

OFFICIAL

# **Planning Delegated Committee Meeting**

## **Agenda**

**14 July 2021 at 6:30pm**

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



**ORDER OF BUSINESS:**

<b>1. Welcome To Country .....</b>	<b>3</b>
<b>2. Apologies For Absence.....</b>	<b>4</b>
<b>3. Declaration Of Conflict Of Interests.....</b>	<b>4</b>
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<b>7. General Business - Matters Arising From The Agenda .....</b>	<b>24</b>
<b>8. Close .....</b>	<b>24</b>

**1. WELCOME TO 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**

**3. DECLARATION OF CONFLICT OF INTERESTS**

**4. CONFIRMATION OF MINUTES**

**5. OFFICER BRIEFING**

## 6. PLANNING DELEGATED COMMITTEE REPORTS

### 6.1. PLP/2020/632 11 CARRAMAR DRIVE, INVERMAY (WEDDING VENUE)

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Virginia McLeod – Coordinator Statutory Planning

#### PURPOSE

1. The purpose of this report is to determine a position on Planning Permit Application PLP/2020/632.

#### BACKGROUND

<b>Permit No:</b>	PLP/2020/632
<b>Applicant:</b>	iPlanning Services Pty Ltd
<b>Address:</b>	11 Carramar Drive, INVERMAY VIC 3352 Lot 6 LP219641
<b>Proposal:</b>	Use of the land for a place of assembly, development of a gravel and sleeper car parking area and construction of toilets
<b>Current Use:</b>	Rural residential
<b>Site area:</b>	19752 sqm
<b>Number of Lots</b>	1
<b>Date Received:</b>	25 September 2020
<b>Date of Report:</b>	26 June 2021
<b>Permit Trigger(s):</b>	
<b>Clause</b>	<b>Description</b>
35.03-1	A planning permit is required for use of the land for a place of assembly (wedding venue)
35.03-4	A planning permit is required for buildings and works for a Section 2 Use (place of assembly)
44.03	A planning permit is required for buildings and works in a Floodway Overlay
44.04	A planning permit is required for buildings and works in a Land Subject to Inundation Overlay
<b>Zones and Overlays</b>	
Zone 1	Rural Living Zone
Overlay 1	Environmental Significance Overlay, Schedule 1
Overlay 2	Floodway Overlay, Schedule 1
Overlay 3	Land Subject to Inundation Overlay, Schedule 1

**Objectors: 4****Covenant or S173:**

No covenant or Section 173 agreement on the title

**Cultural Heritage Management Plan required:**

The site is within an area of Aboriginal Cultural Heritage Sensitivity. The applicant has proposed to construct the carpark without disturbing the soil to avoid the need for a Cultural Heritage Management Plan.

**PROPOSAL**

2. The proposal comprises the following:
  - Use of the land for a place of assembly (wedding venue);
  - Buildings and works for the construction of a car park; and
  - Buildings and works for the retrospective construction of two toilets.
3. The wedding venue is proposed to be operated in accordance with the following parameters:
  - Wedding ceremonies proposed to be held in the gardens and existing studio/outbuilding;
  - No wedding receptions to be held on site;
  - Maximum 80 patrons on site;
  - Maximum of 15 wedding ceremonies in a year proposed to be distributed throughout the year as follows:
    - January – 1 ceremony;
    - February and March – 3 ceremonies each month;
    - October and November – 1 ceremony each month;
    - December – 2 ceremonies each month;
    - An additional 5 ceremonies throughout the year on weekends selected by the applicant;
  - One ceremony per weekend. No ceremonies on weekdays;
  - Use to operate between the hours of 12 midday – 6pm;
  - Music used in ceremonies at the discretion of the wedding celebrant and will include use of a portable music system and/or live music; and
  - No catering and no alcohol (the applicant has not sought a liquor license as part of this application).
4. 30 car spaces are proposed to be provided on site, located in the southern area of the site with access to Carramar Drive via an existing gate. The car park is proposed to be constructed of crushed rock and wooden sleepers (see Attachment 1 – Site Plan). Existing signage in the car park directs guests into the site and a small directional sign is proposed to be located at the entrance to the car park.
5. Retrospective planning approval is sought for the construction of two outdoor toilets, specifically constructed for visitors to the site and located a short distance from the dwelling on the site. The toilets have been constructed to utilise the septic system installed for the dwelling. (see Attachment 2 – Elevations).

**SITE AND SURROUNDS**



6. The subject site is located on the north side of White Swan Road and the east side of Carramar Drive, approximately 1 km north of the intersection of Swingers Road and the overpass with the Western Freeway.
7. The site measures 19752 sqm and is currently occupied by a dwelling, gardens and studio. The garden contains a small dam, gazebo and adjoining deck and lawn area constructed to host wedding receptions.

An aerial map is provided below with the subject site outlined in red.



#### **PLANNING PERMIT HISTORY**

8. The following planning permit history applies to the site:
  - PLP/2009/337 – Construction of a shed
  - PLP/2018/257 – Development of an outbuilding

#### **REFERRALS**

##### **Section 55 Referrals**

9. The application was not referred externally under Section 55.

##### **Section 52 Referrals**

Authority	Advice/ Response/Conditions	Officer Response
Glenelg Catchment Authority Hopkins Management	<p>No objection subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The carpark shall be set back a minimum of 10 metres from the top of the bank of Burrumbeet Creek.</li> <li>2. Low points on the carpark footprint shall be filled, as depicted on Plan_GHCMA-F2021-00099, such that the depth of flooding does not exceed 0.30 metres depth in a 1% AEP event. Fill shall not be introduced outside the carpark area and shall only be applied where required.</li> </ol>	Conditions will be included on any permit issued

**Internal referrals**

Internal Council Referrals	Advice/ Response/Conditions	Officer response
Traffic and Transport	<p>Comments on access and car parking:</p> <p>The Applicant can provide adequate parking on site for ceremonies [in accordance with the requirements of Clause 52.06];</p> <p>The layout of accessways and parking spaces on site should generally comply with Clause 52.06-9 design standards;</p> <p>A dimensioned parking and traffic flow plan should be provided for council consideration;.</p> <p>The area which is currently grassed should be constructed in a suitable all-weather material to Council approval;</p> <p>Access to the car park by patrons should not cause any queuing in Carramar Drive or traffic north of the subject site.</p> <p>Recommendations:</p> <p>Application is supported subject to the following requirements/conditions:</p> <p>A fully dimensioned parking and traffic plan is presented for Council approval. The crossing, accessways and parking areas are set out in accordance with Clause 52.06-9;</p> <p>The entrance design standards and constructed in an all-weather material to Council approval.</p> <p>That a crossing permit is sought to check the compliance of the existing crossing in Carramar Drive.</p> <p>Any works required shall be arranged by the applicant and be at its cost.</p>	Comments and conditions are noted and will be included on any permit issued



Local laws and enforcement	Any temporary (A-frame) signage on the road reserve would not be supported under the provisions of the current Outdoor Dining & Trading Policy.	Noted
Environmental Health	<p>Supported subject to conditions:</p> <p>Septic Tank System</p> <p>The existing septic tank system must be upgraded to the satisfaction of Council's Environmental Health Unit. A 'permit to alter/install a septic tank system' must be obtained from Council prior to any works being undertaken on the system.</p> <p>Management of impacts to amenity</p> <p>The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:</p> <p>transport of materials, goods or commodities to or from the land;</p> <p>appearance of any building, works or materials;</p> <p>emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;</p> <p>presence of vermin or otherwise;</p> <p>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.</p>	Conditions will be included on any permit issued

## PUBLIC NOTIFICATION

10. The application was required to be advertised pursuant to Section 52 of the *Planning and Environment Act 1987*.
11. The following forms of advertising were undertaken:
  - Notices sent to owners and occupiers of adjoining land (includes opposite);
  - One A3 sign(s) was placed on the land
12. Council has received 4 objections in response to advertising.
13. The key issues raised in the objections can be summarised as follows:
  - Operation of a business here conflicts with the purpose of the Rural Living Zone;
  - Amenity impacts from the use (prior to the application for a permit) including noise from the venue, traffic, patron behavior, rubbish and invasion of privacy;
  - Safety impacts from increased visitation to the area. Burglaries in the area occurring are connected to increased visitation from non-residents of the area;
  - Pressure on residents to limit their lifestyles to not interrupt the operation of the business (i.e. not undertaking property maintenance on weekends while weddings are occurring);

- Use will set a precedent that will allow the operation of other businesses and further damage rural amenity;
- Location of the car park close to the Burrumbeet Creek and potential for flooding to wash materials into the Creek;
- Property values will be negatively impacted; and
- Speed limits on White Swan Road

## MEDIATION MEETING

14. A mediation meeting was held on 13 May 2021 and was attended by 3 objectors and the applicant.
15. Following the meeting the applicant revised to the proposal by the following:
  - Reducing patrons onsite from 100 to 80.
  - Restricting events to 15 per year from October to March (weekends only).
16. The applicant also revised the application to seek retrospective approval for the construction of two toilets.
17. No objections were withdrawn following the mediation meeting and above amendments to the application.

## KEY MATTERS

### ASSESSMENT

#### Planning Policy Framework

18. The following policies are relevant to the consideration of this application:
  - Clause 11.01-1S - Settlement
  - Clause 11.03-3S Peri Urban Areas
  - Clause 12.05-2S Landscapes
  - Clause 12.05-2R Landscapes – Central Highlands
  - Clause 13.03 -1S Floodplain
  - Clause 13.05-1S Noise
  - Clause 13.07-1S Landuse Compatibility
  - Clause 16.01-3S Rural Residential Development
  - Clause 17.02-1S Business
  - Clause 18.02-4S – Car Parking
  - Clause 21.01 – Municipal Overview
  - Clause 21.05 – Natural Resource Management

#### Zoning

The applicable zoning is Rural Living Zone

#### Clause 35.03 – Rural Living Zone

19. The purposes of the Rural Living Zone are:
  - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To provide for residential use in a rural environment.*
  - *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*

- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

20. While the primary purpose of the Rural Living Zone is to provide for 'residential use in a rural environment', the zone allows for a range of uses including a place of assembly, subject to a planning permit. In determining if a planning permit should be granted for an alternative use, the responsible authority must consider the range of matters outlined in the Decision Guidelines to the Rural Living Zone in addition to the matters listed at Clause 65 of the Ballarat Planning Scheme.

### **Assessment against Decision Guidelines of the Rural Living Zone**

- **General issues**

The use of the land is generally compatible with the Municipal Planning Strategy (i.e. Municipal Strategic Statement) and the Planning Policy Framework. The use has been operational on the land for an unknown period of time. It has been demonstrated that the use can be supported on the land without detriment to the capability of the land, but the amenity impacts of the use require further consideration in determining if the use is compatible with the surrounding rural residential use and suitable for the site. Amenity impacts are discussed further below.

- **Agricultural issues**

The proposed site is in a predominantly rural residential area and will have a limited impact on agricultural expansion or uses, subject to the management of amenity impacts. The subject site is used for a dwelling and due to the smaller land size is not considered to be removing productive agricultural land.

- **Environmental issues**

The proposal does not include any native vegetation removal. The car park located within the Floodway Overlay and Land Subject to Inundation Overlay has the potential to impact the Burrumbeet Creek through the loss of crushed rock during flood events. Permit conditions, including those required by the Glenelg Hopkins Catchment Management Authority, can be included to ensure this risk is mitigated. The toilets that have been constructed onsite access the septic system for the dwelling and do not discharge into waterways.

- **Design and Siting issues**

See further discussion below related to traffic management and car parking. With the exception of consideration of the car park, the application does not have an adverse impact on the character and appearance of the area.

### **Amenity impacts of the proposed use**

The most significant issue with this application is the proposed impact from the use on rural residential amenity. Objections received to the application raised several issues experienced from the use. It is noted that the objectors have direct experience of the amenity impacts of the use in operation without a permit, however the assessment of the proposed use requires consideration of the likely impacts from the parameters set out in the application.

- *Traffic and car parking*

The proposed use will result in an increase in traffic during the hours of operation, in particular prior to the commencement of ceremonies and upon completion. The increase in traffic can be accommodated by the local road network. The site is accessed via fully sealed roads and no traffic safety concerns have been raised by Council's Engineering Services. While the increase in traffic will impact on the local amenity, the impact is considered limited as it will be constrained to the 15 times per year the use operates and concentrated in the time before and after the use operates.

*Clause 52.06 – Car Parking Assessment*

The rate of car parking for the use listed at Clause 52.06 as 0.3 car spaces for each patron. The application is seeking approval for 80 patrons on site, generating a requirement for 24 spaces. The area of land available for car parking can provide greater than 24 spaces (the original application proposed 30 spaces and this was not amended when the patrons numbers were proposed to be reduced) meeting the demand for car parking within the site.

The applicant has applied to construct the car park from crushed rock and sleepers, in keeping with the rural character of the area. This is considered a suitable outcome, consistent with Council's Traffic Engineering requirement for all-weather surface, and will require the business operator to maintain the car park and ensure suitable vehicle access all year around.



*Figure 1 – Car parking area*

During mediation, objectors raised the issue of the car park and the proposed location directly adjacent to White Swan Road and Carramar Drive, specifically the visual impact of the car park on the rural amenity. As shown in Figure 1, the boundary of the car park is highly visible from the road.

It is recommended that existing landscaping around this portion of the site is supplemented with fast growing native species to provide greater screening of the car park. Once more thoroughly screened, it is considered that 30 cars located wholly within the site will be a limited and acceptable amenity impact to the local area.

- *Increasing access to the local area including safety/security and property values*

Objections raised issues about patrons not leaving the area directly from the site, damaging cross overs adjoining private property in Carramar Drive, and driving around the area. This included issues around increased crime in the area and the operation of a business resulting in decreasing property values.

In considering the planning merits of these issues, the responsible authority must consider legitimate planning grounds within the scope of the Planning and Environment Act 1987. In this instance the provision of safe, efficient access and the amount car parking and impact on amenity are all relevant and have been addressed above. However issues including increasing visitation to the area, crime and property values are not within the scope of the Act.

- *Frequency of the use*

The application is seeking a limited number of events (15) over the year, but predominantly occurring over the summer period. While this may limit the amenity impacts of the use from that experienced by the objectors, it concentrates the use around the summer months when residents may be more likely to be outdoors and maintaining their properties.

Limiting events to either a Saturday or a Sunday is considered a necessary to mitigate the impact of the proposed use and ensure there is a portion of the weekend when the use will not be operational. 15 events over the year is not considered unreasonable, however it would be more desirable to provide certainty to the community as to the frequency of operation by providing a cap of events that can occur each month, for example no more than 3 events in any calendar month.

Although not addressed in the submission, it is expected that the site will be visited throughout the week in conjunction with the use, for example prospective clients visiting the site, equipment being delivered or rehearsals undertaken. This volume of traffic is considered to be minor, able to be accommodated by the road network and car parking on site, and not damaging to the local amenity. It is recommended a condition of any permit issued limits the use of an amplifier only during the times permitted for the operation of ceremonies. General visitation to the site, i.e. people walking around the gardens and the delivery of equipment is not expected to have a detrimental amenity impact.

- *Noise*

The proposed use will generate noise from patrons on the site, accessing the site and from the wedding ceremonies. The applicant has stated that the ceremonies will include the use of an amplifier and may include live music (string quartet) at the request of the clients.

The hours of operation and the limit on the number of ceremonies that will be held each year will assist to limit the times when there will be noise emitted from the site. There are several dwellings close the site that are likely to be impacted by noise from the use, including one property within 100 m of the location of ceremonies and within 50 m of the site boundary.

Noise generated by patrons and ceremonies would need to be controlled via reasonable permit conditions that would require noise assessments and mitigation measures to ensure noise does not deviate beyond the levels permitted by State Environment Protection Policy (Noise from Industry in Regional Victoria) No. N-1 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

Combined with the restricted number of events and hours of operation, assessment of noise impacts and appropriate mitigation is considered adequate to manage the impact of noise on local amenity. The inclusion of conditions on any permit issued to manage noise is considered reasonable and not excessive given the location of the subject site in a rural residential area.



One objector raised the issue of pressure on residents to prevent noise during the operation of the use (i.e. - not able to mow lawns or undertake works without feeling that they were ruining a wedding ceremony). This issue is beyond the scope of the Act and the Ballarat Planning Scheme as it pertains to communication between residents and the operator of the use. There is no requirement on local residents to reduce or remove noise sources during the operation of the use.

- *Service of alcohol*

The applicant has not sought a permit for the service of alcohol in association with the use and has confirmed that the use is for the purpose of wedding ceremonies and does not including providing food and beverages onsite. However as temporary limited liquor license is exempt from a planning permit under Clause 52.27, a condition on any planning permit will prohibit the consumption of alcohol in association with the use.

#### **Clause 44.03 Floodway Overlay and Clause 44.04 Land Subject to Inundation Overlay**

21. The purposes of the Floodway Overlay and Land Subject to Inundation Overlay include:

- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

22. The Decision Guidelines pertinent to this application include:

- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.*
- *The existing use and development of the land.*
- *Any comments from the relevant floodplain management authority.*

#### **Assessment against the Purposes and Decision Guidelines of the Floodway Overlay and Land Subject to Inundation Overlay**

23. The proposed use and development is located within an area subject to flooding. As shown in Figure 2, the majority of the site is subject to flooding during a 1% AEP flood event (or a flood that has a one in a hundred chance of being exceeded in any year).

24. Comments received by the Glenelg Hopkins Catchment Management Authority note that flooding on the site would present a low level of hazard for access to and from the site during a flood event.

25. As the majority of the site beyond the dwelling is subject to flooding, there is no opportunity to locate the use upon flood-free land. There is no development proposed that would compromise the passage of flood waters.

26. The CMA has requested conditions be included on any permit issued to ensure cars parked in the designated car park do not float into the Burrumbeet Creek. This includes moving the northern edge of the car park back 10m from the southern end of the creek and placing additional fill to increase the levels of the car park.

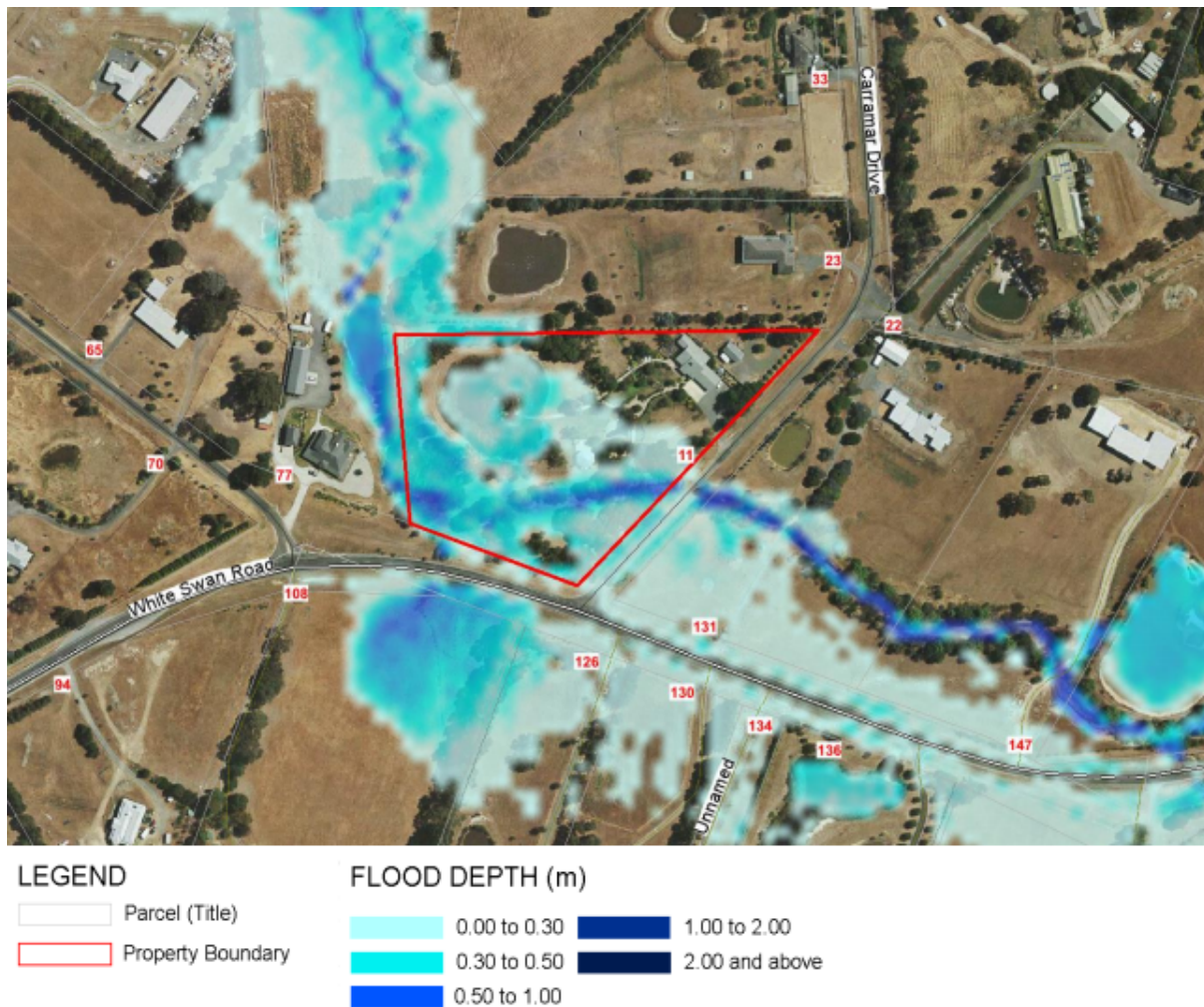


Figure 2 – 1% AEP Flood Depths at 11 Carramar Drive

27. Objectors raised concerns about flooding and potential for sewerage to be released from the toilets into the Creek. As the toilets are connected to the existing septic system and outside of the flood area they are considered to present a low risk to the Creek. Council's Environmental Health Services has requested conditions be included to ensure that any permit issued includes upgrading of the septic system.

## Conclusion

28. The application has been assessed against the relevant state and local planning policies, provisions of the Rural Living Zone, Floodway and Land Subject to Inundation Overlays and relevant particular provisions of the Ballarat Planning Scheme.
29. While acknowledging that the use will have certain impacts, these are considered minimal when managed appropriately with reasonable permit conditions. The operation of the use 15 times per year is an appropriate response to the rural residential nature of the surrounds and the buildings and works are not detrimental to the area.

## OFFICER RECOMMENDATION

30. That the Planning Delegated Committee:

**30.1 Having caused notice of Planning Permit Application PLP/2020/632 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 under the Ballarat Planning Scheme in respect of the land known and described as 11 Carramar Drive, Invermay for the use of the land for a place of assembly and associated buildings and works subject to the conditions contained in Attachment 4.**

**30.2. Provide copy of Notice of Decision for PLP/2020/632 to the applicant, objectors and the Victorian Civil and Administrative Committee.**

## **ATTACHMENTS**

1. Governance Review [6.1.1 - 1 page]
2. PL P 2020632 11 Carramar Drive Invermay Attachment 1 Site Plan [6.1.2 - 1 page]
3. PL P 2020632 11 Carramar Drive Invermay Attachment 2 Elevations [6.1.3 - 1 page]
4. PL P 2020632 11 Carramar Drive Attachment 3 Notice of Decision conditions [6.1.4 - 4 pages]

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. As detailed, it is assessed that the application is consistent with the planning policy framework.

**COMMUNITY IMPACT**

2. Public notification of the application has been undertaken and the details of objections are detailed in the report.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications identified for this application.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications for this application, although it is noted that approval of the application would contribute to the diversity of the economy and availability of short term accommodation.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications for Council.

**LEGAL AND RISK CONSIDERATIONS**

6. The Ballarat Planning Scheme and the *Planning and Environment Act 1987* are relevant to this application.

**HUMAN RIGHTS CONSIDERATIONS**

7. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

8. Submitters to the application will be notified in writing of Council's decision.

**GENDER EQUALITY ACT 2020**

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

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

10. Council Officers affirm that no material or general interests need to be declared in relation to the matter of this report.

GENERAL NOTES

DO NOT SCALE DRAWINGS, USE WRITTEN DIMENSIONS ONLY.  
THE OWNER, BUILDER, SUBCONTRACTOR SHALL VERIFY ALL DIMENSIONS, LEVELS, SETBACKS AND SPECIFICATIONS PRIOR TO COMMENCING ANY WORK OR ORDERING MATERIALS AND SHALL BE RESPONSIBLE FOR ENSURING THAT ALL BUILDING WORKS CONFORM TO THE BUILDING CODE OF AUSTRALIA, A.S. CODES (CURRENT EDITIONS), BUILDING REGULATIONS, LOCAL BY-LAWS AND TOWN PLANNING REQUIREMENTS.

ALL WORKS SHALL COMPLY WITH BUT NOT LIMITED TO THE FOLLOWING AUSTRALIAN STANDARDS:  
A.S. 1288 - 2004 GLASS IN BUILDINGS - SELECTION AND INSTALLATION  
A.S. 1542 - 1992 DESIGN AND INSTALLATION OF SHEET ROOF AND WALL CLADDING  
A.S. 1684 - 2010 NATIONAL TIMBER FRAMING CODE  
A.S. 2049 - 2002 ROOF TILES  
A.S. 2050 - 2002 FIXING OF ROOF TILES  
A.S. 2870 - 2011 RESIDENTIAL SLABS & FOOTINGS  
A.S. 3440 - 2000 TERMITE MANAGEMENT  
A.S. 3700 - 2011 MASONRY IN BUILDING  
A.S. 3740 - 2010 WATERPROOFING OF DOMESTIC WET AREAS  
A.S. 3784 - 2011 SMOKE ALARMS  
A.S. 4065 - 2012 WIND LOADINGS FOR HOUSING  
A.S. 4100 - 1998 STEEL STRUCTURES

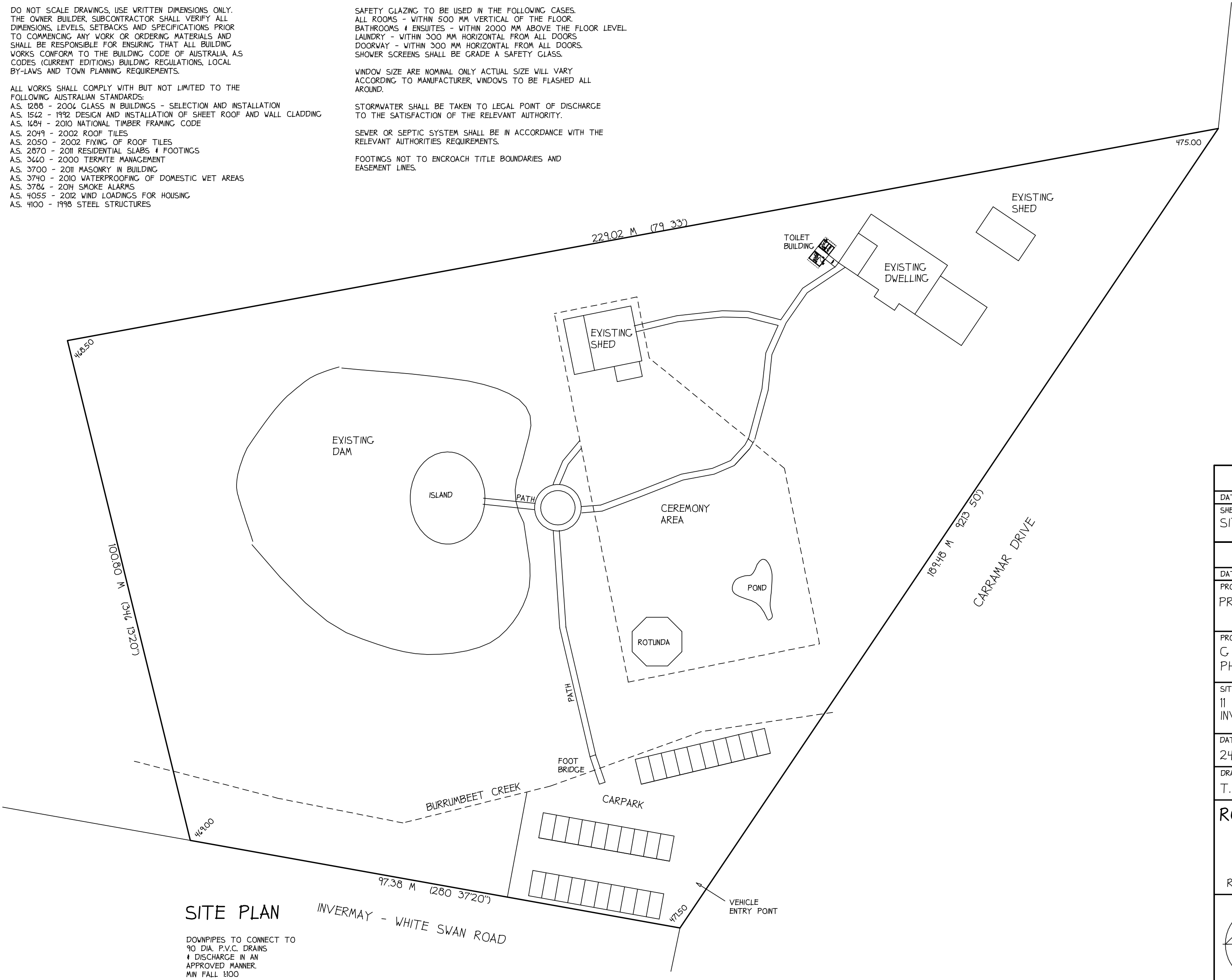
SAFETY GLAZING TO BE USED IN THE FOLLOWING CASES.  
ALL ROOMS - WITHIN 500 MM VERTICAL OF THE FLOOR.  
BATHROOMS & ENSUITES - WITHIN 2000 MM ABOVE THE FLOOR LEVEL.  
LAUNDRY - WITHIN 300 MM HORIZONTAL FROM ALL DOORS  
DOORWAY - WITHIN 300 MM HORIZONTAL FROM ALL DOORS.  
SHOWER SCREENS SHALL BE GRADE A SAFETY GLASS.

WINDOW SIZE ARE NOMINAL ONLY ACTUAL SIZE WILL VARY ACCORDING TO MANUFACTURER, WINDOWS TO BE FLASHED ALL AROUND.

STORMWATER SHALL BE TAKEN TO LEGAL POINT OF DISCHARGE TO THE SATISFACTION OF THE RELEVANT AUTHORITY.

SEWER OR SEPTIC SYSTEM SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORITIES REQUIREMENTS.

FOOTINGS NOT TO ENCROACH TITLE BOUNDARIES AND EASEMENT LINES.



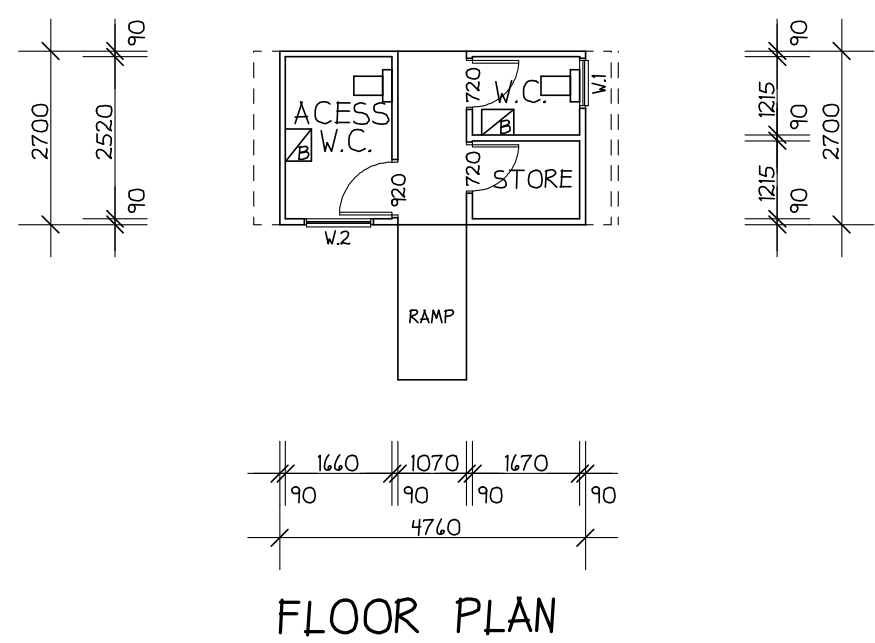
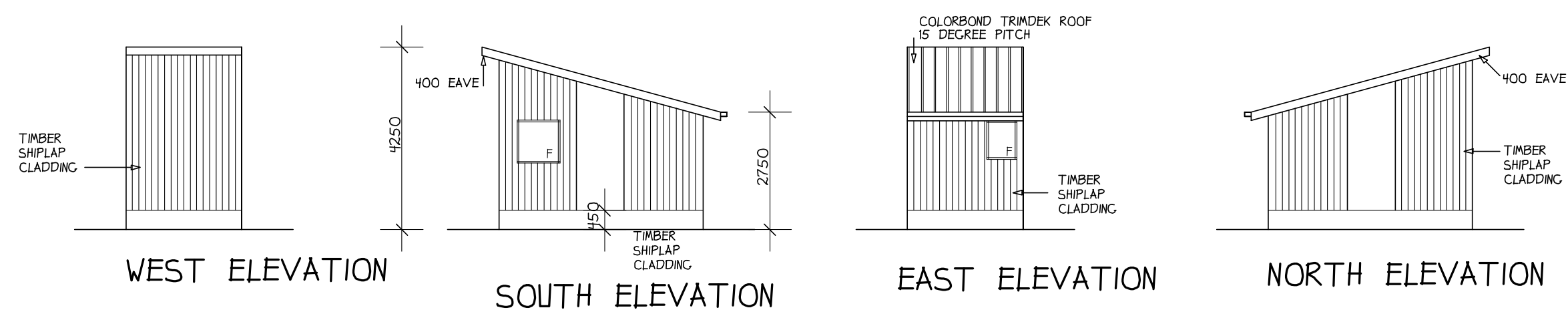
SITE PLAN

DOWNPIPES TO CONNECT TO 90 DIA. P.V.C. DRAINS & DISCHARGE IN AN APPROVED MANNER. MIN FALL 1:100

INVERMAY - WHITE SWAN ROAD

DATE		PLANS ISSUED	
SHEET DETAIL SITE PLAN			
DATE		AMENDMENT	
PROJECT PROPOSED PLACE OF ASSEMBLY			
PROPRIETOR G. ANSWER PH 0408 017 582			
SITE LOCATION 11 CARRAMAR DRIVE INVERMAY			
DATE 24 : 3 : 21		SCALES 1:500	
DRAWN T. Janssens		SHEET NUMBER 1 OF 2	
ROSS BARNETT DESIGN 224A Doveton St. Sth. Ballarat 3350 Ph/Fax 53322077 Registered Building Practitioner DP-AD1268			





DATE	PLANS ISSUED
SHEET DETAIL FLOOR PLAN & ELEVATIONS	
DATE	AMENDMENT
PROJECT PROPOSED PLACE OF ASSEMBLY	
PROPRIETOR G. ANSWER PH 0408 017 582	
SITE LOCATION 11 CARRAMAR DRIVE INVERMAY	
DATE 24 : 3 : 21	SCALES 1:100
DRAWN T. Janssens	SHEET NUMBER 2 OF 2
ROSS BARNETT DESIGN 224A Doveton St. Sth. Ballarat 3350 Ph/Fax 53322077 Registered Building Practitioner DP-AD1268	

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

That the delegated officer having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of the Ballarat Planning Scheme, subject to the following conditions:

**1. Amended Plans Required**

Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and emailed to [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au) with the planning reference number. The plans must be generally in accordance with plans dated 24 March 2021 but modified to show:

1. A fully dimensioned parking and traffic plan. The crossing, accessways and parking areas are set out in accordance with Clause 52.06-9;
2. Implementation of the Conditions required by the Glenelg Hopkins Catchment Management Authority contained herein;
3. A landscape plan, prepared by a suitably qualified and experienced individual showing:
  - a. Supplementary planting of fast-growing native species to screen the boundary of the car park area as visible from Carramar Drive and White Swan Road.
  - b. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - c. details of irrigation systems;
  - d. maintenance schedule

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

**2. Landscaping maintenance**

The landscaping as shown on the approved landscape plan must be maintained to the satisfaction of the responsible authority.

**3. Car park construction**

Before the use starts, the areas set aside on the approved plans for access and car parking must be trafficable, delineated and surfaced in accordance with the endorsed plans to the satisfaction of the responsible authority.

**4. Use of the land not modified**

The use of the land as described in this permit and on the approved plans must not be changed without the consent in writing of the responsible authority.

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5. Use of the land

The approved use of the land:

- must not operate more than 15 (fifteen) times per calendar year, and
- can only operate on a Saturday or Sunday and not on consecutive days, and
- must not operate more than 3 times per calendar month,

unless with the prior written consent of the Responsible Authority.

6. Hours of Operation

The use may operate only between the hours of 12 midday to 6 pm on the permitted days of operation unless with the prior written consent of the Responsible Authority.

7. Number of guests

The total number of guests to the site associated with the use must not exceed eighty (80) persons at any given time unless with the prior written consent of the Responsible Authority.

8. Vehicles to park onsite

All vehicles associated with the use must park within the boundaries of the land and the operator must take all reasonable actions to ensure that vehicles associated with the use do not park on the adjoining road to the satisfaction of the responsible authority. The car park is to be maintained and use for the purpose of car parking only.

9. Consumption of alcohol prohibited

The consumption of alcohol associated with the use of the land allowed by this permit is prohibited at all times.

10. Glenelg Hopkins CMA Ref:GHCMA-F-2021-00099

1. The carpark shall be set back a minimum of 10 metres from the top of the bank of Burrumbeet Creek.
2. Low points on the carpark footprint shall be filled, as depicted on the attached plan, Plan\_GHCMA-F2021-00099, such that the depth of flooding does not exceed 0.30 metres depth in a 1% AEP event. Fill shall not be introduced outside the carpark area and shall only be applied where required.

11. Amenity

The use and development 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,

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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.

12. Noise assessment and attenuation

The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues and to comply with *State Environment Protection Policy (Noise from Industry in Rural Victoria) EPA Publication 1411* and *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.* and any other relevant publications. The recommendations of the report must be implemented by the owner of the land to the satisfaction of the Responsible Authority.

13. Crossing permit

Crossing permit

A crossing permit is required from the City of Ballarat for the existing crossing in Carramar Drive. Any works required because of the permit shall be arranged and met by the applicant.

14. Septic Tank System

Septic Tank System

The existing septic tank system must be upgraded to the satisfaction of Council's Environmental Health Unit. A "permit to alter/install a septic tank system" must be obtained from Council prior to any works being undertaken on the system.

15. Permit expiry

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

1. The use and development is not commenced within two (2) years from the date of issue of this permit; or
2. The development is not completed within four (4) years from the date of issue 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 three months afterwards.

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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.

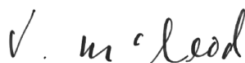
If historical archaeological remains, including artefacts, are uncovered at any time during works, it is necessary for all activities to cease and for the City of Ballarat and Heritage Victoria to be notified immediately. In this case, a program of archaeological investigations and recording may be required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

**Office use:**

Special instructions:

Copy of permit to be sent to:

Signed by Responsible Officer



Date 1.7.2021

Signed off by  
Team Leader/Manager Statutory Planning Services



Date



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

**8. CLOSE**