landscape buffer plantings
- Maintenance access
- Gin botanical species in surrounding garden areas

**19**  
**23**



**MAIN ENTRY, VISITOR & STAFF CARPARK**

key actions

- 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

**20**



**MOUNDED LANDSCAPE & SCREENING PLANTS**

key actions

- Select native/indigenous plantings with screening shrubs to provide a visual buffer to the carpark.
- Utilise native/indigenous species

**21**



**LAWN MOUND**

key actions

- Provide a landscape setting & privacy for the south facing hotel rooms
- Incorporate clear trunk trees and lawn mound
- Consider LED accent tree up-lights

**24**



**MAHERS ROAD LANDSCAPE TREATMENT**

key actions

- Maintain minimum 3m wide landscape buffer
- Maintain & enhance the streetscape setting
- Utilise native/indigenous species
- Include entry signage and lighting

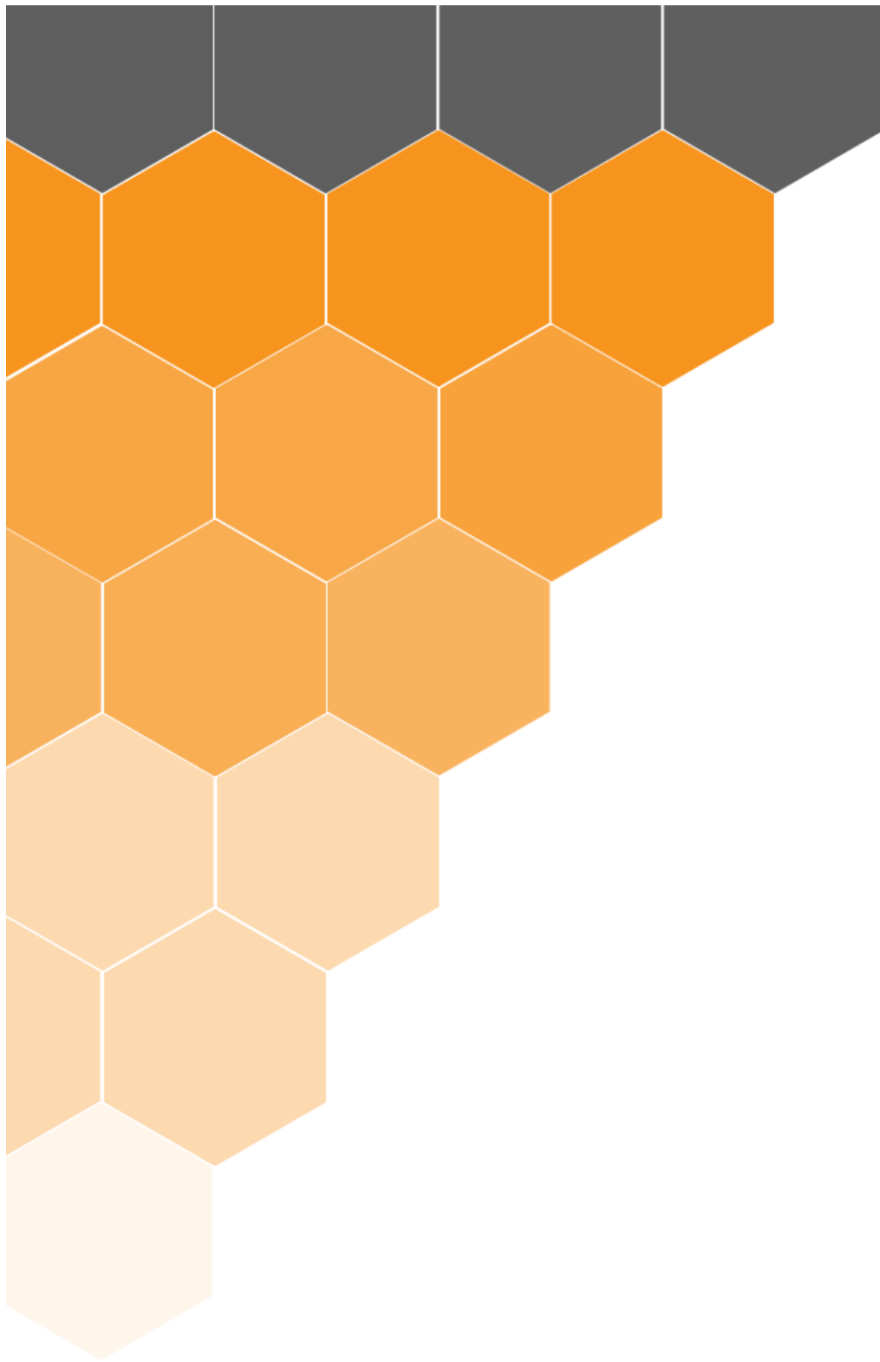
63 Mahers Road,  
Warrenheip

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



hansen partnership pty ltd  
melbourne | vietnam  
level 4 136 exhibition st  
melbourne vic 3000  
t 61 3 9654 8944 f 61 3 9654 8088  
e info@hansenpartnership.com.au  
www.hansenpartnership.com.au





# Planning Report

63 Mahers Road, Warrenheip

Glossop Quality System			
Author	SR/MM	Checked By	JG
Date Issue	September 2021	Revision Number	

*This report is copyright of Glossop Town Planning Pty Ltd ABN 35 001 878 744. The intellectual property contained in this document remains the property of Glossop Town Planning or is used with permission of the owner. No intellectual property transfers. This report has been prepared on behalf of and for the exclusive use of the Glossop Town Planning's client. It is subject to and issued in connection with the provisions of the agreement between Glossop Town Planning and its client. The report relies on information provided by the client and searches of registers. While Glossop Town Planning only uses reliable sources, we give no warranty – express or implied - as to accuracy, completeness. In no event will Glossop Town Planning, its directors, principals or employees be liable to the recipient, the client or any third party for any decision made or action taken in reliance on this report (or any information in or referred to by it) or for any consequential loss, special or similar damages, even if advised of the possibility of such damages.*



# 1. Introduction

This planning report has been prepared at the request of the permit applicant, Forte Group Pty Ltd, to support the proposed use and development of land at 63 Mahers Road, Warrenheip ('the subject site') for a residential hotel.

The proposed development includes the construction of a two-storey, 119-suite hotel with ancillary function and hospitality areas. The development is proposed to include a large courtyard and pool within its centre. An orchard is proposed for the north of the site abutting the Western Highway, and a detached orchard shed. A driveway from Mahers Road provides access to the Orchard Shed and Gin Distillery and another vehicle access to the 209-space hotel carpark. Additional vehicle access is provided to the hotel carpark from Greene Road and a one-way drop off/pick up road.



Artist's impression (Hachem, 2021).





Artist's impression (Hachem, 2021).

## 1.1 Plans and Supporting Documentation

This report should be read in conjunction with the following:

- Town Planning Drawings, prepared by Hachem and Cornetta Partners Architects, dated September 2021.
- Design Response prepared by Hachem, September 2021.
- Urban Context Report and Design Response prepared by Hansen Partnership dated September 2021.
- Bushfire Planning Report, prepared by Nature Advisory, dated July 2021.
- Traffic Engineering Assessment, prepared by Traffix Group, dated September, 2021.

An arboricultural report and agricultural assessment will be provided at a later time.



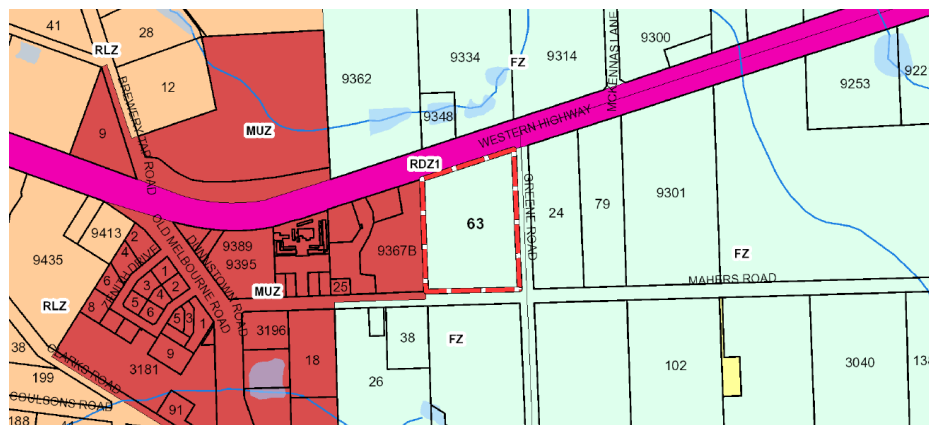
Glossop Town Planning | PO Box 831, South Melbourne VIC 3205 | (03) 9329 2288 |  
glossopco.com.au



## 1.2 The Ballarat Planning Scheme ('the Scheme')

The subject site is zoned:

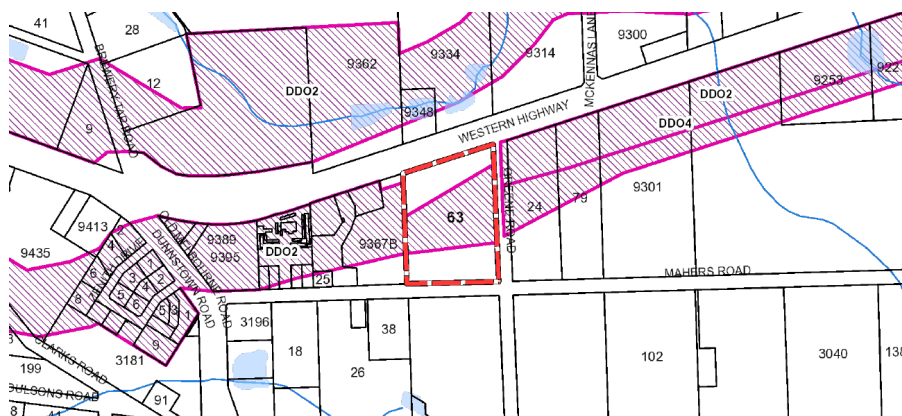
- Farming Zone (FZ).



**Zone overview of the subject site (source: Planning Property Reports)**

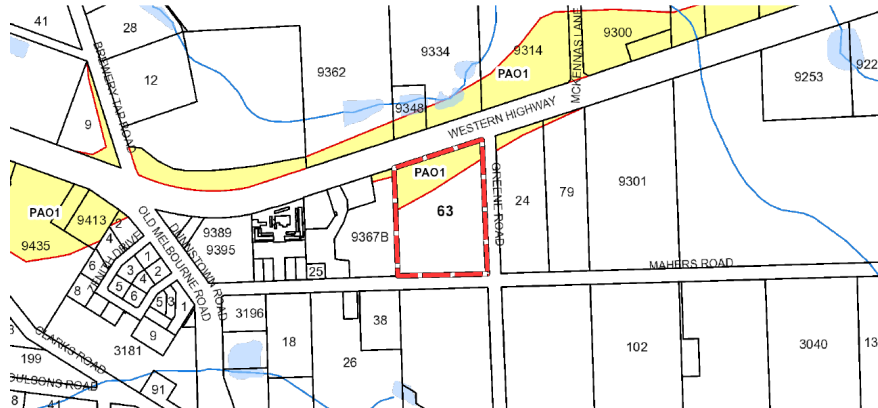
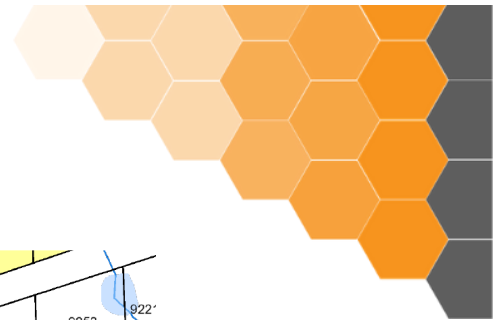
The subject site is also partly within a:

- Design and Development Overlay (DDO2).
- Public Acquisition Overlay (PAO1).



**Design and Development Overlay affecting the subject site (Source: Planning Property Reports)**





**Public Acquisition Overlay affecting the subject site (Source: Planning Property Reports)**

The land is within a Bushfire Prone Area. It is not within an Area of Aboriginal Cultural Heritage Sensitivity or other area.



**Designated Bushfire Prone Area map showing of the subject site (Source: Planning Property Reports)**

### 1.3 Planning Permit Regulations

A planning permit is required pursuant to:

- Clause 35.07-1 (Farming Zone) to use the land for a residential hotel.
- Clause 37.05-4 (Farming Zone) to construct a building and carry out works for a use in Section 2 of Clause 35.07-1 and to construct a building within 50m of land in a Public Acquisition Overlay to be acquired for a Category 1 Road, within 100m of a dwelling not in the same ownership, within 50m of land in a Public Acquisition Overlay to be acquired for a Category 1 road and within 20m of any other road.



Glossop Town Planning | PO Box 831, South Melbourne VIC 3205 | (03) 9329 2288 | glossopco.com.au



- Clause 35.07-5 (Farming Zone) requires a statement of how the proposed development responds to the decision guidelines.

An assessment against the decision guidelines of Clause 35.7-6 is provided at in the Urban context and Design Response Report.

- Clause 43.02 (Design and Development Overlay) to construct a building and construct or carry out works.
- Clause 45.01-1 (Public Acquisition Overlay) to use and develop the land for a Residential hotel. An application must be referred to VicRoads (the acquiring authority).

### 1.3.1 Application Requirements

Pursuant to Clause 43.02 (Design and Development Overlay - Schedule 2):

- A written urban context report detailing how the development meets the design objectives of this Schedule.

Please refer to the Urban Context Report and Design Response prepared by Hansen Partnership.

- A landscape plan which achieves the requirements of this schedule and details front fencing treatments.

Please refer to the Landscape Master Plan in the Urban Context and Design Response Report prepared by Hansen Partnership.

### 1.3.2 Decision Making Framework

Clause 71.02-3 (Integrated decision making) states:

*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire and affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.*

When considering the decision guidelines associated with the relevant planning permit requirements, the key planning considerations are:

- Is the proposed development consistent with the Purpose and Decision Guidelines of the Farming Zone?
- Is the proposal consistent with the Design Objectives and requirements of the Design and Development Overlay (DDO2)?
- Does the Municipal Planning Strategy and the Planning Policy Framework support the proposed development?







- Does the proposal satisfactorily address other relevant matters for consideration including provision of car parking, vegetation removal and bushfire?
- Does the proposal result in a net community benefit and sustainable development for the benefit of present and future generations?





## 2. The Site and Surrounds

### 2.1 The Subject Site

The subject site is located at 63 Mahers Road, Warrenheip. The Certificate of Title for the land describes it as lot 1 on plan TP216462T.

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).

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.

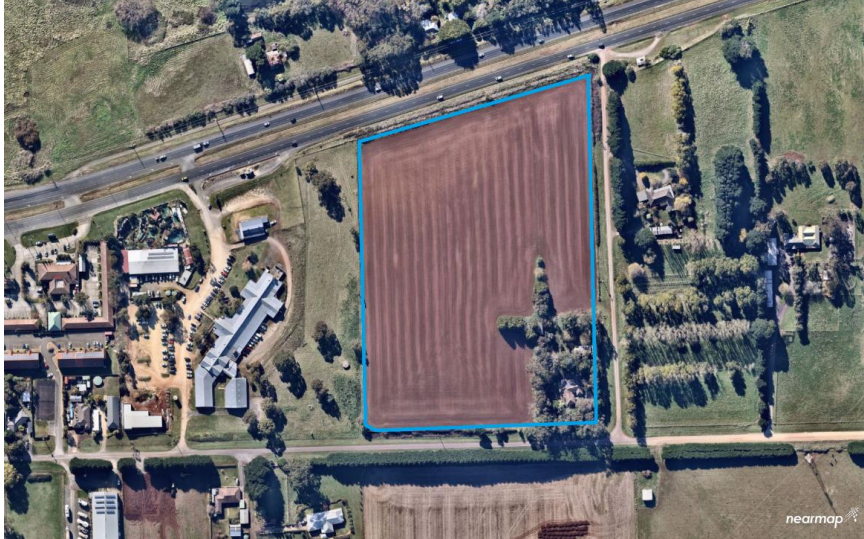


**Cadastral Map of 63 Mahers Road, Warrenheip (Source: Land and Survey Spatial Information)**

The site is currently occupied by a single detached dwelling and a small collection of outbuildings all located in the site's southeastern corner. 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.







**Aerial overview of the subject site (Source: Nearmap 23 May, 2021)**



**View of subject site from Western Freeway (Hachem, 2021).**





**Subject site from Mahers Road (Google Street View, February 2008)**



**View of subject site from Greene Road (Google Street View, June 2019).**

## 2.2 Surrounding Area

A detailed urban context report has been prepared by Hansen Partnership, which describes the area's context in greater detail.

In summary, the following matters are noted.

- The subject site is situated on the outskirts of Ballarat, and notably, it is one of the first sites that travellers from Melbourne see when approaching the city in a westerly direction.
- The land to the east, south and north are used for farming. To the west, the land is used for a variety of small scale, highway related uses.
- The adjacent property to the east, 24 Greene Road, contains a dwelling and an outbuilding.



Glossop Town Planning | PO Box 831, South Melbourne VIC 3205 | (03) 9329 2288 | [glossopco.com.au](http://glossopco.com.au)





- The adjacent property to the west at 9367B Western Highway, is vacant. To the west of that, the land is occupied by a single storey commercial development (the Amazing Mill Market and Gold Rush Mini Golf and Amusement Park).
- The property to the southwest, 38 Mahers Road, contains a dwelling and an outbuilding.
- The property to the north, 9348 Western Highway, contains a dwelling and a dam.
- The property to the north, 9334 Western Highway, contains a dwelling, a series of dams and farmland.



**Aerial overview of 63 Mahers Road (Source: Nearmap 23 May, 2021)**

The subject site is proximate to the following sites and services:

- Mount Warrenheip Flora Reserve is approximately 1.91 kilometres south-east.
- Ballarat Regional Train Station is approximately 7 kilometres west.
- Warrenheip Primary School is approximately 1.8 kilometres south-east.
- Woodmans Hill Secondary College is approximately 4.7 kilometres east.
- Service Station at 9401 Western Highway, approximately 470 metres to the west.
- Restaurant and Motel complex at 9379a Western Highway approximately 230 metres to the west.
- Gold Rush Mini Golf and Amusement Park is approximately 200 metres west.





## 3. Planning Assessment

### 3.1 Is the proposed development consistent with the Farming Zone?

The subject site is located within the Farming Zone (FZ). The Purpose of the FZ is:

- *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.*

A residential hotel is a Section 2 use in the Zone.

There has been a shift in recent times in relation to the strategic settings for land use in rural areas (including within the Farming Zone), especially in relation to commercial activities. At the State level, VC103 gazetted on 5 September 2015 introduced the reformed rural zones into the Victoria Planning Provisions. The approved explanatory report indicates that the reformed rural zones “... aim to respect the rights of farmers, provide greater flexibility, reduce requirements for use, development and subdivisions, facilitate business and tourism uses and improve the zone purpose statements”.

Planning Practice Note 42 ‘Applying the Rural Zones’ says that:

*The rural areas of Victoria accommodate a range of farming, residential and **commercial** uses and contain many of the state’s significant natural resources, such as native vegetation, minerals and water. They also provide important resources for recreation, **tourism**, and timber production.*

The Practice Note goes on to say that ‘the nature of farming is changing in ways that require careful consideration’.

Amendment VC103 made several important changes to the Farming Zone. In particular, it added the following purpose:

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







The reasons for the Minister's intervention for VC103 were that:

*Reformed rural zones aim to respect the rights of farmers, provide greater flexibility, reduce requirements for use, development and subdivisions, **facilitate business and tourism uses**, and improve the zone purpose statements.*

Farming is becoming more diverse, more industrialised, intensifying, aggregated and undergoing social change. The future of this small lot for *traditional* farming (given it has a Mixed-Use Zone abuttal and a PAO affecting the front 1/3 of the site) is extremely limited. Relevantly Clause 35.07-2 identifies Residential Hotel as a Section 2, permit required use. Accordingly, this indicates that the proposed use of the land for 'residential hotel' the use is permissible and acceptable within the Farming Zone.

The Farming Zone clearly supports soil-based agriculture, but other uses and activities are also supported. Recently, we have seen the advent of large scale commercial solar farms on rural land throughout Victoria. We are also seeing Farming Zones play an increasingly important role in the tourism sector.

This issue was considered by the Tribunal in *Growth Invest Pty Ltd v Bass Coast SC (Corrected) [2017]*. In that matter, the Tribunal considered an application for the use of the land for a restaurant and a conference centre in the Farming Zone. Relevantly, Member Nelthorpe made the following findings in relation to commercial uses within the Farming Zone:

- *I find that planning policy supports tourist facilities of this scale in farming areas.*
- *In State planning policy, the conflict is between objectives that encourage sustainable agricultural land use and those that encourage tourism development. I find that both objectives have comparable weight.*
- *The Farming Zone's purpose and provisions reflect this outcome. Its purposes include:*
  - 'To provide for the use of land for agriculture';*
  - 'To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture'; and*
  - 'To encourage the retention of employment and population to support rural communities'.*

*I consider that the first two purposes must be seen as relative rather than absolute. The Zone's provisions allow a broad range of non-agricultural uses in farming areas and recognise the potential of such uses to adversely affect agricultural activities. To ensure such impacts are acceptable, the Zone outlines a series of decision guidelines that must be considered when assessing if a proposal is acceptable.*

*With regard to the Zone's purpose and provisions, I accept Mr Glossop's expert opinion that there has been a shift in recent times regarding expectations in the Farming Zone. Put broadly, these changes have loosened restrictions on non-farming activities in order to improve employment opportunities and assist in retaining rural populations.*





- *I find it significant that Mr McCaffrey gave little weight to these changes. I find this 'loosening up' of the Zone controls expresses a clear intent that the 'right to farm' is not unconditional, and a willingness to contemplate land uses that are not related to agriculture. I find that this positively influences the weight to be given to tourist facilities in agricultural areas.*

We recognise that the Woodmans Hill Gateway precinct masterplan provides land use guidance for the subject site, however, this was prepared prior to gazettal of VC103. Accordingly, we submit that masterplan should be read and interpreted having regard to the *current* version of the Farming Zone (especially its revised purpose and expanded list of Section 2 uses) to determine what activities are appropriate on this site.

For this reason, we consider that the proposed use of the land is entirely appropriate on the subject site and is supported by the Purpose of the Farming Zone.

A report assessing the agricultural capacity of the site is underway and will be submitted later.

### **3.2 Does the Municipal Planning Strategy and the Planning Policy Framework support the proposed development?**

The Planning Scheme recognises Ballarat as a regional centre which services a catchment that extends well beyond its borders and encompasses major retail, health, and education facilities. People from surrounding rural areas, particularly to the west, are attracted to Ballarat for employment and education purposes as well as its significant history, character, and lifestyle.

Ballarat attracts many people from the Melbourne metropolitan area, including families seeking more affordable housing with good access to employment opportunities and better lifestyle choices. People also come to Ballarat as visitors and Ballarat is a key tourism location in the distinctive Central Victorian Goldfields region.

The Ballarat Strategy is outlined at Clause 21.01-2 and provides guidance with respect to Council's approach to managing future change and guiding new growth in Ballarat. *'Our Vision for 2040'* outlines that Ballarat will be:

- *A successful community that has built its future on its beautiful city and great lifestyle.*
- *A proud community that has retained its unique sense of identity.*
- *A desirable city that we love to live and work in, with excellent facilities and services.*
- *A friendly city where the sense of community is a daily cornerstone of our life.*
- *A healthy and safe community that supports and values its residents.*

Supporting growth in the tourism industry in Ballarat is identified as a key issue for the municipality.





At a State and regional policy level, there is an acknowledged need to facilitate growth in a range of employment sectors and encourage tourism. These State and regional policies provide guiding principles and preferred outcomes for local planning provisions. The Planning Policy Framework contains clear policy directions to support the proposed development, these include:

- *Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of **Ballarat**, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool, and Wodonga (Clause 11.01-1S).*
- ***Balancing strategic objectives** to achieve improved land use and development outcomes at a regional, catchment and local level (Clause 11.01-1S).*
- ***Support Ballarat** as the main centre for regional growth, services and employment with major growth focussed to the west (Clause 11.01-1R).*
- *Provide clear urban boundaries and maintain distinctive breaks and open rural landscapes between settlements (Clause 12.05-2R).*
- *Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life (Clause 13.02-1S).*
- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts (Clause 13.07-1S).*
- *Ensure that use or development of land is compatible with adjoining and nearby land uses (Clause 13.07-1S).*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
  - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
  - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
  - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
  - *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas. Land capability (Clause 14.01-1S).*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region (Clause 17.01-1S).*
- *Improve access to jobs closer to where people live. Support rural economies to grow and diversify. (Clause 17.01-1S).*
- *Support greater economic self-sufficiency for the region (Clause 17.01-1R).*







- *Recognise the need for new employment opportunities in Ballarat's peri-urban settlements to promote sustainable growth (Clause 17.01-1R).*
- *To encourage **tourism development to maximise the economic, social and cultural benefits** of developing the state as a competitive domestic and international tourist destination (Clause 17.04-1S).*
- *Encourage the development of a range of **well-designed and sited tourist facilities**, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities (Clause 17.04-1S).*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions (Clause 17.04-1S).*
- *Create **innovative tourism experiences**. Encourage investment that meets demand and supports growth in tourism (Clause 17.04-1S).*

The Local Planning Policy Framework (LPPF) provides more specific guidance in relation to development within the municipality. **Clause 21.02 (Settlement and Housing)** recognises the role of townships, such as Warrenheip in providing an attractive lifestyle choice in a rural setting. The following relevant objectives and strategies are identified:

**Objective 6:** *To facilitate development in township areas in accordance with local area planning and the long-term aspirations of the community.*

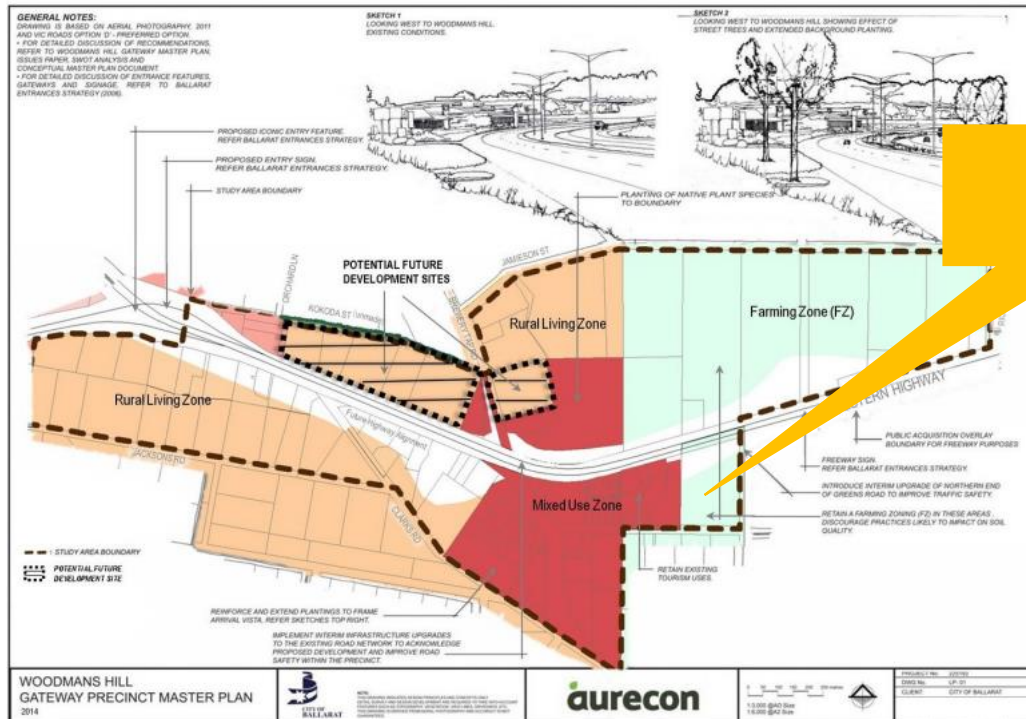
**Strategies:**

- *Reinforce the township atmosphere and valued local character when managing long-term change in township areas.*
- *Maintain residential development to within existing township boundary.*

**Clause 21.09 (Local Areas)** locates the subject site within Woodmans Hill Gateway Precinct. Clause 21.09 provides the following description of Woodmans Hill Gateway:

*The Woodmans Hill Gateway Precinct Master Plan (January 2015) recognises the Woodmans Hill Gateway as one of the major entry points to the city, and highlights the opportunity to improve the entry experience, both visually and from a land use perspective. The Woodmans Hill Precinct is recognised for its high-quality agricultural soils, particularly on the north side of the Western Highway. The precinct also contains sites of koala habitat and native vegetation protection.*





**Woodman Hill Gateway Precinct Master Plan (Source: 21.09-4)**

The following relevant objectives for the precinct are identified:

- *Objective 1: To provide a distinctive entrance to Ballarat that will enhance the image and reflect the nature, history and culture of the Municipality, including through the provision of a major entrance feature/public art element.*
- *Objective 2: To achieve use and development that is respectful to the valued landscape and natural environmental elements of the area, including view lines, vegetation retention, landscaping and defined koala habitat*
- *Objective 3: To encourage high quality sustainable built form.*
- *Objective 4: To achieve land use outcomes that add to the overall economic diversity of Ballarat without compromising the economic viability of Ballarat’s Activity Centres, in particular the Ballarat CBD and the Ballarat West Employment Zone.*
- *Objective 5: To achieve a land use mix that has a focus on highway related functions, with ancillary retail and support for existing tourism uses that capture passing economic activity that contributes to the Ballarat economy.*





The following implementation strategies are identified:

Land Use and Development

- *Strategy 1: Consider land use and development proposals generally in accordance with the Woodmans Hill Gateway Precinct Master Plan (January 2015).*
- *Strategy 3: Ensure an appropriate interface/buffer between the commercial and rural, rural living and residential areas of the precinct as appropriate.*

Design

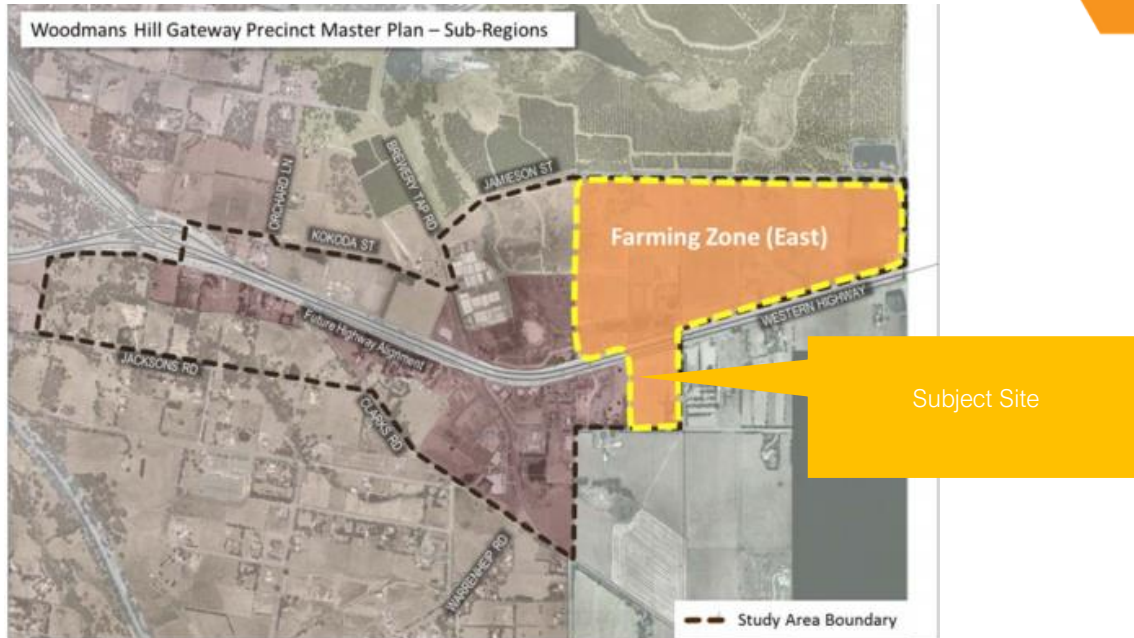
- Strategy 1: Consider the design objectives contained in the Woodmans Hill Gateway Precinct Master Plan (January 2015). Ensure redevelopment of the freeway and land abutting the freeway through Woodmans Hill incorporates design of landscape elements consistent with the vision for the entrance.
- Strategy 2: Minimise the impact of new development on view lines, natural landscapes and landforms within the precinct.
- Strategy 4: Ensure that development addresses the design principles set out in the Woodmans Hill Gateway Precinct Master Plan (January 2015).
- Strategy 5: Ensure that the design of new development incorporates environmentally sustainable design principles

A detailed assessment of the proposal design response and consistency with DDO2 is provided at Section 3.3 of the report and in the Hansen Partnership Urban Design and Design Response.

The Woodmans Hill Gateway Precinct Master Plan locates the subject site within the Farming Zone East sub region.







The Woodmans Hill masterplan provides the following guidance with respect to Farming Zone East:

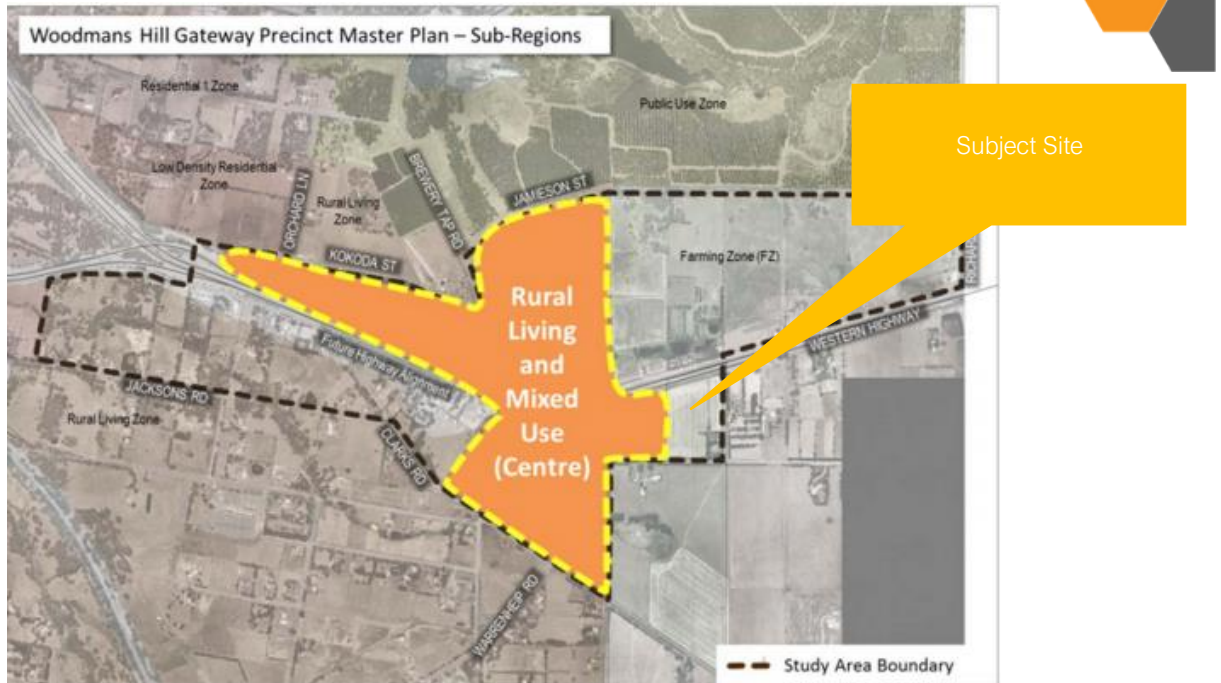
*The Master Plan offers no immediate change to the zoning and current land use activities within this portion of the study area. Although the land is not used for intensive agriculture at the present time, its rich soils are a valuable resource which should be protected for the future. The retention of the Farming Zone (FZ) will protect the agricultural land and rural uses in this area and be reinforced for the area through the inclusion of Woodmans Hill as a Local Area Policy at Clause 21.08 of the MSS.*

It is relevant to note that the Revision 1 of the masterplan was issued in draft form on 25 January 2013. The Current final revision, Revision 7 is dated 14 January 2015. These dates precede the gazettal of amendment VC103.

In any event, the plans indicate that the hotel does not occupy the entire site. The plans provide for extensive soil based uses including open space and orchards. The entire front of the site will be dedicated to soil based use and will occupy a considerable amount of the western part. We say that there will be a link between the hotel and use of the land for soil based agriculture which will be as good or better than what currently takes place.

It is relevant to consider the site’s context and surrounding land use. The subject site directly abuts the Mixed-Use Zone the west and the subject site is the sole parcel of land within the Farming Zone located to the south of Western Highway and west of Greene Road. The subject site represents a relatively small parcel of land from an agricultural sense and cannot be physically consolidated with a contiguous parcel to provide for a larger farming lot.





The Woodmans Hill Gateway Precinct Master Plan provides the following guidance with respect to the land to the west.

*The desired land use mix envisaged for this location is a focus on highway related functions, with associated retail and support for existing tourism activity that seeks to capture passing economic activity that would otherwise not benefit the Ballarat economy. As the main gateway to Ballarat, and with its high visibility exposure to passing traffic, there is significant opportunity for appropriate high-quality development in the existing mixed use and rural living zoned areas. Appropriate development in this area could contribute to both the economic activity of the region and also provide a high-quality entrance experience to Ballarat.*

**Clause 21.07 (Economic Development)** identifies the diversity of the local economy across primary, secondary, and tertiary economic sectors is one of its great strengths. Clause 21.07-5 provides specific guidance with respect to tourism. Ballarat has a strong tourism industry that has been built around major attractions such as Sovereign Hill, Lake Wendouree, the Botanic Gardens, the Art Gallery of Ballarat, Her Majesty's Theatre and the Ballarat Wildlife and Reptile Park. The city's fine architectural heritage and the Eureka story are also major attractors, as are food and wine. Tourism is an industry that, either directly or indirectly, stimulates growth and prosperity among a range of other sectors. With its proximity to Melbourne, Ballarat is a significant attractor of day trippers. Council's tourism strategies are focused on increasing the number of visitors and in particular the number of overnight stays. The following relevant objective and strategies are identified:

**Objective 9:** *To create prosperity through the development of the tourism sector.*



Glossop Town Planning | PO Box 831, South Melbourne VIC 3205 | (03) 9329 2288 | glossopco.com.au



**Strategies:**

- *Encourage the use and development of land for purposes that will encourage visitors to increase their length of stay within Ballarat.*
- *Encourage the use and development of land to the east of Sovereign Hill fronting Main Road, for tourism related purposes.*
- *Support the use and development of land abutting the Buninyong-Sebastopol Road for tourism related purposes that are complementary to the rural residential use and character of the surrounding area.*
- *Encourage the use of land within the Ballarat Railway Precinct for tourism related purposes.*
- *Preserve Ballarat's architectural heritage in recognition of its role as a significant tourist attractor.*
- *Encourage the development of Buninyong Activity Centre as a key tourist destination.*
- *Encourage tourism related development in keeping with Buninyong's heritage character.*

The proposed use and development of the site for a residential hotel is entirely appropriate and acceptable planning outcome. The subject site's location within the Woodmans Hill Gateway Precinct provides a unique opportunity to improve the entry experience to the region from a both visual perspective and from a land use perspective.

The unique and visually attractive design of the hotel will be a destination, which will drive tourism to the area. The hotel is expected to generate a significant amount of local employment opportunities. The sites' location directly abutting the Mixed-Use Zone and along the Western Highway makes it an ideal location for a hotel. The development includes an agricultural component in the form of an orchard and gin distillery. The produce grown on site will be used in the on-site restaurant. Accordingly, it is considered that the Planning Policy Framework and Local Planning Policy Framework are strongly supportive of the proposed development outcome being achieved on the subject land.

### **3.3 Does the proposal achieve an acceptable design response consistent with DDO2?**

An Urban Context Report and Design Report has been prepared by Hansen Partnership to support the proposed development. The subject site is located with regards to its main road address to Western Highway at the corner of Mahers Road and Greene Road and is within the Woodmans Hill Gateway Precinct. The objectives of the precinct are:

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



Glossop Town Planning | PO Box 831, South Melbourne VIC 3205 | (03) 9329 2288 | glossopco.com.au





- *To provide appropriate interfaces between the commercial and rural, rural living and residential areas of Woodmans Hill, by providing suitable landscape treatments to integrate built form with surrounding development.*
- *To ensure that development of land nearby to the current and future alignment of the Western Freeway is undertaken with appropriate noise attenuation measures to minimise the impact of traffic noise.*
- *To ensure that development is compatible and sensitive to the valued landscape and natural environmental elements of the area, including view lines, vegetation retention, landscaping and defined koala habitat.*

In this location, there is a need for an innovative contemporary design whilst carefully integrating with its natural landscape. The design response considers that the site lends itself to a bespoke design response and one that considers the natural features of the site. The development represents a high-quality architectural design which includes a highly contemporary and sensitive shaping of the proposal, design language and materials employed, the development configuration and positive contribution to the gateway entrance and landscape character of Warrenheip. The proposed development will realise a positive 'fit' within the transforming Ballarat setting and therefore deserves approval.

The proposed development has been designed to achieve an appropriate balance between achieving a comfortable fit with the scale and context of the existing development whilst achieving a contemporary and innovative design response which represents the highest and best use of the land. The overall design response has been inspired by the quintessential Australian barn and landscape context. These features have been integrated through its design and shaping of the overall proposal. The design provides a connection to place and relationship to its landscaped surroundings.

The proposed development is generally 2 storeys in height and incorporates a landscaped, sloping roof form. Despite the lack of height controls prescribed for the site, it is noteworthy at the proposal respects the surrounding built forms and does not excessively exceed or dominate the surrounding context and views. The design language and materials employed highlights the development configuration in a positive light to the rural landscape character which aims to maintain key view lines, vegetation and sensitive environmental nature of the area.





**Perspective Image (Source: Urban Context Report and Design Response)**

The proposal incorporated a highly activated ground floor with openings, glazed windows and timber columns to activities to spill onto the internal open space. The proposal has been articulated by an innovative design with a unique form inspired by the existing land typology along its facades. The concept will minimise visual bulk and ensure that the built form will successfully blend with the surrounding landscape.

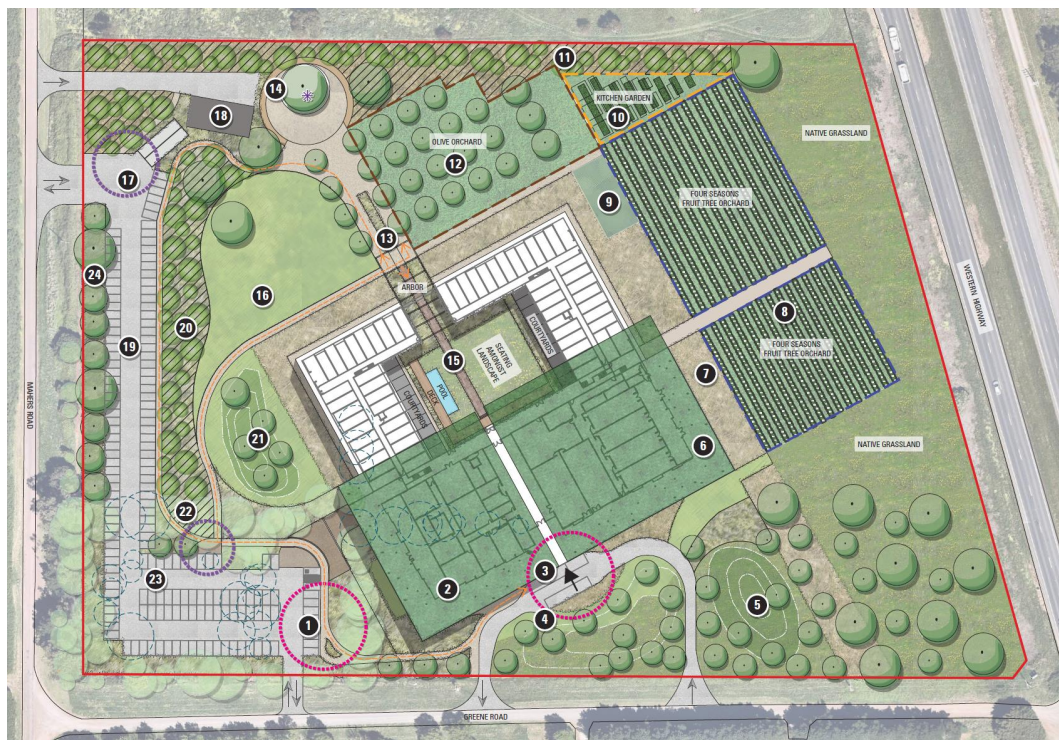
Please refer to the Urban Context Report and Design Response prepared by Hansen Partnership for additional information.

### Landscape Response

A detailed landscape plan has been prepared for the subject site. The landscape response includes new landscaping along interfaces to Greene Road, Mahers Road and internally to contribute to the amenity and outlook for building users and drivers along the Western Highway. A four seasons orchard is proposed along the site's interface to Western Highway which will produce ingredients for the gin distillery. This also reflects the proposed agricultural land uses proposed in the masterplan for interfaces to Western Highway and the Farming Zone land use.



Glossop Town Planning | PO Box 831, South Melbourne VIC 3205 | (03) 9329 2288 | [glossopco.com.au](http://glossopco.com.au)



**Landscape Plan (Source: Landscape Plan prepared by Hansen Partnership)**

The proposed landscape response will create an attractive and high-quality landscape for the amenity of residents and visitors. It will provide a positive landscape outlook and influence the green framing of the site when viewed from both the Western Highway and adjoining farming and mixed-use areas.

Please refer to the Urban Context Report and Design Response and Landscape Plan prepared by Hansen Partnership for additional information.







### 3.4 Does the proposal satisfactorily address other relevant matters for consideration including provision of car parking, vegetation removal and bushfire??

#### Car Parking and Traffic

The proposed development includes the following key features:

- a 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.

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) disabled spaces, and
- Three (3) drop-off/pick-up car spaces near the hotel entrance.

Car parking for the residential hotel and agricultural uses must be provided to the satisfaction of the responsible authority. The statutory requirement is summarised in the table below.

*Table 1: Statutory Car Parking Requirement (Clause 52.06)*

Use	Measure	Parking Rate (Column A)	Parking Requirement
Residential Hotel	119 rooms	To the satisfaction of the responsible authority	N/A
Agriculture	N/A	To the satisfaction of the responsible authority	N/A

A car parking demand assessment has been prepared for the proposed development. It confirms that a conservative peak total car parking demand for 171 spaces is predicted. Therefore, the proposed car parking provision of 174 spaces exceeds the anticipated peak demand.





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 / pick-up area,
- A two-way connection with Greene Road which will provide access to the main carpark and hotel loading area,
- A two-way connection with Mahers Road which provides access to the main carpark and bus parking bays, and
- A two-way connection with Mahers Road which provides access to the 'Orchard Shed'.

Furthermore, approximately three (3) drop-off/pick-up car spaces and a bus bay are to be provided near the main hotel entrance. Additionally, two (2) bus parking bays are to be provided towards the eastern side of the carpark, capable of accommodating up to 14.5m long buses/coaches.

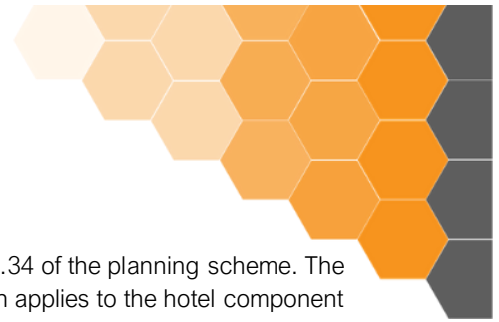
The proposed parking layout and access arrangements accord with the requirements of the Planning Scheme, relevant Australian Standards and current practice

An on-site loading bay is to be provided for deliveries and waste collection. This loading bay is to be accessed via the main carpark with trucks entering and exiting via the southern access connection with Greene Road. The traffic assessment confirms that suitable on-site loading and waste collection arrangements are to be provided to accommodate the swept paths of up to an 8.8m long medium rigid vehicle (MRV). Swept path diagrams demonstrating satisfactory access to/from the loading bay for an MRV truck.

The proposed development is expected to generate to traffic to/from the north along Greene Road and to/from the west along Mahers Road. To accommodate this additional level of traffic, it is anticipated that the following upgrades to the external road network will be required:

- The Western Highway / Greene Road intersection is to be upgraded with a left-turn deceleration lane on Western Highway. Furthermore, the Greene Road carriageway is to be widened to accommodate a 6.2m wide seal for a distance of approximately at least 50 metres from 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 the satisfaction of Council.
- The existing sealed carriageway of Mahers Road is proposed to be retained. In a similar arrangement to what is 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.
- Regarding vehicle access crossovers with Greene Road and Mahers Road, these should be designed at the detailed design stage of the project to accommodate relevant design vehicle swept paths.





The statutory bicycle parking requirements are set out at Clause 52.34 of the planning scheme. The statutory bicycle parking requirement for a residential building which applies to the hotel component of the development is only applicable to developments that are four or more storeys.

A total of two (2) on-site bicycle parking spaces are to be provided for staff in a secure store area at ground level which meets the statutory requirement. A single double-sided bicycle parking hoop (i.e. 2 spaces) is proposed near the hotel lobby for visitors. The provision of bicycle parking is appropriate for the proposed development.

Please refer to the Traffic Impact Assessment prepared by Traffix Group for additional information on all traffic related matters.

### Vegetation

An arboricultural assessment has been prepared for the subject site. The site is not influenced by any specific local vegetation controls under the Ballarat Planning Scheme. The arboricultural report includes an assessment of 111 trees on the site and 47 street trees. The site contained a mixture of planted native and exotic trees.

Trees that are native to Victoria would be influenced by Clause 52.17 (Native vegetation) of the planning scheme because the property is larger than 0.4ha. This clause has specific obligations and requirements relating to indigenous trees. There are exemptions that apply under the schedule to this clause. In particular, planted native vegetation is exempt from any requirements under this clause. The clause states at 52.17-7, Table of Exemptions.

*Planted vegetation, Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding. This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.*

Twenty-one (21) *Eucalyptus camaldulensis* (River Red Gum) were examined. Eight of these trees were street trees. Based on the size and dimensions of each examined River Red Gum, the arborist considers they are all planted and are exempt from Clause 52.17.

The arboricultural assessment made the following conclusions:

- Trees 59 & 71 have a moderate retention value, and their retention should be considered.
- Trees 16, 19, 20, 21, 22, 23, 25, 26, 27, 29, 30, 31, 32, 38, 43, 44, 47, 61, 62, 83, 84, 86, 87, 99, 100, 112, 113, 118, 119, 125, 126, 130, 132, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, 150, 151, 153, 154, 155, 156 have a low retention value and a recommendation of 'could be retained'.
- Trees 14, 15, 17, 18, 33, 34, 35, 45, 46, 48, 49, 64, 68, 79, 80, 81, 85, 89, 90, 101, 102, 103, 104, 105, 106, 108, 109, 111, 114, 115, 117, 120, 122, 123, 124, 127, 128, 131, 136, 144, 145, 146, 147, 148, 149, 152, 157, 158 have a low retention value and are







recommended for removal on the basis of their poor condition and short useful life expectancy.

- Trees 24, 28, 36, 42, 60, 78, 88, 107, 110, 116, 121, 129 have no retention value.

Relevantly, a permit is not required for the removal of any trees on site. The town planning drawings provide information of the proposed vegetation removal. Please refer to TPA02.02.

A separate arborist report will be provided later.

### Bushfire

The site is located within a designated Bushfire Prone Area (BPA) but is not subject to a Bushfire Management Overlay (BMO). A bushfire assessment report has been prepared for the proposed development.

Five classified vegetation classes were identified as per the classification methods in AS 3959:2018. Classified vegetation is represented in Figure 1 and comprised Grassland, Woodland, Shrubland, Scrub and Forest.

The study area lies within a broader landscape type One as defined in the Bushfire Management Overlay technical guidance (DELWP 2017) and does not include vegetation likely to result in neighbourhood-scale destruction if a bushfire occurred. The study area is also adjacent to the west of land identified as being prone to grassland fires, as defined in the Regional Bushfire Planning Assessment – Grampians Region (DPCD 2012).

The Defendable space requirements and BAL levels are detailed in Table of 1 bushfire assessment report. Any vegetation retained on the site, or planted as part of landscaping, must comply with the following provisions (as set out in Appendix 3) so as not to create a new bushfire hazard.

The defendable space management requirements below must be implemented.

- *Grass must be short cropped and maintained during the declared fire danger period.*
- *All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.*
- *Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.*
- *Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.*
- *Shrubs must not be located under the canopy of trees.*
- *Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.*
- *Trees must not overhang or touch any elements of the building.*





- *The canopy of trees must be separated by at least 5 metres.*
- *There must be a clearance of at least 2 metres between the lowest tree branches and ground level.*

Please refer to the bushfire assessment prepared by Nature Advisory for additional information.

### 3.5 Does the proposal represent a net community benefit and sustainable development?

The recent restructuring of the Victoria Planning Provisions resulted in the creation of Clause 71.02-3 Integrated decision making. It relevantly provides:

*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire and affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.*

The use and development of the land for a residential hotel will represent a net community benefit and sustainable development for the benefit of present and future generations for the following reasons:

- This location at the gateway to Ballarat has been carefully selected. The site has locational and other attributes that are not found on other sites. This location will complement the Council's plans for the remainder of the precinct. It is likely to act as a catalyst project for the precinct and will complement and assist other commercial activities nearby by drawing hotel patronage to the area.
- The proposal will deliver a development of a high architectural standard. An integrated landscaping proposal will also be implemented. This will significantly improve visual amenity provided by the site.
- The development will result in around \$20-\$40m of investment to the region. The construction process will take several years to complete and generate considerable work for local firms during that time.
- Once operational, we understand that the use has the potential to create in the region of 70-80 EFT jobs in a range of skilled, semi-skilled and unskilled roles.
- The hotel will be operated by a skilled operator. This will help to showcase the tourism potential of Ballarat and the region.
- The proposal provides more than sufficient car parking. There are no adverse traffic impacts or off-site amenity impacts caused by the proposal.





- The proposal will result in an improved agricultural outcome through the development of a large orchard and a productive landscape. Some of this produce can be used as part of the site's hospitality offer.







## 4 Conclusion

Based on the above assessment, it is considered that the proposed development at 63 Mahers Road, Warrenheip represents an acceptable town planning outcome and is appropriate for the following reasons:

- The proposal delivers an architectural outcome that can only be described as 'excellent' and will make a positive and worthy design legacy for the Woodmans Hill Gateway.
- The proposal development provides for increased tourism and local employment opportunities.
- The Urban Design Report and Design Response prepared adequately justify the proposal from an urban design perspective having particular regard to the design objectives of DDO10.
- The proposal delivers numerous benefits to will overall result in a net community benefit.
- All relevant matters have been appropriately considered and there are no other matters which would suggest the grant of a planning permit was not acceptable.
- The proposal is entirely consistent with the Ballarat Planning Scheme.

It follows that a town planning permit should be granted for the proposal.

### Glossop Town Planning

September 2021











**RECOMMENDATION:****Notice of Decision to Grant a Planning Permit:**

That the delegated planning committee 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](mailto: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**

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

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

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**

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

**7. Services connection plan**

Prior to construction, a Central Highlands Water endorsed proposal, for the provision of sewerage and water services to the land, must be endorsed and form part of the planning permit, 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**

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.

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

- (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).

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

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

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:

- (a) The Fire Danger Rating triggers for the closure of the facility.
- (b) Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.
- (c) Details of the location/s for emergency assembly, evacuation and shelter-in-place (in the event that evacuation from the site is not practicable).
- (d) Transport arrangements for staff and visitors
- (e) The need for any additional arrangements for persons with special needs.
- (f) Training of staff, visitors on emergency procedures.
- (g) The nature and frequency of emergency procedure exercises.
- (h) Emergency procedures (bushfire action statements) including the assignment of roles and responsibilities to staff. This must include assigning responsibility for the:
  - i. Management and oversight of emergency procedures.
  - ii. Training of employees in emergency procedures.
  - iii. Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.
  - iv. Accounting for all persons during the emergency procedures.
  - v. 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



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

- (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.
- (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:
  - i. transport of materials, goods or commodities to or from the land;
  - ii. appearance of any building, works or materials;
  - iii. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour,

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

- steam, soot, ash, dust, waste water, waste products, grit or oil;
- iv. 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 abutting roads are upgraded to the requirements of City of Ballarat'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.
- (b) 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.
- (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 City of Ballarat 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.

**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**

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

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 entered into with the Head, Transport for Victoria.

18. **Moorabool Shire Council**

(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

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

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:

- 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.



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

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. 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

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

- 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**

- 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).

**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.

**7. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA**

**8. CLOSE**