

OFFICIAL

# **Planning Delegated Committee Meeting**

## **Minutes**

**12 February 2025 at 6:30pm**

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



**ORDER OF BUSINESS:**

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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 Ben Taylor  
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 Martin Darcy - Director Economy and Experience  
Mr Cameron Montgomery - Executive Manager Governance and Risk  
Ms Rosie Wright - Coordinator Risk, Governance and Compliance

### 2.2 Apologies

Nil

## 3. DECLARATION OF CONFLICT OF INTERESTS

Nil

#### 4. CONFIRMATION OF MINUTES

##### RESOLUTION:

That the Minutes of the Planning Delegated Committee Meeting on 4 December as circulated be confirmed.

Moved: Cr Des Hudson  
Seconded: Cr Jay Morrison

CARRIED  
(PDC1/24)

#### 5. OFFICER BRIEFING

Nil

## 6. PLANNING DELEGATED COMMITTEE REPORTS

### 6.1. C252BALL – FORMER CARRIER’S ARMS HOTEL & STABLES, 9 CRESWICK ROAD, BALLARAT CENTRAL

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

#### PURPOSE

1. The purpose of this report is for the Planning Delegated Committee to consider:
  - a. The outcome of the public exhibition period for Amendment C252ball.
  - b. Adoption of Amendment C252ball to the Ballarat Planning Scheme.
  - c. Requesting the Minister for Planning approve Amendment C252ball to the Ballarat Planning Scheme.
2. Planning Scheme Amendment C252ball (the Amendment) proposes to apply a site-specific Heritage Overlay to the 'Former Carrier's Arms and Stables' and its curtilage at 9 Creswick Road, Ballarat Central on a permanent basis.

#### RESOLUTION:

- 21. That the Planning Delegated Committee:**
- 21.1 Consider all submissions received to the Amendment C252ball pursuant to section 22(1) of the *Planning and Environment Act 1987*.**
  - 21.2 Adopt the Amendment C252ball to the Ballarat Planning Scheme with changes pursuant to section 29(1) of the *Planning and Environment Act 1987*.**
  - 21.3 Submit the adopted Amendment C252ball to the Minister for Planning and request approval pursuant to 31(1) of the *Planning and Environment Act 1987*.**
  - 21.4 Notifies all submitters of the Planning Delegated Committee’s determination in relation to Amendment C252ball.**

Moved: Cr Ted Lapkin  
Seconded: Cr Ben Taylor

**CARRIED**  
**(PDC2/24)**

## 6.2. PLP/2023/349 - 115 DOVETON STREET SOUTH

Division: Development and Growth  
Director: Natalie Robertson  
Author/Position: Wallie Cron – Principal Planning Officer

Public representation was made by Stuart Kelly and Tim Stevens.

### PURPOSE

1. The purpose of this report is to advise the Planning Delegated Committee of Planning Permit Application No. PLP/2023/349, 115 Doveton Street South, Ballarat Central. The matter is before the Planning Delegated Committee for consideration as a call up by Councillors.

### RESOLUTION:

#### 87. That the Planning Delegated Committee:

- 87.1 Having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, it is recommended that in accordance with the provisions of the Ballarat Planning Scheme in respect of the land known and described as 115 Doveton Street South, Ballarat Central, the Council resolve to issue a Planning Permit for buildings and works for the construction of a five-storey building, alteration of access to a road in a Transport Zone and reduction in the parking requirements of Clause 52.06-3 subject to the following conditions:**

### PROPOSED CONDITIONS

#### Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved in writing 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. The plans must be generally in accordance with the plans prepared by Protect Now Architects #1, dated 6 March 2023, but modified to show:
  - a) A 3.0 metre setback provided from the south boundary to Levels 2, 3 and 4 above the podium.
  - b) The south-facing windows at Levels 2, 3 and 4 to incorporate screening measures up to a height of 1.7 metres above finished floor level.
  - c) The details of all ground level services including hydrants and meters that are required by service authorities. Such services must be sensitively designed into the architecture of the building and not undermine the design quality at street level.
  - d) Elevation details of all roof top plant and the lift overrun and associated screening materials.
  - e) A roofing cover applied to the awning above the entry foyer and the ground level commercial tenancy.
  - f) Development plans to reflect all sustainability features indicated in the submitted Sustainability Management Plan prepared by Makao. Where features cannot be visually shown, include a note/table providing details of the requirements (i.e.



- energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.).
- g) The space between car parking bay 16 and 17 to be nominated as a car parking space.
  - h) An amended Sustainable Management Plan in accordance with Condition 3.
  - i) A Façade Strategy Plan in accordance with Condition 5.
  - j) A Landscape Plan in accordance with Condition 6.
  - k) All the requirements set out by the Department of Transport and Planning clearly annotated on the plans in accordance with Condition 29.

#### **Compliance with documents approved under this permit**

- 2. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

#### **Layout not altered**

- 3. The layout of the development hereby approved must not be altered from the layout on the approved and endorsed plans without the written consent of the Responsible Authority.

#### **Sustainable Management Plan**

- 4. Before the development starts, an amended Sustainable Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The plan must be generally in accordance with the Plan prepared by Makae, dated 20 June 2023, but modified to show:
  - a) The Plan to reflect the changes to the plans as required by Condition 1 of this permit.
  - b) A study of the glazing and the contribution of the vertical window fins to passive solar design.

#### **Façade Strategy**

- 5. Before the development starts, a Façade Strategy must be submitted to and approved in writing by the Responsible Authority. The Façade Strategy must detail a full schedule of materials, finishes and details, including, but not limited to, the colour, type of materials and appearance. The Façade Strategy must also:
  - a) Deliver high quality materials and finishes to the Council's satisfaction.
  - b) Undertake an exploration of finer detail of the development, including the manner in which shrouds are attached to the building and services are incorporated into the façade;
  - c) Demonstrate how the weather protection will be implemented across the pedestrian footpath area including the entrance foyer and ground level commercial space.
  - d) Be updated to reflect the changes required by Condition 1 of this Permit, as necessary.

Once approved, the Façade Strategy will be endorsed to form part of the permit.

#### **Landscape Plan**

- 6. Prior to the commencement of any works, including demolition or bulk excavation, a landscape plan must be submitted to and approved by the Responsible Authority. Once approved, the landscape plan will be endorsed to form part of the permit. The landscape plan must detail:
  - a) Details of surface finishes and garden beds within the terrace areas.

- b) A planting schedule of all proposed vegetation, including botanical names, common names, pot sizes, size at planting, sizes at maturity and quantities of each plant (including soil type and profile for any deep soil planting).
- c) A response to water sensitive urban design principles and type of irrigation systems to be used.
- d) Show the tree protection zone and measures being implemented in accordance with Condition 7 herein.

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

### **Completion and Maintenance of Landscaping Works**

7. Prior to the use of the buildings commencing all landscape works forming part of the approved Landscape Plans must be completed to the satisfaction of the Responsible Authority. The landscaping shown on the approved landscape plan must be maintained to the satisfaction of the Responsible Authority. Any dead, diseased or damaged vegetation or landscaped areas are to be repaired or replaced to the satisfaction of the Responsible Authority.

### **Street Tree Protection Fencing**

8. A tree protection fence to the satisfaction of the Responsible Authority must be erected around the street tree adjacent to the site at a radius of two metres from the base of the trunk(s) to define 'Tree Protection Zone'; and  
The ground surface of the Tree Protection Zone within the fence must be covered by a 100mm deep layer of mulch, to the satisfaction of the Responsible Authority.

The Tree Protection Zone is to be established and maintained in accordance with Australian Standard AS4970 Protection of Trees on development sites.

### **Sustainable Management Plan**

9. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the endorsed SMP report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved SMP report have been implemented in accordance with the relevant approved plans. This may include a GBCA Green Star Design and As Built Design Review Rating to confirm compliance with the stated Green Star targets where required.

### **Vehicle Access**

10. Prior to the commencement of the use or occupation of the development (whichever occurs first), vehicle access to the site must be constructed in accordance with plans and specifications set under an approved Vehicle Crossing Permit to the satisfaction of the Responsible Authority.

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.

### **Footpaths**

11. The existing footpath must be rehabilitated as necessary following the construction phase along the Doveton Street South frontage to the satisfaction of the Responsible Authority.

Prior to works commencing on the rehabilitation works of the footpath, plans must be submitted to and approved by the Responsible Authority. The plans must accord with the Infrastructure Design Manual. All works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the commencement of the first use of the development.

### **Internal Access Ways and Car Parking**

12. Prior to the commencement of the use or occupation of the development (whichever occurs first), the areas set aside for the parking of vehicles and access lanes as shown on the approved plans must to the satisfaction of the Responsible Authority be:

- a) Constructed with a suitable concrete seal;
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Drained to the Legal Point of Discharge (LPOD);
- d) Line-marked to indicate each car space and all access lanes; and;
- 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.

Prior to the commencement of the use or occupation of the development (whichever occurs first), all works shall be completed in accordance with Clause 52.06-9 (Design Standards) and in accordance with the plans submitted to and approved by the Responsible Authority.

### **Number of Car Spaces Required.**

13. No fewer than twenty (20) car spaces must be provided on the land for the use and development, including one (1) space clearly marked for use for accessible purposes and designed in accordance with Australian Standard AS 2890.6 – 2009.

No fewer than ten (10) secure bicycle parks and end of trip facilities must be provided on the land for the use and development.

### **Car Park access**

14. The car parking area must not be accessible to the public for casual use. All car parking spaces are to be allocated for tenant use only. Any security boom, barrier or similar device controlling vehicular access to the premises must be remotely operated, and located a minimum of six metres inside the property to allow vehicles to store clear of the Doveton Street South pavement.

### **Loading / Unloading**

15. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and/or the designated loading zone hereby approved and must not disrupt the circulation and parking of vehicles on the land or street network to the satisfaction of the Responsible Authority.

**Green Travel Plan**

16. Prior to the first occupation of the development, a Green Travel Plan (GTP) must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The plan must address, but is not necessarily limited to, the following:

- a) A designated 'manager' or 'champion' responsible for co-ordination and implementation.
- b) Possible staff incentives (e.g., provision of subsidised public transport travel cards);
- c) Provision of Public Transport maps, timetables and/or real time information of nearby services.
- d) Details of GTP funding and management responsibilities, including ongoing monitoring and review; and
- e) Include provisions to be updated not less than every 5 years.

When approved, the GTP will form part of the permit. The City of Ballarat may request a copy of any monitoring data as required by Condition (d) above at any time for review.

**Bicycle Facilities**

17. Prior to the first occupation of the building, the bicycle storage area and change room facilities must be completed. No fewer than 10 bicycle spaces are required to be provided on the site.

The bicycle storage area must be designed and constructed in accordance with the requirements of Clause 52.34-6.

**Drainage Plans and Construction**

18. Prior to the issuing of a Building Permit and prior to the commencement of works on site (whichever occurs first), drainage, stormwater detention and stormwater treatment plans & computations must be submitted to and approved by the Responsible Authority. The drainage, stormwater detention and stormwater treatment plans & computations must accord with the Infrastructure Design Manual and Melbourne Water's WSUD Guidelines. All drainage works must be constructed in accordance with the approved plans and shall be completed to a standard satisfactory to the Responsible Authority prior to the commencement of the use or occupation of the development (whichever occurs first).

Stormwater from all roofs, gutters, downpipes, and paved areas shall be drained to a legal point of discharge to the satisfaction of the Responsible Authority. The Legal Point of Discharge [LPOD] is to the kerb and channel in Doveton Street South.

The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Council as the Responsible Drainage Authority to prevent the discharge of water from the subject land across any road or footpath or onto adjoining lands.

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

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

Any 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.

**Section 173 Agreement – OSD/WSUD**

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

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

Prior to the commencement of the use or occupation of the development (whichever occurs first), 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 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, lodgement, registration, amending and ending of the Agreement must be borne by the owner, including all notification costs and legal fees.

**Sediment of Roadways**

20. No material shall 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.

**Street Tree Protection**

21. 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.

**Construction Management Plan**

22. Prior to the commencement of any works on the site, including demolition of bulk excavation, a detailed Construction Management Plan must be submitted to and approved in writing by the Responsible Authority. The Plan must consider, as a minimum:

- 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 and surrounding streets.
- 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 properties and surrounding streets.
- f) The measures to minimise disruption to pedestrian movements along adjacent footpaths; and
- g) 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.

**Waste Management Plan**

23. All waste storage and collection must be undertaken by a private contractor in accordance with the endorsed waste management plan forming part of this permit to the satisfaction of the Responsible Authority. The collection of waste must occur outside the operating hours to ensure there is sufficient capacity to manoeuvre the vehicles.

**Projections**

24. All projections over the street alignment, including the awning, must conform to the Building Regulations 2018 to the satisfaction of the Responsible Authority.

**Baffled Lighting**

25. Outdoor lighting, where provided, must be designed, baffled and located to the satisfaction of the responsible authority such that no direct light is emitted outside the boundaries of the subject land.

**Plant Equipment**

26. Any equipment required for the lifts, refrigeration, air-conditioning, heating and the like must be suitably insulated to EPA standards for the purpose of reducing noise emissions and must be located so as to not be highly visible from the street to the satisfaction of the responsible authority.

**Active Retail Frontages**

27. The ground floor retail frontages as shown on the endorsed plans must be provided with clear glazing and maintain permanent views into the tenancies to the satisfaction of the responsible authority.

**Department of Transport and Planning**

28. Prior to commencement of buildings and/or works amended plans must be submitted to and approved by the head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans prepared by Project Now, but modified to show:

- a) Compliance with the following design standard from Clause 52.06-9 of the Ballarat Planning Scheme.
- b) Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road.
- c) Separation of vehicle crossovers between the proposed accessway and to the boundary of 113 Doveton Street South generally in accordance with Figure 7.2 of 'Proposed Office Development, 115 Doveton Street South Traffic Impact Assessment Report' (ESR Transport Planning).
- d) Inclusion of signage/mirrors/other pedestrian safety systems.

Prior to the occupation of the development, the crossover shown on the endorsed plans is to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

**Permit Expiry – Development**

29. This permit 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).

**Notes:**Department of Transport

The proposed development requires the construction/modification of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

Heritage Act

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 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 including Asset Protection and any road closure. The works hereby approved must accord with the requirements of the Building Act 1993, Building Regulations 2018 and Building Code of Australia 2019.

**Moved: Cr Ben Taylor**  
**Seconded: Cr Des Hudson**

**CARRIED**  
**(PDC3/24)**

Upon being put to the meeting, the Motion was declared carried. Cr Damon Saunders called for a Division.

**For the Motion were:** Cr Ben Taylor, Cr Jay Morrison, Cr Jim Rinaldi, Cr Ted Lapkin, Cr Tess Morgan, Cr Tracey Hargreaves and Cr Des Hudson

**Against the Motion was:** Cr Damon Saunders and Cr Samantha McIntosh

**Abstained from the Motion were:** Nil



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

Nil

**8. CLOSE**

**The Mayor declared the meeting closed at 7:30 pm.**