

PLANNING PERMIT

Permit No.: PA2202004

Ballarat Planning Scheme

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

12-14 Little Raglan Street Ballarat Central VIC 3350

THE PERMIT ALLOWS:

Ballarat and Clarendon College - Partial Demolition and Use and Development of an Educational Facility

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Amended plans

1. Before the development starts, including demolition, bulk excavation and site preparation works, amended plans and an updated development summary must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans prepared by WilliamsBoag Architects, Rev 02 dated 04 April 2023, but modified to show:
 - a) The addition of 600mm of freestanding trellis to be constructed above the boundary fence of No. 45 and 47 Webster Street.
 - b) The provision of 3 semi mature trees (min 1.6m height) to be planted along the southern boundary of No. 45 Webster Street.
 - c) The provision of 3 semi mature trees (min 1.6m height) to be planted along the southern boundary of No. 47 Webster Street.
 - d) Development plans to reflect all sustainability features indicated in the Sustainability Management Plan required by Condition 7. Where features cannot be visually shown, include a notes table providing details of the requirements (ie. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc).
 - e) The locations of Tree Protection Zones described in Condition 6, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 6 to be annotated on the development and landscape plans.
 - f) Trees to be removed from the site to be clearly identified on the development plans.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Demolition and Heritage

3. Before the development starts, including demolition, bulk excavation and site preparation works, a report prepared by a suitably qualified structural engineer, must be submitted to and approved by the Responsible Authority, demonstrating the means by which the retained portion of the heritage building will be supported during demolition and construction works to ensure its retention, to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to Ballarat City Council, and be to the satisfaction of the Responsible Authority.
4. Concurrent with the endorsement of plans, a Conservation Management Plan for the retained portion of the heritage building must be submitted to and approved by the Responsible Authority. The Conservation Management Plan must include:
 - a) Details of how the retained portion of the heritage building is going to be supported during the demolition, excavation and construction works.
 - b) Details of the restoration within the heritage building; and
 - c) Detailed construction drawings.
5. Works to the heritage building approved under this permit must be undertaken to the satisfaction of the Responsible Authority.

Tree Protection

6. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained on the subject land (and nature strip if required) during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:
 - a) Tree Protection Zones are to be erected around the tree numbered 151 in accordance with the Arboricultural Impact Assessment prepared by Civica dated 16th February 2023.
 - b) All works located in or in close proximity to a Tree Protection Zone must be supervised by a suitably qualified and experienced consulting arborist.
 - c) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and including the following:
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.
 - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
 - vi. All sub surface utilities and utility connection points, inspection pits and associated infrastructure trenching and installation are to be designed so that they are located

outside the TPZs of retained trees, to the satisfaction of the Responsible Authority. Utility conduits can be located beneath TPZs but must be installed using trenchless excavation (eg: boring) and installed to a minimum depth of 0.6 metres below natural grade.

- vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
- viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.

Landscaping Plan

- 7. Concurrent with the endorsement of plans, an amended landscape plan must be submitted to and approved by the Responsible Authority. Landscaping must be implemented in accordance with the landscape plan to the satisfaction of the Responsible Authority. The landscape plan must be generally in accordance with the landscape plan prepared by mdg, dated 15/05/2023, but modified to show:
 - a) All changes as required by condition 1.
- 8. Landscaping must be implemented in accordance with the landscape plan to the satisfaction of the Responsible Authority. Before the building is occupied, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Sustainability and Water Sensitive Urban Design

- 9. Concurrent with the endorsement of plans, the Environmentally Sustainable Design (ESD) Statement/Sustainability Management Plan (SMP) prepared by HIP V Hype, version 03, dated 27 March 2023, must be approved by the Responsible Authority. The performance outcomes for the development must be in accordance with the report, to the satisfaction of the Responsible Authority. The report must not be altered without the prior written consent of the Responsible Authority.
- 10. Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed report, must be documented by the author of the endorsed report in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

Fixtures and Fittings

- 11. Unless shown on application plans, all pipes, fixtures, fittings and vents servicing any new building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Lighting

12. With the exception of any proposed stadium and/or sports field lighting, all outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.

Noise

13. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce Industry and Trade), No N-1.

Permit Expiry

14. This permit will expire if:
 - a. The development is not started within two years of the date of this permit; or
 - b. The development is not completed within four years of the date of this permit.
 - c. The use is not commenced within four years of the date of this permit.

Pursuant to Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend:

- d. The commencement date referred to if a request is made in writing before the permit expires or within six months afterwards.
- e. The completion date referred to if a request is made in writing within six months after the permit expires and the development started lawfully before the permit expired.

Date Issued: 4 August 2023

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.

Signature for the responsible authority



Notes:

- This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.
- Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the Building Act 1993 and its regulations.
- This Planning Permit does not represent the approval of other departments of the City of Ballart Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- * from the date specified in the permit; or
- * if no date is specified, from -
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if –
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and a plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- * The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- * An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * A copy of an application for review must also be served on the responsible authority.
- * Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.