

OFFICIAL

Planning Delegated Committee Meeting

Minutes

4 December 2024 at 6:30pm

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



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1. ACKNOWLEDGEMENT OF COUNTRY



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

2. APOLOGIES FOR ABSENCE

2.1 Present

Cr Tracey Hargreaves (Mayor)
Cr Damon Saunders
Cr Des Hudson
Cr Jay Morrison
Cr Jim Rinaldi
Cr Samantha McIntosh
Cr Ted Lapkin
Cr Tess Morgan

Mr Evan King - Chief Executive Officer
Ms Bridget Wetherall - Director Infrastructure and Environment
Mr Matthew Wilson - Director Community Wellbeing
Mr John Hausler - Director Corporate Services
Ms Natalie Robertson - Director Development and Growth
Mr Kelli Moran - Acting Director Economy and Experience
Mr Cameron Montgomery - Executive Manager Governance and Risk
Ms Rosie Wright - Coordinator Risk, Governance and Compliance

2.2 Apologies

Cr Ben Taylor is on leave, as approved by Council in the 27 November 2024 Council Meeting (R196/24).

3. DECLARATION OF CONFLICT OF INTERESTS

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Planning Delegated Committee Meeting on 14 August 2024 as circulated be confirmed.

Moved: Cr Des Hudson
Seconded: Cr Jim Rinaldi

CARRIED
(PDC27/24)

5. OFFICER BRIEFING

Nil

6. PLANNING DELEGATED COMMITTEE REPORTS

6.1. HERITAGE OVERLAY FOR THE FORMER PRICE'S GROCERY, 202 LYONS STREET SOUTH, BALLARAT CENTRAL (C258BALL)

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Charyn Symes – Strategic Planner Heritage

Public representation was made by Stuart Kelly (representing Ballarat Heritage Watch).

PURPOSE

1. This report recommends to the Planning Delegated Committee that a request be submitted to the Minister for Planning to seek authorisation to prepare Ballarat Planning Scheme Amendment C258ball – Former Price's Grocery and place the amendment on public exhibition.
2. The amendment proposes to apply the Heritage Overlay (HO237) to 202 Lyons Street South, Ballarat Central.

RESOLUTION:

21. That the Planning Delegated Committee:

- 21.1 Advise the Minister for Planning that the City of Ballarat has completed a heritage assessment of 202 Lyons Street South, Ballarat Central and it has been identified to be of local heritage significance, based on the evidence of local significance detailed in the Heritage Citation and Statement of Significance (November, 2024).**
- 21.2 Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C258ball to apply a Heritage Overlay and associated provisions to 202 Lyons Street South, Ballarat Central pursuant to Section 8A of the *Planning and Environment Act 1987*, and to place the Amendment on exhibition pursuant to Section 19 of the *Planning and Environment Act 1987*.**
- 21.3 Authorise the Director Development and Growth to undertake administrative changes to the amendment that do not change the intent of the amendment, or any changes required under the Minister for Planning's authorisation, prior to the commencement of exhibition.**

Moved: Cr Samantha McIntosh
Seconded: Cr Des Hudson

CARRIED
(PDC28/24)

6.2. HERITAGE OVERLAY FOR THE FORMER MCGRATH BLACKSMITH AND RESIDENCE, 2172 BALLARAT-MARYBOROUGH ROAD, ASCOT

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Charyn Symes – Strategic Planner Heritage

Public representation was made by Stuart Kelly (representing Ballarat Heritage Watch) and Daniel Palm.

PURPOSE

1. This report recommends to the Planning Delegated Committee that a request be submitted to the Minister for Planning to seek authorisation to prepare Ballarat Planning Scheme Amendment C257ball – Former McGrath Blacksmith and Residence (Ascot Forge) and place the amendment on public exhibition.
2. The amendment proposes to apply the Heritage Overlay (HO236) to 2172 Ballarat-Maryborough Road, Ascot.

RESOLUTION:

25. That the Planning Delegated Committee:

- 25.1 Advise the Minister for Planning that the City of Ballarat has completed a heritage assessment of 2172 Ballarat-Maryborough Road, Ascot and it has been identified to be of local heritage significance, based on the evidence of local significance detailed in the Heritage Citation and Statement of Significance (September, 2024).
- 25.2 Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C257ball to apply a Heritage Overlay and associated provisions to 2172 Ballarat-Maryborough Road, Ascot pursuant to Section 8A of the *Planning and Environment Act 1987*, and to place the Amendment on exhibition pursuant to Section 19 of the *Planning and Environment Act 1987*.
- 25.3 Authorise the Director Development and Growth to undertake administrative changes to the amendment that do not change the intent of the amendment, or any changes required under the Minister for Planning's authorisation, prior to the commencement of exhibition.

Moved: Cr Samantha McIntosh
Seconded: Cr Ted Lapkin

CARRIED
(PDC29/24)

6.3. PLP/2022/718 112 SIM STREET BLACK HILL

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Nicole Burns – Principal Planning Officer, Sustainable Growth

Public representation was made by James Rush (representing Hygge Property), Joseph Van Dyk (representing Hygge Property), and Shane Scanlon.

PURPOSE

1. The purpose of this report is to advise the Planning Delegated Committee of a planning permit application to construct 37 two-storey dwellings, staged multi-lot subdivision and removal of native vegetation at 112 Sim Street, Black Hill.

RESOLUTION:

107. That the Planning Delegated Committee:

- 107.1 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 issue a Notice of Decision to Grant a Permit for Buildings and works associated with the development of 37 dwellings and staged multi lot subdivision at 112 Sim Street Black Hill under the provisions of the Ballarat Planning Scheme, subject to the following conditions:**

PROPOSED CONDITIONS

1. Amended Plans Required

Before the 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 Porter Architects Revision 19 dated 11 October 2023 but modified to show:

- a) As per Clause 52.06-9 Design standard 1 for car parking, a passing area at the entrance at least 6.1 metres wide and 7 metres long is required as the accessway serves ten or more car parking spaces and is more than 50 metres long. Passing bay should not be located adjacent to garage entrances
- b) A clearly marked pedestrian route separated from traffic is required in accordance with Design Standard 6 and has not been detailed on the plans. Given the accessway extending through the site is non-standard, this only reinforces the need to ensure a clearly identifiable pedestrian route is provided. This will assist in preventing pedestrian and vehicle conflicts.
- c) All gradients in accordance with design Standard 3 of Clause 52.06.
- d) Interim visitor car parking to be located within Stage 1, commensurate with the number of dwellings within Stage 1 until such time as Stage 2 is delivered.
- e) Deletion of first floor balcony, privacy screens and access door off bedroom number 2 of Townhouse 36.

- f) Reconfiguration of TH35/28 to enable pedestrian access off the common driveway. This may include the widening of the townhouses.
- g) Entry doors to TH22/TH29 to open within the property boundary and the canopies above each door to be located entirely within the property boundary.
- h) Front window of TH2, TH04 – TH13 to comply with standard B15
- i) Removal of external storage and water tanks from the ground floor courtyards for TH04,06,08,10,12 and the provision of these facilities elsewhere onsite.

Any changes to the layout as required by the Environmental Audits required under conditions 6 and 7.

2. Formal Plan of Subdivision

- a) The formal plan of subdivision lodged for certification must be generally in accordance with the approved plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.
- b) Unless otherwise approved in writing by the Responsible Authority, the formal plan of subdivision lodged for certification must include a common property schedule to the satisfaction of the Responsible Authority specifying that the following lots are entitled to/liable for the common property:
 - i. All lots on this plan.

3. Landscape Plan

Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared generally in accordance with Council's Landscape Design Manual (August 2012).

The landscape plan must include:

- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- b) details of surface finishes of pathways and driveways;
- c) 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;
- d) A net increase in canopy coverage across the site. All canopy trees should be planted in accordance with the Bushfire Management Plan referenced in Condition 24.

Before the development is complete, all landscaping works must be carried out and completed in accordance with the approved landscape plan and Council's Landscape Design Manual (August 2012).

4. Completion and Maintenance of Landscaping Works

Before the dwellings are occupied, all landscape works shown on the approved Landscape Plans must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the approved landscape plan must be maintained to the satisfaction of the Responsible Authority for 18 months from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced

during the period of maintenance and must not be deferred until the completion of the maintenance period.

5. Before a Statement of Compliance is issued

Before a Statement of Compliance for the plan of subdivision for each stage is issued under the *Subdivision Act 1988*, the development approved under this Planning Permit must be substantially completed (eg: frame stage as a minimum) to the satisfaction of the Responsible Authority. Evidence must be submitted which demonstrates that the development is substantially completed to the satisfaction of the Responsible Authority.

Before a Statement of Compliance for the plan of subdivision is issued under the *Subdivision Act 1988*, the Common Property Access and laneways for each stage approved under this Planning Permit must be completed to the satisfaction of the Responsible Authority.

6. Audit - assess landfill gas risk

Before the development starts (other than necessary demolition and works required to comply with this condition) for each stage, the owner of the land must:

- a) Engage an environmental auditor appointed under Part 8.3 of the *Environment Protection Act 2017* to prepare and submit to the satisfaction of the Responsible Authority a scope of the proposed audit including a consideration of landfill gas.
- b) Have the environmental auditor conduct an audit under Division 3 (Environmental Audits) of the *Environment Protection Act 2017* in accordance with the agreed scope stating the land is suitable for the use.
- c) Implement any recommendations of the environmental audit report. If any recommendations require ongoing maintenance, management or monitoring, the owner must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the Responsible Authority providing for the implementation and ongoing maintenance, management or monitoring of any ongoing requirements as required by the environmental audit.
- d) Where a section 173 Agreement is required, the agreement must be executed before the permitted use starts, an Occupancy Permit is issued under the *Building Act 1993* or a Statement of Compliance is issued under the *Subdivision Act 1988* (whichever occurs first). All expenses involved in the drafting, reviewing, negotiating, executing, lodging and registering of the section 173 agreement, including those incurred by the Responsible Authority, must be met by the owner(s) of the land.
- e) Before any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out before issuing an environmental audit.
- f) No works to construct the development can be carried out on the land and no building contract to construct the approved development may be entered into, other than in accordance with a building contract that stipulates that works must not start until such time as conditions 6, c) and d) are satisfied.

- g) Before the use starts, an Occupancy Permit is issued under the *Building Act 1993* or a Statement of Compliance is issued under the *Subdivision Act 1988* (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the *Environment Protection Act 2017*, including confirming any requirements in the environmental audit recommendations regarding verification of works are complied with. All the recommendations of the environmental audit must be complied with to the satisfaction of the Responsible Authority.

Note: The environmental audit should take into consideration the letters of advice provided to the City of Ballarat by John Nolan from Nolan Consulting dated 8 April 2024 Ref.: CoB Itr 2024_04_08.docx and Ken Mival dated 20 May 2024 Ref.: PTY.05620 DRAFT

7. **Contamination Assessment (Subdivision)**

Before the development starts (other than necessary demolition and works required to comply with this condition), the owner of the land must:

- a) Engage an environmental auditor appointed under Part 8.3 of the *Environment Protection Act 2017* to prepare and submit to the satisfaction of the Responsible Authority a scope of the proposed audit including a consideration of land contamination.
- b) Have the environmental auditor conduct an environmental audit under Division 3 (Environmental Audits) of the *Environment Protection Act 2017* in accordance with the agreed scope stating the land is suitable for the use.
- c) Implement any recommendations of the environmental audit report. If any recommendations require ongoing maintenance, management or monitoring, the owner must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the Responsible Authority requiring the implementation, maintenance and monitoring any ongoing requirements as required by the environmental audit.
- d) Where a section 173 Agreement is required, the agreement must be executed before the permitted use starts, an Occupancy Permit is issued under the *Building Act 1993* or a Statement of Compliance is issued under the *Subdivision Act 1988* (whichever occurs first). All expenses involved in the drafting, reviewing, negotiating, executing, lodging and registering of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s) of the land
- e) Before any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out before issuing an environmental audit.
- f) No works to construct the development hereby approved can be carried out on the land and no building contract to construct the approved development may be entered into, other than in accordance with a building contract that stipulates that works must not start until such time as Conditions 7, c) and d) are satisfied.
- g) Before the use starts, an Occupancy Permit is issued under the *Building Act 1993* or a Statement of Compliance is issued under the *Subdivision Act 1988*

(whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit must be provided by an environmental auditor appointed under the *Environment Protection Act 2017*, including confirming any requirements in the environmental audit recommendations regarding verification of works are complied with. All the recommendations of the environmental audit must be complied with to the satisfaction of the Responsible Authority.

Note: The environmental audit should take into consideration the letters of advice provided to the City of Ballarat by John Nolan from Nolan Consulting dated 8 April 2024 Ref.: CoB Itr 2024_04_08.docx and Ken Mival dated 20 May 2024 Ref.: PTY.05620 DRAFT.

8. Environmental Management Plan

Before the development or any site works (including demolition and excavation) starts, an environmental management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the environmental management plan will be endorsed and will then form part of the permit.

The environmental management plan must include:

- a) A construction environmental management plan to be verified by their auditor prior to the building permit being issued.
- b) A plan for occupation of the site for adherence by future residents as part of a body corporate.
- c) Development plans to be reviewed and endorsed by the auditor that they are appropriate for the site.

All of these things to be under the review by their auditor and verified as suitable and attached to the audit report.

9. Construction Management Plan

Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed and will then form part of this permit. The Plan must detail:

- a) Hours of demolition and construction to accord with Local Laws;
- b) Management of surrounding streets to ensure all 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 waste storage construction bins and vehicle washing;
- d) Management of parking of construction machinery and workers vehicles to prevent adverse impacts to nearby properties;
- e) Management of heavy vehicles, site deliveries and unloading and lifting points and expected frequencies and traffic management in the vicinity of the site to ensure routes to and from the land minimise disruption to nearby residential properties;
- f) The measures to minimise disruption to pedestrian movements along adjacent footpaths;

- g) Measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks and construction activities, especially outside of daytime hours where this is permitted;
- h) The provision of adequate environmental awareness training for all on-site contractors and sub-contractors; and
- 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.

Where the construction phase is to be carried out in stages, staged management plans may be submitted and must be approved prior to the commencement of each relevant stage. The Construction Management Plan might include a Demolition Management Plan (DMP), Earthworks Management Plan (EMP) and Civil Works Management Plan (CWMP) or any other management plan considered necessary to facilitate the development as considered relevant by the Responsible Authority.

Each management plan must set out the matters noted in (a) to (i) above as relevant to that stage as well as any other mitigation measures considered necessary to manage the potential effects generated by the buildings and works associated with that stage as considered relevant by the Responsible Authority.

10. Land in Stage 2

The land in Stage 2 must be maintained to the satisfaction of the Responsible Authority until such time as all related pre-commencement permit conditions are discharged. If it is ultimately deemed that Stage 2 land will not be developed in accordance with this permit, then within 6 months of this determination a landscape for Stage 2 land must be submitted in accordance with the requirements of condition 3.

This landscape may include visitor carparking for the entire development in accordance with Clause 52.06 of the Ballarat Planning Scheme.

11. Lighting

Before the development starts, a lighting plan to the satisfaction of the Responsible Authority detailing the location of low-level external lighting capable of illuminating access along the common property driveway, must be submitted to and approved by the Responsible Authority. Once approved, the lighting plan will be endorsed and will then form part of the permit.

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.

12. Internal Access Ways and Car Parking

Before the plan of subdivision is certified under the *Subdivision Act 1988* and before any works commencing on site, engineering plans to the satisfaction of the Responsible Authority for the construction of common property access and other

areas set aside for the parking of vehicles and access lanes as shown on the endorsed Plans must be submitted to and approved by the Responsible Authority. Once approved, the engineering plans will be endorsed and will then form part of the permit.

Common property access lanes and areas set aside for the parking of vehicles must be:

- a) Constructed with a concrete pavement or flexible granular pavement with asphalt surfacing;
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Drained;
- d) Line-marked to indicate each car space and all access lanes;
- e) Clearly marked to show the direction of traffic along access lanes and driveways.

Car spaces and access lanes must be maintained and kept available for these purposes at all times.

All works must be completed in accordance with endorsed plans and to the satisfaction of the Responsible Authority, before the first of either the issue of Statement of Compliance for each stage, or the issue of a Certificate of Occupancy for any dwellings within each stage.

13. Functional Layout Plan

Before the plan of subdivision for each stage is certified under the *Subdivision Act 1988*, before any works commencing on site and before the submission of detailed engineering plans for each stage, Functional Layout Plans, including documentation in accordance with the Endorsed Plans, Infrastructure Design Manual (IDM), Melbourne Water's WSUD Guidelines and Council's Guidelines shall be submitted to and approved by the Responsible Authority. In addition to requirements of the IDM the following must also be included:

- a) Revision of the Stormwater Management Strategy (or strategies) that include the following:
 - i. A revised Legal Point of Discharge location as specified by Council after making a formal request for a Legal Point of Discharge.
 - ii. The most current development plan with staging detailing interim and ultimate stormwater management solutions proposed.
 - iii. Updated stormwater parameters:
 - Alignment with the IDM storage and permissible site discharge values. (Unless otherwise specified by the Responsible Authority).
 - T_c / T_{cs} as issued by the Responsible Authority, or adoption of $T_c = 20$ minutes, $T_{cs} = 10$ minutes
 - Pre-development runoff coefficient of 0.4, post-development runoff coefficient of 0.9.
 - Minor drainage network design to be based on an Annual Exceedance Probability (AEP) of 20%. (Or greater if necessary).
 - Pre-development design event for Permissible Site Discharge to be based on a 1EY (1-year event), or as otherwise governed by the capacity of receiving infrastructure, to the satisfaction of the Responsible Authority.

- Developed conditions detention storage to be based on a 1% AEP event.
 - Fraction Impervious for external catchment to be 0.75
- iv. A drainage system to capture/connect and convey external upstream catchment through the site via reserves and easements in favour of Council for both major and minor storm events. (Unless otherwise specified by the Responsible Authority).
- v. Details of construction management requirements consistent with neighbouring landfill management requirements.

14. Naturestrips

The nature strip fronting the development site must be rehabilitated in accordance with levels and specifications submitted to and approved by the Responsible Authority.

The works must include:

- a) The reshaping of the nature strip as required after construction of the new access.
- b) Topdressing the area with a 75 mm rolled depth of good quality loamy topsoil free of any weed or seed.
- c) Seeding the area with an appropriate seed mix.

All works must be completed in accordance with Council's Landscape Design Manual to the satisfaction of the Responsible Authority prior to the issue of Statement of Compliance, or occupation of the development, whichever should occur first.

15. Drainage Plans and Construction (Subdivision)

Before the plan of subdivision is certified under the *Subdivision Act 1988* and before works commencing on site for each stage of development, stormwater strategies, along with drainage plans and computations detailing stormwater detention and stormwater treatment measures and operation and maintenance plans for each stage must be submitted to and approved by the Responsible Authority. The drainage strategies, plans and computations must accord with the approved Functional Layout Plans, Infrastructure Design Manual, Melbourne Water's WSUD Guidelines and any other requirements specified by the Responsible Authority.

Stormwater from all roofs, gutters, downpipes, paved and yard areas shall be drained to a legal point of discharge to the satisfaction of the Responsible Authority. The Legal Point of Discharge [LPOD] is connection to existing kerb & channel on the Sim Street property frontage.

Stormwater runoff from the site must be directed to the LPOD via a pumped drainage system located within common property, designed and constructed in general accordance with Australian Standard AS 3500 and modified to provide a storage volume corresponding to a 1% AEP storm event. A reserve/back-up pump and reserve power source shall be included to allow for continual pumping in the event of mains power failure.

The owner of the land must enter into a section 173 agreement with the Responsible Authority to ensure installation, operation and maintenance of the drainage system.

At the completion of the works 'as constructed' civil plans must be submitted to the Responsible Authority, having been prepared by a suitably experienced and qualified Engineer.

All drainage works must be constructed in accordance with the approved plans and must be completed to a to the satisfaction of the Responsible Authority before the Statement of Compliance is issued for each stage under the *Subdivision Act 1988*, or a Certificate of Occupancy is issued for any dwellings in each stage, whichever should occur first.

Any proposed discharge of stormwater requiring a direct and/or modifying and existing connection to a designated waterway (as defined by the *Water Act 1989*) will require approval by the relevant Catchment Management Authority.

16. Drainage Easements

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

All existing easements are not to be incumbered by any element of the development.

17. Vehicle Access – Subdivision

Before a Statement of Compliance for the plan of subdivision is issued under the *Subdivision Act 1988*, vehicle access to the site off Sim Street must be constructed in accordance with plans and specifications set under an approved Vehicle Crossing Permit to the satisfaction of the Responsible Authority.

Note: 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.

18. Street Naming and Numbering

Before the development starts, the owner of the land must contact Council's Revenue Officer to arrange street numbering and naming requirements. All costs associated with the numbering of properties and naming of streets (including but

not limited to supply and installation of street signs) must be borne by the permit holder. All works must be completed to the satisfaction of the Responsible Authority before the Statement of Compliance for the plan of subdivision is issued under the *Subdivision Act 1988*, or the development is occupied, whichever occurs first.

19. Sediment on Roadways

No material may be deposited on any road external to the site by any means including construction vehicles or associated plant entering or leaving the land subject to this permit. Any material deposited on the road shall be removed by mechanical or manual means to the satisfaction of the Responsible Authority.

Note 1: Depositing such material on Responsible Authority's Roads is an offence under the Environment Protection (Resource Efficiency) Act 1970 and penalties may apply.

Note 2: Any costs associated with a clean-up of road surfaces borne by the Responsible Authority must be met by the permit holder.

20. Sediment Control Measures

Before the development starts, a Sediment Control Plan to the satisfaction of the Responsible Authority detailing sediment control measures during construction must be submitted to and approved by the Responsible Authority. Once approved, the Sediment Control Plan will be endorsed and will then form part of the permit. Control measures must be generally in accordance with the EPA publication 480 'Environment Guidelines for Major Construction Sites'. All sediment control measures must be undertaken and remain in place until the completion of site works, all to the satisfaction of the Responsible Authority.

21. Department of Energy, Environment and Climate Action (Ref: 00006717)

General:

1. No structures are to encroach upon the adjoining Crown land.
2. The adjoining Crown land is not to be used for temporary storage associated with the proposal.
3. Any works occurring on the adjoining freehold land should ensure a suitable setback is provided from the Crown land boundary.
4. The Crown land boundary should be fenced using appropriate fencing.
5. Crown land is not to be used as defensible space to satisfy a Bushfire or Wildfire Management Overlay (BMO or WMO) requirements.

Access:

6. The adjoining Crown land is not to be used as legal access to facilitate the development.
7. Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of the buildings or works.

Stormwater management:

8. Until an authorization is obtained from DEECA, no effluent, storm water or run-off is to be discharged directly or indirectly onto the adjoining Crown land, or into any drains or watercourses on the Crown land.

9. Overland flows must be maintained at the same rate post-development as on the undeveloped land.

Waste management:

10. All waste must be disposed of appropriately and consistent with local government and Environment Protection Authority requirements

22. Central Highlands Water (Ref:22/17743)

- a) Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act 1988.
- b) Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- c) A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- d) The owner will provide easements to the satisfaction of the Central Highlands Region Water Authority, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
- e) The owner must demonstrate to the satisfaction of Central Highlands Region Water Corporation how the subdivision design incorporates the principles of water sensitive urban design (WSUD) and the integrated water management (IWM) requirements of the Ballarat City Integrated Water Management Plan to achieve the associated potable water reduction targets. Where this involves a requirement for future owners of the lots to install and maintain rainwater tanks the owner must enter into an agreement with Central Highlands Region Water Corporation (CHW) and City of Ballarat under Sections 173 and 174 of the Planning and Environment Act 1987 to record this requirement, unless an alternative means of recording the requirement is agreed to Central Highlands Water's satisfaction.
- f) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

23. Powercor Australia Ltd Ref:308620283

- a) This letter shall be supplied to the applicant in its entirety.
- b) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- c) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
- d) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

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

- e) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

- f) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

24. Country Fire Authority Ref: 15000-78755-129370

1. **Endorsement of Bushfire Management Plan**

The Bushfire Management Plan TERRAMATRIX Version 1.0 dated 15.05.2023, pages 17 & 18 must be endorsed by the Responsible Authority and must not be altered unless agreed to in writing by CFA and the Responsible Authority.

2. **Water supply for firefighting**

Prior to the issuing of statement of compliance, the firefighting water tank, fire hydrant and access to both must be constructed to the satisfaction of CFA.

25. Telecommunications

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

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

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

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

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

If for the purpose of meeting drainage plan requirements On-Site Stormwater Detention (OSD) and/or Water Sensitive Urban Design (WSUD) and/or pumped drainage systems are proposed and are approved for such use by the Responsible Authority, then;

Prior to the issue of Statement of Compliance for each stage of development, an Agreement under Section 173 of the *Planning & Environment Act 1987* must be entered into between the owner and the Responsible Authority. The Agreement must be prepared and registered on the Certificate of Title of the subject land, requiring the owner to install, operate and maintain the designated OSD, WSUD and pumped drainage systems in a condition and to a standard that ensures its correct operation and otherwise to the satisfaction of the Responsible Authority.

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

The Responsible Authority may release the owner from these obligations and/or vary the requirements upon the written request of the owner. The Responsible Authority must be satisfied that the release and/or variation to the agreement will result in a better planning outcome or that the agreement is no longer required.

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

27. Section 173 Agreement (Refuse Collection Dwellings)

Unless otherwise agreed in writing by the Responsible Authority, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to provide the following before the dwellings are occupied:

- a) Refuse must be appropriately stored and removed from the site every two (2) weeks as a minimum by a recognised waste removal contractor in accordance with the endorsed waste management plan forming part of this permit.

- b) The Responsible Authority may resolve to release the owner from these obligations if the Responsible Authority is satisfied that an appropriate alternative arrangement can be made.

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

The Responsible Authority may release the owner from these obligations and/or vary the requirements upon the written request of the owner. The Responsible Authority must be satisfied that the release and/or variation to the agreement will result in a better planning outcome or that the agreement is no longer required.

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

28. Section 173 Agreement - Maintenance pumping system

Unless otherwise agreed in writing by the Responsible Authority, prior to Statement of Compliance being issued, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning & Environment Act 1987* to provide the following:

- a) An ongoing maintenance schedule for the onsite stormwater detention systems at the cost of the owner's corporation and the provision of maintenance records to the Responsible Authority upon request.
- b) The maintenance schedule must set out regular maintenance periods to the satisfaction of the Responsible Authority.

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

29. Public Open Space Monetary Contribution

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

30. Easements

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

30. Reticulated Gas Dwelling

Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme).

This condition continues to have force and effect after the development authorised by this permit has been completed.

31. **Permit Expiry – Development and Subdivision**

The permit for development of the land will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit;
- b) The development is not completed within four years of the date of this permit.

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).

The permit for subdivision of the land will expire if the plan of subdivision is not certified within two (2) years of the date of issue of this Permit unless the Responsible Authority grants an extension of the Permit upon application in writing by the permit holder within six (6) months of the prescribed expiry date. Once the plan of subdivision is certified, the Permit will expire five years from the date of certification of the plan of subdivision.

Notes:

Heritage Note

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

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

Building Act

Building Approvals

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

ResCode

ResCode has been assessed as part of this planning application.

Containment of Refuse and Disposal of Builders' 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.

Managing Construction Impacts

- Construction - guide to preventing harm to people and the environment, EPA Publication 1820.1, <https://www.epa.vic.gov.au/about-epa/publications/1820-1>
- Civil construction, building and demolition guide, EPA Publication 1834, <https://www.epa.vic.gov.au/about-epa/publications/1834>.

Moved: Cr Ted Lapkin
Seconded: Cr Des Hudson

CARRIED
(PDC30/24)

7. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA

Nil

8. CLOSE

The Mayor declared the meeting closed at 7:32 pm.