ST. QUENTIN
Surveyors • Town Planners • Engineers

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Ref: 11898/asg

20th December 2013

Dear Sir / Madam

RE: VCAT REFERENCE: P2630/2013
APPLICATION CONCERNING: 200, 200A, 200B VICTORIA STREET, BALLARAT

On behalf of the Applicant for Permit (Victoria Street Developments Pty Ltd) we have lodged an Application for Review with the Victorian Civil and Administrative Tribunal (VCAT) under Section 80 of the Planning and Environment Act 1987, seeking review of a Permit Condition. VCAT has directed us to serve on you a copy of the following documents:

- Application for Review by a Permit Applicant under Section 80 *Planning and Environment Act* 1987;
- A copy of the Responsible Authority's Decision to be reviewed (Notice of Decision to Grant a Permit – PLP/2013/119);
- Form A - Information Sheet; and
- Form B - Statement of Grounds.

Should you require any additional information, please don't hesitate to contact the writer on (03) 5201 1811.

Yours faithfully

CHRIS MASON
Planning Manager

Encl

Wishing you a Merry Christmas & a Happy and Prosperous New Year!

Please note that our office will close at 12 noon on Monday 23, December 2013 and reopen at 8.00am on Monday 6, January 2014.

4. Details of the land and the permit application

Information regarding the land to which the permit application relates and the permit application. Please refer to part 2 of the *Guide for Permit Applicants/Permit Holders*.

Address or description of the land[3]
200, 200A, 200B
VICTORIA STREET
BALLARAT EAST

Responsible authority[4] CITY OF BALLARAT

Permit application number PLP/2013/119

Proposal DEMOLITION OF MAJORITY OF MAJORITY OF BUILDINGS STRUCTURE & TREES

Is the permit application an application to amend an existing permit?

☑ No ☐ Yes If yes, what is the permit number?

Estimated Cost of Development $

5. Statutory basis of application

What are you requesting VCAT to review?

Before completing this section, please refer to the *Guide for Permit Applicants/ Permit holders*. Please attach a copy of the responsible authority's decision (except for an application under s.79).

☐ Failure to grant a permit within the prescribed time (section 79)

☐ Refusal to grant a planning permit or an amendment to a planning permit (section 77)

☑ Conditions in a permit (section 80). List disputed conditions below:-

1 (a), (b), (c), (d) & (e)

☐ Requirement to give notice of an application for a permit (section 78(a))

☐ Requirement of the responsible authority for more information (section 78 (b))

☐ Refusal by the responsible authority to extend time within which to provide information (section 81 (2))

3 If there is no conventional address (street number, street and locality) insert a land description i.e. certificate of title volume and folio, or lot and lodged plan number, or crown allotment, section and township/parish numbers.

4 This is usually the local council, e.g. Melbourne City Council.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING AND ENVIRONMENT LIST

P_____/_____
(Office Use Only)

[redacted]

Please read the *Guide for Permit Applicants/Permit Holders* before completing this form.

[redacted]

Name VICTORIA STREET DEVELOPMENTS P/L

Is the applicant named as the applicant in the planning permit application lodged with the responsible authority?

☑ Yes ☐ No

[redacted]

All correspondence will be sent to the applicant(s) at this address, unless they are represented. If represented, all correspondence will be sent to the representative.

Address for service C/O ST QUENTIN CONSULTING
P.O BOX 919
GEELONG VIC 3220

Workday telephone 52 01 1811

Mobile telephone

Facsimile 52 29 2909

Email address chris@stqc.com.au

[redacted]

Name/Firm St Quentin Consulting

Address for service P.O BOX 919
GEELONG VIC 3220

Reference name/number 11898

Workday telephone 52 01 1811

Facsimile 52 29 2909

Email address chris@stqc.com.au.

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1 Permit holder means the owner or occupier of the land concerned, or any person who is entitled to use or develop the land concerned. The land concerned is the land that the permit applies to.

2 Please refer to part 1 of the *Guide for Permit Applicants/Permit Holders*. The applicant must be the same as the person named as the applicant on the planning permit application.

Reasons for reviewing the decision: Statement of grounds

Set out a short statement of the grounds[5] you rely on to support your application.
Attach a separate sheet if necessary.
A statement of grounds is not required for an application under section 79 of the *Planning and Environment Act* 1987 (failure to grant a permit) but a calculation of elapsed days must be attached.[6]

The application is consistent with with the provisions of State planning policy framework at Clause 15.03.

The application is consistent with the local planning policy framework at Clause 21.05

The proposal is wholly consistent with Clause 43.01 the Heritage Overlay.

Attachments

Attach the following documents to this application. Attach a separate list if necessary.

- ☑ A copy of the responsible authority's decision to be reviewed — Ref. No. _____
- ☐ Calculation of elapsed days (section 79 applications only) — Ref. No. _____
- ☐ Other attachments (if relevant)

_____ Ref. No. _____

_____ Ref. No. _____

Hearing conduct: Time and mediation

Are you requesting mediation?

If you would like your application to be considered by way of mediation, please tick the box below. Please note, VCAT may schedule a mediation even if parties do not request it.

☐ Yes, I am requesting mediation

Estimate the time it will take you to make your primary submissions at a hearing of the application and the number of expert witnesses you intend to call, if any.

Time to make submissions: 4 Hours [ ] Minutes

Number of expert witnesses: 2

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5 A "statement of grounds" is a short but precise list of issues you wish to raise with VCAT, which contests the decision made by the responsible authority. The *Planning and Environment Act* 1987and planning schemes define the issues VCAT can consider. VCAT must have regard to the matters set out in section 84B of the *Planning and Environment Act* 1987 when making a decision on an application for review.

6 See VCAT webpage *Time Limits for Lodging Applications for Review – The 'Four Steps' Table.*

Signature

Category of signatory:

☐ Applicant in person ☑ Authorised representative

Signature

Name and position (print) SANDRA ELDER (ST QUENTIN consulting town planner)

Date 12/12/13.

Before you lodge this application

Before you lodge this application, make sure that:

☑ You have signed and dated your application.

☑ You have completed all details and responded to all questions.

☑ All documents regarding fees (eg fee waiver documents, credit card form or cheque) are supplied with your application.

☑ You have attached and properly referenced all of the attachments listed in this form and, in particular, you have attached a copy of the responsible authority's decision you are seeking to be reviewed.

Fees

The relevant fee or application for waiver must accompany this application.

A fee is payable in relation to all applications to VCAT in the Planning and Environment List. Current fees for applications to the Planning and Environment List are set out on our website at www.vcat.vic.gov.au
VCAT fees may rise on 1st July each year.

Application Fee	$ 805.10

There are instances where the Tribunal can waive the requirement to pay a filing fee. Please refer to the website for more information about a request to waive the filing fee. If you think you are eligible for a fee waiver, you should apply for a waiver at the same time that you lodge this application. Otherwise, you must pay the fee with your application.

Fees can be paid via money order, cheque, cash or credit card.

Money orders and cheques are to be made payable to 'VCAT'. Cash payments will only be accepted if you are delivering this application in person to VCAT. Do not send cash in the mail. If faxing the application, you can only pay by credit card.

If you wish to pay the fee by credit card, please fill in the details below.

Payment by credit card

If paying by credit card, fill in the details here.

☑ Visa ☐ Mastercard ☐ Bankcard ☐ Amex

Card Number 4557 0455 3658 7847

Expiry date 03/15 Amount ($) 805.10

Name on Card Mulcahy & Co legal Signature

Lodgement and contact details

Lodge this completed form, any attachments and the applicable fee by:

Mail or deliver to:	**DX delivery to:**	**Facsimile to:**
The Principal Registrar VCAT Planning and Environment List Ground Floor, 55 King Street MELBOURNE VIC 3000	The Principal Registrar VCAT Planning and Environment List DX 210576 MELBOURNE VIC	The Principal Registrar VCAT Planning and Environment List Fax Number: 9628 9789

Planning and Environment List Phone Number: 9628 9777
Office Hours: Monday to Friday from 9:00am to 4:30pm
Further information is available on the VCAT website: www.vcat.vic.gov.au

NOTICE OF DECISION TO GRANT A PERMIT

Application No: PLP/2013/119

Planning Scheme: Ballarat (Gazetted 26/11/98)

Responsible Authority: Ballarat City Council

The Responsible Authority has decided to grant a permit. The permit has NOT been issued.

ADDRESS OF THE LAND:

Lots 1,2,3 and 4, on title Plan 216097, Parish of Ballarat
200, 200a, 200b Victoria Street, Ballarat East (Former Damascus School and Ballarat Orphanage)

WHAT WILL THE PERMIT ALLOWS:

Demolition of majority of the buildings, structures and trees

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. **Amended Plans Required**

Prior to the commencement of any demolition works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the demolition plan submitted with the application but modified to show:

a. Retention of the Stawell Street wall in its entirety;
b. Retention of the former School House (building 4);
c. Retention of the Sloyd Storage Shed (building 7);
d. Retention of Service Block (building 8);
e. Retention of the Dwellings located at 200a and 200b Victoria Street (buildings 10 and 11);
f. Retention of the Toddlers Block (building 1);
g. Retention of the Memorial Garden, including Magnolia Tree and Memorial Ludbrook Seat;
h. Retention of the Elm Trees facing Victoria Street.

Unless otherwise approved in writing by the Responsible Authority, all demolition works are to be undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

2. **Heritage (Demolition)**

Demolition is only permitted to sections of the buildings as identified in the endorsed demolition plan. The remainder of the buildings must be retained in their entirety and adequately protected to ensure further deterioration does not occur to the satisfaction of the responsible authority.

ature for the Responsible Authority: Leanne Wilson

Date Issued: 24-Oct-2013

NOTICE OF DECISION TO GRANT A PERMIT

Application No: PLP/2013/119

Planning Scheme: Ballarat (Gazetted 26/11/98)

Responsible Authority: Ballarat City Council

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3. Recording

Before demolition commences, an annotated photographic study of archival quality of all the buildings must be prepared by a suitably qualified person to the satisfaction of the responsible authority and must be submitted to the responsible authority as a record of the building. The survey must include:

(a) each elevation of the building
(b) the interior of the building
(c) architectural design detailing of the building
(d) a statement prepared by an architectural historian describing and explaining both the design and construction of the building and the photographs.
(e) record of each of the item listed in the agreed significant list of items as detailed in condition 4 of this planning permit.

No demolition works are permitted to commence until the applicant/owner receives written notification that the recording of the buildings on site as submitted to the responsible authority is sufficient and satisfies the requirements of this permit condition.

4. Removal of Heritage Items

Prior to the demolition works commencing, the applicant, in consultation with Child and Family Services Ballarat (CAFS) must prepare and submit to the responsible an agreed list of significant items which are located within the buildings permitted to be demolished. Once the agreed list is finalised, the applicant, in consultation with CAFS must remove and provide for the ongoing protection and storage of the items to the satisfaction of the responsible authority.

Protection of the Site

During and after demolition works, the applicant must secure all buildings on the site to ensure that all buildings retained are protected from further deterioration and damage.

6. Sediment on Roadways

No material shall be permitted to be deposited or remain deposited on any road external to the site by any means including construction vehicles or associated plant entering or leaving the land subject to this permit. Any material deposited on the road shall be removed by mechanical or manual means to the satisfaction of the Responsible Authority.

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nature for the Responsible Authority: Leanne Wilson

Date Issued: 24-Oct-2013

NOTICE OF DECISION TO GRANT A PERMIT

Application No: PLP/2013/119

Planning Scheme: Ballarat (Gazetted 26/11/98)

Responsible Authority: Ballarat City Council

Note 1: Depositing such material on Council's Roads is an offence under the Environment Protection (Resource Efficiency) Act 1970 and penalties may apply.

Note 2: Any costs associated with a clean up of road surfaces borne by Council must be met by the operator of the permit.

7. Loading and Unloading

The loading of demolition materials (rubble etc) onto vehicles must only be carried out within the boundaries of the subject site and all vehicle entry to and egress from the site shall be in a forward direction.

8. Time for Starting and Completion

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

a) The demolition does not commence within two years of the date of this permit
b) The demolition is not completed within four years of the date of this permit

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the demolition) or twelve months after the permit expires (for a request to extend the time to complete the demolition).

Note

Section 3.13 of the Ballarat City Council Community Local Law requires the submission of a Waste Management Plan prior to the commencement of any building demolition work creating more than 2m3 of waste material. Failure to provide a Waste Management Plan is a breach of the Ballarat City Council Community Local Law (10 penalty Units).

nature for the Responsible Authority: Leanne Wilson

Date Issued: 24-Oct-2013

VCAT | victorian civil & administrative tribunal

Planning and Environment List

FORM A – INFORMATION SHEET

Subject Land	200,200A,200B Victoria Street BALLARAT VIC 3350	VCAT Ref: P2630/2013

An application for review concerning the above land has been lodged with VCAT and allocated the above reference number. Please quote this number when communicating with VCAT about this matter.

Statement of Grounds:
If you wish to contest this application or be heard in relation to this application, **by no later than the date specified at the bottom of this notice** you must:

- Serve a copy of the Statement of Grounds on which you intend to rely at the hearing on the person making this application (the Applicant).
- Serve a copy of the Statement of Grounds on the Ballarat City Council (the Responsible Authority).
- Lodge a copy of the Statement of Grounds with VCAT, indicating that a copy was served on the Applicant and the Responsible Authority and the date(s) this was done.

The attached Statement of Grounds form should assist you. This statement should provide sufficient information so that the issues you intend to raise can be identified clearly. Normally VCAT does not have copies of the objections made to the Responsible Authority so do not assume that VCAT is aware of any statement you may have already made.

If you do not return a statement of grounds by the due date, the Tribunal may still consider your statement of grounds but you will not be a party to the proceeding. This means that you cannot participate in any mediation or be heard at the hearing unless the Tribunal gives you leave.

If this is an application to review conditions under section 80 of the *Planning and Environment Act 1987*, your statement of grounds can only relate to the conditions that are being appealed, not to other aspects of the permit.

If you cannot attend the hearing
If you cannot attend the hearing in person or through a representative, you may:

- request that your statement of grounds is considered; or
- submit an additional written submission if you provide a copy to VCAT, the Applicant and the Responsible Authority before the hearing.

Withdrawing your objection
If you wish to withdraw your objection at any time after you lodged your statement of grounds, please inform VCAT, the Applicant and the Responsible Authority in writing. You will then be withdrawn from VCAT's record and receive no further correspondence.

Communicating with VCAT
A party who communicates in writing with VCAT must serve a copy of that communication on all other parties at the same time and notify VCAT this has been done. The communication must state that a copy was sent to the other parties and

list the parties it was sent to. This applies to communications sent by letter, fax or email.

Inspecting VCAT's file

Any party to the proceeding may inspect a file without a fee; however, other persons must pay a fee. Charges are made for photocopying. To arrange an inspection time, complete the 'File Access and Subpoenaed Documents Request Form' on the website or by contacting us.

Enquiries

If you have any enquiries, please contact us on the numbers provided. Please quote VCAT's reference number. Guidelines and information on our procedures are on the website or can be obtained from VCAT on request.

DATE BY WHICH A STATEMENT OF GROUNDS MUST BE LODGED WITH VCAT	MONDAY, 13TH JANUARY 2014

VCAT | victorian civil & administrative tribunal

Planning and Environment List

FORM B – STATEMENT OF GROUNDS

To be completed by referral authorities and objectors

To: The Principal Registrar
Victorian Civil and Administrative Tribunal
55 King Street
Melbourne Vic 3000

Subject Land	200,200A,200B Victoria Street BALLARAT VIC 3350	VCAT Ref: P2630/2013

Please tick appropriate box

☐ I intend to appear and present a submission at the hearing, if I am available on the allocated date.

☐ I am unable to attend the hearing, but wish my statement of grounds to be considered.

Estimate of time to present my case to VCAT, including any expert witnesses:__mins

Set out a concise summary of grounds: attach additional sheets as required.

_____

_____

_____

_____

_____

THE FOLLOWING MUST BE COMPLETED:

I certify that I have served a copy of this Statement of Grounds:
Please tick appropriate box

☐ on / / (insert date) on the Applicant

☐ on / / (insert date) on Ballarat City Council

Failure to serve a copy of your Statement of Grounds on both the Responsible Authority and the Applicant may result in you being unable to be heard in the proceeding or have your objections considered.

Name of objector or Referral authority: _____
Please print clearly

Address for service: _____

_____

_____

Address for service of documents must be in Victoria – Rule 4.08, VCAT Rules 2008

Phone:_____ Mobile:_____ Fax:_____
(B/H) (B/H)

Signature_____ Date_____

Email address:_____

Councils and many frequent VCAT users receive VCAT decisions via email. If you would like to receive this decision via email please provide your email address.

Important note about providing your email address
VCAT does not offer this service in addition to providing a hardcopy of the decision: it is an alternative. Please note that your email address will be available on VCAT's records for other parties to access. If you would prefer to receive a hardcopy of the decision by post or do not want other parties to have access to your email address, do not provide your email address.

If VCAT does not have your email address, you will be sent a hardcopy of the decision but you may receive it after other parties have received the decision by email and after the decision has been published.

VCAT does not accept any responsibility for emails not received due to changes in address, firewall or other security measures that may be attached to your email account.