

Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

## PLANNING PERMIT

<b>Permit No.:</b>	PA2403189
<b>Planning scheme:</b>	Ballarat Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	18 and 26 Lilburne Street, Lucas (Lot G on PS825918R and Lot 12 on PS803272P)

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
37.07-9	Use the land for a hospital
37.07-11	Construct a building or construct or carry out works
52.05-13	Construct and display business identification signs and pole signs

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.
2. The use and development as shown on the endorsed plans must not be altered (unless the Ballarat Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

#### Commencement

3. This permit will operate from the issued date of this permit.

#### Approved and endorsed plans – changes required

4. Before the development starts, excluding bulk excavation and site preparation works, detailed development plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the plans titled 'Ballarat Private Hospital', revision

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number H, by Swanbury Penglase and dated 23 September 2024, but amended to show the following details:

- a) Pole sign elevations.
- b) The carparking in the adjoining land at 230 Eleanor Drive, Lucas (Lot 16 PS825918) shown in its existing state, with the proposed access/egress from the subject site removed, unless otherwise approved by the Responsible Authority in consultation with the City of Ballarat.
- c) Any changes required in accordance with Condition 5 of this permit – Environmentally Sustainable Design Statement.
- d) Any changes required in accordance with Condition 9 of this permit - Traffic and parking management plan.
- e) Details and dimensions of all carparking areas in accordance with Clause 52.06-9 of the Ballarat Planning Scheme.
- f) Elevations of the fencing/screening to the proposed waste collection area, including material details.

**Environmentally Sustainable Design**

5. Concurrent with the endorsement of plans, an Environmental Sustainable Design Statement must be approved and endorsed by the responsible authority in consultation with City of Ballarat. The statement must be prepared to the satisfaction of the responsible authority and must demonstrate how the development will achieve best practice environmental sustainability outcomes, including stormwater manage pursuant to the Alfredton West Precinct Structure Plan and Urban Design Framework Assessment Checklists.

**Landscape Plan**

6. Concurrent with the submission of plans pursuant to Condition 4, an amended landscape plan must be submitted to the responsible authority. The landscape plan must be generally in accordance with the Landscape Plans prepared by PLOT Landscape Architects, Revision TP3, dated 24 May 2024, including:
- a) Any changes required by Condition 4 of this permit.
  - b) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
  - c) Details of the location and type of all paved and sealed areas. Any water sensitive urban design features must be in accordance with the Environmentally Sustainable Design Statement.

When submitted and approved to the satisfaction of the responsible authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the responsible authority.

7. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the City of Ballarat, this includes the replacement of any dead, diseased or damaged plants.

**Traffic and parking management plan**

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9. Before the use or development starts, excluding bulk excavation, demolition and site preparation works, a traffic and parking management plan must be approved and endorsed by the responsible authority in consultation with the City of Ballarat Council. The traffic and parking management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the plans titled 'Ballarat Private Hospital', revision number H, by Swanbury Penglase and dated 23 September 2024 and include the following details:
- a) all vehicle access and egress to the site, including deliveries, ambulances and waste collection vehicles, exclusively via Lilburne Street, unless otherwise approved by the Responsible Authority in consultation with the City of Ballarat;
  - b) the means by which the on-site car parking and bicycle parking spaces will be allocated and managed;
  - c) the location of all areas on-site and/or off-site to be used for staff and patron parking;
  - d) the means by which the direction of traffic, waste collection and delivery vehicles; ambulances, bicycle and pedestrian flows to and from car parking areas will be controlled both on-site and off-site;
  - e) measures to preclude staff parking in designated patron car parking areas.

**Waste Management Plan**

10. Prior to the commencement of the use of the land, an amended waste management plan must be approved and endorsed by the responsible authority, in consultation with the City of Ballarat Council. The waste management plan must be generally in accordance with the Waste Management Plan prepared by Veolia, dated 22 July 2024 and must include the following:
- a) Anticipated volumes of waste and recycling that will be generated and how they are determined.
  - b) The type and number of waste bins.
  - c) The type and size of trucks required for waste collection.
  - d) A plan detailing adequate areas for waste bin storage and collection for the required type and number of bins.
  - e) Frequency of waste collection.
  - f) Hours for waste collection.

The responsible authority may consent in writing to vary these requirements.

**Functional layout plan – roadworks**

11. Before the use starts, a functional layout plan for the proposed roadworks must be approved and endorsed by the responsible authority in consultation with the City of Ballarat Council.

**Detailed construction plans – roadworks**

12. Before the use starts, construction plans for the proposed roadworks must be approved and endorsed by the City of Ballarat Council. The construction plans must:
- a) be prepared to the satisfaction of the City of Ballarat Council
  - b) be drawn to scale with dimensions and submitted electronically.

Any modifications to the detailed construction plans agreed to by the responsible authority must be shown on an amended plan that is endorsed by the responsible authority.

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**Roadworks construction**

13. Before the use starts, the roadworks must be constructed to the satisfaction of City of Ballarat.

**New vehicular crossings**

14. Before the use starts, any new vehicular crossing(s) must be constructed to the satisfaction of the City of Ballarat Council.

**Car park construction**

15. Before the use starts, the area(s) set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:

- a) constructed
- b) properly formed to such levels that they can be used in accordance with the plans
- c) surfaced with an all-weather-seal coat
- d) drained
- e) line marked to indicate each car space and all access lanes
- f) clearly marked to show the direction of traffic along access lanes and driveways,
- g) to the satisfaction of the responsible authority.
- h) At all times car spaces, access lanes and driveways must be kept available for these purposes.
- i) Once constructed, these areas must be maintained to the satisfaction of the City of Ballarat Council.

**Stormwater management system – implementation and management**

16. The stormwater management system approved by the responsible authority and included in the endorsed stormwater management plan must be constructed, managed and maintained to the satisfaction of the responsible authority.

The details of the stormwater management system must not be altered from the details in the endorsed stormwater management plan without the written consent of the responsible authority.

**Signage Conditions**

17. The signs, including the structure and content, must be constructed and maintained to the satisfaction of the City of Ballarat Council.

**Amenity**

18. 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, ash, dust, waste water, waste products, grit or oil.
- d) Presence of vermin.
- e) to the satisfaction of the Ballarat City Council.



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**Loading/unloading**

19. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the responsible authority.

**Expiry**

20. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within five years of the date of this permit.
- c) The use does not start within two years after the completion of the development.
- d) This permit expires 15 years after the date it is issued for all signs.

The responsible authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where development/use allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

**USEFUL INFORMATION:**

(the following information does not form part of this permit)

- The permitted use or development may need to comply with, or obtain the following further approvals:
  - The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.
  - A building permit under the *Building Act 1993*.

**City of Ballarat**

- The land is, or will in the future, be subject to aircraft noise exposure associated with Ballarat Airport. It is recommended that any building constructed on the land accommodating a sensitive use (defined as residential, childcare, kindergarten, pre-school centre, primary school, secondary school or children's playground) complies with the noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia International Ltd.



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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

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### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

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### WHEN DOES A PERMIT BEGIN?

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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.

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### WHEN DOES A PERMIT EXPIRE?

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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 the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage 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 after 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.

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### WHAT ABOUT REVIEWS?

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- 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.