

## SCHEDULE 3 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ3**.

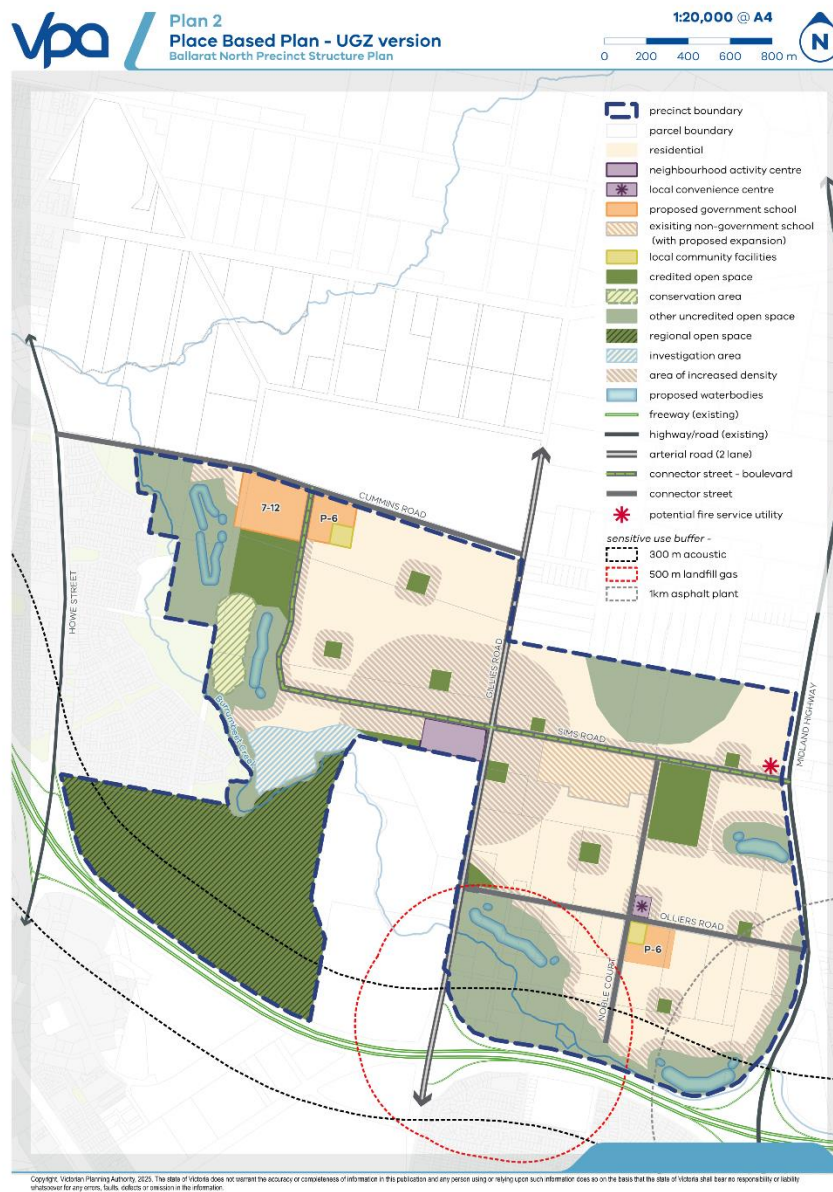
# BALLARAT NORTH STRUCTURE PLAN

## 1.0 The Plan

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Plan 1 shows the future urban structure proposed in the *Ballarat North Precinct Structure Plan*.

### Plan 1 to Schedule 1 of Clause 37.07



## 2.0 Use and development

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### 2.1

#### The Land

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The use and development provisions specified in this schedule apply to the land within the 'precinct boundary' on Plan 1 and shown as UGZ3 on the planning scheme maps. This schedule must be read in conjunction with the incorporated Ballarat North Precinct Structure Plan (PSP).

## 2.2 Applied zone provisions

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Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme.

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated *Ballarat North Precinct Structure Plan*, the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

Note:

*e.g. The General Residential Zone specifies 'Place of worship' as a Section 1 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone or an applied Transport Zone in the Urban Growth Zone schedule applying to the land'.*

**Table 1: Applied zone provisions**

Land shown on plan 1 of this schedule Neighbourhood activity centre Local convenience centre	Applied zone provisions Clause 34.01 – Commercial 1 Zone
Land shown on plan 1 of this schedule Regional open space	Applied zone provisions Clause 36.02 - Public Park and Recreation Zone
Land shown on plan 1 of this schedule Area of increased density	Applied zone provisions Clause 32.07 – Residential Growth Zone
Land shown on plan 1 of this schedule All other land	Applied zone provisions Clause 32.08 – General Residential Zone

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## Specific provisions – Use of land

### Section 1 - Permit not required

Bed and breakfast	Must not be on land shown within the Asphalt Plant buffer in the incorporated <i>Ballarat North Precinct Structure Plan</i>
Community care accommodation	
Dwelling	
Residential aged care facility	
Rooming house	
Small second dwelling	
where the applied zone is General Residential Zone or Residential Growth Zone	
Child care centre	On land identified as 'local community facilities' in the incorporated <i>Ballarat North Precinct Structure Plan</i>
Hall	
Indoor recreation centre	
Library	
Medical Centre	
Restricted recreation facility	
Minor sports and recreation facility	On land identified as 'local sports reserve' in the incorporated <i>Ballarat North Structure Plan</i> .
Primary school	Must be generally in accordance with the location shown as 'existing non-government school' in the incorporated <i>Ballarat North Structure Plan</i> .
Secondary school	
	Must not be on land identified within the 500m landfill buffer in the incorporated <i>Ballarat North Precinct Structure Plan</i> .
Shop where the applied zone is Commercial 1 Zone	The combined leasable floor area of all shops in the relevant centre must not exceed: <ul style="list-style-type: none"> <li>15,740 sqm on land shown as the Neighbourhood Activity Centre in the <i>Ballarat North Precinct Structure Plan</i>.</li> <li>2,070 sqm on land shown as the Local Convenience Centre in the <i>Ballarat North Precinct Structure Plan</i>.</li> </ul>
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
Any other use not in Section 1 or 3	

## Section 3 – Prohibited

Use
None specified

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### Specific provisions - Subdivision

### Burrumbeet Creek Housing Area

Except with the consent of the responsible authority and Glenelg Hopkins Catchment Management Authority, a permit must not be granted to subdivide land within the Burrumbeet Creek Housing Area (shown on Plan 3 of the incorporated Ballarat North Precinct Structure Plan) until the following has been prepared, for the entire sub-precinct, to the satisfaction of the responsible authority and Glenelg Hopkins Catchment Management Authority:

- A utility coordination plan, demonstrating that drainage and sewerage infrastructure can be delivered in a coordinated manner to enable the servicing of the land;
- A proposed plan of subdivision, including building envelopes for each residential lot;
- A drainage and fill strategy, designed to ensure that development of the Burrumbeet Creek Housing Area can meet the following requirements:
  - No new lots created where the building envelope is subject to inundation from 1% Annual Exceedance Probability (AEP) flows (accounting for climate change scenarios);
  - Any overland paths in road reserves meet floodway safety criteria for depth of flow and flow velocity;
  - Any overland flows be fully contained within reserves (roads, open space);
  - Flooding cannot be increased either upstream or downstream of the precinct or for existing landholders; and
  - The drainage network must have capacity for the 5% AEP flood.
- A Construction and Environmental Management Plan (CEMP) to manage the risk of erosion and sedimentation during realignment works and incorporate procedures for the detection of any conservation listed species; and
- A revegetation plan to incorporate relevant wetland vegetation communities, including appropriate indigenous species such as Tall Marsh and Aquatic Herbland.

A permit for subdivision within the Burrumbeet Creek Housing Area must be consistent with any utility coordination plan and drainage and fill strategy approved under this schedule.

A restructure plan, utility coordination plan or drainage and fill strategy may be amended to the satisfaction of the responsible authority and Glenelg Hopkins Catchment Management Authority.

### **Seasonable Herbaceous Wetland Conservation Management Plan**

A permit must not be granted to subdivide land within the Seasonable Herbaceous Wetland Area (shown as conservation area on Plan 1 of this Schedule) until a Conservation Management Plan has been prepared to the satisfaction of the responsible authority and in consultation with the Department of Energy, Environment and Climate Action. The conservation management plan must include the following, unless otherwise agreed with the responsible authority:

- A Baseline Ecological Assessment:
  - Detailed mapping of the current extent and condition of the Seasonable Herbaceous Wetland ecological community, including vegetation composition and structure.
  - Assessment of the presence of nationally significant species, such as the River Swamp Wallaby-grass.
- A response to the relevant objectives, requirement and guidelines in the incorporated Ballarat North Precinct Structure Plan.

- A determination of the boundary between land required for conservation and land suitable for urban development.
- An assessment of hydrological requirements:
  - Evaluation of the hydrological needs of the Seasonable Herbaceous Wetland, including its water source, flow patterns, and seasonal inundation regimes.
  - Analysis of potential impacts from proposed development, including changes to drainage and water availability.
- Protection and Enhancement Measures:
  - Strategies to maintain or enhance the hydrological regime essential for the Seasonable Herbaceous Wetland's persistence.
  - Implementation of protective measures such as fencing to prevent uncontrolled grazing and unauthorised access.
  - Weed and pest management plans to control invasive species.
  - Biomass management to prevent accumulation that could alter the wetland's ecological character.
  - Erosion, sedimentation, and nutrient control measures to prevent degradation of the wetland.
  - Revegetation plans using indigenous species to restore degraded areas.
- Monitoring and Adaptive Management:
  - Establishment of a monitoring program to assess the effectiveness of conservation measures.
  - Adaptive management strategic to respond to monitoring outcomes and changing environmental conditions.
- Demonstration of how the Conservation Management Plan aligns with relevant state and federal legislation, including the Environment Protection and Biodiversity Conservation Act 1999 and the Flora and Fauna Guarantee Act 1988.

A permit for subdivision within the Seasonable Herbaceous Wetland Conservation Area must be consistent with any conservation management plan approved under this schedule.

The conservation management plan may be amended to the satisfaction of the responsible authority in consultation with the Department of Energy, Environment and Climate Action.

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## 2.5 Specific provisions - Buildings and works

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### **Buildings and works for future local parks and local community facilities**

A permit is not required to construct a building or construct or carry out works for a local park, sport reserve or community facility provided the use or development is carried out generally in accordance with the incorporated *Ballarat North Precinct Structure Plan* and with the prior written consent of the responsible authority.

### **Bulk Earthworks**

A permit is required for bulk earthworks, unless a report has been prepared to the satisfaction of the responsible authority demonstrating that sodic and/or dispersive soils are not present in the works area.

### Buildings and works for a school

A permit is required to construct a building or construct or carry out works associated with a Primary or Secondary school on land generally in accordance with the location shown as an 'existing non-government school' on Plan 2 of the incorporated *Ballarat North Precinct Structure Plan* Structure Plan, unless exempt under Clauses 62.02-1 and 62.02-2.

### Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if the following applies:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 3.0

### Application requirements

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The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority.

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application (except for a Preliminary Risk Screen Assessment), the responsible authority may waive or reduce the requirement.

#### Subdivision – residential development

In addition to any requirement in Clause 56.01-2, a subdivision design response must include:

- A written statement that sets out how the application implements the incorporated *Ballarat North Precinct Structure Plan*.
- A land budget table in the same format and methodology as those within *Ballarat North Precinct Structure Plan* applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A demonstration of how the subdivision will contribute to the delivery of a diversity of housing.
- A demonstration of how the subdivision will contribute to the achievement of the residential density outcomes in the *Ballarat North Precinct Structure Plan* applying to the land.
- Residential Environmentally Sustainable Development (ESD) subdivision and housing design guidelines prepared to the satisfaction of the responsible authority, which demonstrate how the proposal responds to and achieves the objectives and planning and design requirement and guidelines in the incorporated *Ballarat North Precinct Structure Plan*.
- A plan that demonstrates how the local street and movement network integrates, or is capable of integrating, with existing, approved or likely development of adjacent land parcels.
- Where a parcel is proposed to be subdivided or developed in stages, an overall masterplan for the parcel must be provided showing the proposed staging and lot size diversity.

- An arboriculture report identifying all trees on the site and a tree retention plan identifying how the application responds to any tree protection requirements and guidelines within the incorporated *Ballarat North Native Vegetation Precinct Plan*.
- A written statement that sets out the methods of identification and preservation (where required) of any historical archaeological site (as defined in the *Heritage Act 2017*) found on the site.

### Affordable housing

An application for subdivision and / or use or development of land for residential development must be accompanied by:

- Written statement outlining how the proposal will contribute to the delivery of affordable housing in the precinct, including proposed delivery mechanisms.

A permit must not be granted to subdivide land to facilitate residential development on land described in Table 2 until the owner of the land enters into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* for the provision of affordable housing. This does not apply to a subdivision to create a superlot.

The agreement must include terms which provide for the manner in which the affordable housing contribution is to be made, including when and how the contribution is to be made.

The agreement must provide for the affordable housing contribution that is to be made by the land owner to be determined as follows.

- The delivery of thirteen (13) per cent affordable housing by way of one of the following options:
  - Entering into an arrangement with a registered agency under the *Housing Act 1983* for the provision of the affordable housing on land described in Table 2 to a Registered Agency; and / or
  - Making other arrangements for the provision of affordable housing in conjunction with a not for profit (registered with the Australian Charities and Not-for-profit Commission) to the satisfaction of the responsible authority; and / or
  - Making other arrangements for the provision of affordable housing as defined at Section 3AA of the *Planning and Environment Act 1987*, to the satisfaction of the responsible authority.

The owner, or other person in anticipation of becoming the owner, must meet all the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the responsible authority.

**Table 2**

Address	Lot Number
Lot 2 Gillies Road Mount Rowan 3352	TP682346
Lot 4 Gillies Road Mount Rowan 3352	TP749301
Lot 7 Gillies Road Mount Rowan 3352	TP749301
Lot 1 Gillies Road Mount Rowan 3352	TP749301
Lot 3 Gillies Road Mount Rowan 3352	TP749301
Lot 4 Noble Court Mount Rowan 3352	TP846568
Lot 5 Gillies Road Mount Rowan 3352	TP682346

### Public Infrastructure Plan

An application to use or subdivide land, or to construct a building or construct and carry out works on land must be accompanied by a public infrastructure plan which addresses the following:

- A stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the relevant water authority;
- What land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of stormwater drainage works;
- What land is required for an electrical kiosk or sub-station;
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- The landscaping of any land;
- What, if any, infrastructure set out in the *Ballarat North Development Contributions Plan* applying to the land is sought to be provided as "works in kind" subject to the consent of the collecting agency;
- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

A public infrastructure plan must be consistent with any Integrated Traffic and Transport Management Plan approved under this schedule.

### Traffic impact assessment

An application that proposes to create or change access to a road in the Transport Zone 2 (TRZ2) must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility and/or concept road safety audit, must be to the satisfaction of Head, Transport for Victoria or the Ballarat City Council, as required.

### Acoustic assessment report

Any application for subdivision and / or use or development of land for Accommodation, Education centre (other than Tertiary institution and Employment training centre) or Hospital on land within 300 metres of the Western Freeway (as indicated by the 300m acoustic buffer in the incorporated *Ballarat North Precinct Structure Plan*), must be accompanied by an acoustic assessment report prepared by a qualified acoustic consultant or other suitably skilled person to the satisfaction of the responsible authority which:

- Applies the following noise objectives:
  - Not greater than 35 dB LAeq,8h when measured within a sleeping area between 10pm and 6am.
  - Not greater than 40 dB LAeq,16h when measured within a living area between 6am and 10pm.
  - For areas other than sleeping and living areas, not greater than the median value of the range of recommended designed sound levels of Australian Standard AS/NZ



2107:2016 (*Acoustics – Recommended design sound level and reverberation times for building interiors*).

- Noise levels should be assessed:
  - Considering the cumulative noise from all sources impacting on the proposal including road traffic noise, agriculture and industry noise, as well as other potential noise sources; and
  - In unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.
- Identifies lots and/or buildings requiring mitigation from noise from all sources impacting on the proposal, including road traffic noise and industry noise. If lots and/or buildings requiring acoustic mitigation are identified, the report should include recommendations for any noise attenuation measures required to meet the applicable noise level objectives. These recommendations should prioritise measures that benefit both outdoor and indoor spaces, and should address:
  - Noise compatible design for buildings, with siting, orientation, and internal layout, to be considered prior to setting building envelope performance requirements;
  - Potential noise character (tonality, impulsiveness or intermittency);
  - Noise with high energy in the low frequency range;
  - Transient or variable noise; and
  - Vibration.

This requirement does not apply if the permit applicant provides, to the satisfaction of the responsible authority, a statement in writing, supported by verifiable evidence from a qualified acoustic consultant or other suitably skilled person and having regard to Clause 13.05. The statement must demonstrate that:

- The proposed development is not prejudiced by noise emissions;
- Community amenity and human health is not adversely impacted by noise emissions; and
- No noise attenuation measures are required.

### **Retail impact assessment**

An application to use land for a Shop where the combined leasable floor area of all shops exceeds the figure shown in the land use table at 2.3 of this schedule must be accompanied by a retail economic impact assessment prepared by a suitably qualified professional.

### **Bushfire Management Plan**

An application to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 7 Bushfire Management of the *Ballarat North Precinct Structure Plan* must be accompanied by a Bushfire Management Plan that demonstrates how the application will address bushfire risk at the site. The plan must be prepared in accordance with the relevant requirements and guidelines in Section 3.3 of the *Ballarat North Precinct Structure Plan*, unless otherwise agreed in writing by the Responsible Authority and the relevant fire authority. The plan must include:

- The design and layout of the subdivision, including lot layout, road design and access points, both vehicular and pedestrian;
- The location of any bushfire hazard areas;
- The details of any bushfire protection measures required for individual lots;

- The identification of any areas to form the setback between a bushfire hazard and built form;
- The details of any vegetation management in any area of defendable space including, information on how vegetation will be managed and when the vegetation management will occur i.e. annually, quarterly, during the fire danger period;
- Notation that indicates what authority is responsible for managing vegetation within open space areas; and
- Notation that ensures that the areas of classified vegetation in the nominated bushfire hazard areas must be managed to a level that will ensure the vegetation classification under AS3959-2018 will not be altered.

The responsible authority and fire authority may waive this requirement if a plan has been approved for the land.

### **Sodic and dispersive soils management plan**

An application to subdivide land or construct or carry out bulk earthworks must be accompanied by a sodic and dispersive soils management plan prepared by a suitability qualified professional, that describes:

- The existing site conditions, including:
  - extent of sodic and dispersive soils based on topsoil and subsoil samples in the works area.
  - land gradient.
  - erosion risk mapping.
  - the extent of any existing erosion, landslip or other land degradation.
- Soils investigation, undertaken by a soil scientist;
- The extent of any proposed earthworks;
- Recommendations for soil management practices (including fill) with consideration of anticipated sodic and dispersive soil exposure;
- The management of drainage during all stages of development (including run-off);
- The staging of development;
- Any training and supervisions processes proposed for construction contractors to ensure compliance with the sodic and dispersive soils management plan;
- Proposed document monitoring and reporting processes that ensure works are undertaken in accordance with the sodic and dispersive soils management plan;
- Any treatment of soil proposed to be removed from the site;
- Any post-construction monitoring and/or management requirements; and
- Recommendations that inform a site management plan including:
  - The management, volume and location of any stockpiles.
  - Vehicle access and movement within the site area.
  - Any treatment to manage the soil while works are undertaken.
  - Treatments to rehabilitate areas that are disturbed during site works.
  - Any soil treatment to manage the soil to reduce risk to existing or current infrastructure and dwellings.

### **Applications within Sensitive Use Buffer - Asphalt Plant**

An application to use or subdivide land, or to construct a building or construct and carry out works on land for a sensitive use (including accommodation, education centre place of assembly or public open space) within the 'sensitive use buffer – 1km asphalt plant buffer' as shown on Plan 1 of this Schedule must be accompanied by an Odour Environmental Risk Assessment prepared by a suitably experienced and qualified person to the satisfaction of the responsible authority, in consultation with the Environment Protection Authority. The Odour Environmental Risk Assessment must be prepared in accordance with EPA Publication 1883 Guidance for assessing odour (June 2022) and EPA Publication 1881 Guidance for field odour surveillance (May 2021) (or any updated versions of these publications) and acknowledge the asphalt plant operations and assess the risk of offence odour from the asphalt plant on the proposed sensitive use of the land.

### **Applications within Sensitive Use Buffer - Landfill Gas Buffer**

An application to use or subdivide land, or to construct a building or construct and carry out works on land for a sensitive use (including accommodation, education centre place of assembly or public open space) within the '500m landfill gas buffer' as shown on Plan 1 of this Schedule must be accompanied by a Landfill Gas Risk Assessment prepared by a suitably experienced and qualified person to the satisfaction of the responsible authority. The Landfill Gas Risk Assessment must be prepared in accordance with EPA Publication 1950 Landfill buffer guideline (August 2024) (or any updated version of this publication) and acknowledge and assess the potential amenity impacts associated with gas from the capped landfill on the proposed sensitive use of the land.

### **Geophysical Survey**

An application to subdivide land, or to construct a building or construct and carry out works must be accompanied by a site-specific geophysical survey undertaken by a suitably qualified consultant to determine the existence of any mine shafts that may pose a geotechnical risk.

The geophysical survey must make a recommendation as to:

- The presence and risk posed of any mine shafts to affect the planning proposal.
- The remediation or mediation options to inform a management strategy or whether further investigation is recommended.
- Whether the presence of any mine shafts will impact the safety of future occupants or users of the site associated with the planning proposal.

### **Geotechnical and Groundwater Assessment**

For an application to subdivide land or construct or carry out earthworks, a geotechnical and groundwater assessment prepared by a suitably qualified professional to the satisfaction of the responsible authority that:

- includes a physical groundwater investigation through the areas identified with shallow (<5 m) and potential saline waters;
- includes gauging/sampling to confirm the groundwater flow direction and hydrogeological conditions to confirm risk of groundwater intrusion during excavation or bulk earthworks;
- details of any proposed dam backfilling including water quality testing and proposed fill.

### Zero Carbon Operational Energy Plan

An application to subdivide land, or to construct a building or construct and carry out works must be accompanied by a zero carbon operational energy plan which addresses the following, to the satisfaction of the responsible authority:

- how the precincts layout, infrastructure and/or buildings are designed to deliver a net zero (all electric) precinct;
- how the proposed infrastructure and mechanisms supporting renewable energy generation (such as higher energy efficiency ratings solar panels, microgrids, embedded networks); and
- how the proposed infrastructure or mechanisms manage and monitor energy load (including any load management systems and community batteries).

### Preliminary Risk Screen Assessment

An application to subdivide land (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision) or to use land for a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use) or children's playground or secondary school, or construct or carry out buildings and works associated with these uses, and where identified as having a potential risk for contamination on Plan 11 of the *Ballarat North Precinct Structure Plan* and described in Table 3 must be accompanied by either:

- A preliminary risk screen assessment statement issued in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the proposal; or
- An environmental audit statement issued under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the proposal; or
- A certificate of environmental audit for the land issued in accordance with Part IXD of the *Environment Protection Act 1970*; or
- A statement of environmental audit for the land issued in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the proposal.

If an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* has been issued stating that the land is suitable for the proposal, a condition must be included on the planning permit consistent with section 4.0 of this schedule.

Where a preliminary risk screen assessment (or environmental audit) has already been undertaken for the land, a further preliminary risk screen assessment (or environmental audit) may not be required, if the previous preliminary risk screen assessment (or environmental audit) has considered the relevant land uses.

This requirement does not apply to the construction or carrying out of buildings and works if:

- The buildings and works are associated with an existing sensitive use, secondary school or children's playground, included in Clause 62.02-1 or 62.02-2, and the soil is not disturbed;
- The buildings and works are required by the Environment Protection Authority Victoria or an environmental auditor appointed under the *Environment Protection Act 2017* to make the site suitable for use; or

- The buildings and works are reasonably required by the environmental auditor appointed under the *Environment Protection Act 2017* or the *Environment Protection Act 1970* to undertake a preliminary risk screen assessment or environmental audit.

This application requirement does not apply to any lot where the Environmental Audit Overlay applies.

**Table 3**

Address	Lot Number
171 Gillies Road Miners Rest	Lot 2 TP908367
118 Olliers Road Mount Rowan	Lot 1 LP143916
112 Olliers Road Mount Rowan	Lot 2 LP143916
15 Olliers Road Mount Rowan	Lot 1 TP805211
Gillies Road Mount Rowan	Lot 1 TP832150
Gillies Road Mount Rowan	Lot 1 TP846572
Noble Court Mount Rowan	A -18 PP2046
Noble Court Mount Rowan	Lot 1 TP854190

This application requirement does not apply to land where an existing sensitive use (residential use, primary school, even if ancillary to another use) or children's playground or secondary school is established immediately before the approval date of Amendment C256ball or to construct or carry out buildings and works associated with these uses, or to any lot where the Environmental Audit Overlay applies

### Preliminary Site Investigation

An application to use, subdivide land (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), construct a building or construct or carry out works associated with the use of the land for minor sports and recreation facility, retail premises, office, agriculture, industry or warehouse on land described in Table 4 must be accompanied by a Preliminary Site Investigation (PSI) prepared by a suitably qualified environmental consultant in accordance with National Environment Protection (Assessment of Site Contamination) Measure (National Environment Protection Council, 1999) to the satisfaction of the responsible authority.

The PSI must make a recommendation as to:

- The likelihood of contamination and its potential to affect the planning proposal.
- Whether a risk-based remediation or management strategy can be derived or further investigation (such as an audit) is recommended.

**Table 4**

Address	Lot Number
35 Noble Court, Mount Rowan	Lot 1 TP551446
45 Olliers Road Mount Rowan	Lot 5 TP805211
43 Olliers Road Mount Rowan	Lot 4 TP805211
43 Olliers Road Mount Rowan	Lot 3 TP805211

44 Gillies Road Mount Rowan	G-26 PP2046
Noble Court Mount Rowan	Lot 3 TP846568
Noble Court Mount Rowan	2047 PP2046
Noble Court Mount Rowan	Lot 1 TP846568
Gillies Road Mount Rowan	Lot 1 TP940287
Noble Court Mount Rowan	F~17 PP2046
Noble Court Mount Rowan	Lot 8 TP846568
Noble Court Mount Rowan	Lot 2 TP846568
Noble Court Mount Rowan	Lot 9 TP846568

#### 4.0 Conditions and requirements for permits

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##### Condition – Subdivision permits that allow for the creation of a lot of less than 300 square metres

A permit issued which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

##### Condition – Environmental Audit

Any permit to subdivide land, or to use land for a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use) or children's playground or secondary school, or to construct or carry out buildings and works associated with these uses, and where an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* has been issued stating that the land is suitable for the use or proposed use subject to recommendations:

- The recommendations that relate to the use and development of the land must be complied with to the satisfaction of the responsible authority before the use or development commences; and
- Written confirmation of compliance with any recommendations in the environmental audit statement must be provided by a suitably qualified environmental professional (with the costs borne by the applicant) to the satisfaction of the responsible authority. Compliance sign-off must be in accordance with any requirements in the environmental audit statement recommendations regarding verifications of works.

Where recommendations of the Environmental Audit Statement require significant ongoing maintenance and/or monitoring, the applicant must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*. The section 173 agreement must be executed on the title of the relevant land prior to the grant of a permit to develop the land, unless otherwise agreed to by the responsible authority. The

applicant must meet all costs associated with the drafting and execution of the agreement, including those incurred by the responsible authority.

### **Condition – Environmentally Sustainable Design Subdivision and Housing Design Guidelines**

Any permit for subdivision must include the following condition:

Unless otherwise approved in writing by the responsible authority, prior to the certification of a plan of subdivision for the first stage of subdivision, all residential subdivision applications must prepare and submit residential ESD design guidelines. The residential ESD design guidelines must be applied as a restriction on the relevant plan of subdivision.

### **Condition – Subdivision or buildings and works permits where land is required for community facilities, public open space, or road widening**

A permit for subdivision or buildings and works, where land is required for community facilities, public open space or road widening (excluding widening under a Public Acquisition Overlay for road widening) must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

### **Condition – Public transport**

Any permit for subdivision or buildings and works must include the following condition:

Unless otherwise agreed by Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- In accordance with the Public Transport Guidelines for Land Use and Development; and compliant with the *Disability Discrimination Act – Disability Standards for accessible Public Transport 2002*.
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Head, Transport for Victoria.

### **Condition – Road network**

Any permit for subdivision or buildings and works requiring road widening must contain the following conditions:

- Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.
- Land required for road widening (excluding widening under a Public Acquisition Overlay for road widening) including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in council at no cost to the acquiring agency unless funded by the *Ballarat North Development Contributions Plan*.

### Condition – Public Infrastructure Plan

Any permit for subdivision must contain the following conditions:

- Prior to the certification of a plan of subdivision or at such other time which is agreed between the council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provide for:
  - The implementation of the Public Infrastructure Plan approved under this permit.
  - The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the Development Contributions Plan.

### Condition – Bushfire Management Plan

Any permit to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 7 of the *Ballarat North Precinct Structure Plan*, must include the following condition:

- Unless otherwise agreed by the Responsible Authority and the relevant fire authority, before certification of the plan of subdivision the Bushfire Management Plan must be endorsed by the Responsible Authority.

### Condition – Management of bushfire risk during subdivision works

A permit for subdivision of land must include the following condition:

Prior to the commencement of works in an area adjacent to a Bushfire Hazard Area shown on Plan 7 of the incorporated *Ballarat North Precinct Structure Plan*, a Site Management Plan prepared by a suitably qualified professional that addresses bushfire risk during, and where necessary, after construction must be approved by the Responsible Authority. The plan must specify:

- The staging of development and the likely bushfire risks at each stage;
- An area of land between the development edge and non urban areas consistent with the separation distances specified in AS3959-2018, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 construction standard in accordance with AS3959-2018;
- The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of fire;
- How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

All to the satisfaction of the responsible authority.

### Condition – Geophysical Survey

Any permit for subdivision or buildings and works must include the following condition:

- Prior to the certification of the first stage, a site-specific geophysical investigation must be undertaken, including a mine shaft remedial assessment (if not already available). A mine shaft remedial assessment must provide remedial options including suitable mitigation methods for suspected mine shafts and associated geotechnical risks at each site. It must address health and safety liabilities from each site arising from historical workings and mine shafts including ‘make-safe’ options.



### **Condition – Construction Environmental Management Plan**

A planning permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a conservation area in the incorporated *Ballarat North Precinct Structure Plan* must include the following condition:

Before works start, a Construction Environmental Management Plan must be submitted to and approved by the responsible authority, demonstrating how the conservation area will be protected during works.

The construction environmental management plan must be generally in accordance with the Conservation Management Plan required under Clause 2.4 of this schedule and the document titled *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment* (November 2020), or any future revision or superseding document.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the responsible authority.

### **Condition – Land management plan for conservation area**

A planning permit to subdivide land containing a conservation area as shown on Plan 1 in this schedule must include the following condition:

Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultants, submitted to, and approved by the responsible authority. The land management plan must outline how the biodiversity values for the land identified as a conservation area as shown on Plan 1 in this schedule will be maintained, managed and improved, including:

- How the flow regime to the existing seasonable herbaceous wetland will be maintained.
- How environmental weeds will be managed up until the securing of the conservation area.
- How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.
- How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area.

Once approved the land management plan will form part of the permit and must be implemented to the satisfaction of the responsible authority.

### **Requirement – Conservation Management Plan**

Any permit to subdivide land, construct a building or construct or carry out works within the conservation area as shown on Plan 1 in this schedule must be in accordance with an approved Conservation Management Plan as required under Clause 2.4 of this schedule to the satisfaction of the responsible authority in consultation with Department of Energy, Environment and Climate Action.

### **Requirement – Acoustic report**

Any permit for subdivision and / or use or development of land where an acoustic assessment report has identified that mitigation from noise sources is required, must implement any recommendations of the acoustic assessment report submitted with the application and include any conditions necessary, in the opinion of the responsible authority, to implement noise attenuation measures.

All to the satisfaction of the responsible authority.

### **Requirement – Sodic and dispersive soil site management plan**

A permit to subdivide land or to undertake earthworks must include a condition that requires a site management plan be prepared that implements the recommendations identified in the sodic and dispersive soil management plan, to the satisfaction of the Responsible Authority.

## **5.0 Exemption from notice and review**

Proposed  
C256ball

None specified.

## **6.0 Decision guidelines**

Proposed  
C256ball

The following decision guidelines apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

### **Acoustic Attenuation**

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- If Accommodation, Hospital or Education centre (other than Tertiary institution and Employment training centre) is proposed, whether the proposal minimises the risk of harm from noise exposure (near the transport system and other noise emission sources) to human health and the environment so far as reasonably practicable having regard to:
  - whether the impact of potential noise sources have been mitigated through siting, orientation design, layout, and location and whether this reduces the need for acoustic treatment of buildings or compromises the useability of the building by its occupant;
  - any building façade treatments that are required to mitigate noise impacts;
  - any relevant recommendations of an Acoustic Assessment Report for the application.

### **Affordable Housing**

Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate:

- Whether the proposed subdivision application contributes towards the provision of affordable housing.
- The Ministerial Notice under 3AA(2) of the Act, as amended from time to time.

### **Climate Change**

Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate:

- Whether the application contributes towards Victoria's emission reduction targets.
- Whether the application responds appropriately to any significant impacts of climate change that can be reasonably anticipated.

### **Sensitive Use Buffer – Asphalt Plant**

Before deciding on an application for a sensitive use, or development associated with a sensitive use, within the 'sensitive use buffer – 1km asphalt plant' shown on Plan 1 of this Schedule, in addition to the decision guidelines in Clause 37.07-14 and Clause 65, the responsible authority must consider, as appropriate:

- Any effect that emissions of odour from the abattoir may have on the proposed use or development.
- The risk of harm from odour based on the size of the odour source, the type of odour emission, the frequency, intensity and duration of the odour emission and the level of odour control implemented as demonstrated by an appropriate risk assessment.
- If there are likely to be odour levels arising from the abattoir which would have a detrimental impact on the amenity of the sensitive use.
- If operations have ceased.

### **Sensitive Use Buffer – Landfill Gas**

Before deciding on an application for a sensitive use, or development associated with a sensitive use, within the sensitive use buffer – 500m landfill gas' shown on Plan 1 of this Schedule, in addition to the decision guidelines in Clause 37.07-14 and Clause 65, the responsible authority must consider, as appropriate:

- The recommendations of any landfill buffer assessment report, including any on-site remediation works that may be required to mitigate any gas or odour amenity impacts as well as the advice of any auditor verification.
- Whether the proposal may be affected by potential adverse amenity impacts from the landfill site.

### **Retail impact assessment**

Before deciding on an application to create Shop floorspace above the square metres permitted 'as of right' for the Neighbourhood Activity Centre and Local Convenience Centre land shown on Plan 1 of this schedule, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing nearby centres.

## **7.0**

### **Signs**

Proposed  
C256ball

Signs requirements are at Clause 52.05. The sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule. All other land is in Category 3.