

12 & 14 Raglan Street, BALLARAT CENTRAL

Planning Permit Application No.
PA2202004



Officer Assessment Report Development Approvals & Design

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Prepared by: _____ 22

Reviewed / Approved by: _____ 22

Executive Summary

| Key Information | Details | | |
|---|---|--|--|
| Application No: | PA2202004 | | |
| Received: | 21 December 2022 | | |
| Statutory Days: | 67 | | |
| Applicant: | Kaufmann Property Consultants P/L | | |
| Planning Scheme: | Ballarat | | |
| Land Address: | 12-14 Little Raglan Street Ballarat Central | | |
| Title / Restrictive Covenants: | <ul style="list-style-type: none"> N/A | | |
| Proposal: | <p>Proposal for partial demolition of heritage buildings, buildings and works for an Education Facility and construction of a front fence.</p> <p>It is proposed to partially demolish the existing heritage buildings for the construction of new classrooms, build a new front fence and construct a shade sail over the outdoor sports courts to the rear of the existing Clarendon College.</p> <p>The application does not seek to increase staff and student numbers associated with the existing School.</p> | | |
| Development Value: | \$4,549,700m | | |
| Why is the Minister responsible? | <p>In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because:</p> <p>Primary school or secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school, if any of the following apply:</p> <ul style="list-style-type: none"> The estimated cost of development is \$3 million or greater. | | |
| Why is a permit required? | Clause 43.01 | Heritage Overlay – Schedule 166 (HO166) | Trigger – Use and development |
| Zone: | Clause 32.08 | General Residential Zone Schedule 1 (GRZ1) | <i>Use the land for an education facility</i> <i>Construct a building or construct or carry out works</i> |
| Overlays: | Clause 43.01 | Heritage Overlay Schedule HO166 | <i>Construct a building or construct or carry out works</i> <i>Demolish or remove a</i> |



building.

Externally alter a building.

| | | | | |
|-------------------------------|--|--------------------|--|--------------|
| Particular Provisions: | Clause 52.06 | Car Parking | <i>Reduction to the car parking requirements</i> | |
| Cultural Heritage: | A CHMP is not required as the site is not located in an area of cultural sensitivity. | | | |
| Total Site Area: | 19,317 | m ² | | |
| Site Area of works: | 2,710 | m ² | | |
| Gross Floor Area: | 751 | m ² | | |
| Height: | 7,520 | Meters | | |
| Land Uses: | Dwellings | Office | Retail | Other |
| | | | | Education |
| Parking: | Cars | Motorcycles | Bicycles | |
| | N/A – no change to student or staff numbers | | | |
| Referral Authorities: | Ballarat City Council (section 52 notice) | | | |
| Public Notice: | Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: Two objections have been received as of 25 July 2023 | | | |
| Delegates List: | Not Required | | | |

Proposal Background

1. Pursuant to Clause 72.01-1 of the Planning Scheme, the Minister for Planning is the Responsible Authority in this instance as the application relates to development at an existing secondary school for which the estimated cost of development is greater than \$3 million.
2. The key milestones in the application process were as follows:

| Milestone | Date |
|--------------------------------------|---|
| Application lodgement | 21/12/2022 |
| Further information requested | 17/01/2023 |
| Further information received | 23/05/2023 |
| Public Notification | Undertaken via letters and 3 signs erected on 3 July 2023 |
| Decision Plans | Plans prepared by Williams Boag Architects, Rev 02 and dated 04/04/23 . |
| Other Assessment Documents | Landscape Concept Plan, prepared by mdg |



Arborist Report, prepared by Civica, dated 16 February 2023

Heritage Impact Statement, prepared by Bryce Raworth, dated March 2023

Sustainable Design Assessment, prepared by Hip V. Hype, Rev 03, dated 27 March 2023

3. The subject of this report is the decision plans (as described above).
4. The site has a number of planning permits issued for the broader school site by the council as follows:
 - 614 Mair Street, Ballarat Central
Permit PLP/2013/624 issued 8 October 2013 for Alterations to existing fence.
 - 614 Mair Street, Ballarat Central
Permit PLP/2014/671 issued 10 November 2014 for Alterations and additions to existing building, construction of car park, demolition of fence, erection of new wall and construction of two vehicle crossovers.
 - 109 Lyons Street, Ballarat Central
Permit PLP/2015/550 issued 16 November 2015 for Partial demolition, extensions to existing building.
 - 107 Lyons Street, Ballarat Central
Permit PLP/2018/725 issued 19 February 2019 for Use and development of childcare centre, part demolition, alterations and additions to building, fencing, associated works and waiver of car parking.
5. It is proposed to partially demolish and alter two existing heritage dwellings to extend them to become education buildings for the adjoining, existing secondary school, including Practical Rooms, staff office, science, music and art rooms.
6. The extent of demolition of the heritage dwellings will retain the front 1-2 rooms in depth and include a modern addition which is designed in a way that is clearly discernible to the original fabric.
7. The addition of a covered walkway from the existing school buildings to the new classrooms is well set back from Little Raglan Street.

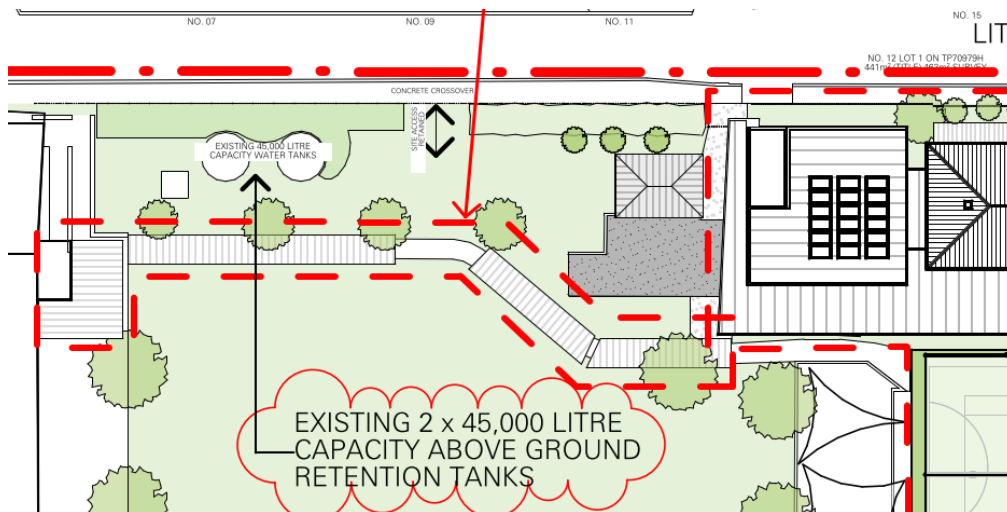


Figure 1: Proposed covered walkway

8. A new shade structure is proposed to be built over the top of the existing netball / basketball courts. This structure is located to the rear of the existing buildings and will have limited views from the street.

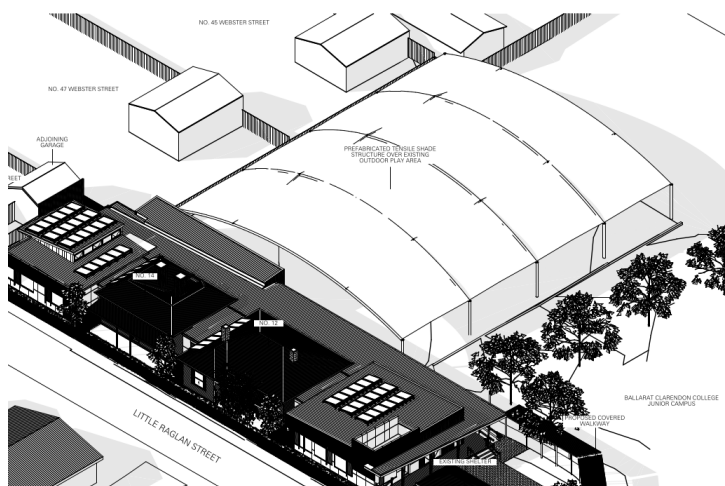


Figure 2: Proposed shade sail structure

Subject Site and Surrounds

Site Description

9. The site is located on the eastern side of Little Raglan Street, at the north west corner of the school. The site is located close to the end of the 'dead end' street approximately 194 metres north of the Mair Street and Little Raglan Street intersection.
10. The subject site forms part of the Ballarat Clarendon College. The existing site comprises of various buildings and spaces associated with the school, the adjoining school facilities include:
 - Multiple existing school buildings;
 - Above ground water tanks;

- Below ground water tank
- Teachers car park; and
- Large outdoor grassed play area

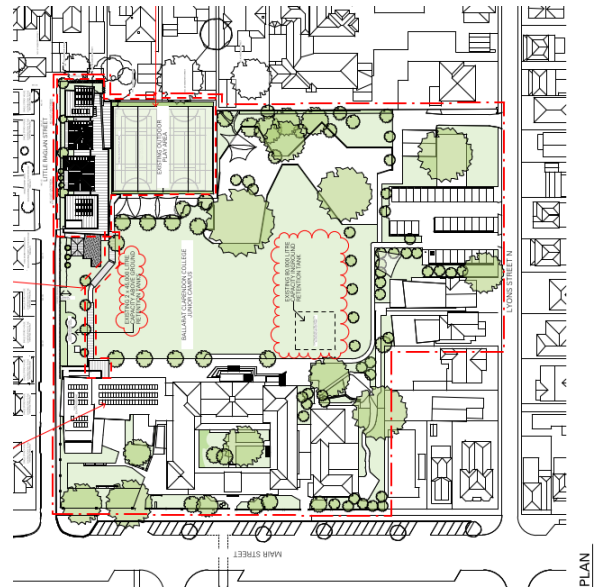


Figure 1: Ariel view of school and plan view of school

- The site measures for the proposed works 2710m² and has frontages to Little Raglan Street, with a total size of 212.914m².
- The site is formally described as comprising the following land parcels:
 - Lot 1 TP706826Y
 - Lot 1 TP704979H
 - Lot 2 PS312224N
 - Lot 1 TP683528E

Site Surrounds

- The surrounding development around the site is characterised by residential development of heritage homes.
- Development surrounding the site can be described as follows:
 - To the **north** of the site:
North of the site is a laneway providing access to the rear loaded garages for the residential properties facing Webster Street. The dwellings to the north are single storey detached period homes with garages located to the rear.
 - To the **south** of the site:
To the south are additional school buildings, water tanks and open space.
 - To the **east** of the site:
The land to the south is part of Ballarat Clarendon College and associated tennis / netball courts.

- To the **west** of the site:

To the west of the site are single storey residential dwellings with a mix of period homes and later blocks of units, including three double storey townhouses.

Planning Provisions

Planning Policy Framework

15. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

| Clause no. 15 | Built Environment and Heritage |
|---------------|---|
| 15.01-1S | <p>Urban Design</p> <p><i>To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.</i></p> |
| 15.01-2S | <p>Building Design</p> <p><i>To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.</i></p> |
| 15.01-5S | <p>Neighbourhood Character</p> <p><i>To recognise, support and protect neighbourhood character, cultural identity, and sense of place.</i></p> |
| 15.03 | <p>Heritage</p> <p><i>To ensure conservation of places of heritage significance.</i></p> |
| Clause no. 19 | Infrastructure |
| 19.02-2S | <p>Education facilities</p> <p><i>To assist the integration of education and early childhood facilities with local and regional communities.</i></p> |

Municipal Policy Framework

16. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

| Clause no. 21 | Municipal Strategic Statement |
|---------------|---|
| 21.01-1 | <p>Context</p> <p><i>'As a regional centre, Ballarat's service catchment extends beyond its borders and encompasses major retail, health and education facilities. People from surrounding rural areas, particularly to the west, are attracted to Ballarat for employment and education purposes as well as its significant history, character and lifestyle. Ballarat also attracts many people from the Melbourne metropolitan area, including families seeking more affordable housing with good access to employment opportunities and better lifestyle choices. People also come to Ballarat as visitors and Ballarat is a key tourism location in the distinctive Central Victorian Goldfields region.'</i></p> |
| 21.06-1 | <p>Urban Design</p> <p><i>To protect and enhance the quality and character of built areas, considering context and</i></p> |



local values

21.06-2

Heritage

To protect, conserve and enhance areas, features, structures and sites of historic, aboriginal, natural and cultural significance.

22.01-2

Non Residential Uses in Residential Areas

The objectives of this policy are:

- *To protect the existing residential character and amenity of the municipality by promoting and encouraging development in an orderly and proper manner.*
- *To ensure that development of discretionary uses cater for the needs of the local community without any detrimental impact on residential amenity.*

17. The assessment section of this report provides a detailed assessment of the relevant planning policies

Statutory Planning Controls

Applicable Zone – General Residential Zone – Schedule 1

18. A planning permit is required to construct a building or construct or carry out works in accordance with **General Residential Zone**. The purpose of the **GRZ1** is:
- To implement the *State Planning Policy Framework* and the *Local Planning Policy Framework*, including the *Municipal Strategic Statement* and local planning policies.
 - To encourage development that respects the neighbourhood character of the area.
 - To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
 - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.
19. Pursuant to Clause 32.08-9, a permit is required to construct a building or construct or carry out works and for the use of the land for an education facility under Clause 32.08-2.

Applicable Overlay – Heritage Overlay – Schedule 166

20. A planning permit is required to construct a building or construct or carry out works in accordance with **Heritage Overlay, Schedule 166**. The purpose of the HO166 is:
- To implement the *Municipal Strategic Statement* and the *Planning Policy Framework*.
 - To conserve and enhance heritage places of natural or cultural significance.
 - To conserve and enhance those elements which contribute to the significance of heritage places.
 - To ensure that development does not adversely affect the significance of heritage places.
 - To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.
21. The decision guidelines relevant to this proposal are:
- The *Municipal Planning Strategy* and the *Planning Policy Framework*.
 - The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
 - Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
 - Any applicable heritage design guideline specified in the schedule to this overlay.
 - Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent building and the heritage place.

- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.

Applicable Overlay – Vegetation Protection Overlay – Schedule 2

22. A planning permit is required to remove vegetation for trees located within the Vegetation Protection Overlay – Schedule 2 (VPO2).
23. There are no trees proposed to be removed within part of the site which is subject to the VPO2.



Figure 2: Extent of VPO on subject site.

Particular Provisions

Relevant Particular Provisions in Planning Scheme

Clause 52.06 – Car Parking

24. Clause 52.06 sets out the requirements of car parking design. Pursuant to Clause 52.06 a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5. Given that the proposal does not seek to increase the number of employees or students associate with the school, a permit is not required in relation to car parking.

Clause 52.34 – Bicycle Facilities

25. Pursuant to Clause 52.34-1 the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
26. The bicycle facilities rate for schools is based on the number of employees and students which is not proposed to increase under the current application. Accordingly, no additional bicycle parking facilities are required.

Clause 53.18 – Stormwater Management in Urban Development

27. Pursuant to Clause 53.18-3 an application to construct a building or construct or carry out works must meet all of the objectives of Clauses 53.18-5 (Stormwater management objectives for buildings and works) and 53.18-6 (Site management objectives) and should meet all of the standards of Clauses 53.18-5 and 53.18-6. An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

Clause 53.19 – Non-Government Schools



28. Clause 53.19 applies to use or development of land for a primary school, secondary school or education centre that is ancillary to carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school.

Clause 63.05 – Section 2 and 3 uses

29. Pursuant to Clause 63.05 a use in section 2 or 3 of a zone for which an existing use right is established may continue provided:
- No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement.
 - Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.
 - The amenity of the are is not damages or further damage by a change in the activities beyond the limited purpose of the use preserved by the existing use right.
30. Ballarat Clarendon College has been in operation since 1864, however the buildings subject to the proposal have not been part of the adjoining school in the past and therefore require a permit for the use and buildings and works.
31. The proposal is consistent with the existing use of the broader school and is considered to provide an acceptable response to the amenity of the area.
32. The applicant has advised that the number of staff and students is not proposed to change despite the increase in school buildings.

Clause 71.02-3 – Integrated decision making

33. Clause 71.02-3 outlines that planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Referrals and Notice

Referrals

34. Notice of the application was given to Ballarat City Council under Section 52(1)(b) of the Act. The council provided a written response on the 5 June 2023.

Municipal Council Comments

35. The Ballarat City Council (the council) considered the application and have provided the following comments.

36. Heritage

'The City of Ballarat's heritage advisor is of the opinion that the proposal retainment of features from the existing dwellings street façade, largely hidden development from street view and consistency with street's height scale is an acceptable outcome for the site. This is made on the basis that the mixed character or the residential street is not adversely impacted upon due to the preservation of heritage weatherboard street interfaces, and that the nature of the proposed development is sensitive in preserving local heritage values, particularly in regard to Ballarat Clarendon School campus.'

37. Tree controls

'It is noted that the arborist report (dated 16/2/2023) identifies twelve (12) trees of which will require removal to allow the proposed development to proceed. It is noted these trees can be considered vegetation in accordance with Clause 42.01 (VPO2). Of these twelve (12) trees, eleven (11) are considered to be of 'Low retention value' and one (1) is considered to be of 'Moderate retention value'. The removal of these trees does trigger a planning permit in accordance with Clause 42.02 (VPO2). It is recommended that conditions of any permit granted (should it be granted), be made in alignment with the tree protection and management recommendations detailed in this report.'

*'The City of Ballarat provides the **view that the proposal in general is an acceptable outcome in accordance with the 'Ballarat Planning Scheme'.***

Notice

38. An application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act. The grounds raised in the objections are discussed in detail in the assessment section of this report.
39. The application was advertised in July 2023 via letters to adjoining properties, land owners and occupiers as well as the display of 3 notices, one notice placed on each of the following: Little Raglan Street frontage, Mair Street frontage and Lyons Street frontage.
40. Two objections have been received which have raised the concerns in relation to:
- Noise and intrusion
 - Scale of built form and visual impact
 - Drainage
 - Damage to adjoining trees.
 - Maintenance of the shade structure



41. An application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act. The grounds raised in the objections are discussed in detail in the assessment section of this report.
42. Objectors will be informed of the decision and advised that there is no opportunity for any objector to submit an application for review of this decision to the Victorian Civil and Administrative Tribunal.

Assessment

Key Considerations

Planning Policies

43. The application seeks to deliver up-to-date and purpose built spaces within the existing heritage dwellings in response to evolving educational needs which will improve the capacity of the school to cater to the local community and contribute to providing high quality facilities for the school community (Clauses 15.01-2S, 19.02-2S and 21.06-2).
44. The proposal does not seek to alter the number of staff or students, and the proposal maintains land use compatibility with the surrounding area (Clause 13.05-1S)
45. The development responds to the surrounding built form of residential dwellings with taller built form located within the school grounds with limited visibility from the streetscape (Clauses 15, 15.01-2S, 15.03-1S, 21.06).
46. The siting of development with generous setbacks from neighbouring properties to the north and is respectful of the surroundings and mitigates potential off-site amenity impacts in accordance with Clause 21.06-1. The siting and setbacks of the building extensions and the shade structure will ensure a respectful addition to the existing school buildings onsite. The proposal is also respectful from a heritage perspective and ensures an appropriate response to the prevailing heritage scale and character of this area,
47. Overall, it is considered that the proposed development is consistent with the relevant policy of the City of Ballarat Planning Scheme.

Built Form and Land Use

48. The proposal comprises of new additions to existing buildings which are to be incorporated into the school grounds. The GRZ allows non-residential uses including educational to serve local community needs in appropriate locations.
49. In particular, a permit is required for the use and the proposed buildings and works given they are associated with a school (a section 2 permit required) land use.
50. The proposal responds to the key objectives of the General Residential Zone and Heritage Overlay and will have minimal impacts on the amenity of surrounding residential land. Assessment of the proposal with regard to the key objectives and guidelines relevant to the development is detailed below.

Demolition

51. The existing buildings on the site are subject to heritage controls and require planning permission for the consent for the partial demolition of the dwellings located at 12 & 14 Little Raglan Street.
52. The extent of demolition will ensure the more significant fabric of each dwelling is maintained.



53. The overall extent of demolition is supported by Council, particularly given the proposed buildings and works are proposed to be clearly definable from the original fabric.

Compatibility with Residential Area

54. The proposal involves the alterations and additions to the two existing dwellings located on Little Raglan Street which are to be incorporated into the broader school. The proposal will not result in a transformation of the existing school use or significantly alter the compatibility of the school with the surrounding land use and development.

Height and Setbacks

55. The setback to Little Raglan Street (western boundary) is proposed at 1.7m from the street frontage which is consistent with the existing heritage dwellings front verandas. The new buildings have a staggered presentation with increased setbacks of 5m to help separate the new build from the heritage dwellings.

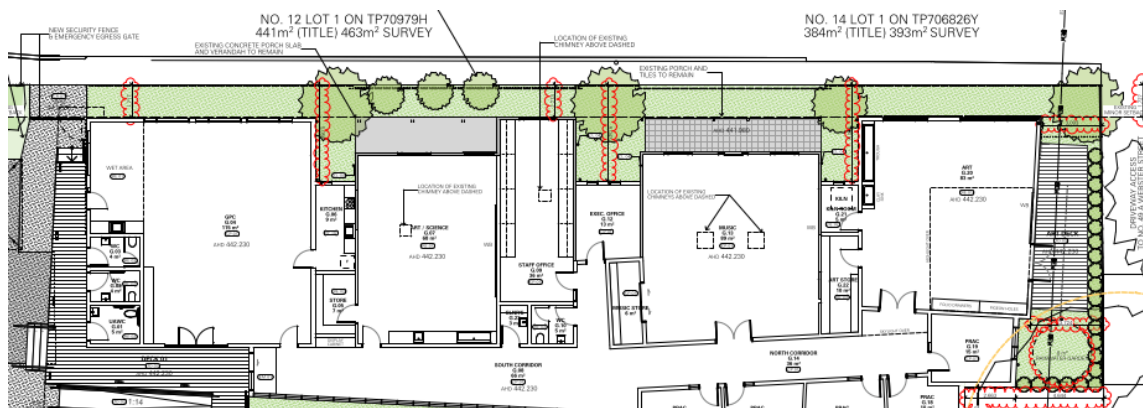


Figure 3: Staggered setbacks of street frontage

56. The setback to dwellings located to the north of the site is minimised by the location of the laneway providing access to the garage associated with 49 Webster Street. The new school building is setback a minimum of 3m increasing up to 3.7m.



Figure 4: Setback interface with adjoining northern properties

57. The new building is on the boundary with No. 47 Webster Street for a length of 2.68m in two directions in the northwest corner. The extent of walls on boundary is minimal, is not adjacent to habitable rooms of the dwelling associated with this property and achieves an acceptable built form outcome.

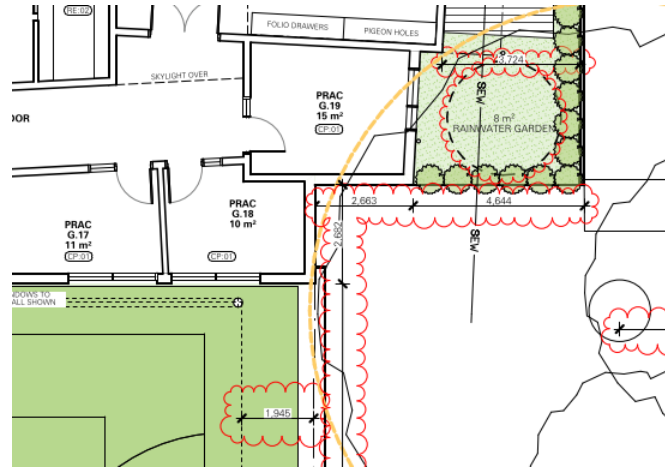
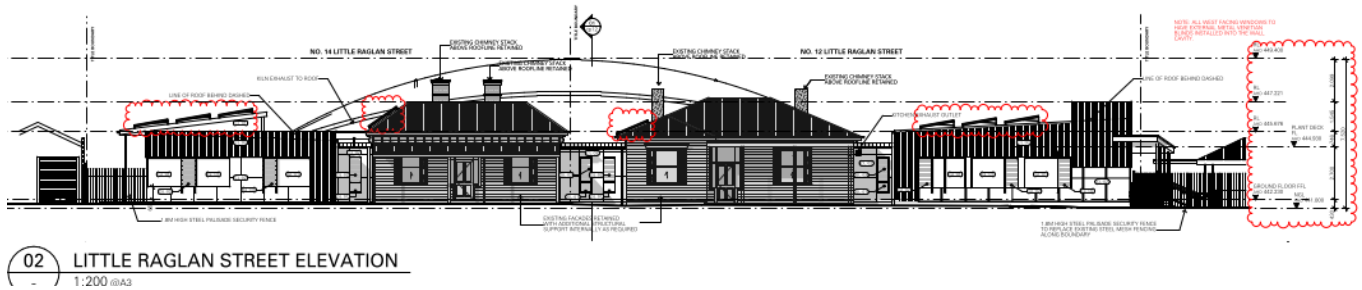


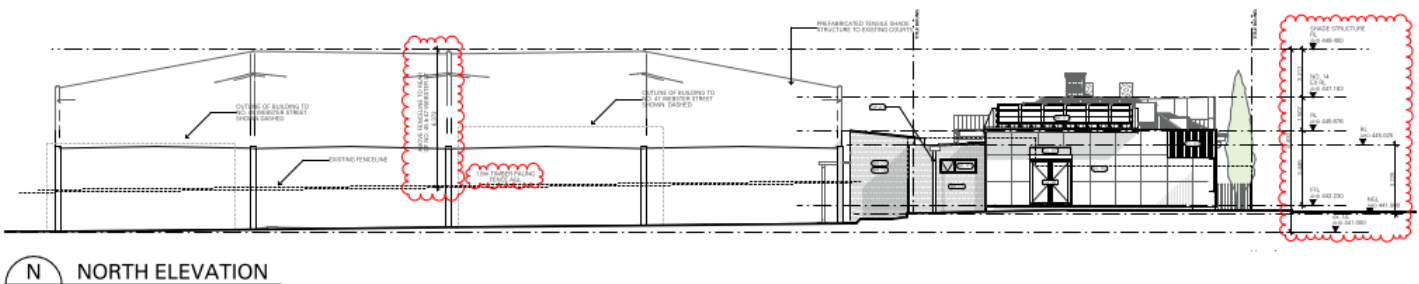
Figure 5: Walls on boundary with adjoining northern property

58. The proposed height of the shade structure located over the sports court is 7.52m above NGL, the new classrooms have a maximum height of 6.96m above NGL. The new school buildings are single storey and sit comfortably with the existing dwellings. The new shade structure over the sports courts located to the rear of the new classrooms has a maximum height of 7.5m allowing the structure to be largely concealed and therefore will not impact unreasonably on the streetscape, including the prominence of the retained fabric of the heritage buildings.



02 LITTLE RAGLAN STREET ELEVATION
1:200 @A3

Figure 6: Heights of new structures.



N NORTH ELEVATION

Figure 7: Height of shade structure

59. The new shade structure located above the sports courts is located to the rear of the proposed additions to the existing dwellings facing Little Raglan Street. The new shade structure is adjacent to properties located to the north, predominately No. 45 and 47 Webster Street. The shade structure will be visible from these properties



above the fence line. However, the shade structure is set back off the northern fence line 1.95m with the lowest point of the structure adjacent to the northern boundary graduating to the highest point within the school grounds.

60. As a result of this design feature, the overall visibility and impact of this structure will be minimised.

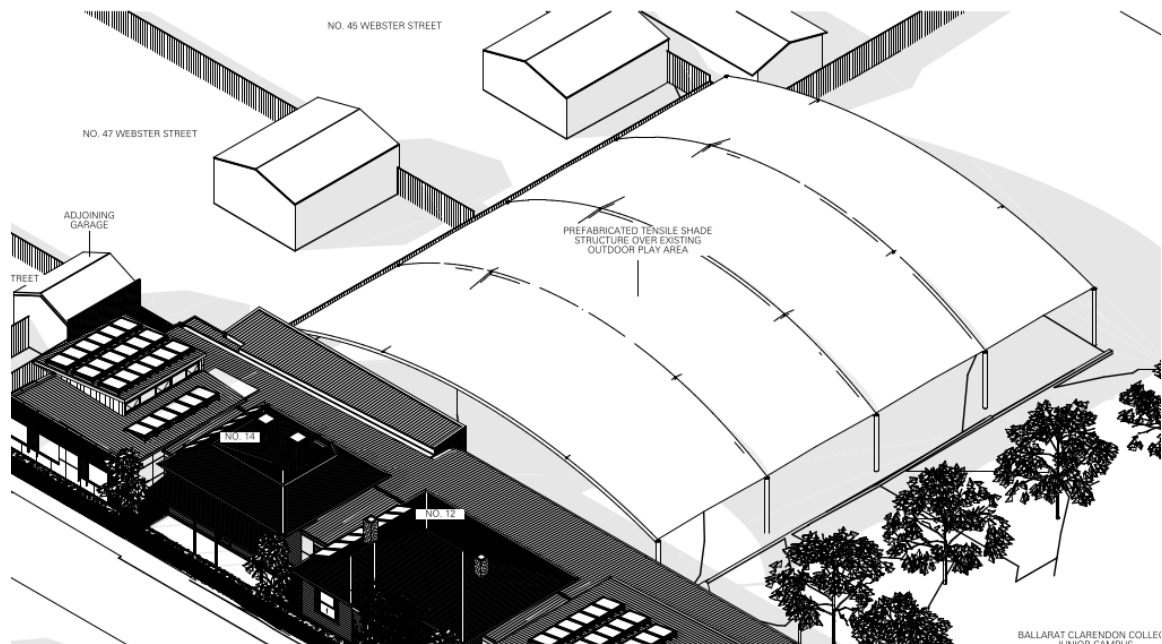


Figure 8: Shade structure.


Amenity impacts

61. The proposed additions to the buildings on Little Raglan Street are single storey and located south of adjoining properties. The new built form will not have any shadow impacts on habitable room windows or secluded private open space, with shadows falling across the street or within the school grounds.
62. The new buildings have no overlooking opportunities to adjoining properties with all habitable room windows of adjoining properties located greater than 9m from boundary fencing.
63. The objectors have raised concerns regarding amenity impacts to their properties including noise, visual impacts of the shade structure, lighting, maintenance, drainage and protentional impacts on mature tree. This is discussed later in the report.

Heritage

64. The application was supported by a Heritage Impact Assessment, prepared by **Bryce Raworth**, dated March 2023.
65. The school is located in the Central Ballarat Heritage Precinct HO166, and has a statement of significance as found in the *Ballarat Heritage Precincts – Statement of Significance (2006)*. The following statement is made in the document:

'the Precinct is historically important as an example of a highly desirable mid 19th century goldfields residential area, as evidenced by the physical fabric from the period 1870s-1890s. it is also associated with an unusually



high incidence of home ownership in this period helped along by a policy of establishing residential areas with deep lead mining areas that has shaped the subsequent development of the area.

It's close proximity to the central business district of Ballarat made it a prime location for a number of educational, religious and medical institutions built from the early 1870s. Today, the Precinct still houses the Aquinas campus of the Australian Catholic University, a campus of Ballarat and Clarendon College and St. John of God Hospital and the neighbouring Ballarat Base Hospital. Medical practitioners now occupy many of the contributory timber Victorian and Edwardian cottages in the immediate vicinity of the hospitals....

The Precinct is recognized and highly valued by the local community for its early and ongoing residential, commercial, religious, and educational associations.'

The citation includes a list of buildings identified as not significant within the precinct. In Little Raglan Street it comprises of numbers 1-3/11 and 1-5/15 Little Raglan Street. Therefore all other dwellings within Little Raglan Street are significant to the precinct including No. 12 & 14.

66. The report discusses the extent of demolition of the heritage dwellings. Predominately, the rear of the dwellings are to be removed these areas involve substantial amounts of built form which is not original. The rear of the dwellings have been substantially changed with alterations and additions. These additions will be demolished and only a small portion of the original fabric which cannot be seen from the street will also be removed.
67. The key significant features of both dwellings will be retained as part of the development. The new works have been designed to respect the heritage aspect of the dwellings but provide a distinct difference between the old and new fabric.
68. The proposed works are single storey, which respect the scale of the adjacent streetscape of residential dwellings. The new forward projecting elements of the school building reflect the pattern of regular spaced frontages of the street.
69. Council's heritage advisor has reviewed the application as part of the referral and has provided comments confirming that the proposed works are acceptable and provided the following comment:

'Relevant to the Responsible Authorities consideration of this proposal, The City of Ballarat's heritage advisor is of the opinion that the proposals retainment of features from the existing dwellings street façade, largely hidden development from street view and consistency with the street's height and scale is an acceptable outcome for the site.

This is made on the basis that the mixed character of the residential street is not adversely impacted upon due to the preservation of heritage weatherboard street interfaces, and that the nature of the proposed development is sensitive in preserving local heritage values, particularly in regard to Ballarat Clarendon School Campus.'

70. Considering the above comments and the report provided the changes to the buildings are acceptable and can be approved from a heritage perspective. A condition of permit will require the applicant to prepare and submit a conservation management plan to ensure the integrity of the retained heritage fabric.

Landscaping

71. The landscape plans show a comprehensive scheme to landscape around the existing dwellings and new buildings. The provision of four (4) canopy trees (*Pyrus calleryana* 'Capital') are to be located along the Little Raglan Street frontage in conjunction with the retention of three existing pencil pines located in the frontage of No.12 Little Raglan Street.



72. The extensive shrub planting within the front setback contributes to the overall landscaping outcome of the site and the presentation of the new infill buildings to Little Raglan Street.

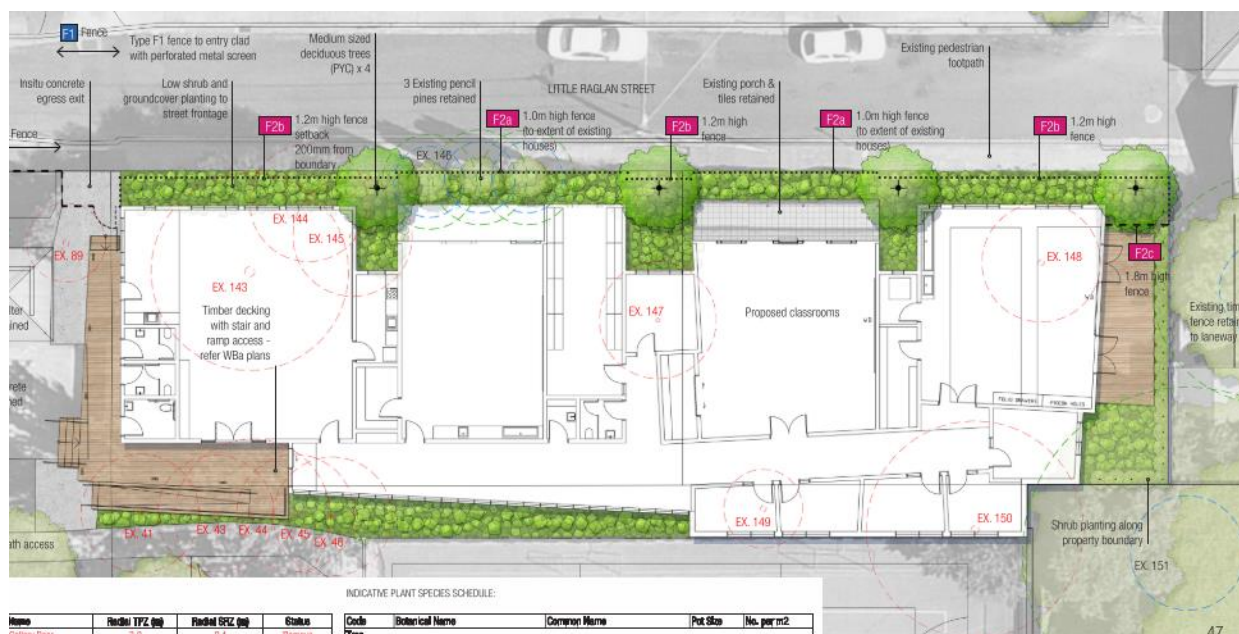


Figure 9: Proposed Landscaping.

Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD)


- 73. Clause 21.06-2 (Sustainability) seeks to enhance the sustainability of the built environment with development to demonstrate best practice Environmentally Sustainable Design. Clause 22.08 (Water Sensitive Urban Design (Stormwater Management)) and Clause 53.18 (Stormwater Management in Urban Development) also apply to an application for buildings and works.
- 74. The applicant has submitted a sustainability management plan (SMP) and MUSIC modelling which has been developed in accordance with the City of Ballarat Stormwater Management design guidelines.
- 75. The proposal meets the objectives and standards of Clause 53.18 as the development will retain and reuse stormwater and meet best practice performance under the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as demonstrated by the MUSIC calculations included in the SMP.
- 76. A permit condition will ensure that the proposed sustainable design elements are implemented.

Response to Objector concerns

- 77. The application was advertised to the adjoining properties and two objections were received from adjoining properties. The following issues were raised.

Noise and intrusion

Concerns have been raised regarding the increase in noise and increase in lighting from the school grounds with the addition of the shade structure to the sports fields. There is no indication on the plans that there is any proposed lighting to be included into the structure. Conditions can be included in the permit to ensure that there is no lighting directed at the adjoining properties from any of the new structures.



In regards to noise concerns, the school has been in operation for approximately 100 years on this site. There is no proposed increase to student numbers or changes to the hours of operation, so any additional noise generated by the structure will be during the day when the noise of children playing is considered an acceptable outcome.

Scale of built form and visual impact

The scale of the proposed additions which consists of new classrooms, music rooms and teaching staff areas is single storey and consistent with the scale of the heritage dwellings to which they are attached to.

The shade structure located to the rear of these buildings can be seen from properties to the north, predominately 45 & 47 Webster Street. Both of these residences have raised concerns regarding the visual bulk of the structure as viewed from their residences.

The structure has a maximum height of 8.4m from NGL (and 3.55 metres at its edge), this is not an unreasonable height considering the setbacks from adjoining property boundaries and the graduating (sloped) height from the northern edge to the centre and back down to the southern edge. The height is consistent with a double storey dwelling which is an acceptable built form outcome in a General Residential Zone which has a maximum build height specified under the zone of 13m.

Drainage

Concerns regarding drainage from the site has been raised, all buildings will be required to be connected to the legal point of discharge. Drainage from the site is required to be contained within the site and not overflow into adjoining properties. A condition will be required to ensure the property is drained to building standards.

Damage to adjoining trees.

A substantial tree is located to the rear of the property at No.47 Webster street, the applicant has designed the new works to have minimal intrusion into the TPZ of this tree and conditions will be included in the permit to ensure the neighbouring tree is protected during the construction of the new buildings located on the boundary.

Maintenance of the shade structure

Maintenance of the new shade structure is not a planning consideration, however the school has confirmed that they will provide ongoing maintenance of the structure along with all other school buildings.

Conclusion

Recommendation

1. It is recommended that a Delegate for the Minister of Planning issue Planning Permit No. PA2202004 for the **Partial Demolition and Use and Development of an Education Facility** at 12-14 Little Raglan Street, Ballarat Central, subject to conditions.

Conclusion

2. The proposal is generally consistent with the relevant planning policies of the Ballarat Planning Scheme and will contribute to the expansion of existing education facilities within the Ballarat area.
3. The built form is of an appropriate scale and the extent of demolition and alterations is supported from a heritage perspective.
4. The proposal is also generally supported by council, subject to conditions.
5. It is recommended that the applicant be notified of the above in writing.

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.

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 Ballarat 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.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:


- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: Cath te Lintelo
 Title: Senior Planner, Development Approvals and Design
 Phone: _____
 Signed: 
 Dated: 25/07/2023

Reviewed / Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: Grant Logan
 Title: Manager, Development Approvals and Design
 Phone: 0428809519
 Signed: 
 Dated: 1 August 2023
