

SCHEDULE 1 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ1**.

Purpose

To provide for the development of an integrated resort comprising residential, commercial, tourism related and recreational facilities (currently to be known as the Lake Federation Resort), in a manner which achieves principles of social, environmental and water sustainability including:

- provision of resort, social and recreational infrastructure;
- demonstrating leadership and best practice in sustainable water management by conserving potable water supplies and providing for the beneficial re-use of water;
- ensuring protection of existing environmental water resources; and
- managing water use in a manner which prevents detrimental environmental outcomes, including algal blooms and groundwater contamination.

To designate land suitable for an integrated resort consisting of two resort golf courses; a shopping centre and retail village; a private school; not more than 3200 residential lots; two hotels; golf clubhouse(s); pleasure boat facility; golf driving range(s); golf Academy; tennis courts; sales and marketing office; lake(s); fire station; railway station; and associated roads, utility services, recreation, maintenance facilities.

To provide for the integrated and environmentally sustainable use and management of the whole of the land.

To provide for the staging of the development of the land in an orderly manner, having regard to the delivery of vital infrastructure elements of the project including water and other services and road requirements.

To provide for the development of the land in a manner that has no adverse impact on the potable water supply of Ballarat.

To ensure all infrastructure (including infrastructure relating to the supply and use of water) provided to the development is appropriately constructed, operated and managed in an environmentally sustainable way.

To protect the heritage values of the Avenue of Honour (Remembrance Drive) from any adverse impacts of the development of the land and associated road improvement works.

To achieve a high standard of urban design, community amenity and safety.

To ensure that the development provides community and social infrastructure within the development.

To ensure that the development contributes to the provision of regional community infrastructure external to the land.

To provide opportunities for a range of accommodation types (including density), commercial, community and local service facilities and recreational and open space facilities.

To ensure that the development of the land does not detrimentally impact upon the amenity of the surrounding area.

To ensure that the development of the land provides the appropriate interface of rural and urban land.

Table of uses

Section 1 - Permit not required

Use	Condition
Accommodation (other than Bed and breakfast, Camping and caravan park, Corrective institution and Dwelling)	Must be in accordance with the Lake Federation Resort Detailed Development Plan.
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Child care centre	Must be in accordance with the Lake Federation Resort Detailed Development Plan.
Dwelling	
Education centre	Must be in accordance with the Lake Federation Resort Detailed Development Plan.
Function centre	
Hall	
Home occupation	
Informal outdoor recreation	Must be in accordance with the Lake Federation Resort Detailed Development Plan.
Library	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Natural systems	
Office	Must be in accordance with the Lake Federation Resort Detailed Development Plan and the Commercial Facilities Plan.
Outdoor recreation facility	
Place of worship	Must not be associated with Leisure and recreation. The gross floor area of all buildings must not exceed 180 square metres. The site must not exceed 1200 square metres.
Pleasure boat facility	Must be in accordance with the Lake Federation Resort Detailed Development Plan.
Railway station	

Section 1 - Permit not required

Use	Condition
Retail premises (other than Adult sex bookshop, Manufacturing sales, Motor vehicle, boat, or caravan sales, Primary produce sales and Timber yard)	<p>Must be in accordance with the Lake Federation Resort Detailed Development Plan.</p> <p>The gross floor area for a Shop must not exceed 10,500 square metres.</p> <p>Must be in accordance with the Commercial Facilities Plan.</p>
Road	Must be in accordance with the Lake Federation Resort Detailed Development Plan.
Search for stone	Must not be costeaning or bulk sampling.
Service station	Must be in accordance with the Lake Federation Resort Detailed Development Plan.
Utility installation	Must be in accordance with the Commercial Facilities Plan.

Section 2 - Permit required

Use	Condition
Car wash	Must be in accordance with the Lake Federation Resort Detailed Development Plan.
Cemetery	
Crop raising	Must be in accordance with the Lake Federation Resort Detailed Development Plan.
Extensive animal husbandry	
Leisure and recreation facility (other than Informal outdoor recreation, Motor racing track and Outdoor recreation facility)	Must be in accordance with the Lake Federation Resort Detailed Development Plan.
Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)	Any commercial use must be in accordance with the Commercial Facilities Plan.
Place of Assembly (other than Amusement Parlour, Drive-in theatre, Function centre, Hall, Library and Place of worship)	
Transport Terminal (other than Railway station)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Adult sex bookshop
Agriculture (other than Apiculture, Crop raising and Extensive animal husbandry)
Amusement Parlour

Section 3 - Prohibited

Use
Brothel
Camping and caravan park
Corrective institution
Crematorium
Drive-in theatre
Extractive industry
Industry (other than Carwash)
Manufacturing sales
Motor racing track
Motor racing track
Motor vehicle, boat or caravan sales
Primary produce sales
Timber production
Warehouse

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Subdivision

Requirements

Subdivision of the land must consistent with the ‘Lake Federation Resort Main Components Plan C511 CP 039c dated August 2004’, ‘Lake Federation Resort Draft Master Plan A C511 CP 055b, dated August 2004’ and ‘Lake Federation Resort Staging Plan C511 CP 037b dated August 2004’ and the approved Detailed Development Plan.

Subdivision of the land must provide for the creation of not more than 3200 residential lots.

A subdivision must meet the requirements of Clause 56.

Each residential lot must be provided with:

- a reticulated supply of water;
- reticulated recycled water, unless otherwise approved by Central Highlands Water;
- reticulated sewerage; and
- reticulated underground supply of electricity.

Each residential lot must have access to a road constructed to the satisfaction of the responsible authority in accordance with the City of Ballarat engineering guidelines.

Prior to the issue of the Statement of Compliance for any subdivision the owner of the land to be subdivided must enter into an agreement under Section 173 of the Planning and Environment Act 1987 which in addition to the usual machinery provisions requires that a community contribution in the amount of \$900 in respect of each demand unit be paid to the responsible authority to be used by Ballarat City Council for the provision of regional community infrastructure and services external to the land. The agreement must provide that the amount of contribution is adjusted

annually to an indices determined by the responsible authority. A demand unit is a residential lot and a residential lot is a lot which is intended for development with a dwelling and is not intended to be further subdivided.

If the resort development authorised by this schedule is not substantially commenced (relative to the totality of the resort development described in the Incorporated Documents 'Lake Federation Resort Main Components Plan C511 CP 039c dated August 2004', 'Lake Federation Resort Draft Master Plan A C511 CP 055b, dated August 2004' and 'Lake Federation Resort Staging Plan C511 CP 037b dated August 2004') within three years of the commencement date of this schedule, a permit must not be granted to subdivide the land.

Exemption

An application for subdivision is exempt from the notice requirements of Section 52(1)(a), (b), and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

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Buildings and works

A permit is not required to construct a building or to construct or carry out works that:

- are shown on the Detailed Development Plan approved by the responsible authority; and
- has been assessed as satisfactory by the Design Review Committee, if one has been appointed.

This does not apply to a dwelling on a lot less than 300 square metres.

A permit is required to remove, destroy or lop a tree that is shown as 'to be retained' on an approved Landscape Plan.

For the purposes of this Clause, the Design Review Committee is a committee established by the owner of the land comprising one or more experts in urban design and architecture and to which plans of a proposed building must be submitted under either a special condition of a contract of sale of land or a section 173 agreement.

Requirements

Development of the land must not commence until the responsible authority is satisfied that the arrangements for the sourcing of water for the lake system will not have a detrimental impact upon other beneficial users of the available water supply.

Development of the land must not commence until the following plans and guidelines have been approved by the responsible authority:

- Environmental Assessment Plan.
- Landscape Plan.
- Emergency Management Plan.
- Traffic Management Plan.
- Infrastructure Management Plan.
- Commercial Premises Plan.
- Construction Management Plan,
- Detailed Development Plan.
- Urban Design Guidelines.

Each of the plans and the guidelines must be consistent with the Incorporated Documents 'Lake Federation Resort Main Components Plan C511 CP 039c dated August 2004', 'Lake Federation Resort Draft Master Plan A C511 CP 055b, dated August 2004' and 'Lake Federation Resort Staging Plan C511 CP 037b dated August 2004'.

Each of the plans and/or guidelines must be prepared for the whole of the land, except as follows:

- The Lake Federation Resort Detailed Development Plan may be prepared for part of the land.
- The Landscape Plan may be prepared for part of the land.
- The Urban Design Guidelines may be prepared for each part of the Lake Federation Resort Detailed Development Plan.

All plans must be submitted to and approved by the responsible authority in the order set out in this schedule.

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Environmental Assessment Plan

The Environmental Assessment Plan must be submitted to and approved by the responsible authority prior to the approval of any other plan required under Clause 3. It must identify the environmental constraints and opportunities of the land, the appropriate strategies and solutions to address those constraints and opportunities based on best land management practice and in a manner which is environmentally sustainable.

The Environmental Assessment Plan must address the following matters:

- The staging of the proposed works.
- Environmentally sustainable design principles.
- A fauna assessment of the land.
- An assessment of any impact on the former Ballarat-Skipton rail trail and the identification of appropriate improvements.
- Actions to be taken to ensure that negative environmental and amenity impacts and nuisance are minimised and that environmental threats are reduced.
- Details of the layout of the land including proposed tree plantations, drainage systems, wetlands, irrigation systems, lakes, works related to the golf courses, roads, car parking, pedestrian links; pleasure boat facility, and proposed buildings.
- Details and the basis of selection of species of trees, shrubs, grasses and other vegetation to be planted on the land.
- Details of how the development will manage and enhance native vegetation on the site, including an assessment of how the plan addresses:
 - “Victoria’s Native Vegetation Management – A Framework for Action” and the achievement of net gain outcomes as defined in the framework.
 - the native vegetation strategy in any relevant regional catchment management strategy.
- Details of how the development will address surface water management, the stream system on site and upstream and downstream of the development, including the protection of flows and enhancement of water quality including treatments required to accommodate staged construction and/or winter filling of the proposed lake system.
- Details of how the development will address the State Environment Protection Policy (Groundwaters of Victoria) No. 160, Gazette 17/12/1997.
- Details of the systems that will be established for the re-use and management of all waste-water within the development, including any EPA licensing requirements.
- Details of the irrigation system management and how this relates to surface water and groundwater protection.
- Details of how the development will address sediment control, salinity, nutrient control, and pollution control.

- Details of how the designed wetlands/lakes system contributes positively to the ecological values of site.
- Management of stormwater from the development based on the provisions of the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999), the guiding principles, objectives and strategies of the City of Ballarat Stormwater Management Plan and the report entitled Stormwater Management Strategy, prepared by Beveridge Williams and Co Pty Ltd. The storm water management component of the plan is to address both on site and off site impacts of the proposal. The assessment is to identify the existing surface water management issues, including flood management and the implications on water quality and quantity of the proposed total water management system.
- Details of the testing undertaken to identify potential contaminants in the land and clean up measures for any land which has been or may be contaminated.
- Any other information required by the responsible authority.

Before approving or amending (other than by a minor variation) the Environment Assessment Plan, the responsible authority must have regard to the comments of:

- Central Highlands Water Authority;
- Environment Protection Authority;
- Department of Sustainability and Environment;
- Glenelg Hopkins Catchment Management Authority;
- Corangamite Catchment Management Authority;
- Southern Rural Water;
- Aboriginal Affairs Victoria; and the
- Lake Federation Resort Advisory Committee.

3.02

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Traffic Management Plan

The Traffic Management Plan must be based on the strategies and solutions identified in the approved Environmental Assessment Plan. It may only be submitted to and approved by the responsible authority following approval of the Environmental Assessment Plan.

The Traffic Management Plan must address (or include) the following matters:

- The location of all vehicular, pedestrian and bicycle access and egress ways within, to and from all buildings and works.
- Any traffic mitigation works required on adjoining roads including staging.
- Location of the bus access, terminal and parking arrangements.
- Location of parking in relation to the railway station.
- Necessary traffic controls including those in nearby roads when development is completed.
- The location and layout of areas set aside for the parking of vehicles.
- The staged construction of parking areas so that the supply of parking spaces always exceeds the needs of the development as it is constructed.
- An assessment of the demand and proposed supply for parking for each non-residential component of the development including the hotels and lodges.
- Parking for residential purposes is to be based on the requirements of clause 54 and 55 of the scheme.

- An assessment of the heritage value of the Avenue of Honour which identifies the impact, if any, on the Avenue of Honour (Remembrance Drive) and what measures will be put in place to address both traffic management and the heritage values of the Avenue of Honour.
- An event traffic and car parking management plan.

Before approving or amending (other than a minor variation), the Traffic Management Plan, the responsible authority must have regard to the comments of:

- Vic Roads
- Department of Sustainability and Environment
- Lake Federation Resort Advisory Committee

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Infrastructure Management Plan

The Infrastructure Management Plan must be based on the strategies and solutions identified in the approved Environmental Assessment Plan. It may only be submitted to and approved by the responsible authority following approval of the Environmental Assessment Plan.

The Infrastructure Management Plan must address (or include) the following matters:

- The proposed source of all of the water required for the safe, efficient and environmentally sustainable operation of the lakes.
- The water balance issues having regard to the proposed source of water, including a demonstration that the water will be used in an efficient and accountable way.
- Whether it is proposed to incorporate a “first flush” mechanism in the design of Lake Federation and other water bodies on the land.
- Any relevant geotechnical issues associated with the lake and water bodies (including details of a geo-membrane or clay liner for Lake Federation and other water bodies which minimises seepage).
- How the lake system and associated stormwater, effluent treatment and reticulation systems are to be managed and operated during and after the completion of the developed permitted by this Schedule.
- The location and nature of infrastructure services to be associated with the development.
- Environmentally sustainable design principles for all infrastructure, with particular attention to the size and depth of the lakes/wetlands to ensure efficient and sustainable use of water.
- How the stormwater management system, golf course irrigation system and the sewerage system interrelates and responds to the principles of water sensitive design and establishes a mechanism to improve water quality for re-use or when exiting from the development site.
- A stormwater management plan for the whole of the land.
- Compliance with any requirements of the relevant Catchment Management Authorities with respect to a licence to construct works on waterways.
- Details of any sewerage treatment plant for the development, including:
 - treatment technology;
 - construction standards;
 - operational procedures;
 - maintenance program; and
 - a risk assessment of possible plant upset conditions and malfunctions and how these can be responded to including the potential for odours to be generated from sludge drying bays.

- How it is proposed to manage and monitor the recycled water supply system.
- How it is proposed to monitor the water in the catchments immediately downstream of the land and how it is proposed to manage any adverse impacts which are detected.
- How it is proposed to provide for a reticulated recycled water supply system to all residential and other uses.
- A management plan for operating the lake systems to minimise the risk of algal blooms, that includes provision for monitoring of phosphorus, nitrogen and TDS levels together with other criteria such as algal cell counts.
- Compliance with any requirements of Southern Rural Water issued with respect to a licence either for the construction of any water bodies requiring a licence or the use of irrigation within the land.
- The location and method of operation of the sewerage treatment plant and the identification of appropriate buffers based on the type of treatment system to be used.
- How the provision, design and operation of the stormwater management system, the sewerage treatment system and reticulated water system responds to the State Environment Protection Policy (Waters of Victoria) 2003 , Gazette 4/6/2003.
- The appropriate staging of infrastructure and establishes a management system for co-ordination of infrastructure provision.

Before approving or amending (other than a minor variation) the Infrastructure Management Plan, the responsible authority must have regard to the comments of:

- Central Highlands Water
- Southern Rural Water
- Telstra
- Powercor
- TXU Networks (Gas Pty Ltd)
- Neighbourhood Cable
- Glenelg Hopkins Catchment Management Authority
- Corangamite Catchment Management Authority
- Department of Sustainability and Environment
- Environment Protection Authority
- Country Fire Authority
- Lake Federation Resort Advisory Committee.

3.04

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VC37

Emergency Management Plan

The Emergency Management Plan must be based on the strategies and solutions identified in the approved Environmental Assessment Plan. It may only be submitted to and approved by the responsible authority following approval of the Environmental Assessment Plan.

The Emergency Management Plan must address (or include) the following matters:

- Emergency access and egress to and from the land.
- The location of the nearest emergency refuge areas.
- Any management arrangements required to support the implementation of the plan.
- Management arrangements for contamination of the recycled water supply system.

- Management arrangements for contamination of the lake with special regard to blue green algal blooms and odours from upset conditions and malfunctions of the sewerage treatment plant and storage facilities.

Before approving or amending (other than a minor variation), the Emergency Management Plan, the responsible authority must have regard to the comments of:

- Rural Ambulance Victoria
- Victoria Police
- Country Fire Authority
- Lake Federation Resort Advisory Committee

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Commercial Facilities Plan

The Commercial Facilities Plan must address (or include) the following matters:

- Details of the floor space for all commercial premises (which must not exceed the level specified in this schedule).
- Details of loading and unloading facilities.
- The location of car parking for those commercial uses.
- The floor areas proposed for the various components of the commercial uses (which must not exceed the level specified in this schedule).
- Appropriate interaction with and relationship to the Environmental Assessment Plan.
- The proposed location of all of the commercial uses having regard to the incorporated plan titled "Lake Federation Resort Main Components Plan C511 CP 039a".
- How the commercial facilities incorporate environmentally sustainable design principles.

Prior to approving or amending (other than a minor variation) the Commercial Facilities Plan, the responsible authority must have regard to the comments of the Department of Sustainability and Environment and the Lake Federation Resort Advisory Committee, as well as the directions and neighbourhood centre definitions in the Ballarat Retail Development Strategy 2003.

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Landscape Plan

The Landscape Plan must be based on the strategies and solutions identified in the approved Environmental Assessment Plan, where relevant. It may only be submitted to and approved by the responsible authority following approval of the Environmental Assessment Plan.

The Landscape Plan must be prepared by a qualified landscape architect and must address (or include) the following matters:

- The landscaping theme to be applied, using as its basis the use of indigenous species, dry climate species and non-invasive species.
- The landscape treatment of all open space areas.
- The landscape treatment of parks.
- The landscape treatment of all pedestrian walkways and paths.
- Designation of existing trees to be retained or removed and an explanation of why any vegetation is to be removed.
- An assessment of how the landscaping plan addresses the requirements of the Victorian Native Vegetation Management Framework - A Framework for Action (DNRE, 2002) and the relevant Glenelg Hopkins Catchment Management Authority and the Corangamite Catchment Management Authority native vegetation strategies, as relevant.

- Protecting the water quality of the creek system that exists on the site and of the proposed wetlands and lakes systems.
- The maintenance regime to be adopted
- Appropriate interaction with and relationship to the Environmental Assessment Plan.

The responsible authority must have regard to the comments of the Department of Sustainability and Environment and the Lake Federation Resort Advisory Committee before approving or amending (other than a minor variation) the Landscape Plan.

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Urban Design Guidelines

The Urban Design Guidelines must contain and address the following matters:

- The method of establishment, membership and operation of a Design Review Committee for the entirety of the land and how the Design Review Committee is to be given power over the approval of the design of any building or works proposed on any residential lot where the use of the land for dwelling is as of right.
- Environmentally sustainable design principles to be incorporated into any development.
- Planning and design objectives for each component of the Lake Federation Resort.
- Specific design criteria for each component of the development.
- Identification of design themes and desired image or character for each part of the overall resort development.
- Appropriate design criteria which are consistent with the objectives of clause 54, 55 and 56 of the scheme and arrangements put into place to ensure ongoing compliance with these provisions.

Before approving or amending (other than a minor variation) the Urban Design Guidelines, the responsible authority must have regard to the comments of:

- Department of Sustainability and Environment; and
- The Lake Federation Resort Advisory Committee.

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Lake Federation Resort Detailed Development Plan

Following approval of the Environment Assessment Plan, the Emergency Management, Plan, the Traffic Management Plan, the Infrastructure Management Plan, the Commercial Facilities Plan and the Urban Design Guidelines, the Lake Federation Resort Detailed Development Plan (“Detailed Development Plan”) must be submitted to the responsible authority for approval.

The Detailed Development Plan may be prepared in stages. Any part of the Detailed Development Plan must provide for the following:

- Be consistent with and implements the staging of the provision of facilities identified in the incorporated plan titled “Lake Federation Staging Plan C511 CP 037b”.
- Includes the whole of any particular component identified in the incorporated staging plan, unless otherwise agreed by the responsible authority.
- Identifies the anticipated staging of the balance of the development.
- Includes the landscape details for that particular component based on any environmental strategies and solutions identified for the land.
- Clearly identify any commercial facilities proposed within that stage.

The Detailed Development Plan may comprise text and/or drawings. It must be consistent with the approved Environment Assessment Plan, Emergency Management, Plan, Traffic Management Plan, Commercial Facilities Plan and Infrastructure Management Plan and must contain the following information as appropriate:

BALLARAT PLANNING SCHEME

- The proposed use of all land and the buildings and works proposed.
- Urban Design Guidelines for the land in that Detailed Development Plan.
- A detailed site response statement identifying how the buildings and works proposed respond to the site conditions and the Urban Design Guidelines, the Environmental Assessment Plan, the Traffic Management Plan, the Infrastructure Management Plan, the Landscape Plan, the Emergency Management Plan, the Commercial Facilities Plan and the Incorporated Documents titled 'Lake Federation Resort Main Components Plan C511 CP 039c dated August 2004', 'Lake Federation Resort Draft Master Plan A C511 CP 055b, dated August 2004' and 'Lake Federation Resort Staging Plan C511 CP 037b dated August 2004'.
- Plans showing:
 - site, floor and elevations plans of all proposed buildings and works (except for single dwellings on a lot less than 300 square metres);
 - details of the external materials and colours proposed for all buildings and works (except for single dwellings on a lot less than 300 square metres); and
 - the minimum standard specifications for design, construction and quality assurance set out or required by any of the authorities required to be consulted by this Schedule (including Central Highlands Water).
- Details of pedestrian walkways, roads, vehicle parking and access arrangements.
- The proposed staging of the construction of what is shown in any particular Detailed Development Plan.
- Details of the external boundary treatments including fencing and buffer areas.
- Details of how environmentally sustainable design principles have been incorporated.
- Services including water, sewer, telecommunications, power and drainage.
- Landscaping details including species to be planted and details of species proposed in accordance with the native vegetation strategies of the Glenelg Hopkins Catchment Management Authority and the Corangamite Catchment Management Authority.
- Community facilities to be provided and the relationship between the development proposed and community facilities proposed.
- Details of how any potential conflicts between users of the Ballarat Skipton Rail Trail and users of the golf course will be minimised.
- Details of how edge treatments at the interface of the land with rural land are to be dealt with.
- Details of any street furniture, open space treatment, lighting and external works.
- Any other relevant information required by the responsible authority.

The Detailed Development Plan must also demonstrate how all buildings and works for residential purposes and on a lot greater than 300 square metres meet all the objectives of Clause 54 and Clause 55 of the scheme.

Before deciding whether to approve or amend (other than a minor variation) a Detailed Development Plan the responsible authority must have regard to the comments of:

- Central Highlands Water.
- Department of Sustainability and Environment
- Department of Primary Industries
- Glenelg Hopkins Catchment Management Authority
- Corangamite Catchment Management Authority
- Southern Rural Water

- Aboriginal Affairs Victoria
- Victoria Police
- Country Fire Authority
- Rural Ambulance Victoria
- TXU Networks (Gas Pty Ltd)
- Powercor
- Environment Protection Authority

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Construction Management Plan

The Construction Management Plan must address the following matters:

- How all the works will be carried out in accordance with EPA Publication No. 272 “Construction Techniques for Sediment Pollution Control” and EPA publication No. 480 “Guidelines for Major Construction Sites in Victoria”.
- The methods of identification and preservation (where required) of any relics (as defined in the Archaeological and Aboriginal Relics Act, 1972) found on the site.
- The proposed methods of dust control during construction.
- Noise abatement to the EPA requirements during construction phase.
- The transfer of waste to and from the Sewerage Treatment Plant and any details of re-use on the site.
- Details of the treatment of any land identified as being potentially contaminated as described in “Lake Federation Resort Ballarat – Preliminary Soil and Groundwater Contamination Assessment” report prepared by Beveridge Williams dated February 2003.
- Any other matter required by the responsible authority.

The responsible authority must have regard to the comments of the Department of Sustainability and Environment and the Lake Federation Resort Advisory Committee (established pursuant to this schedule) before approving or amending (other than a minor variation), the Construction Management Plan.

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Approval of plans

Prior to the approval of any plan or guideline under Clause 3, the responsible authority must:

- Give public notice of the plan submitted for approval in a locally circulating newspaper and provide at least 14 days for receipt of submissions.
- Publicly display the plan and/or guidelines at the offices of the Ballarat City Council for at least 14 days.

Prior to deciding on whether to approve a plan and/or guidelines in accordance with Clause 3, the responsible authority must consider

- The purpose of this Schedule.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Whether the proposal is consistent with the Incorporated Documents titled ‘Lake Federation Resort Main Components Plan C511 CP 039c dated August 2004’, ‘Lake Federation Resort Draft Master Plan A C511 CP 055b, dated August 2004’ and ‘Lake Federation Resort Staging Plan C511 CP 037b dated August 2004’
- The comments of any authority required to be consulted.

- Any submissions received following public notification.
- The purpose of any Overlay applying to the land or any Zone or Overlay applying to land immediately adjacent to the land.
- Any issues specifically required to be taken into account in the case of a particular plan.

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Variations to Plans

The responsible authority may approve a minor variation to any plan or guideline approved under this Schedule provided the variation.

- is consistent with the Incorporated Documents titled 'Lake Federation Resort Main Components Plan C511 CP 039c dated August 2004', 'Lake Federation Resort Draft Master Plan A C511 CP 055b, dated August 2004' and 'Lake Federation Resort Staging Plan C511 CP 037b dated August 2004'
- does not adversely affect the interest of a government authority or utility service provider; and
- does not cause an increase in material detriment to any person.
- Any request for a minor variation must:
 - set out in detail the form which it is proposed that the relevant plan or guidelines be varied; and
 - be referred to the Lake Federation Resort Advisory Committee established under this schedule.

Any other variation which is not a minor variation may be made by the responsible authority provided that the responsible authority follows the same process in relation to public notification as is applicable to the approval of a plan.

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Lake Federation Resort Advisory Committee

Prior to the approval of any plan under Clause 3, an Advisory Committee is to be established by the responsible authority. The Advisory Committee is to be constituted by representatives from the Department of Sustainability and Environment (1), Environment Protection Authority (1), Central Highlands Water (1), Southern Rural Water (1), community representatives (2) selected by Ballarat City Council and Ballarat City Council (2).

The Terms of Reference of the Advisory Committee are to be determined by the Ballarat City Council.

3.13

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Section 173 Agreement(s)

Before the commencement of any building or works the owner of the land must enter into one or more agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 which in addition to the usual machinery provisions provides for the following matters:

- The giving effect to any provision of this schedule.
- The provision of access roads, landscaping and the construction of the stormwater management system.
- The proposed mechanism and arrangements for the provision of waste water treatment facilities including assurances in relation to their accessibility at reasonable costs to owners of residential lots.
- Identification of which entity other than Ballarat City Council is to be responsible for the ongoing maintenance and management of the watercourses, lakes and wetlands created as part of the development.

- The provision of community, emergency, utility and recreation facilities on the land including but not limited to, tennis courts, netball courts, at least two community centres, a public library, theatre, playing fields, bowling club, fishing area, international school, two golf courses, two golf clubhouses, child care facilities, sports academy, health centre, fire station, lakes, parks, linear pathways and gardens, beach, barbeque facilities, public toilets, playground, jetty, wetlands, fountains, shopping centre, lakeside retail village, refreshment kiosk, golf pro shop, commercial/office floor space, retail village, medical facilities, internal roads and parking facilities, upgrading of particular roads, landscaping, sewerage treatment plant.
- The provision of firefighting facilities (including land and buildings) and equipment as set out in the letter from Lake Federation Pty Ltd to CFA dated 3 September 2004 and providing for the present-day value of the monetary contribution referred to therein to be maintained.
- The provision of a shuttle bus service and bus terminal to Ballarat City Centre.
- The construction of the railway station subject to approval from the relevant authorities.
- The structure for the ongoing maintenance, management and operation of the land as an integrated resort.
- The staging of buildings, works and the provisions of community and recreation services generally in accordance with the time frames described in the Incorporated Document titled “Lake Federation Resort Staging Plan C511 CP 037b”.
- Provisions which prevent the owner of the land (and any agent of the owner) objecting to any rezoning of the land to Farming Zone if the development of the resort is not substantially commenced within the time frames specified in this Schedule.
- The provision of unconditional bank guarantees or other like securities to the responsible authority to guarantee the completion (that is cover the cost of constructing or completing or remediation as the case may be) of the following;
 - the lakes;
 - the sewerage treatment plant;
 - both golf courses;
 - the principal roads shown in the incorporated plans;
 - other essential infrastructure as determined by Ballarat City Council;

including the ability to draw down the guarantee or security if the development is not substantially commenced by the time specified in this Schedule. The amount of the guarantee must include an amount to cover contingencies in accordance with standard practice for infrastructure construction contracts.

- A mechanism which provides that if the responsible authority undertakes an economic, environmental and social impacts analysis of the resort within a period of 24 months from the date of the agreement, the Owner must make a contribution as determined by Ballarat City Council towards the cost of implementing any recommendations of that report.
- If required by Central Highlands Water, provisions dealing with;
 - the supply and use of water for the development;
 - the construction, ongoing maintenance and management of infrastructure relating to water supply and use in the development;
 - appropriate security for relevant stages of construction and ongoing management of appropriate infrastructure relating to water supply and use in the development; and
 - the establishment, management and operation of the recycled water system.
- If required by Vic Roads, provisions dealing with;

- regular monitoring of vehicle movements on particular roads associated with the development, and the contribution of the development to those vehicle movements;
 - the establishment of suitable thresholds for vehicle movements on particular roads beyond which additional road works may be required to be undertaken;
 - contributions towards the costs of any road works and potential contributions from other parties obtaining a material benefit from those road works; and
 - any other issues arising from the Traffic Management Plan (including measures to avoid any adverse impact on the heritage values of the Avenue of Honour).
- The costs of the preparation of the agreement(s), and their registration on title, will be borne by the owner.

3.14

19/01/2006
VC37

Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 37.02-4, the responsible authority must consider, as appropriate.

- The contents and intent of the Incorporated Documents titled ‘Lake Federation Resort Main Components Plan C511 CP 039c dated August 2004’, ‘Lake Federation Resort Draft Master Plan A C511 CP 055b, dated August 2004’ and ‘Lake Federation Resort Staging Plan C511 CP 037b dated August 2004’.
- Any approved Detailed Development Plan.
- The Lake Federation Resort Urban Design Guidelines.
- Any relevant Section 173 agreement.
- The objectives of Clauses 54, 55 (excepting standards B2 and B3 of Clause 55) and 56.
- The comments of the relevant catchment management authority.
- The comments of any service or referral authorities.

4.0

19/01/2006
VC37

Advertising signs

Advertising sign requirements are at Clause 52.05.

This zone is in Category 4 except for the commercial areas shown on the ‘Lake Federation Resort Main Components Plan C511 CP 039c which are in Category 3.

5.0

19/01/2006
VC37

Expiry of control

This schedule shall lapse if the resort development authorised by this schedule is not substantially commenced (relative to the totality of the resort development described in the Incorporated Documents ‘Lake Federation Resort Main Components Plan C511 CP 039c dated August 2004’, ‘Lake Federation Resort Draft Master Plan A C511 CP 055b, dated August 2004’ and ‘Lake Federation Resort Staging Plan C511 CP 037b dated August 2004’) within three years of the commencement date of this schedule.