

OFFICIAL

# **Planning Delegated Committee Meeting**

## **Minutes**

**10 April 2024 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 Des Hudson (Mayor)  
Cr Daniel Moloney  
Cr Ben Taylor  
Cr Samantha McIntosh  
Cr Belinda Coates  
Cr Amy Johnson  
Cr Peter Eddy

Mr Evan King - Chief Executive Officer  
Ms Bridget Wetherall - Director Infrastructure and Environment  
Ms Sharelle Knight - Acting Director Community Wellbeing  
Mr Cameron Montgomery - Acting Director Corporate Services  
Ms Natalie Robertson - Director Development and Growth  
Mr Martin Darcy - Director Economy and Experience  
Mr Anthony Polidano - Acting Executive Manager Governance and Risk  
Ms Rosie Wright - Coordinator Risk, Governance and Compliance  
Mr Stephen Wright - Administration Assistant Compliance

### 2.2 Apologies

Cr Mark Harris, Cr Tracey Hargreaves

## RESOLUTION:

**That the apologies be accepted.**

**Moved: Cr Daniel Moloney**  
**Seconded: Cr Belinda Coates**

**CARRIED**  
**(PDC5/24)**

### 3. DECLARATION OF CONFLICT OF INTERESTS

Nil

### 4. CONFIRMATION OF MINUTES

#### RESOLUTION:

That the Minutes of the Planning Delegated Committee Meeting on 13 March 2024 as circulated be confirmed.

Moved: Cr Daniel Moloney  
Seconded: Cr Amy Johnson

**CARRIED**  
**(PDC6/24)**

### 5. OFFICER BRIEFING

Nil

## 6. PLANNING DELEGATED COMMITTEE REPORTS

### 6.1. 102-108 HUMFFRAY STREET

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Sam Jiang – Principal Planner

Public representation was made by Bernadette Cheesman, Juliette Calderone, Tim Canny, Michael Poulton (representing Committee for Ballarat), Anne Beggs-Sunter, Douglas Umland, Mary Debrett, Melinda Muscat, Joseph van Dyk (representing Hygge Property), Paul Gordon-Smith, John Simpson, and Stuart Kelly.

#### PURPOSE

1. The purpose of this report is to advise Council of Planning Permit Application PLP/2022/818 for the use and development of 102 - 108 Humffray Steet for two buildings (a residential mixed-use building and a commercial building) with associated open space areas, reduction of carparking requirements and a liquor license.

#### RESOLUTION:

**That Council adjourn at 7:54 pm for a short recess to allow an amended motion to be prepared.**

**Moved: Cr Daniel Moloney**  
**Seconded: Cr Ben Taylor**

**CARRIED**  
**(PDC7/24)**

#### RESOLUTION:

**That Council resumes at 8:07 pm.**

**Moved: Cr Samantha McIntosh**  
**Seconded: Cr Amy Johnson**

**CARRIED**  
**(PDC8/24)**

**RESOLUTION:**

That the Planning Delegated Committee, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, as the Responsible Authority, issue a Notice of Decision to Grant a Planning Permit in accordance with the Ballarat Planning Scheme in respect of the land known and described as 102-108 Humffray Street, Bakery Hill VIC 3350, for the use and development of the land for two buildings (a residential mixed use building and a commercial building) with associated open space areas, reduction of carparking requirements, and a liquor license.

Permit conditions as follows:

**1. Amended Plans Required**

Before the use and/or development starts, amended plans 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 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 development plans dated 24/05/2023 prepared by 6 Degrees Architects but modified to show:

- (a) Modifications to the form of the office building generally in accordance with the letter from Niche Studio dated 25/01/2024 and accompanying concept plans and renderings.
- (b) The vehicle access point to the residential building off Bradby's Lane deleted and the north-western wall of the building finished to a standard to match the remainder of the building. This includes the use of a variety of materials and finishes and/or public artwork;
- (c) Notes included on the plans confirming no vehicle access will be provided onto Bradby's Lane from the residential building;
- (d) The deletion of all car parking spaces within the residential building and the re-use of the space for purposes ancillary to the approved dwellings.
- (e) Annotation of permanent balcony screening measures to comply with the requirements of Clause 58.04-2 (Internal views - Standard D15) of the Ballarat Planning Scheme.
- (f) Annotation of all site services and demonstration of compliance with Clause 58.06-2 (Site Services - Standard D23) of the Ballarat Planning Scheme.
- (g) Material MF03 to be correctly labelled in the Materials Schedule on Drawing No. TP201.
- (h) Any changes as required by the Flood Impact Assessment and Flood Risk Management Plan as required by Condition 15.
- (i) Landscape works in accordance with Condition 2.
- (j) Any changes required in accordance with the Sustainability Management Plan required by Condition 6.
- (k) Red line plan/s updated as necessary to be consistent with the amended plans required above.

**2. Landscape Plan**

Prior to the commencement of the development hereby permitted, a landscape plan must be submitted to and approved in writing 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) details of surface finishes of pathways, driveways and public areas;
- (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) Details in accordance with (c) above for all levels where landscaping will be provided.
- (e) Demonstration of compliance with the objectives of Clause 58.03-5 (Landscaping - Standard D10) of the Ballarat Planning Scheme.

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

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

Prior to the first occupation of either building hereby approved all landscape works for that building must be completed to the satisfaction of the Responsible Authority. The landscape works for publicly accessible areas must be completed within three months of the completion of the final building hereby approved. All 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 landscape works. 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.

### **4. No Changes**

The use and the development hereby approved as shown on the endorsed plans and/or described in endorsed documents shall not be altered or modified without the prior written consent of the Responsible Authority, unless the alteration(s) and/or modification(s) comply with an exemption contained in the Ballarat Planning Scheme and do not result in non-compliance with any mandatory requirements.

### **5. Amenity**

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

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

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

## **6. Sustainability Management Plan**

Prior to the commencement of the development hereby approved, the applicant must submit to and have approved in writing by the Responsible Authority, an amended Sustainability Management Plan in accordance with the amended built form of the office building as per Condition 1 of this permit.

## **7. Construction Management Plan**

Prior to the commencement of the buildings and works hereby approved, a Construction Management Plan must be submitted to and approved in writing by the Responsible Authority. The Plan must detail:

- (a) Hours of demolition and construction works 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 and adjacent benefitting properties at all times, unless with the written consent of the Responsible Authority;
- (c) Methods to contain asbestos, 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.

## **8. Sale and Consumption of Liquor – Hours**

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

- 7am – 11pm Monday – Sunday

## **9. Section 173 Agreement – OSD/WSUD (Sub)**

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 first occupation of the development an Agreement pursuant to Section 173 of the *Planning and 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 lots, requiring the owner to install and maintain rainwater tanks 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 first occupation of the development, an application must be made to the Register of Titles to register the Section 173 agreement on the titles to the lots under Section 181 of the *Planning and Environment Act 1987*. The Responsible Authority will not allow the first 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 requirements upon the written request of the owner. The Responsible Authority must be satisfied that the release and/or variation of the agreement will result in a better planning outcome or that the agreement is no longer required.**

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

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

**Prior to the first occupation of the development, 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 and properly formed to such levels that they can be used in accordance with the plans;**
- (b) Drained;**
- (c) Line-marked to indicate each car space and all access lanes;**
- (d) 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.**

#### **11. Directional Sign**

**Signage to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.**

## **12. Engineering Plans and Construction**

Prior to the commencement of works on site engineering plans and specifications must be submitted to and approved in writing by the Responsible Authority. The engineering plans must accord with the Infrastructure Design Manual and Council's Standard Cross-sections. All engineering works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the first occupation of the development hereby approved.

At the completion of the works one set of 'as constructed' civil plans shall be submitted to the Responsible Authority.

The engineering plans include, but are not limited to:

- (a) Footpaths to be constructed around the perimeter of the site; and
- (b) Infill kerb and channel (including pavement details) where required for all frontages of the subject site.

## **13. Drainage Plans and Construction (Use)**

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 and 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 first occupation of the development.

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 existing drainage pit in Bradby's Lane.

The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the City of Ballarat 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 raingardens and rainwater tanks forming part of the approved drainage plans/system must be installed and maintained in good operational condition in perpetuity 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 modified existing connection to a designated waterway (as defined by the *Water Act 1989*) will require approval by the relevant Catchment Management Authority.

#### **14. Drainage Easements**

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

#### **15. Flood Levels (Use)**

Prior to the commencement of the development hereby permitted, the following must be submitted to the Responsible Authority and the relevant Floodplain Management Authority for review and approval:

- (a) A Flood Impact Assessment Report prepared by a suitably qualified and experienced Engineer; and
- (b) A Flood Risk Management Plan informed by the submitted Flood Impact Assessment Report.

The Flood Impact Assessment Report and Flood Risk Management Plan, inclusive of contoured plans with A.H.D levels, shall detail flooding on the subject site and surrounding land for storm events up to and including the 1% Annual Exceedance Probability event. The reports shall detail both pre and post development conditions, shall demonstrate that the subject site and any access and egress paths are free from flooding, that no adjoining properties are adversely affected and that the function of overland flow paths is in accordance with the relevant flood safety criteria. The reports must also consider:

- (a) Required design intensities;
- (b) AEP of major and minor storm events;
- (c) Model selection in line with ARR2019; and
- (d) Modelling technique in line with ARR2019.

All recommendations and actions identified in the reports must be implemented to a standard satisfactory to the Responsible Authority and the relevant Floodplain Management Authority prior to any Certificate of Occupancy being issued.

#### **16. Earthwork Volumes in Flood-Liable Areas**

Prior to the commencement of the development hereby permitted, earthwork volume calculations, which are to the satisfaction of the Catchment Management Authority must be submitted to and approved in writing by the Responsible Authority. When approved, the calculations will form part of the permit. The calculations must demonstrate that the volume of filling does not exceed the volume of cutting. Earthworks carried out on site must accord with the calculations.

#### **17. Minimum Floor and Basement Entry Levels**

The applicable flood level for this property is 416.89m AHD as specified by the Corangamite CMA in its letter dated 29th June 2023 (Reference CCMA-F-2023-00625).

The finished floor levels of the occupied buildings must be a minimum of 300mm above the applicable flood level for the property, which is 417.19m AHD.

The basement entry/entries must be designed so the apex of any entry ramp is a minimum of 200mm above the applicable flood level for the property, which is 417.09m AHD.

#### **18. Vehicle Access – Use/Development**

Prior to the first occupation of the development hereby approved, 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 (i.e. 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.*

#### **19. Sediment on Roadways**

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 as soon as practicable.

*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. Undercarriage Cleansing**

An undercarriage cleansing device shall be installed on the site and maintained until the completion of construction works to the satisfaction of the Responsible Authority to ensure that material is not deposited on any road from construction vehicles or plant associated with buildings and/or works undertaken on the site.

*Note 1: Depositing such material on Responsible Authority's roads is an offence under the Environment Protection 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.*

## **21. Sediment Control Measures**

Prior to the commencement of the development, hereby approved a Sediment Control Plan detailing sediment control measures during construction must be submitted to and approved in writing by the Responsible Authority. Control measures should be consistent with the EPA (Environment Protection Authority) publication 480 'Environment Guidelines for Major Construction Sites'. When approved the Sediment Control Plan shall form part of this permit. All sediment control measures shall be undertaken and remain in place until the completion of site works to the satisfaction of the Responsible Authority.

## **22. Disposal Plan**

Prior to the commencement of the development hereby approved, a Waste Disposal and Management Plan shall be submitted to and approved in writing by the Responsible Authority. The plan must detail:

- (a) Where all building rubble and materials including soil is to be removed to off site. Note all materials must be taken to approved waste receiving sites or recycling centres. Site soil may be contaminated and should be disposed of to an authorised facility in accordance with EPA regulations.
- (b) Provision for materials recycling and collection during site construction.

All necessary approvals shall be gained prior to materials being handled and disposed of in accordance with the Disposal Plan to the satisfaction of the Responsible Authority.

*Note: 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 2m<sup>3</sup> of waste material. Failure to provide a Waste Management Plan is a breach of the Ballarat City Council Community Local Law (10 penalty Units).*

## **23. Fees for Checking Engineering Plans**

Prior to the commencement of the development hereby approved, a fee for checking engineering plans shall be paid to the Responsible Authority, pursuant to Section 43(2)(a)(iv) of the Subdivision Act 1988 and Clause 9 of the Subdivision (Fees) Interim Regulations 2012. The fee shall be in accordance with the Infrastructure Design Manual and must be approved in writing by the Responsible Authority prior to payment.

## **24. Supervision Fee**

Prior to the commencement of the development hereby approved, a supervision fee shall be paid to the Responsible Authority pursuant to Section 17(2)(b) of the Subdivision Act 1988 and Clause 8 of the Subdivision (Fees) Interim Regulations 2012. The fee shall be in accordance with the Infrastructure Design Manual and must be approved in writing by the Responsible Authority prior to payment.

## **25. Guarantee of Works**

Prior to the commencement of the development hereby approved, or unless otherwise agreed in writing by the Responsible Authority, the landowner must

provide a Guarantee of Work (bond) to the Responsible Authority in accordance with the Infrastructure Design Manual. The guarantee should be based on the same price Bill of Quantities used to calculate the plan checking and supervision fees and must be approved in writing by the Responsible Authority prior to lodgment.

The guarantee shall be released at the termination of the Defects Liability Period, subject to the completion of all defect rectification works to the satisfaction of the Responsible Authority.

**26. Central Highlands Region Water Auth Ref:22/17863**

- (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) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

**27. Powercor Australia Ltd Ref:308653899**

- (a) 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.*

- (b) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- (c) Any construction work must comply with the Energy Safe Victoria's "No Go Zone" rules.

*Notes: To apply for a permit to work go to our website: <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator> and apply online through the No Go Zone Assessment.*

## **28. Land contamination**

Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the Subdivision Act 1988) the permit holder must provide:

A Preliminary Site Investigation Report that must:

- (1) Be prepared by a suitably qualified environmental professional to the satisfaction of the Planning/Responsible authority.
- (2) Be undertaken in accordance with Schedule B2 of the National Environment Protection (Assessment of Site Contamination Measure) 1999.
- (3) Not contain a disclaimer limiting the use of the report by the planning/responsible authority.
- (4) Make an unequivocal statement that either:
  - a. The site is not likely to be contaminated to a level which would pose a significant risk to the environment or human health under the proposed use/development scenario. No further assessment is required, or,
  - b. The site is contaminated, or there is likelihood of contamination, that would pose a risk to the proposed use/development scenario. There is sufficient information to derive a risk-based remediation or management strategy, or,
  - c. The site is contaminated, or there is likelihood of contamination, that would pose a risk to the proposed use/development scenario. The site requires further investigation in accordance with Part B below.

OR

An environmental auditor appointed under the Environment Protection Act 2017 must conduct a preliminary risk screen assessment in accordance with Part 8.3 of that Act, that is scoped according to the proposed use/development, and issue a preliminary risk screen assessment statement for the land in accordance with s. 205 of the Environment Protection Act 2017. Should the preliminary risk screen assessment identify the need for an environmental audit, the permit holder must provide:

- (1) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
- (2) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority.

**29.** Prior to the first occupation of the development hereby permitted, the owner shall enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* that considers

prohibiting residential car parking permits for occupants/owners of the residential dwellings.

This must be to the satisfaction of the Responsible Authority.

This may be waived if a suitable alternative is established with the permit holder.

### **30. Permit Expiry – Use and Development**

Development and use of land expires if:

- (a) The development or any stage of it does not start within two (2) years of the date of this permit; or
- (b) The development or any stage of it is not completed within five (5) years of the date of this permit; or
- (c) The permitted required uses do 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).

### **31. Notes:**

#### **Tobacco Act 1887**

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

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

#### **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.

#### **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 (i.e. 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.

#### Containment of Refuse and Disposal of Builders' Rubbish

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.

#### 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.

Moved: Cr Daniel Moloney  
Seconded: Cr Ben Taylor

CARRIED  
(PDC9/24)

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

Nil

**8. CLOSE**

**The Mayor declared the meeting closed at 8:46 pm.**