

28/05/2015  
C164**SCHEDULE 9 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO9**.

**FORMER BALLARAT ORPHANAGE – 200, 200A, 200B VICTORIA STREET, BALLARAT EAST**

This Schedule applies to the land known as 200, 200A & 200B Victoria Street, Ballarat East. The objective of this Schedule is to ensure that the re-development of the former Ballarat Orphanage is undertaken in a manner, layout and intensity that is consistent with the character of the area and the architectural/aesthetic, historic and social values associated with the site.

**1.0**28/05/2015  
C164**Requirement before a permit is granted**

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for:

- A fence.
- Boundary re-alignment which does not create an additional lot.
- Creation of super lots.
- Adaptive reuse of the former Toddlers Block for a medical centre, provided that the responsible authority is satisfied that the proposed use, buildings or works associated with the adaptive reuse of the former Toddlers Block for a medical centre will not prejudice the future use or development of the land consistent with the provisions of this Schedule.
- Demolition and/or removal of elements of the site, with the exception of those identified as significant in the City of Ballarat Heritage Citation: Former Ballarat Orphanage, August 2014.

**2.0**28/05/2015  
C164**Conditions and requirements for permits****Application requirements**

- In addition to any other requirements of the planning scheme, an application for a permit for the adaptive reuse of the former Toddlers Block for a medical centre must be accompanied by a planning report outlining how the proposal accords with the plan in Section 5.0 of this Schedule.

**Development Contributions**

- Developer contributions are required for the provision of infrastructure where the development impacts on infrastructure demand beyond the developable area, including social and road network infrastructure. Where a Development Contributions Plan has not been incorporated into this scheme, the owner may enter into an agreement under section 173 of the *Planning and Environment Act 1987* providing for development contributions to the satisfaction of the Responsible Authority.

**Permit conditions**

All permits (whether before or after approval of a development plan) for the demolition and/or removal of those elements that have not been identified as significant in the City of Ballarat Heritage Citation: Former Ballarat Orphanage, August 2014 must include the following requirements as conditions:

Photographic record

- Prior to any demolition and/or redevelopment of the site a photographic record of the site must be prepared to the satisfaction of the responsible authority.
- The photographic record must be prepared by a professional photographer in accordance with Heritage Victoria's technical note - Photographic recording for heritage places and objects and any other relevant guideline published by Heritage Victoria, for such records and include:
  - Photographs of the interiors and exteriors of the building; and
  - Photographs of general views within, into and around the site.
  - Marked up plans showing the location of photos.

Physical and electronic copies of the photographic record must be submitted to the responsible authority, Child and Family Services Ballarat (CAFS) (or other representative body/s as nominated by the responsible authority) and a suitable local repository as nominated by the responsible authority. The electronic copies of the photographic record must be submitted in a format (i.e. file sizes) that can be made available online.

#### Register of items

- Prior to any demolition and/or redevelopment of the site, confirmation must be provided to the satisfaction of the responsible authority that a register has been established of the objects, items, and/or artefacts that are to be retained and/or conserved.
- The register must identify those objects, items, and/or artefacts that are to be protected, retained and/or relocated on site and those objects, items, and/or artefacts that are to be returned to the community.
- For those objects, items, and/or artefacts that are to be retained and/or relocated on site the register must specify proposed arrangements for their temporary transport and storage.
- For those objects, items, and/or artefacts that are to be returned to the community, the register must specify proposed arrangements for their return to the community.
- The register must be established in consultation with Child and Family Services Ballarat (CAFS) (or other representative body/s as nominated by the responsible authority) to the satisfaction of the responsible authority. The register may be amended with the approval of the responsible authority following consultation with the representative body/s.
- For objects, items and/or artefacts on the register that are to be returned to the community a written agreement for their storage and transport must be reached with Child & Family Services Ballarat (CAFS) (or other representative body/s as nominated by the responsible authority).

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#### Requirements for development plan

A development plan must be prepared to the satisfaction of the responsible authority. Only one development plan may be approved for the entire area covered by this Schedule. The development plan must be generally in accordance with the plan in Section 5.0 of this Schedule and include:

An **Urban Design Master Plan** that includes:

- An analysis of the site and surrounding land uses and development in the area, including topography, existing features, title boundaries, services, views into and out of the site, built features, landscape features, open space, adjoining roads, bike paths, pedestrian access and public transport routes.
- The location and a description of all proposed land uses including but not restricted to roads, public open space, drainage reserves and other authority reserves.
- An integrated commercial and residential development offering a choice and diversity of housing opportunities and types in a neighbourhood setting that has been master planned to provide an attractive urban design outcome.
- Development that is generally limited to two storeys but provides opportunities for higher density development that is well located around public open space.

- Higher density development which achieves an appropriate transition to lower density development on the site and in neighbouring areas.
- Development to front and address Victoria Street and Stawell Street excluding the area of the Stawell St wall.
- Development fronting Stawell Street that is no more than two storeys and achieves a detached development pattern with generous side setbacks and landscaped front setbacks and height, responding to the general development form of the street.
- Development within the area designated for 'Commercial Use' on the plan in Section 5.0 of this Schedule that retains the entirety of the Former Ballarat Orphanage School House and ensures that the original internal integrity of the building is maintained in any future use. The reuse of the School House building must include the retention of original internal and external elements to the satisfaction of the responsible authority. Whether incorporated into a larger development form or stand alone, the former School House building should read as an architecturally separate built form element from any new development, which must be achieved through a combination of setbacks and finishes and materials of the new built form.
- Development within the area designated for 'Commercial Use' on the plan in Section 5.0 of this Schedule that presents a façade to Victoria Street which:
  - provides activated frontages with windows and entrances as the predominant element of the Victoria Street façade;
  - is not dominated by car parking; and
  - is set back the same distance from the Victoria Street property boundary as the front setback of the Toddler's Block building.
- A pedestrian connection linking the frontages of the building/s in the Commercial Use area with the Toddlers Block which prioritises pedestrian movement over vehicular movement.
- Retention of the entirety of the Stawell Street Wall on the western boundary of the site.

**A Development Sequencing Plan** that includes:

- The stages (if any) in which the land is to be subdivided and developed. The responsible authority must be satisfied that staged development will not prejudice the ability for the future use or development of the balance of the land to achieve the overall Development Plan requirements.
- The staging and provision of infrastructure and other key facilities.

**A Heritage and Site Interpretation Plan** that includes:

- The delivery of interpretive public art and interpretive landscape design on site (this will include, where appropriate, the activation of blank walls on new commercial buildings with interpretive public art).
- Identification of publicly accessible areas or locations within the site, not limited to but including the front memorial garden, where the history of the site can be marked and interpreted using a range of mediums, which is publically accessible, and which can serve as a place of reflection and sanctuary for those visiting the site, including former residents and others with a direct association with the Orphanage.
- Identification of interpretative mediums, including urban design, and interpretative content throughout the site.
- Elements from the site which are to be included as interpretative features (including those objects, items and/or artefacts listed on the register as to be retained and/or to be relocated on site) and which are to be placed in areas where the display is well lit, safe and accessible, to the satisfaction of the responsible authority.
- Identification of the Stolen Generation's interpretive display forming part of the Koorie Heritage Trail and the Ludbrook memorial seat, which are to remain on the site and be publically accessible.
- Identification of the streets to be named after prominent people or families associated with the former Ballarat Orphanage or other aspects of the site's heritage, in accordance with the

Department of Planning and Community Developments Guidelines for Geographic Names, 2010 or any other relevant guideline published by the Department.

- Identification of responsibilities and roles for the implementation of the interpretation, and a timeframe for implementation.
- Provision for future maintenance, on-going evaluation, review and replacement as required.
- Details of how the history and heritage of the site will be communicated to the broader public such as on site interpretation supplemented by material accessible via an appropriate website, and/or support for supplementary interpretive publications such as books or brochures.

The Heritage Site Interpretation Plan will:

- Address the history of the former Ballarat Orphanage and detail how the architectural/aesthetic, historic and social values of the site will be appropriately acknowledged and interpreted.
- Be developed in consultation with Child and Family Services Ballarat (CAFS) (or other representative body/s as nominated by the responsible authority) to the satisfaction of the responsible authority.

An **Open Space Plan** that includes:

- A minimum of two public open space areas as follows:
  - A public open space area in the northeast area of the site to include an area around the Magnolia Tree and an area including the 2 x elm trees to the eastern side of the Toddlers Block. The public open space area on the eastern side of the Toddler's Block should incorporate a play space as defined in the guidelines listed below, with the precise layout and location to be determined in consultation with Child and Family Services Ballarat (CAFS) (or other representative body/s as nominated by the responsible authority) and the responsible authority.
- Public open space areas that have been developed in accordance with the 'Neighbourhood Recreation Parkland' category in Section 9.6 'Development Standards' of the Ballarat Open Space Strategy (2008).
- Public open space that has been provided and located so that:
  - It is accessible to future residents of the site and other nearby residents.
  - It has a minimum of 50% of active residential and/or road frontages addressing its boundaries for adequate passive surveillance. Where possible additional open space boundaries should have active frontages (i.e. housing fronting the park or low or transparent fencing to increase the safety aspects of the space).
  - Pathways are installed connecting all public spaces to existing road networks, footpaths, or off road linkages and pedestrian paths.
- Open space to be developed for drainage or stormwater detention purposes must be developed in accordance with the general provisions for open space irrespective of whether it is encumbered open space or not, and as a minimum include:
  - 50% minimum active residential or road frontages.
  - WSUD features as required.
  - Maintenance and emergency vehicle access around all water bodies.
  - Safe connecting paths linking through or around the open space and water bodies or features.
  - Low maintenance plantings.
- Landscaping of the public open space must consider the heritage and cultural values of the overall site and the need for interpretation of those values within public open space areas, as referenced in the Site Interpretation Plan.

**A Movement Network Plan** that includes:

- A general street layout that achieves continual connectivity throughout the site, with all roads to be for through traffic. Court bowl, cul-de-sac, or other terminating roads should be avoided where practical.
- A street layout that includes access to the residential area from Stawell Street and a connecting roadway between the Victoria Street service road and the residential area, through utilising and acknowledging the former Ballarat Orphanage dairy laneway.
- The locations of car parking in the Commercial 1 Zone and the Mixed Use Zone.
- The loading arrangements for the Commercial 1 Zone and the Mixed Use Zone that will not conflict with sensitive uses.
- Vehicular access to the commercial uses should be predominately from the Victoria Street service road, with minimal truck movement to be accommodated through the Stawell Street access point.
- Direct dedicated pedestrian linkages between the site and public transport, including from the residential area to the bus stop located on Victoria Street.
- A footpath linkage that is as direct as possible between all public open space areas on the site. This linkage should connect through to Victoria Street and Stawell Street, including connecting to the Speciman Vale Creek Reserve.
- Internal roads that have footpaths along both sides of the road.

**A Flood Investigation** that includes:

- The subdivision layout including the location and general distribution of lots showing the natural surface elevation and proposed building parcels.

The subdivision must not create any new lots, which are entirely within the modelled 1% AEP flood extent at this location. This does not apply if:

- the subdivision creates a lot, which by agreement between the owner and the Corangamite CMA is to be transferred to an authority for a public purpose; and / or
- by agreement with the Corangamite CMA and Council the, proposal includes works to cut and fill the site within the 1% AEP floodplain. An application to fill the floodplain must be supported by a detailed cut and fill plan that demonstrates no loss of floodplain storage, no increase in flood levels, velocities or extents to surrounding areas for up to and including the 1% AEP flood event. A proposal must be supported by an independent detailed hydrologic and hydraulic assessment of the site to the satisfaction of the Authority.

- A *Flood Study/Hydraulic Analysis* which is to be prepared by a suitably qualified and experienced engineer. The plans are to include the extent of flooding in a 1% AEP (1:100 year) flood event for pre-development and post-development conditions.

Detailed information pertaining to the pre-development flood prone nature of the site should be obtained by attaining a copy of the Canadian Creek Tributaries Flood Investigation 2014 from the responsible authority.

An investigation of the post-development conditions must be undertaken by a suitably qualified engineer and must employ best practice methods (to the satisfaction of the Corangamite Catchment Management Authority) for flood estimation. This review may be subject to an independent peer review at the cost of the applicant.

- A suitably sized waterway corridor along Specimen Vale Creek to the satisfaction of the Corangamite CMA and Council:
  - The design of the corridor must take into consideration State Planning Policy Framework clause 14.02-1 – Catchment Planning and Management.
- A *Flood Risk Report* that must consider the following:
  - The State Planning Policy Framework and the Local Planning Policy Framework.
  - The existing use and proposed development of the land.

- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside the identified flood extent.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development.
- Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and access way.
  - The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or access way is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities. No loss of floodplain storage will be permitted as part of any development.
- The effects of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.
- *A Drainage Report* that:
  - Identifies waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by stormwater and overland flooding.
  - Provides for the collection, treatment and disposal of stormwater runoff that reflects best practice such as the provision of water detention basins and water quality treatment wetlands within the open space and bio-retention systems within the local street network.
  - Ensures a design philosophy of ‘zero adverse impacts’ to surrounding areas for up to and including the 1% AEP flood event.
  - Details short and long term maintenance requirements and responsibilities for the wetlands, detention basins and aesthetic lakes; Identifies any other elements or issues to assist long-term management of these systems.
  - Provides for the design of overflow paths for a 1 in 100 year flood event.
  - Identifies measures to improve stormwater quality before it is discharged downstream, including details of design to ensure that floating debris is removed, such as the installation of litter and gross pollutant traps to the satisfaction of the responsible authority.
  - Details of the construction procedures and practices to ensure there is no unreasonable off-site impact to stormwater quality during the construction phase.
  - The measures to be undertaken for the management and control of erosion and silt discharged beyond the site during the construction phase of the development.
  - Construction techniques that incorporate the provisions within the Guidelines for Environmental Management – Doing it right on Subdivisions (EPA Publication 960).

#### 4.0

#### Decision Guidelines

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Before deciding on an application for a permit or a request to approve a development plan or a request to amend an approved development plan, the responsible authority must consider, as appropriate:

- The objectives and requirements of this schedule;
- The State and Local Planning Policy Frameworks;
- The views of any Government Department or statutory authority; and
- Any approved Cultural Heritage Management Plan that relates to the site.

5.0 Concept Plan

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