



**Ordinary Council Meeting**

**23 May 2018**

Council Chamber, Town Hall, Sturt Street, Ballarat

**AGENDA**

**Public Copy**

**NOTICE IS HEREBY GIVEN THAT A MEETING OF BALLARAT CITY COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 23 MAY 2018 AT 7:00PM.**

## AGENDA

### ORDER OF BUSINESS:

<b>1. Opening Declaration.....</b>	<b>4</b>
<b>2. Apologies For Absence.....</b>	<b>4</b>
<b>3. Disclosure Of Interest .....</b>	<b>4</b>
<b>4. Confirmation Of Minutes.....</b>	<b>4</b>
<b>5. Matters Arising From The Minutes.....</b>	<b>4</b>
<b>6. Public Question Time .....</b>	<b>5</b>
<b>7. Reports From Committees/Councillors.....</b>	<b>6</b>
<b>8. Assemblies Of Councillors .....</b>	<b>6</b>
8.1. Assemblies of Councillors.....	6
<b>9. Officer Reports.....</b>	<b>21</b>
9.1. PLP201838 2 Middlin Street Brown Hill .....	21
9.2. PLP/2004/355/A 9367C Western Highway Warrenheip .....	60
9.3. Intercultural City Strategic Plan 2018-2021 .....	86
9.4. Recommendation for Commission of Artwork for Main Road .....	116
9.5. Gillies Road - Speed Limit and Road Safety.....	119
9.6. State and Federal Elections Policy .....	125
9.7. Heritage Restoration Loan Application - 803 Macarthur Street, Ballarat Central	136
9.8. Terms of Reference - Her Majesty's Theatre .....	139
9.9. Adoption of the S6 Instrument of Delegation - Members of Staff.....	149
9.10. S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987).....	237
9.11. Outstanding Question Time Items .....	241
<b>10. Notice Of Motion .....</b>	<b>247</b>

**11. Urgent Business .....247**

**12. Section 89 (In Camera) .....247**

**13. Close .....247**

**The next Ordinary Meeting of the Ballarat City Council will be held on Wednesday 13 June 2018.**

**1. OPENING DECLARATION**

**Councillors:** *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

**Mayor:** *"I respectfully acknowledge the Wadawurrung and Dja Dja Wurrung People, the traditional custodians of the land, and I would like to welcome members of the public in the gallery."*

**2. APOLOGIES FOR ABSENCE**

**3. DISCLOSURE OF INTEREST**

**4. CONFIRMATION OF MINUTES**

**5. MATTERS ARISING FROM THE MINUTES**

## 6. PUBLIC QUESTION TIME

Note – all public representations will be heard before each item on the agenda.

### QUESTION TIME

- Question Time will be for a period of 30 minutes;
- Questions submitted must begin with the submitters name and suburb;
- No person may submit more than two questions at any one meeting;
- If two questions are submitted, the second question may be deferred until all other questions have been asked, or may not be asked if the time allotted for public question time has expired.
- A question may be disallowed if the chair determines that it:
  - Relates to a matter outside of Councils responsibility;
  - Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - Deals with a subject matter already answered;
  - Is aimed at embarrassing a Councillor or a member of Council Staff;
  - Relates to personnel matters;
  - Relates to the personal hardship of any resident or rate payer;
  - Relates to industrial matters;
  - Relates to contractual matters;
  - Relates to proposed developments;
  - Relates to legal advice;
  - Relates to matters affecting the security of Council property: and/or
  - Relates to any other matter which Council considers would prejudice Council or any other person.
- A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is taken on notice, the answer to it must be incorporated in the minutes of Council and a written copy of the answer sent to the person who asked the question: and
- A Councillor or the Chief Executive Officer may advise Council that an answer should be given in a meeting closed to members of the public and why.

### PUBLIC SUBMISSIONS

1. Representatives must register by 4:30pm on the day of a Council meeting by contacting the City of Ballarat on (03) 5320 5875. No unregistered public representative will be allowed to speak.
2. The Representative will be given three to five minutes to address the meeting, with extension of time at the discretion of the Chair.
3. Any Councillor can ask questions of the Representative.
4. The Chair may limit the number of representatives on any particular Agenda item.
5. All representations must relate to items on the Agenda and will be heard prior to each respective Agenda item.

**7. REPORTS FROM COMMITTEES/COUNCILLORS****8. ASSEMBLIES OF COUNCILLORS****8.1. ASSEMBLIES OF COUNCILLORS**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Sarah Anstis - Governance Administration Officer

**OFFICER RECOMMENDATION**

Council resolves to approve the report on Assemblies of Councillors as listed:

- 23 March 2018 Infrastructure and Environment Portfolio Meeting No 171
- 4 April 2018 Infrastructure and Environment Portfolio Meeting No 172
- 10 April 2018 Lake Wendouree and Gardens Advisory Committee Meeting
- 11 April 2018 Saleyards Briefing
- 13 April 2018 Community Development Councillor Portfolio Meeting
- 18 April 2018 Infrastructure and Environment Portfolio Meeting No 173
- 24 April 2018 Finance Committee
- 24 April 2018 Strategic Briefing
- 27 April 2018 Community Development Councillor Portfolio

**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with copies of Assembly of Councillor Records as required under section 80A(2) of the *Local Government Act 1989*.

**RATIONALE**

Section 80A(2) of the *Local Government Act 1989* requires the record of an Assembly of Councillors to be reported at an Ordinary Council meeting. Assembly of Councillors Records are attached to this report.

**LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS**

- *Charter of Human Rights and Responsibilities Act 2006*;
- *Local Government Act 1989*; and
- City of Ballarat Council Plan 2017-2021.

---

**REPORTING AND COMPLIANCE STATEMENTS**

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	No
<b>Social/cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	No	No
<b>Economic</b>	No	No
<b>Financial/Resources</b>	No	No
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	No	No
<b>Evaluation and Review</b>	No	No

**Human Rights** - It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**Social/Cultural** - The inclusion of the attached Assembly of Councillor Records in the Council Agenda and the availability to the community increase awareness of the activities of Council and could increase community involvement in decision making at Council level.

**Risk Management** - There are implications with regards to Council's compliance with the *Local Government Act 1989* of Assembly of Councillor Records are not reported to Council.

**OFFICERS DECLARATIONS OF INTEREST**

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

**REFERENCE DOCUMENTS**

- Nil

**ATTACHMENTS**

1. 23 March 2018 Infrastructure and Environment Portfolio Meeting No 171 **[8.1.1]**
2. 4 April 2018 Infrastructure and Environment Portfolio Meeting No 172 **[8.1.2]**
3. 10 April 2018 Lake Wendouree and Gardens Advisory Committee Meeting **[8.1.3]**
4. 11 April 2018 Saleyards Briefing **[8.1.4]**
5. 13 April 2018 Community Development Councillor Portfolio Meeting **[8.1.5]**
6. 18 April 2018 Infrastructure and Environment Portfolio Meeting No 173 **[8.1.6]**
7. 24 April 2018 Finance Committee **[8.1.7]**
8. 24 April 2018 Strategic Briefing **[8.1.8]**
9. 27 April 2018 Community Development Councillor Portfolio Meeting **[8.1.9]**

BY: *governance*

## ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

<b>Description of meeting:</b>	Infrastructure and Environment Portfolio Meeting No 171
<b>Date of meeting:</b>	Wednesday 23 March 2018
<b>Start time:</b>	7.30am
<b>Finish time</b>	9.10am

<b>Councillors present:</b>	Cr Mark Harris, Cr Ben Taylor, Cr Grant Tillett
<b>Apologies:</b>	Nil
<b>Council staff present:</b>	Terry Demeo – Director Infrastructure and Environment, Peter Bate – Coordinator Design & Development' and Belinda Kent – Executive Assistant to the Director Infrastructure and Environment (Minute Taker)
<b>Other attendees present:</b>	Nil

<b>Conflict of Interests:</b>
<p>Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.</p> <p>A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.</p>
Nil

<b>Matters Considered:</b> <i>*Provide dots points of matters discussed.</i>
<p><b>Updates</b></p> <ul style="list-style-type: none"> <li>• Ballarat Fernery Reconstruction Project</li> <li>• Link Road</li> <li>• Statutory Planning</li> <li>• Civil Capital Program</li> <li>• Building Capital Program</li> <li>• Asset Disposal</li> </ul> <p><b>Reports</b></p> <ul style="list-style-type: none"> <li>• North Ballarat Lease</li> <li>• Local Law Modification</li> </ul> <p><b>Other Business</b></p> <ul style="list-style-type: none"> <li>• Nil</li> </ul>

<b>Record completed by:</b>	
<b>Signed:</b> 	<b>Position:</b> Director Infrastructure and Environment
<b>Name:</b> Terry Demeo	<b>Date:</b> 17-04-2018



BY: governance

## ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

<b>Description of meeting:</b>	Infrastructure and Environment Portfolio Meeting No 172
<b>Date of meeting:</b>	Wednesday 4 April 2018
<b>Start time:</b>	7.30am
<b>Finish time</b>	9.12am

<b>Councillors present:</b>	Cr Mark Harris, Cr Ben Taylor, Cr Grant Tillett
<b>Apologies:</b>	Nil
<b>Council staff present:</b>	Terry Demeo – Director Infrastructure and Environment, Natalie Robertson – Executive Manager Development Facilitation, and Belinda Kent – Executive Assistant to the Director Infrastructure and Environment (Minute Taker)
<b>Other attendees present:</b>	Nil

<b>Conflict of Interests:</b>
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.
Nil

<b>Matters Considered:</b> <i>*Provide dots points of matters discussed.</i>
<p><b>Updates</b></p> <ul style="list-style-type: none"> <li>• Shared Economy Accommodation Regulation - requested by Cr Taylor</li> <li>• Gas Contract and Landfill - requested by Cr Tillett</li> <li>• Koala Overlay - requested by Cr Taylor</li> <li>• Monthly Statutory Planning Major Project Summary</li> </ul> <p><b>Reports</b></p> <ul style="list-style-type: none"> <li>• Amendment to Local Law</li> <li>• North Ballarat Lease</li> </ul> <p><b>Other Business</b></p> <ul style="list-style-type: none"> <li>• Recycling</li> <li>• Union Jack Reserve</li> </ul>

<b>Record completed by:</b>	
<b>Signed:</b>	<b>Position:</b> Director Infrastructure and Environment
<b>Name:</b> Terry Demeo	<b>Date:</b> 17-04-2018



## ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

<b>Description of meeting:</b>	LWAGAC Meeting
<b>Date of meeting:</b>	10 April 2018
<b>Start time:</b>	5:00pm
<b>Finish time:</b>	6:30pm

<b>Councillors present:</b> Mayor Samantha McIntosh, Cr Daniel Moloney
<b>Apologies:</b> Bill Bahr, Bernard Blood, Terry Demeo, Dennis Bently, Mike Sorrell
<b>Council staff present:</b> Peter Marquand – Curator Parks and Nursery Steve Van Orsouw - Executive Manager Operations and Environment
<b>Other attendees present:</b> David Edwards, Julie Bradby, Bill Morrison, Richard Gilbert, Magie Guy

<b>Conflict of Interests:</b>				
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.				
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.				
Name of person(s) declaring the conflict	Type & details declared	Left Meeting Yes/No	Time left	Time returned

<b>Matters Considered:</b> <i>*Provide dots points of matters discussed.</i>
<ul style="list-style-type: none"> <li>• <b>Underground Toilets</b></li> <li>• <b>Event – Lake Swim (Sunday 25 March 2018)</b></li> <li>• <b>Loreto Rowing Crossing</b></li> <li>• <b>Ned William Memorial</b></li> <li>• <b>Gatekeeper’s Cottage</b></li> <li>• <b>Fernery Development</b></li> <li>• <b>Lake Lighting</b></li> <li>• <b>Upcoming Events</b></li> <li>• <b>Aquatic Plant</b></li> </ul>

<b>Record completed by:</b>	
<b>Signed:</b> 	<b>Position:</b> BOTANICAL GARDENS ADMIN
<b>Name:</b> DANIEL GODSON	<b>Date:</b> OFFICER 13 APRIL 18

## ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

<b>Description of meeting:</b>	Saleyards Briefing
<b>Date of meeting:</b>	11 April 2018
<b>Start time:</b>	3.13 pm
<b>Finish time:</b>	4.05 pm

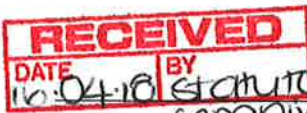
<b>Councillors present:</b> Cr Samantha McIntosh Cr Jim Rinaldi Cr Daniel Moloney Cr Grant Tillett Cr Mark Harris Cr Des Hudson
<b>Apologies:</b>
<b>Council staff present:</b> Angelique Lush – Director Development and Planning Glenn Kallio – Director Business Services
<b>Other attendees present:</b>

<b>Conflict of Interests:</b>				
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.				
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.				
Name of person(s) declaring the conflict	Type & details declared	Left Meeting Yes/No	Time left	Time returned

<b>Matters Considered:</b> <i>*Provide dots points of matters discussed.</i>
• Saleyards

<b>Record completed by:</b>	
<b>Signed:</b> 	<b>Position:</b> Director Business Services
<b>Name:</b> Glenn Kallio	<b>Date:</b> 19 April 2018

RECEIVED  
19 APR 2018  
BY: governance



# ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

<b>Description of meeting:</b>	Community Development Councillor Portfolio Meeting
<b>Date of meeting:</b>	Friday, 13 April 2018
<b>Start time:</b>	7.00am
<b>Finish time:</b>	8.50am

<b>Councillors present:</b>
Cr Belinda Coates
Cr Des Hudson
<b>Apologies:</b>
Cr Amy Johnson
<b>Council staff present:</b>
Neville Ivey – Director Community Development
Helen McIntosh, Executive Assistant Director Community Development
Mark Patterson, Executive Manager Sport & Active Living
Pete Appleton, Executive Manager Engaged Communities
<b>Other attendees present:</b>
Nil


<b>Conflict of Interests:</b>				
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.				
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.				
Nil	[Type & details declared]	Left Meeting [Yes/No]	[Time left]	[Time returned]

<b>Matters Considered:</b> <i>*Provide dots points of matters discussed.</i>
<ul style="list-style-type: none"> <li>• Eastern Oval</li> <li>• Civic Hall Skate Park</li> <li>• City Oval</li> <li>• Western Oval</li> <li>• Sebastopol</li> <li>• MR Power Park</li> <li>• Equestrian</li> <li>• Hockey</li> <li>• Wendouree Recreation Reserve</li> <li>• CE Brown Reserve</li> <li>• Barclay Street Campus</li> </ul>

- Llanberris Netball Courts
- Mount Pleasant Reserve
- Eureka Centre
- Future Agenda Items

**Record completed by:**

**Signed:**



**Position: Executive Assistant Director  
 Community Development**

**Name: Helen McIntosh**

**Date: 13 April 2018**

BY: *governance*

## ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

<b>Description of meeting:</b>	Infrastructure and Environment Portfolio Meeting No 173
<b>Date of meeting:</b>	Wednesday 18 April 2018
<b>Start time:</b>	7.30am
<b>Finish time</b>	8.30am

<b>Councillors present:</b>	Cr Mark Harris, Cr Ben Taylor, Cr Grant Tillett
<b>Apologies:</b>	Nil
<b>Council staff present:</b>	Terry Demeo – Director Infrastructure and Environment, Lily Garrod - Administration Officer Infrastructure and Belinda Kent – Executive Assistant to the Director Infrastructure and Environment (Minute Taker)
<b>Other attendees present:</b>	Nil

<b>Conflict of Interests:</b>	<p>Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.</p> <p>A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.</p>			
Nil				

<b>Matters Considered:</b> <i>*Provide dots points of matters discussed.</i>
<p><b>Updates</b></p> <ul style="list-style-type: none"> <li>• Capital Plan - Method of Creating the Plan - Request by Cr Tillett</li> <li>• Sturt Street - Black Spot Funded Program</li> <li>• CBD Car Parking Update</li> <li>• Lake Lighting</li> <li>• Clarendon College Development - Request by Cr Taylor</li> </ul> <p><b>Reports</b></p> <ul style="list-style-type: none"> <li>• Demolition of Surplus Assets</li> <li>• Fernery Project Update</li> <li>• Gatekeepers Cottage Project Update</li> <li>• Road Discontinuance - Unused Road in Golden Point</li> </ul> <p><b>Other Business</b></p> <ul style="list-style-type: none"> <li>• Nil</li> </ul>

<b>Record completed by:</b>	
<b>Signed:</b> 	<b>Position:</b> Director Infrastructure and Environment
<b>Name:</b> Terry Demeo	<b>Date:</b> 18-04-2018

## ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

<b>Description of meeting:</b>	Finance Committee
<b>Date of meeting:</b>	24 April 2018
<b>Start time:</b>	4.00pm
<b>Finish time:</b>	4.50pm

<b>Councillors present:</b> Cr Jim Rinaldi Cr Grant Tillett Cr Mark Harris
<b>Apologies:</b> Cr Belinda Coates Cr Daniel Moloney
<b>Council staff present:</b> Glenn Kallio – Director Business Services
<b>Other attendees present:</b> Anthony Schinck - Regional Director of Regional Development Victoria

<b>Conflict of Interests:</b>				
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.				
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.				
Name of person(s) declaring the conflict	Type & details declared	Left Meeting Yes/No	Time left	Time returned

<b>Matters Considered:</b> <i>*Provide dots points of matters discussed.</i>
<ul style="list-style-type: none"> <li>2018/19 Draft Budget</li> </ul>

<b>Record completed by:</b>	
<b>Signed:</b> 	<b>Position:</b> Director Business Services
<b>Name:</b> Glenn Kallio	<b>Date:</b> 27 April 2018

RECEIVED

27 APR 2018

BY: statutory  
compliance



## ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

<b>Description of meeting:</b>	Strategic Briefing
<b>Date of meeting:</b>	24 April 2018
<b>Start time:</b>	6:30pm
<b>Finish time:</b>	10.44pm

<b>Councillors present:</b> Cr Samantha McIntosh Cr Des Hudson Cr Jim Rinaldi Cr Daniel Moloney Cr Grant Tillett Cr Ben Taylor (left at 7.40pm) Cr Amy Johnson (arrived at 7.30pm left at 9.35pm) Cr Mark Harris
<b>Apologies:</b> Cr Belinda Coates
<b>Council staff present:</b> Justine Linley – Chief Executive Officer Terry Demeo – Director Infrastructure and Environment Angelique Lush – Director Development and Planning Neville Ivey – Director Community Development Glenn Kallio – Director Business Services Cameron Gray – Director Innovation and Organisational Improvement James Guy – Executive Manager Amy Rhodes – Manager Communications and Marketing
<b>Other attendees present:</b> Anthony Schinck - Regional Director of Regional Development Victoria Simon MacLennan - Development Director – Business Development Luke Jarvis - Senior Associate - John Wardle Architects Julia Cornwell - Manager, Strategy and Business Services, RDV Grampians

<b>Conflict of Interests:</b>				
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.				
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.				
Name of person(s) declaring the conflict	Type & details declared	Left Meeting Yes/No	Time left	Time returned

<b>Matters Considered:</b> <i>*Provide dots points of matters discussed.</i>
<b>Section A – External Presentations</b>
<ul style="list-style-type: none"> <li>• GovHub - Project Briefing</li> </ul>

**Section B – Strategic Briefing Reports**

- Budget - Session 4 - Communications and Marketing
- Release of 2016 Census Data
- Ballarat Strategy Briefing
- Demolition of Surplus Assets
- Street Lighting - Lighting the Regions Stage 2
- Ballarat Connections and Blackspot Upgrade
- Lake Lighting
- Wendouree Station Master Plan

**Record completed by:**

<b>Signed:</b> 	<b>Position:</b> Director Business Services
<b>Name:</b> Glenn Kallio	<b>Date:</b> 27 April 2018

**RECEIVED**  
27 APR 2018

BY: Statutory.....  
Compliance

## ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

<b>Description of meeting:</b>	Community Development Councillor Portfolio Meeting
<b>Date of meeting:</b>	Friday, 27 April 2018
<b>Start time:</b>	7.00am
<b>Finish time:</b>	8.53am

<b>Councillors present:</b>
Cr Des Hudson
Cr Amy Johnson
<b>Apologies:</b>
Cr Belinda Coates
<b>Council staff present:</b>
Neville Ivey – Director Community Development
Helen McIntosh, Executive Assistant Director Community Development
Mark Patterson, Executive Manager Sport & Active Living
Ann Pitt, Executive Manager Active Ageing
<b>Other attendees present:</b>
Nil

<b>Conflict of Interests:</b>				
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.				
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.				
Nil	[Type & details declared]	Left Meeting [Yes/No]	[Time left]	[Time returned]

<b>Matters Considered:</b> <i>*Provide dots points of matters discussed.</i>
<ul style="list-style-type: none"> <li>• Minutes of Meeting 13 April</li> <li>• Sports Facilities Fees &amp; Charges Review</li> <li>• Skate &amp; Youth Spaces</li> <li>• Growing Older Well in Ballarat</li> <li>• Upcoming Strategic Briefings</li> <li>• Upcoming Reports to Council</li> <li>• North Ballarat Football Club</li> <li>• Bonshaw Early Learning Centre</li> <li>• Remote Controlled Car Club Update</li> </ul>

- Parent Place Visitation & Program

**Record completed by:**

**Signed:**



**Position: Executive Assistant Director  
Community Development**

**Name: Helen McIntosh**

**Date: 27 April 2018**

**RECEIVED**  
27 APR 2018

**BY:** *g...ance*

## 9. OFFICER REPORTS

### 9.1. PLP201838 2 MIDLIN STREET BROWN HILL

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Jane Archer - Statutory Planner

#### OFFICER RECOMMENDATION

Council resolves to:

1. Issue a Notice of Decision to Grant a Planning Permit PLP/2018/38 for the land located at 2 Middlin Street, Brown Hill for the development of two dwellings and three lot subdivision, subject to the following conditions:

1. Amended Plans

Before the development starts, 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 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 those prepared by Tony De Jong Drafting but modified to show:

- (a) The proposed accessway widened to 5.5 metres at the subject site's entrance;
    - (b) A revised service cabinet and letter box location if current location is impacted by access widening; and
    - (c) Material and colour details in accordance with condition 5.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

2. Formal Plan of Subdivision

The formal plan of subdivision lodged for certification must be generally in accordance with the approved plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.

3. Easements

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

**4. Completion and Maintenance of Landscaping Works**

Prior to the occupation of the buildings commencing all landscape works forming part of the approved Landscape Plans must be completed to the satisfaction of the Responsible Authority. The landscaping shown on the approved landscape plan must be maintained to the satisfaction of the Responsible Authority for 18 months from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

**5. Material and Colour Details**

Before the development starts, a schedule of construction materials, external finishes and colours must be submitted to and approved by the Responsible Authority. When approved, the schedule will be approved to form part of the permit.

**6. Internal Access Ways and Car Parking**

Prior to the commencement of the use or occupation of the development or issue of a Statement of Compliance (whichever occurs first), the areas set aside for the parking of vehicles and access lanes as shown on the approved plans must to the satisfaction of the Responsible Authority be:

- (a) Constructed with a concrete pavement or flexible granular pavement with asphalt surfacing;
- (b) Properly formed to such levels that they can be used in accordance with the plans; and
- (c) Drained.

Car spaces and access lanes must be maintained and kept available for these purposes at all times.

Prior to the commencement of the use or occupation of the development or issue of a Statement of Compliance (whichever occurs first), all works shall be completed in accordance with plans submitted to and approved by the Responsible Authority.

**7. Vehicle Access**

Prior to the occupation of the development or issue of a Statement of Compliance (whichever occurs first), vehicle access to the site must be constructed in accordance with plans and specifications set under an approved Vehicle Crossing Permit to the satisfaction of the Responsible Authority.

*Note: The construction or altering of a vehicle crossing, footpath and/or any other works or alterations within a road reserve or any other Council asset may require either a Crossover Permit (which includes a driveway and new crossover), a Road Opening Permit (ie. opening up a road for installation of infrastructure), Asset Protection Permit (Temporary Crossing Permit i.e. providing for temporary site access) or other approval to be obtained from the City of Ballarat. This Planning Permit does not constitute such approval. Failure to obtain an appropriate permit or damaging Council infrastructure, including footpaths, kerbs, drains, street*

---

*trees, nature strips etc or failing to remove redundant crossings and reinstate the kerb, drain, footpath, nature strip or other part of the road is a breach of the Ballarat City Council Community Local Law 2017 (10 Penalty Units). For further information, please contact Council's Asset Protection Officer in relation to Road Opening or Asset Protection permits and Council's Infrastructure Planning & Development Unit via Council's Customer Service Officers and the Arborist relating to Street trees.*

#### **8. Drainage Plan and Construction**

Prior to works commencing on site, drainage, stormwater detention and/or stormwater treatment plans and computations must be submitted to and approved by the Responsible Authority. The drainage, stormwater detention and/or stormwater treatment plans and computations must accord with the Infrastructure Design Manual and/or Council's WSUD guidelines and/or Council's Site Stormwater Management Systems Policy. All drainage works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the issue of Statement of Compliance or occupation of the development (whichever occurs first).

At the completion of the works one set of 'as constructed' civil plans shall be submitted to the Responsible Authority.

Any proposed discharge of stormwater requiring a direct and/or modifying an existing connection to a designated waterway (as defined by the *Water Act 1989*) will require approval by the relevant Catchment Management Authority.

#### **9. Drainage Easements**

All easements deemed necessary to protect existing or future drainage lines within the proposed development site and properties between the development site and the nominated point of discharge shall be created to the satisfaction of the Responsible Authority.

#### **10. Contamination Assessment**

Prior to the Certification of the Plan of Subdivision or works commencing on site and the issue of a building permit for new dwellings (whichever occurs first), a Preliminary Site Investigation Report prepared in accordance with AS4482.1-2005 shall be submitted to the Responsible Authority.

Should the Preliminary Site Investigation report indicate that contaminating activities took place on the site or that contaminants are present, a Detailed Site Investigation in accordance with AS4482.1-2005 shall be undertaken. The Detailed Site Investigation Report shall include any recommended remediation works.

If the report is accepted by the Responsible Authority, the remediation works shall be completed by the applicant to the satisfaction of the Responsible Authority prior to the issue of the Statement of Compliance or occupation of the development (whichever occurs first).

If there are concerns about the nature and extent of the contamination found in the Preliminary and Detailed Site Investigation reports, the Responsible Authority reserves the right to require a statutory environmental audit to be undertaken. In this case either:

- (a) A certificate of environmental audit shall be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* prior to the issue of the Statement of Compliance; OR
- (b) An environmental auditor appointed under the *Environmental Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the intended use prior to the issue of the Statement of Compliance or occupation of the development (whichever occurs first);

to the satisfaction of the Responsible Authority.

- (c) Where a Statement of Environmental Audit is issued for the land, the development including subdivision hereby approved must comply with all the directions and conditions contained within the Statement.
- (d) Where a Statement of Environmental Audit is issued for the land, prior to the issue of a Statement of Compliance for each stage, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* or such other qualified person to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.
- (e) Unless otherwise approved in writing by the Responsible Authority, where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, prior to the issue of a Statement of Compliance for any stage of the subdivision authorised by this permit, the permit holder must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*. All costs associated with setting up the Agreement must be borne by the owner. The Agreement must be registered on Title and run with the land, and must provide to the satisfaction of the Responsible Authority:
  - (i) That the registered proprietor will undertake all required maintenance and /or monitoring in accordance with the statement.
  - (ii) Prior to the development commencing, application must be made to the Registrar of Titles to Register the Section 173 Agreement on the title to the land under Section 181 of the *Planning and Environment Act 1987*.

#### 11. Sediment on Roadways

No material shall be 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.

---



**Note 1: Depositing such material on Responsible Authority'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 the Responsible Authority must be met by the permit holder.**

**12. Section 173 Agreement – OSD/WSUD**

**If for the purpose of meeting On-Site Stormwater Detention (OSD) and/or Water Sensitive Urban Design (WSUD) requirements rainwater tanks are proposed, and if rainwater tanks are approved for such use by the Responsible Authority, then;**

**Prior to the issue of Statement of Compliance and prior to the use hereby approved commencing (including the issue of Certificate of Occupancy), an Agreement pursuant to Section 173 of the *Planning & Environment Act 1987* shall be entered into between the owner and the Responsible Authority. The Agreement shall be prepared and registered on the Certificate of Title of the subject land, requiring the owner to install and maintain a rainwater tank as a designated OSD/WSUD system in a condition and to a standard that ensures its correct operation and otherwise to the satisfaction of the Responsible Authority.**

**Prior to the issue of Statement of Compliance and prior to the use hereby approved commencing (including the issue of Certificate of Occupancy), an application must be made to the Register of Titles to register the Section 173 agreement on the title to the land under section 181 of the *Planning and Environment Act 1987*. The responsible authority will not release Statement of Compliance or allow occupation of the development until the agreement has been registered at the titles office and a dealing number assigned confirming that the agreement has been registered.**

**The Responsible Authority may release the owner from these obligations and/or vary the requirements upon the written request of the owner. The Responsible Authority must be satisfied that the release and/or variation to the agreement will result in a better planning outcome or that the agreement is no longer required.**

**All costs associated with the preparation, signing, lodgement, registration, amending and ending of the Agreement must be borne by the owner, including all notification costs and legal fees.**

**13. Section 173 Agreement**

**Unless otherwise agreed in writing by the Responsible Authority, prior to Statement of Compliance being issued or Certificate of Occupancy being issued (whichever occurs first) the development approved by Planning permit PLP/2018/38 must be completed to the satisfaction of the Responsible Authority or the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning & Environment Act 1987* to provide the following prior to the occupation of the building:**

- (a) All future land use and development on the land must be in accordance with Planning Permit PLP/2018/38 issued by the Responsible Authority or any subsequent Planning Permit. This does not apply if a Planning Permit is not required under the Ballarat Planning Scheme.**

- (b) No building is to be constructed on the lot unless a Garden Area (as defined in Clause 72 of the Ballarat Planning Scheme) is provided in accordance with Clause 32.08-4 of the Ballarat Planning Scheme. An ending clause must be included in the agreement that specifies the requirement will no longer need to be satisfied if the garden area requirement is removed from the Ballarat Planning Scheme

Prior to Statement of Compliance being issued or prior to Certificate of Occupancy being issued (whichever occurs first) an application must be made to the Register of Titles to register the Section 173 agreement on the title to the land under section 181 of the Act. The responsible authority will not release Statement of Compliance until the agreement has been registered at the titles office and a dealing number assigned confirming that the agreement has been registered.

The Responsible Authority may release the owner from these obligations and/or vary the requirements upon the written request of the owner. The Responsible Authority must be satisfied that the release and/or variation to the agreement will result in a better planning outcome or that the agreement is no longer required.

All costs associated with the preparation, signing, lodgement, registration, amending and ending of the Agreement must be borne by the owner, including all notification costs and legal fees.

#### **14. Provision of Services**

The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the approved plan in accordance with the authority's requirements and relevant legislation at the time.

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

#### **15. Telecommunications**

The owner of the land must enter into an agreement with:

- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
-

Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- (c) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (d) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

16. Public Open Space Monetary Contribution

Prior to the issue of the Statement of Compliance, a monetary contribution of an amount equal to 5% of the current value of all the land within the subdivision shall be paid to the Responsible Authority. If the land is subdivided in stages, the contribution may be paid proportionally to the area of the lots being created.

17. Central Highlands Water Authority (Ref: 18/1347)

- (a) Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the *Subdivision Act 1988*.
  - (b) Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
  - (c) A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
  - (d) The owner will provide easements to the satisfaction of the Central Highlands Region Water Authority, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
  - (e) The owner will provide easements to the satisfaction of Central Highlands Region Water Corporation for pipelines or ancillary purposes through adjoining land, as it is considered by the Corporation that such easements are required for the economical and efficient servicing of sewerage facilities to the subdivision.
  - (f) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.
-

**18. Powercor Australia Ltd (Ref: 244159)**

- (a) The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
- (b) The applicant shall:
- Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
  - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
  - Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
  - Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
  - Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

**19. Downer Tenix (Gas) (Ref: S18-920)**

The plan of subdivision submitted for certification must be referred to SP AusNet (Gas) in accordance with Section 8 of the *Subdivision Act 1988*.

**20. Permit Expiry – Development and Subdivision**

The permit for development of the land will expire if one of the following circumstances applies:

- (a) The development is not started within two years of the date of this permit;  
(b) The development is not completed within 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 development) or twelve months after the permit expires (for a request to extend the time to complete the development).

The permit for subdivision of the land will expire if the plan of subdivision is not certified within two (2) years of the date of issue of this Permit unless the Responsible Authority grants an extension of the Permit upon application in

---

writing by the permit holder within six (6) months of the prescribed expiry date. Once the plan of subdivision is certified, the Permit will expire five years from the date of certification of the plan of subdivision.

**NOTES:**

**Building Act**

**Building Approvals**

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained. The works hereby approved must accord with the requirements of the *Building Act 1993*, *Building Regulations 2006* and *Building Code of Australia 2014*.

**Works within Road Reserve**

The construction or altering of a vehicle crossing, footpath and/or any other works or alterations within a road reserve or any other Council asset may require either a Crossover Permit (which includes a driveway and new crossover), a Road Opening Permit (ie. opening up a road for installation of infrastructure), Asset Protection Permit (Temporary Crossing Permit i.e. providing for temporary site access) or other approval to be obtained from the City of Ballarat. This Planning Permit does not constitute such approval. Failure to obtain an appropriate permit or damaging Council infrastructure, including footpaths, kerbs, drains, street trees, nature strips etc or failing to remove redundant crossings and reinstate the kerb, drain, footpath, nature strip or other part of the road is a breach of the Ballarat City Council Community Local Law 2017 (10 Penalty Units). For further information, please contact Council's Asset Protection Officer in relation to Road Opening or Asset Protection permits and Council's Infrastructure Planning & Development Unit via Council's Customer Service Officers and the Arborist relating to Street trees.

**Containment of Refuse and Disposal of Refuse**

Under the provisions of the Ballarat City Council Community Local Law No 5 (as amended to include Local Law No. 9 clauses 3.15 – 3.17) an on-site facility for containment of all builders' refuse is required to be provided on any land where any building work within the meaning of the Building Act 1993 is being carried out. The local law contains specific provisions about the type and location of refuse containment facilities and the emptying and removal of such facilities.

**EXECUTIVE SUMMARY**

On 17 January 2018 an application was lodged for the development of two dwellings and three lot subdivision at 2 Middlin Street, Brown Hill. The application was advertised, and Council has received seven objections. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit subject to Conditions.

**APPLICATION DETAILS**

<b>Applicant:</b>	Des Rix Homes Pty Ltd
<b>Owner:</b>	TG and CL Heinrich
<b>Date Lodged:</b>	17 January 2018
<b>Subject Site:</b>	2 Middlin Street, Brown Hill
<b>Current use:</b>	Single dwelling
<b>Zone:</b>	General Residential Zone, Schedule 1
<b>Overlays:</b>	NA
<b>Permit triggers:</b>	Clause 32.08-3 – a permit is required to subdivide land Clause 32.08-6 – a permit is required to construct two or more dwellings on a lot
<b>Ward:</b>	Central
<b>Number of Objections:</b>	Seven
<b>Mediation Meeting:</b>	Yes
<b>Council Referral Trigger:</b>	Councillor Call up
<b>Covenant or S173</b>	No
<b>CHMP Required:</b>	No

**PROPOSAL**

The proposal is summarised as follows:

- construct two additional dwellings on the lot; and
- subdivide the land into three lots.

The existing dwelling is to be retained with a new carport proposed on the northern boundary to accommodate car parking. The existing dwelling contains three bedrooms.

Two three-bedroom dwellings will be developed to the rear of the existing dwelling serviced by a common driveway running along the southern boundary. Both dwellings are to be serviced by double garages, be single storey, constructed from face brickwork with hipped tiled roofs.

The subdivision will create three lots. Lot 1 will contain the existing dwelling and have an area of 356 square metres. Lot 2 will have an area of 253 square metres and Lot 3 will have an area of 283 square metres.

A shed and six trees will be removed to accommodate the development.

Plans and elevations are included at Attachment 1.

**SITE AND SURROUNDS**

The subject site is located on the western side of Middlin Street, approximately 50 metres south of its intersection with Water Street. The irregular shaped site measures 1182 square metres in area and is currently occupied by a single dwelling. The site contains several established trees but no vegetation protection controls. The subject site has a frontage of approximately 18.97 metres and a depth of approximately 61 metres.

The existing dwelling is a single storey white weatherboard house with a galvanised iron pitched roof. There is a single brick chimney located on the north façade. A concrete

uncovered porch fronts Middlin Street. A concrete crossover provides access to the property in the northeast corner. Two established trees in the front setback are to be retained.

The property to the south of the site is undeveloped. The subject site has four properties backing on to its northern boundary. These properties front Water Street and are developed with single dwellings and associated outbuildings. Council property abuts the western boundary and an unnamed waterway runs along this corridor.

Middlin Street in general is developed with single detached dwellings. Dwellings tend to be constructed from brick with hipped roofs. Much of Middlin Street was subdivided in 2011 and the majority of dwellings are new constructions. Only a few original dwellings remain. Dwellings tend to be set forward on the lots and front setbacks are open with no front fences.

An aerial map is provided below. The subject site is outlined in red.



## RESPONSE TO NOTICE OF APPLICATION

Seven objections have been received. Grounds of objections are summarised as follows:

- Additional dwellings will increase traffic coming into the street;
- Middlin Street is narrow and a footpath only exists on one side. There are already traffic safety issues and the development will exacerbate these issues;
- Development will increase the number of cars parked on the street;
- Increased traffic may impact the ability of emergency vehicles to navigate the street;
- Increased water runoff from development and impact on creek;
- Development does not integrate with existing character;
- Proposed driveway position is dangerous;
- Removal of trees and impact on any wildlife corridors;
- Development will reduce value of properties;
- Sets a precedent for similar development;
- Impact of tree removal on amenity of adjoining neighbours.

A mediation meeting was convened, however no compromises or alternate design options were agreed.

## **REFERRAL OF APPLICATION**

### External Referrals

#### **Central Highlands Water**

No objection subject to the inclusion of standard servicing conditions on any permit issued.

#### **Downer Utilities Australia**

No objection subject to the inclusion of standard servicing conditions on any permit issued.

#### **Powercor**

No objection subject to the inclusion of standard servicing conditions on any permit issued.

### Internal Referrals

#### **Engineering Development Unit**

No objection subject to the inclusion of standard drainage and driveway construction conditions.

#### **Traffic and Transport Unit**

No objection subject to the inclusion of standard vehicle access conditions.

## **KEY ISSUES**

The principal issues relevant to the application are as follows:

- Strategic Justification;
- Neighbourhood Character;
- Amenity Impacts;
- Car Parking Provisions; and
- Traffic, vehicle movement, on-street car parking and safety of the road network.

### Strategic Justification

State and local planning policy expressly supports urban consolidation through the provision of medium density housing in appropriate locations. Urban consolidation facilitates the efficient use of existing infrastructure and services, as encouraged by Clauses 11, 15, 16 and 18 of the SPPF. State policy objectives also include encouraging development that improves housing choice and accommodates future housing needs.

The subject site is within the General Residential Zone which aims to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport, whilst also encouraging development that respects the neighbourhood character of the area.

---



Middlin Street is well situated within an established residential area that has access to a full range of services and infrastructure (including public transport and parks) within reasonable proximity of this site. The subject land is zoned for residential purposes. The site is therefore appropriately located for medium density development.

Clause 21.02-1 *Urban growth* of the Ballarat Planning Scheme sets out that Ballarat is forecast to grow significantly towards 160,000 people by 2040. Much of this increased population is planned to be accommodated through infill in established areas close to public transport and amenities. This policy stipulates that maintaining a compact, efficient and productive settlement form is crucial to Ballarat's long-term future. The Ballarat Strategy identifies the subject site as being within an Ongoing Change Area where change is inevitable and some degree of incremental change is expected towards 2040 to accommodate future growth.

Clause 21.02-5 *Urban Growth* aims to facilitate limited incremental growth in ongoing change areas at a scale and density appropriate to the area. In *Ongoing Change Areas* infill development is encouraged at a scale appropriate to the site's relative distance to high frequency public transport corridors, activity centres and employment and considering neighbourhood character.

Bus services travel down Humffray Street North, approximately 150 metres from the subject site. The site also has convenient access to the Western Freeway which is located just to the north of the subject site. There are local shops located on Humffray Street North approximately 150 metres from the site. The subject site falls within the 10 Minute Drive by Car and on the periphery of the 10 Minute Cycle Catchment areas outlined in the Ballarat Strategy. Several schools are located within walking distance to the site.

It is therefore considered an appropriate location to permit infill development.

#### Neighbourhood Character

Clause 21.06-3 *Neighbourhood Character* identifies that protecting areas within the municipality with significant neighbourhood character values is an important issue for Council. While there can be tension in planning policy between urban consolidation objectives and the desire to respect residential amenity and neighbourhood character, Council will ensure that the type, scale and design of development and the impacts on existing amenity are addressed.

It is acknowledged that there is little precedent in the direct vicinity for this type of development and infill housing in general. There are examples of infill development within the broader area, particularly off Water Street and Humffray Street North. However, it should be noted that the subject site is not within a Neighbourhood Residential Zone – it is within a General Residential Zone, and as detailed earlier the Ballarat Planning Scheme contemplates a change in the neighbourhood character for this area. A purpose of the General Residential Zone is to “encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.”

It is considered the proposal respects the existing neighbourhood character in the following ways:

- The units are single storey;
- The chosen materials of brick and tiles draw on what is typical in the area;
- Roof pitch is typical for the area;
- There will be no change to how the block presents to the street;
- The resulting development will not differ greatly from the existing development pattern found in the area which is single, detached dwellings, with minimal walls on boundary;

- Each proposed lot and the overall lot complies with the requirements of Clause 32.08-3 and 32.08-4 ensuring the requisite garden area is provided.

In summary, the proposal clearly represents an intensification of development on the subject land, and is a departure from the more traditional single-dwelling-on-a-spacious-lot that the objectors prefer and appreciate about the Brown Hill area. However, more intense development is supported by planning policy and on balance it is considered that the proposal, with its landscaping, setbacks, height, site coverage and built form represents an acceptable design response with regards to neighbourhood character.

#### Amenity Impacts

The subject site and the abutting properties are in a residential zone; the amenity impacts from the site will be residential in nature which, given the General Residential zoning of the land, is expected and must be anticipated by neighbouring residents. There will be change with any intensification of land, however this change is not considered unacceptable given the zoning of the subject land and neighbouring land.

Amenity impacts such as overshadowing, overlooking, building height and setbacks from boundaries are acceptable and can comply with the relevant standards. The interface with residential dwellings is currently limited to only the north of the site as land to the south is undeveloped and a council reserve runs along the western boundary. The properties to the north face Water Street, leaving the habitable room windows and private open space areas of these dwellings unaffected. No walls are proposed to be built on the boundary.

The property at 4A Middlin Street may be developed in the future however the existence of a common driveway along the south of the subject site ensures that any future development can comply with the setback and overlooking requirements of the Planning Scheme and any relevant building regulations.

#### Internal Amenity

While many of the concerns raised focus on the impact of the development on surrounding properties, an assessment on whether the proposed dwellings within the complex will provide future residents with satisfactory amenity is also an important planning consideration.

The proposed dwellings have a clear and legible sense of address via the entry point off Middlin Street. The internal layout is functional and habitable rooms have good access to daylight.

Open space areas have been provided to ensure sufficient exposure to northern sun and to serve the needs of residents. The development complies with the garden area requirements of Clause 32.08-3 and Clause 32.08-4.

Safe and secure car parking is provided and therefore all these factors demonstrate satisfactory internal amenity.

A detailed ResCode assessment summarising the proposal's compliance with Clause 55 of the Ballarat Planning Scheme is provided at Attachment 2.

### Car Parking

Given the proposed three 3-bedroom dwellings, the proposed development generates a planning scheme requirement to provide six onsite car parking spaces. The development proposes to provide each unit with a double garage and the existing dwelling with a carport and external tandem car space. This satisfies the requirements of Clause 52.06 (Car Parking) of the Ballarat Planning Scheme. The application was referred to Council's Traffic and Transport Unit who have consented to the proposed layout.

### Traffic, vehicle movement, on-street car parking and safety of road network

Middlin Street is a constructed sealed road with an approximate width of 6 metres lined with concrete kerb and channel. Grassed verges, of approximately 3 metres, and a footpath run down the eastern side of Middlin Street. Property boundaries extend to the road's edge on the western side of Middlin Street.

Objectors have raised concerns regarding the safety implications of increasing traffic along Middlin Street. Siting issues with visibility, narrowness of the road and the lack of footpath on one side of the street.

It is acknowledged that Middlin Street is relatively narrow with limited accommodation for on-street car parking. However, its construction is generally no different to residential streets found in newer subdivisions and residential areas.

Traffic from the proposed development is unlikely to extend further into the residential areas along Middlin Street, but instead will be predominantly direct to-and-from the subject site and the arterial road network (Water Street). The subject site is located towards the Middlin and Water Street intersection so traffic impacts on the residences further south is likely to be minimal.

In response to the narrower street, the applicant has agreed to amend the plans to increase the width of the proposed driveway so cars have an increased opportunity to view oncoming traffic and pedestrians before turning into Middlin Street. The proposed access has been provided to the south of the site to allow cars entering from Water Street increased time to react to any vehicles turning in and out of the development.

The addition of four extra cars entering and exiting the subject site will have little impact on overall traffic movements in the street and the existing roads are considered capable of accommodating the modest increase in traffic caused by this proposal. The increase in traffic from the two additional dwellings can be accommodated within the existing street network and the car parking provided within the development meets the requirements of Clause 52.06. Therefore, the proposed development will not result in unreasonable impacts on other neighbouring properties due to factors such as additional traffic or car parking.

### Flora and Fauna

Concerns were raised by objectors regarding the loss of trees on the site. The subject site is not located in an area where vegetation controls apply. Due to the size of the site there is no trigger to assess native vegetation removal against state provisions.

A landscape plan was provided with the application demonstrating the planting of canopy trees in all proposed private open spaces.

---

While it is understood that the established trees in the rear yard of 2 Middlin Street are appreciated by adjoining residents they are not protected under the Planning Scheme. It should also be noted that the character of the area is not one of established gardens. The majority of the properties in the area are completely cleared of canopy trees with vegetation existing predominantly along council managed reserves.

### Objections

It is a well-established planning principle that depreciation of land or property values resulting from development is not a relevant planning consideration. As stated in *Skunca v Mornington Peninsula SC [2004]* "If adjoining land is devalued because of detriment to its amenity, it is the detriment to the amenity that is considered in relation to town planning, not the resulting devaluation." Therefore, property value is not, in itself, a planning consideration. Amenity impacts are relevant and the potential amenity impacts have been addressed earlier in this report.

## **LEGISLATION, COUNCIL PLAN, STRATEGY AND POLICY IMPLICATIONS**

- *Planning and Environment Act 1987*;
- City of Ballarat Council Plan 2017-2021; and
- Ballarat Planning Scheme.

### **State Planning Policy Framework (SPPF)**

Clause 11 – Settlement  
Clause 15 – Built Environment and Heritage  
Clause 16 – Housing  
Clause 18 – Transport

### **Municipal Strategic Statement**

Clause 21.02 – Settlement and Housing  
Clause 21.06 – Built Form, Heritage and Design  
In addition:

- *Charter of Human Rights and Responsibilities Act 2006*;
- *Planning and Environment Act 1987*;
- *Subdivision Act 1988*;
- City of Ballarat Council Plan 2017-2021; and
- Ballarat Planning Scheme.

---

**REPORTING AND COMPLIANCE STATEMENTS**

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	Yes
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	Yes	No
<b>Economic</b>	No	No
<b>Financial /Resources</b>	No	No
<b>Risk Management</b>	No	No
<b>Implementation and Marketing</b>	No	No
<b>Evaluation and Review</b>	No	No

**Human Rights and Social/Cultural-** The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* and the Ballarat Planning Scheme. The assessment is considered to accord with the *Charter of Human Rights and Responsibilities Act 2006*. Specifically:

- Freedom of Expression (part 2 section 15);
- A fair hearing (part 2 section 24); and
- Entitlement to participate in public life (part 2 section 18).

**OFFICERS DECLARATIONS OF INTEREST**

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

**REFERENCE DOCUMENTS**

- Ballarat Planning Scheme

**ATTACHMENTS**

1. PLP 2018038 2 Middlin Street Brown Hill Plans **[9.1.1]**
2. PLP 2018038 Clause 55 Assessment **[9.1.2]**

APPROX. POS. BROWN HILL SHOPS

TO FREEWAY



TO BAKERY HILL



**aerial photo**

SUBJECT SITE

**LOCALITY PLAN**

- BALLARAT CITY CENTRE 2.5KM
- FREEWAY ACCESS 600m
- NEAREST PRIMARY SCHOOL (CALEDONIAN) 800m
- NEAREST HIGH SCHOOL (WOODMANS HILL) 1.2KM
- POST OFFICE (BROWN HILL SHOPS) 200m
- SPORTING GROUNDS (RUSSELL SQUARE) 1.8KM
- LAKE WENDOUREE 5KM

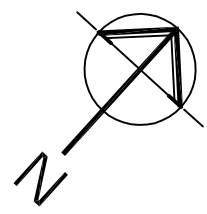
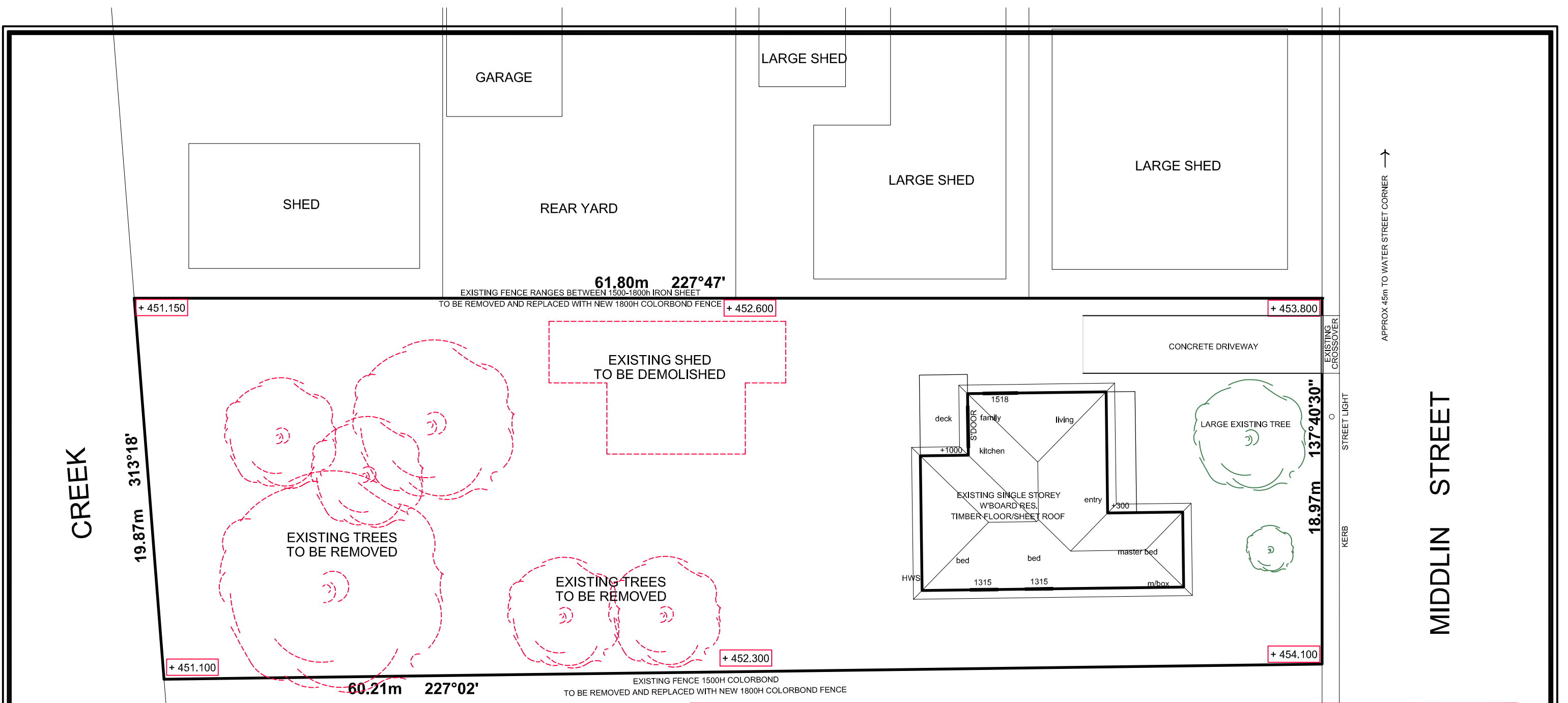


**Tony De Jong Drafting P/L**

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580<sup>38</sup>  
 Email: dejongdrafting@ncable.net.au

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

scale:	n.t.s.
print date:	
sheet no:	<b>01</b>
drg no:	<b>17363</b>



**existing conditions/demolition plan**

- Notes:**
1. Do not scale drawings, use written dimensions only.
  2. Confirm all dimensions on site.
  3. All works shall comply with but not limited to the following Australian standards:  
 A.S. 1288 – Glass in buildings – selection and installation.  
 A.S. 1684 – National Timber framing code.  
 A.S. 3700 – Masonry in buildings.  
 A.S. 3786 – Smoke Alarms.  
 A.S. 4055 – Wind loadings for housing.
  4. Soil classification – These plans shall be read in conjunction with the soil report by – Report No. Footings to be founded at the minimum depths indicated in the soil report. It is recommended the footings/slabs & drainage to be designed & inspected by an engineer to satisfy their requirements.
  5. Stormwater shall be taken to legal point of discharge to the satisfaction of the relevant authority.
  6. Refer attached plans and Energy Rating Report/s for all thermal insulation requirements.
  7. Stair requirements: – risers – 190mm Maximum, 115mm minimum.  
 – going – 355mm Maximum, 240mm minimum.
  8. Location of smoke alarms to be provided and installed in accordance with A.S. 3786



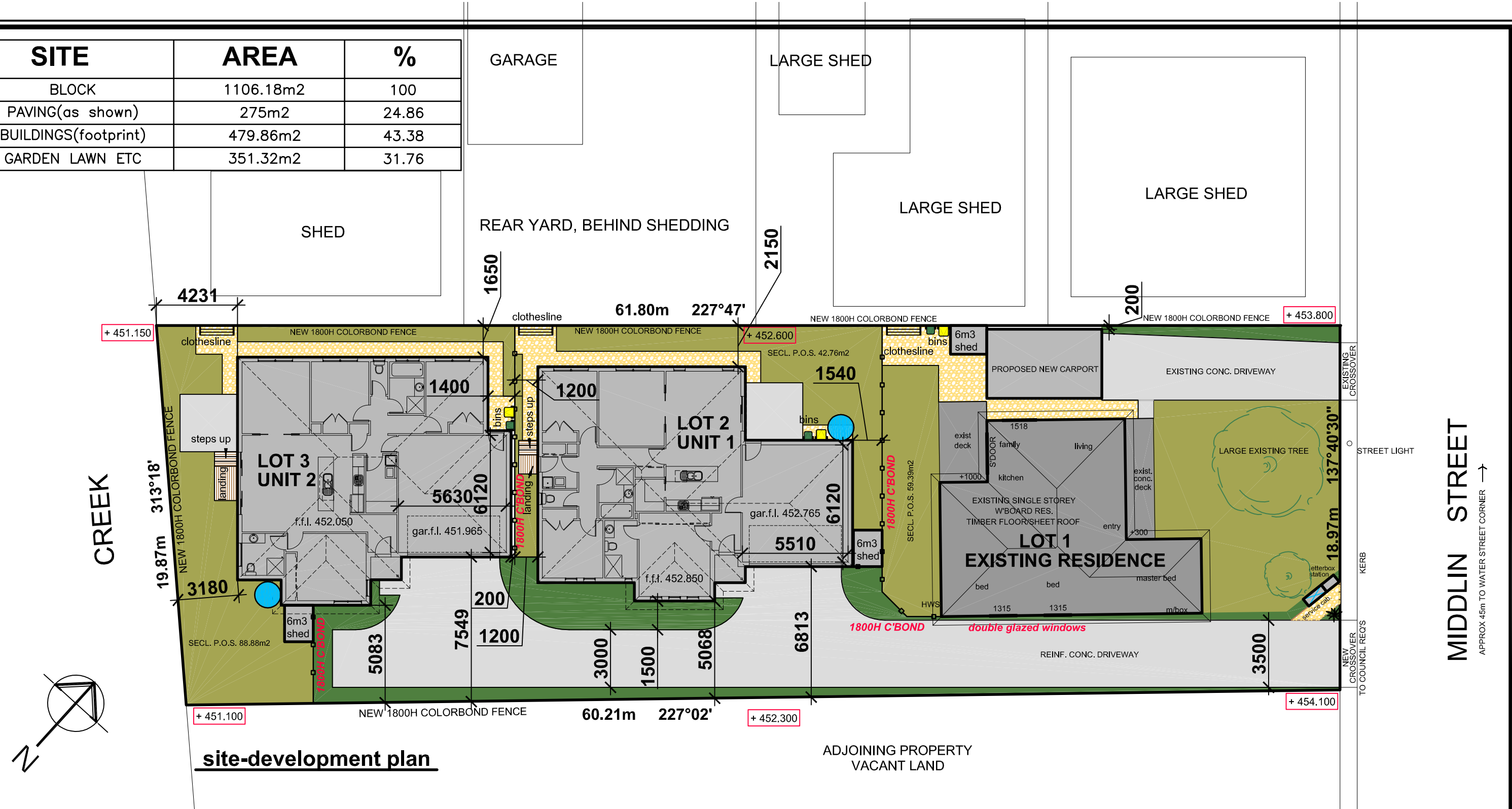
**Tony De Jong Drafting P/L**

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: dejongdrafting@ncable.net.au

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

scale:	1:200
print date:	
sheet no:	<b>02</b>
drg no:	<b>17363</b>

SITE	AREA	%
BLOCK	1106.18m <sup>2</sup>	100
PAVING(as shown)	275m <sup>2</sup>	24.86
BUILDINGS(footprint)	479.86m <sup>2</sup>	43.38
GARDEN LAWN ETC	351.32m <sup>2</sup>	31.76



**site-development plan**

EXIST. RES.	AREA
RESIDENCE	106.15m <sup>2</sup> 11.43sq
CARPORIT/SHED	21.60m <sup>2</sup> /2.85m <sup>2</sup>
PORCH/DECK	9.45m <sup>2</sup> /10.50m <sup>2</sup>
PRIVATE SPACE	59.39m <sup>2</sup>

UNIT 1	AREA
RESIDENCE	122.87m <sup>2</sup> 13.22sq
GARAGE/SHED	38.03m <sup>2</sup> /2.85m <sup>2</sup>
PORCH	2.07m <sup>2</sup>
PRIVATE SPACE	42.76m <sup>2</sup>

UNIT 2	AREA
RESIDENCE	121.17m <sup>2</sup> 13.04sq
GARAGE/SHED	37.56m <sup>2</sup> /2.85m <sup>2</sup>
PORCH	1.90m <sup>2</sup>
PRIVATE SPACE	88.88m <sup>2</sup>



**Tony De Jong Drafting P/L**

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: dejongdrafting@ncable.net.au

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

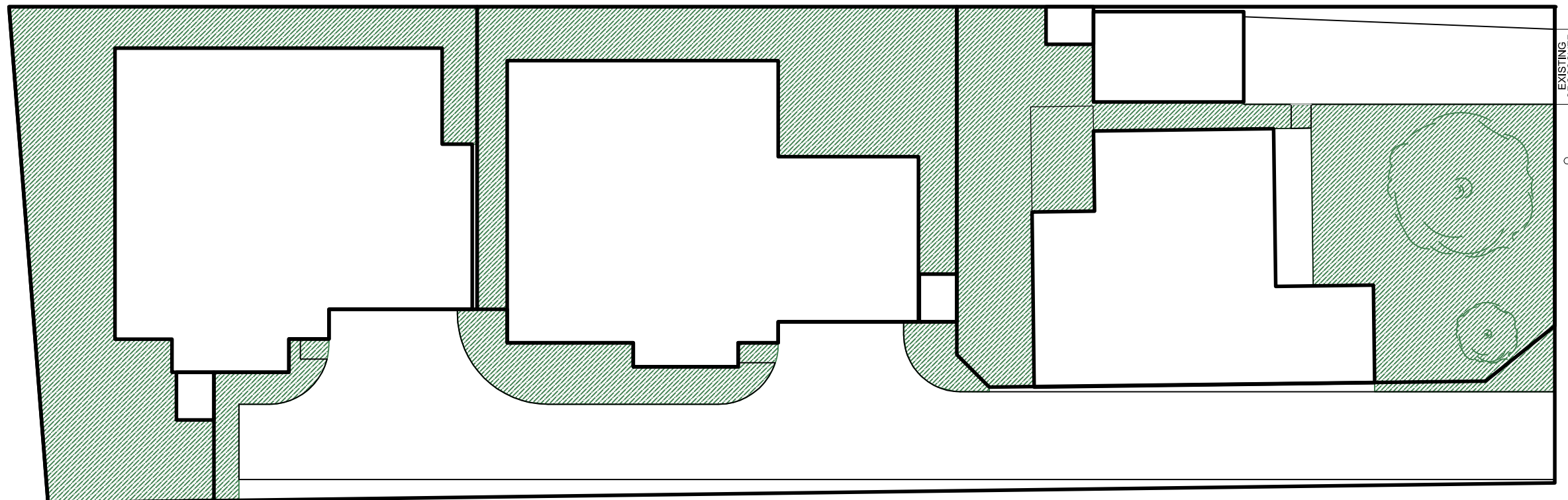
scale:	1:200
print date:	
sheet no:	<b>03</b>
drg no:	<b>17363</b>



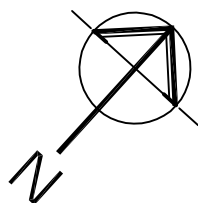
**LANSCAPED AREA SUMMARY**

site area	1106.18m2	100%
required min 35%	387.16m2	
landscaped areas	420.95m2	38.05%

CREEK



MIDDLIN STREET



landscaped area requirement diagram



**Tony De Jong Drafting P/L**

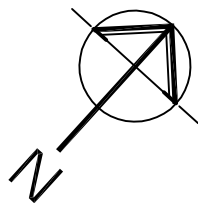
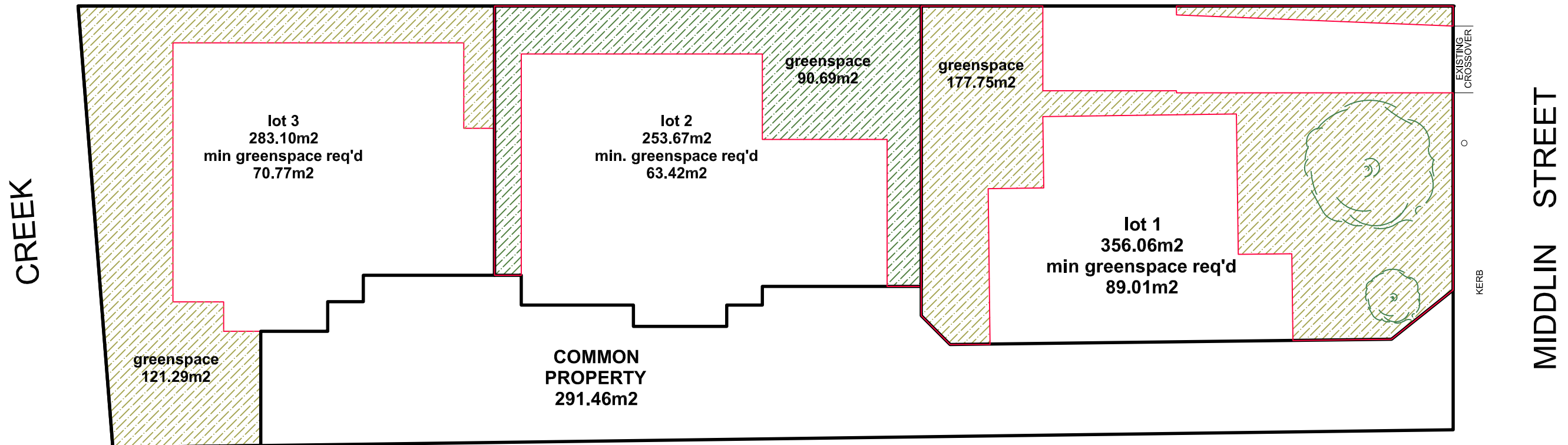
D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: [dejongdrafting@ncable.net.au](mailto:dejongdrafting@ncable.net.au)

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

scale: 1:200  
 print date:  
 sheet no: **04**  
 drg no: **17363**

**25% GARDEN AREA (CLAUSE 72)**

Proposed lot 1 Area = 356.06m <sup>2</sup>
Landscaped Area = 177.75m <sup>2</sup> (49.92%)
Proposed lot 2 Area = 253.67m <sup>2</sup>
Landscaped Area = 90.69m <sup>2</sup> (35.75%)
Proposed lot 3 Area = 283.10m <sup>2</sup>
Landscaped Area = 121.29m <sup>2</sup> (42.84%)



Clause 72 requirement

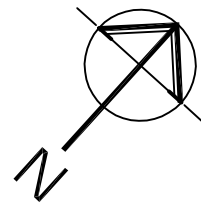
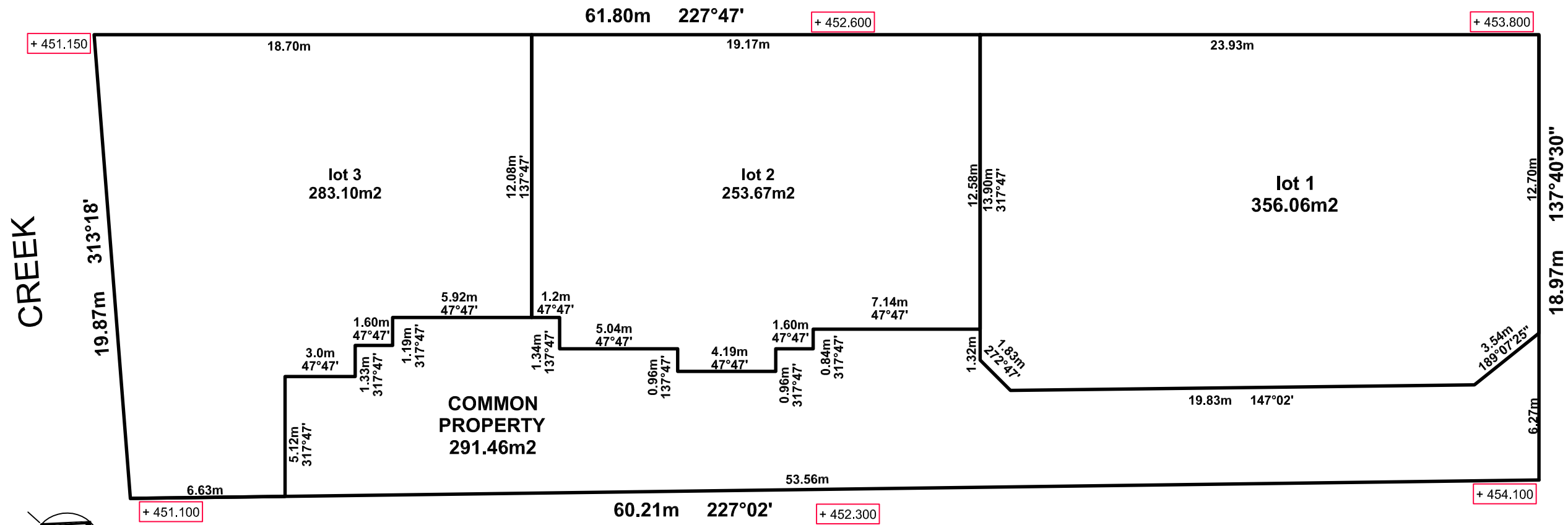


**Tony De Jong Drafting P/L**

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: [dejongdrafting@ncable.net.au](mailto:dejongdrafting@ncable.net.au)

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

scale:	1:200
print date:	
sheet no:	<b>05</b>
drg no:	<b>17363</b>



sub-division plan

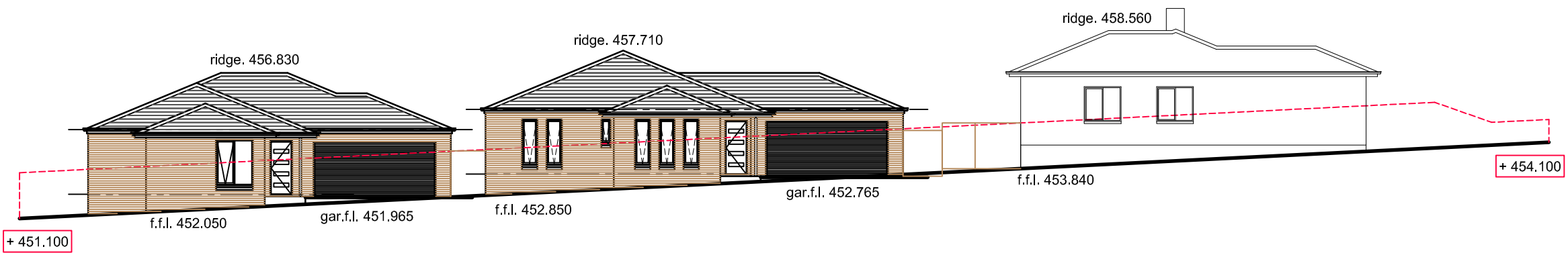


**Tony De Jong Drafting P/L**

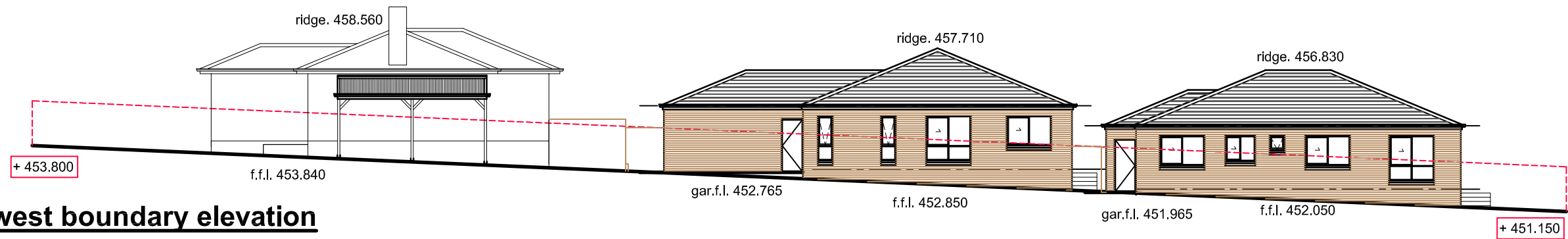
D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: dejongdrafting@ncable.net.au<sup>43</sup>

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

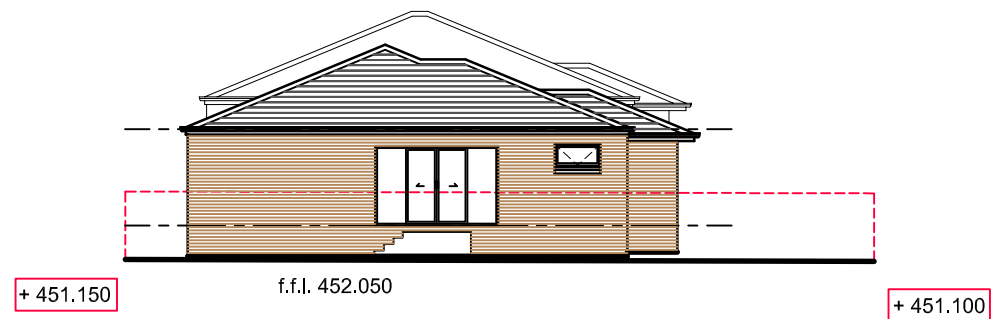
scale:	1:200
print date:	
sheet no:	<b>06</b>
drg no:	<b>17363</b>



**east boundary elevation**



**west boundary elevation**



**south boundary elevation**

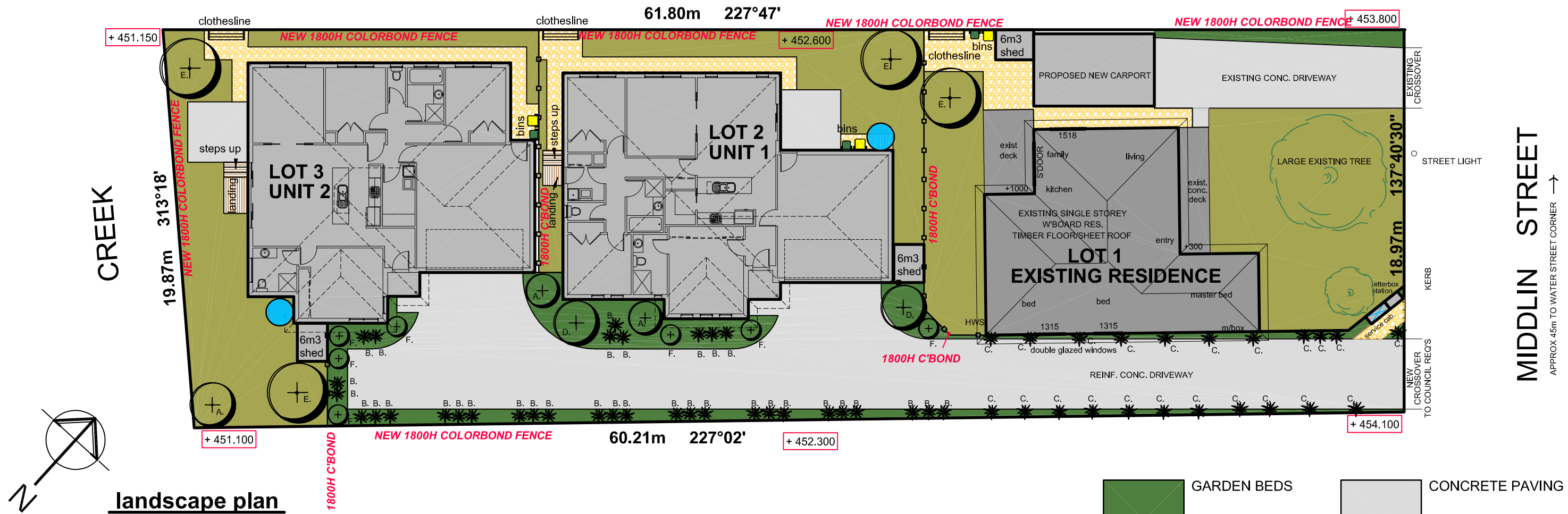


**Tony De Jong Drafting P/L**

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: [dejongdrafting@ncable.net.au](mailto:dejongdrafting@ncable.net.au)

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street  
 Brown Hill**

scale:	1:200
print date:	
sheet no:	<b>07</b>
drg no:	<b>17363</b>



CALISTEMON (KINGS PARK SPECIAL)



LIRIOPE GIGANTEA



HEMEROCALLIS



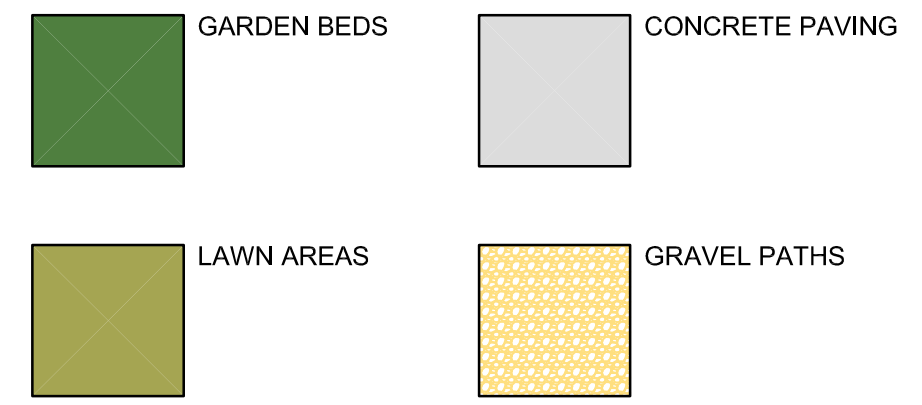
EUCALYPTUS LEUCOXYLON



EUCALYPTUS HAEMASTOMA



CHOISYA



LANDSCAPE SCHEDULE				
PLANT I.D.	PLANT NAME:	POT SIZE:	HEIGHT AT MATURITY:	No. OF PLANTS
A.	CALISTEMON KINGS PARK SPECIAL	400mm	3-5m	3
B.	LIRIOPE GIGANTEA	150mm	750mm	34
C.	HEMEROCALLIS	150mm	600mm	22
D.	EUCALYPTUS LEUCOXYLON	600mm	5m	2
E.	EUCALYPTUS HAEMASTOMA	600mm	10m	4
F.	CHOISYA	150mm	1.5m	7



**Tony De Jong Drafting P/L**

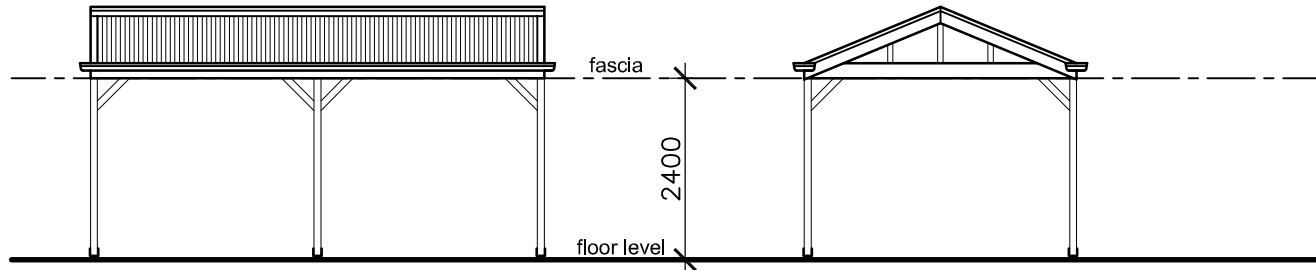
D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: dejongdrafting@ncable.net.au

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

scale:	1:200
print date:	
sheet no:	<b>08</b>
drg no:	<b>17363</b>

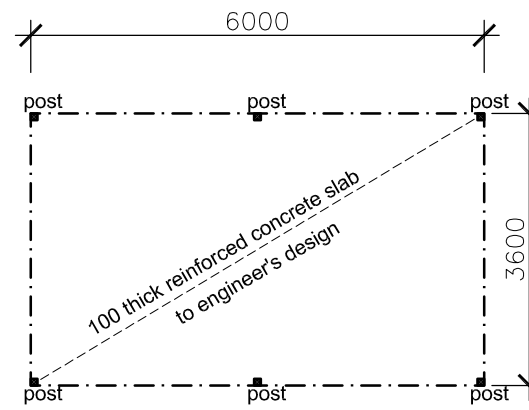
selected cutomorb colorbond sheet roof @ 22.5° pitch

F/c sheet (paint finish)  
with tr. pine cover strips (paint finish)



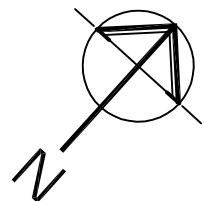
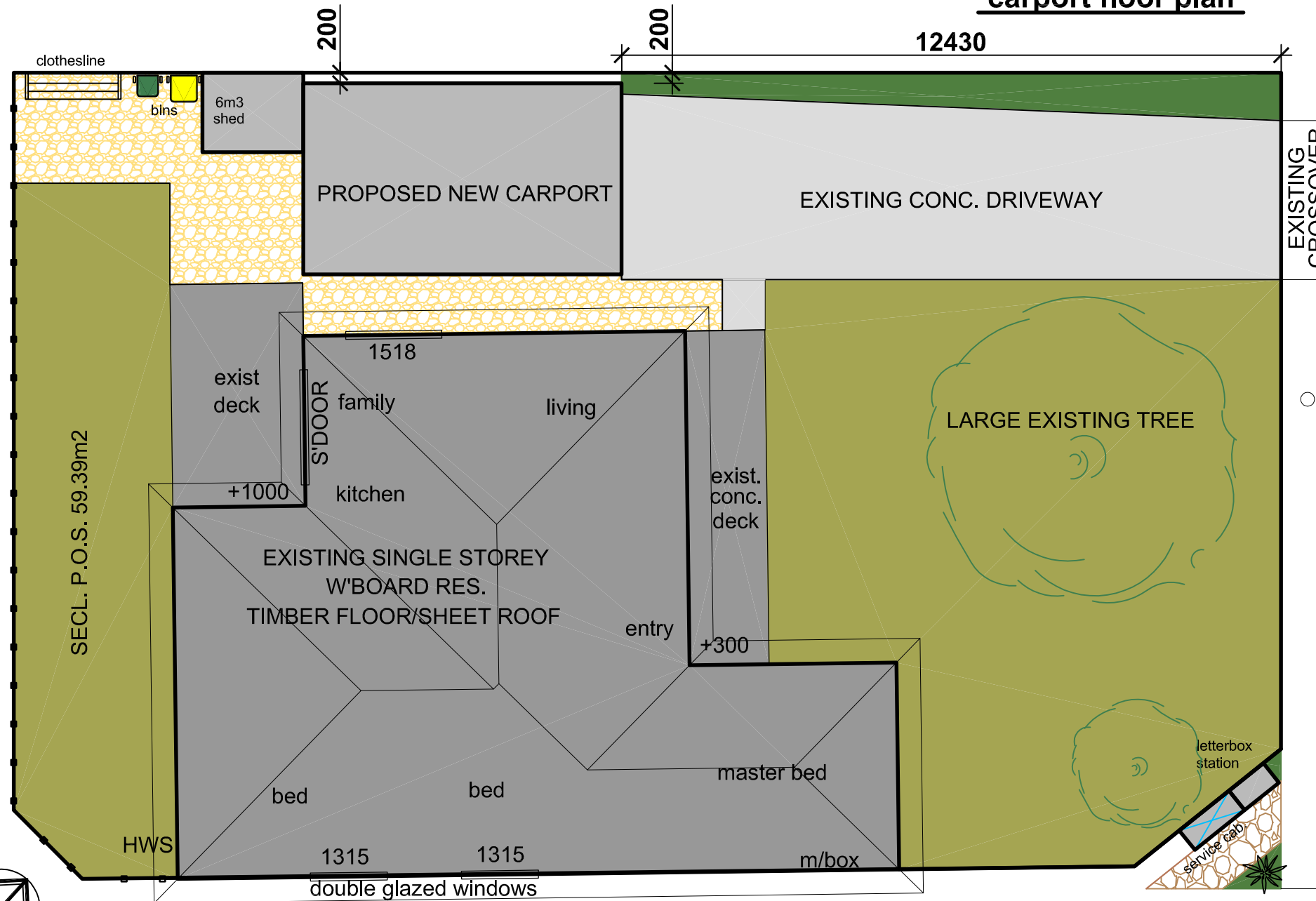
**side elevations**

**front and rear elevations**



90x90 (f7) tr. pine posts  
on galvanised stirrups  
190x45 (f17) structural fascias

**carport floor plan**



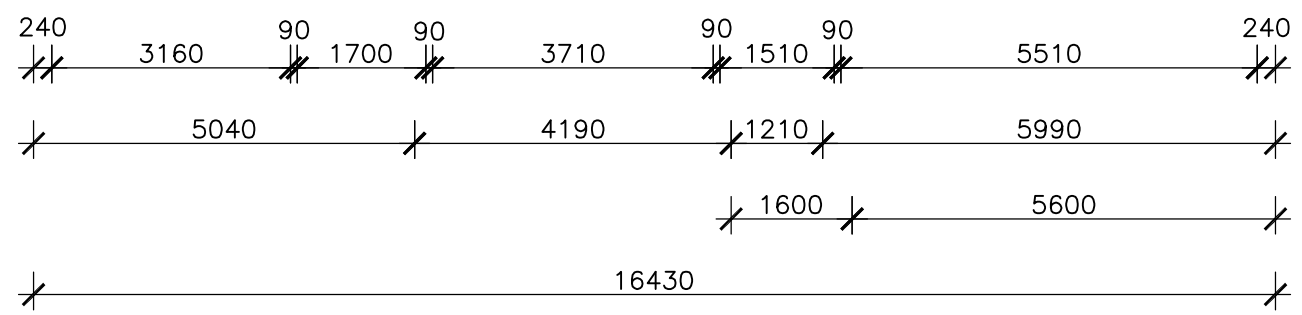
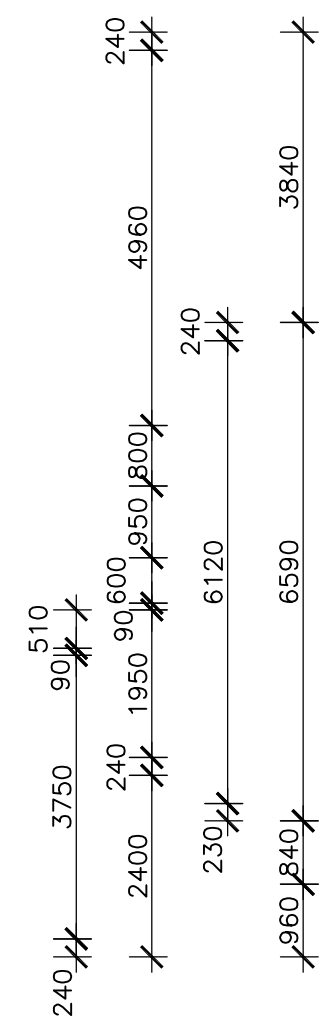
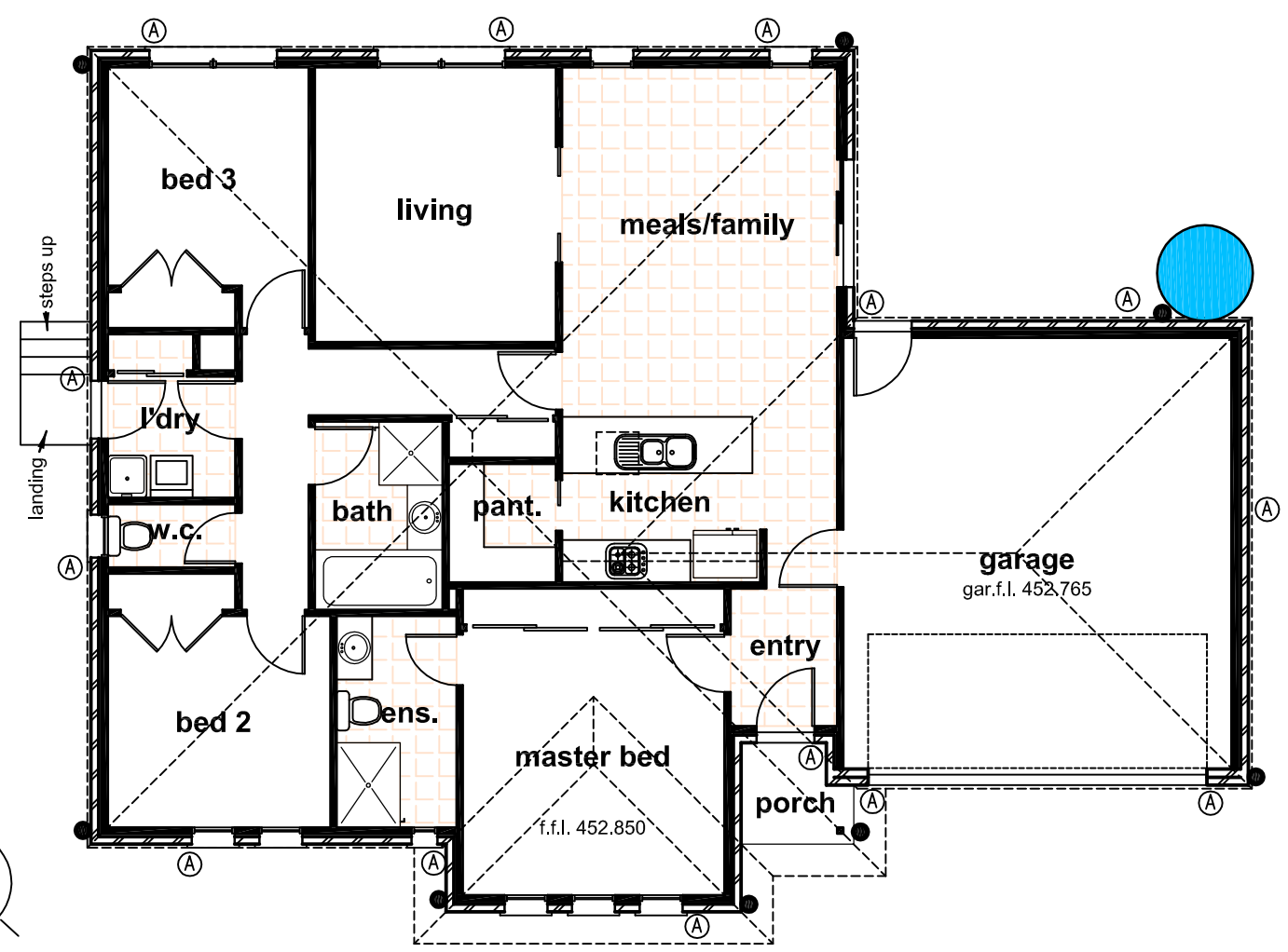
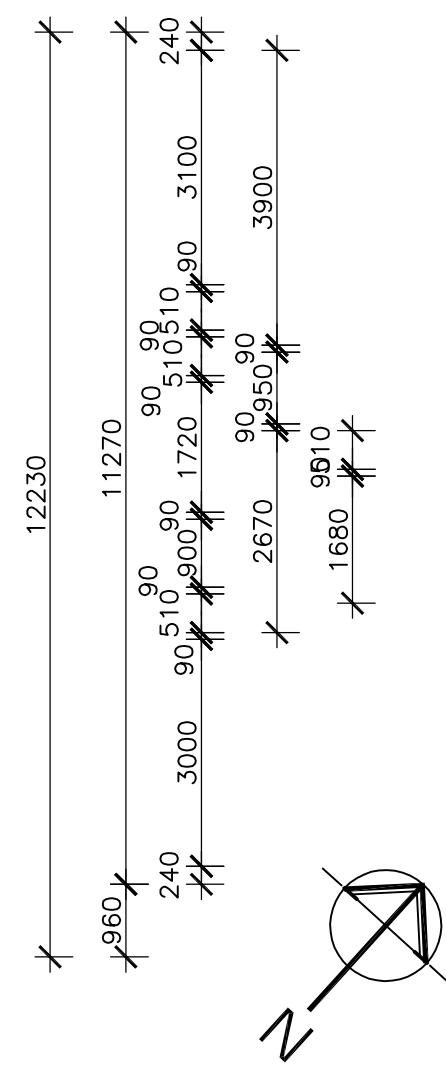
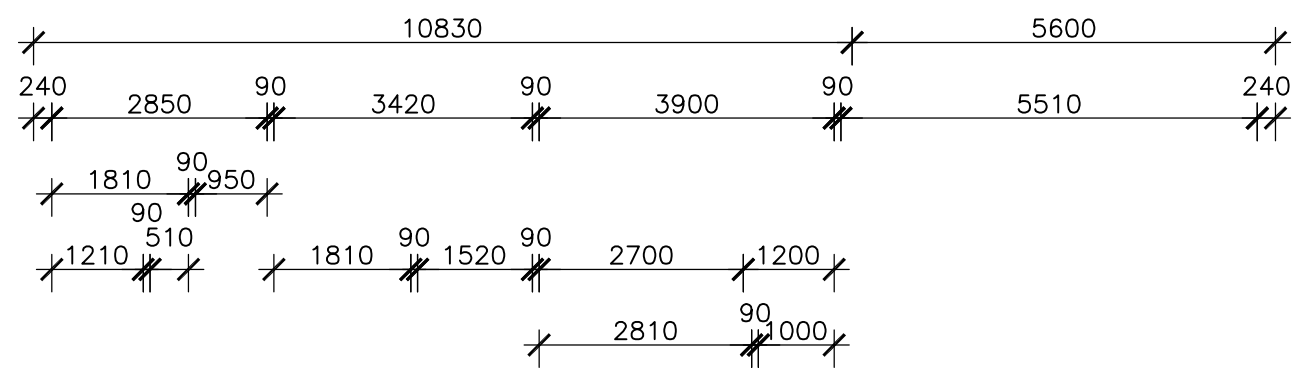
**Tony De Jong Drafting P/L**

D.P. AD 244  
A.B.N: 38 233 853 783  
Phones: 53 322468 / 0419 538 580  
Email: dejongdrafting@ncable.net.au<sup>46</sup>

project name: **PROPOSED UNIT DEVELOPMENT**  
client: **DES RIX HOMES**  
address: **(lot 5) No. 2 Middlin Street  
Brown Hill**

**EXISTING RES.**

scale:	1:100
print date:	
sheet no:	<b>09</b>
drg no:	<b>17363</b>



**floor plan**

- smoke detector to A.S. 3786
- all smoke detectors to be interconnected
- 100 x 50 downpipes
- Ⓐ brick control joint

**AREAS:**

living = 122.87m2.	13.22sq
garage = 38.03m2.	4.09sq
porch = 2.07m2.	

**UNIT 1**

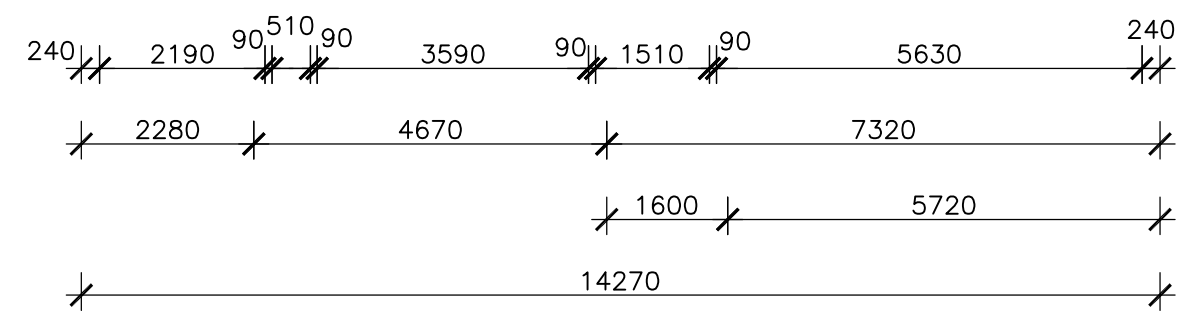
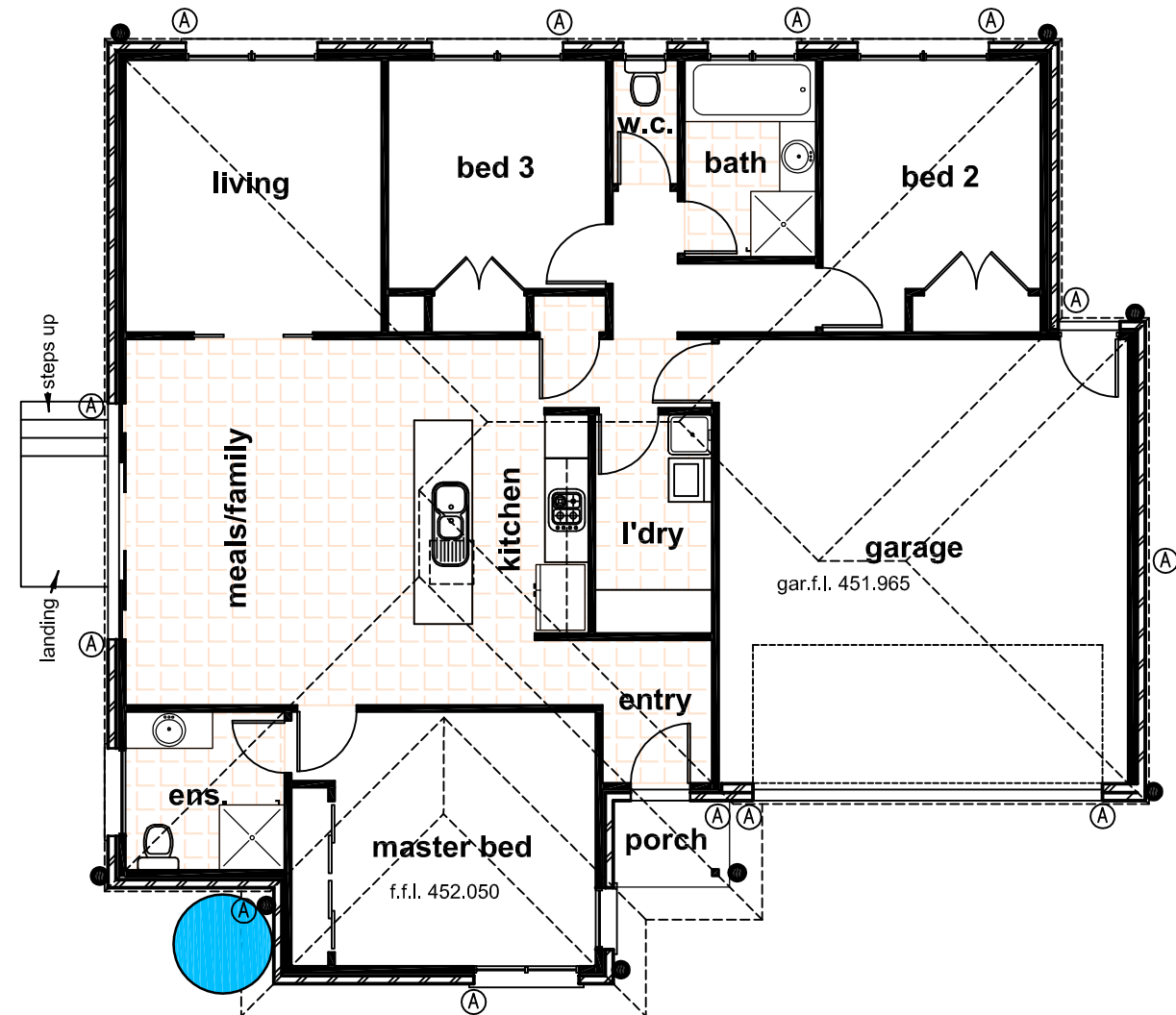
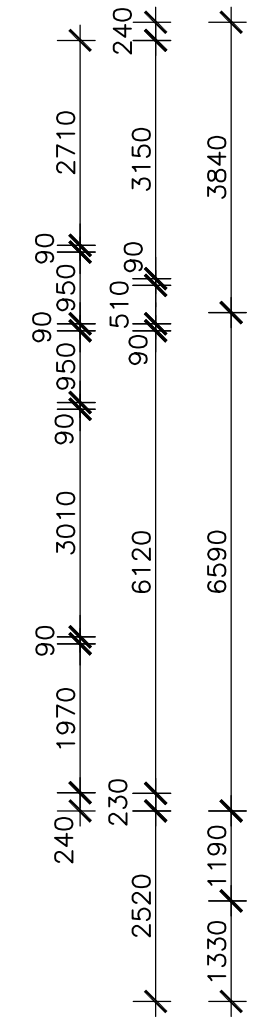
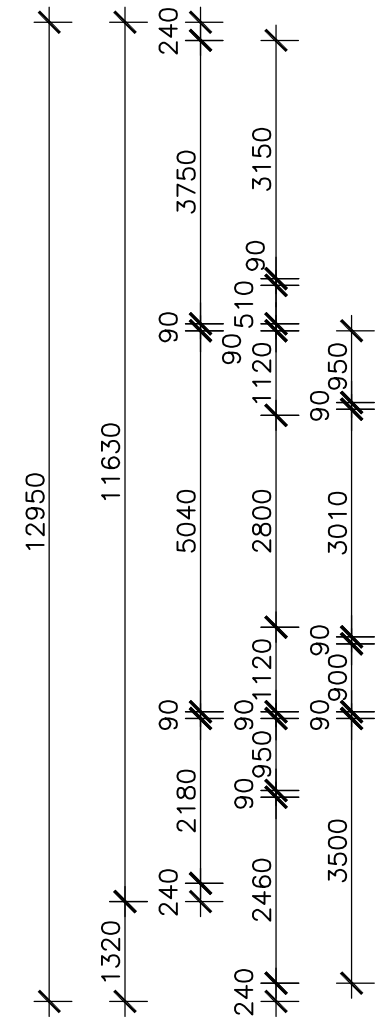
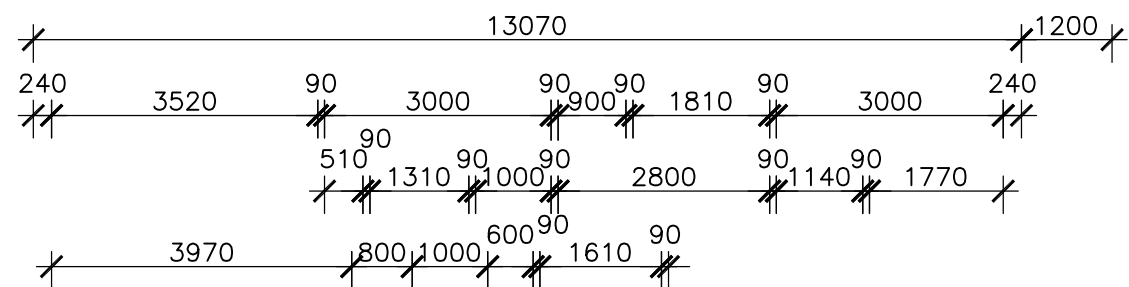


**Tony De Jong Drafting P/L**

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: dejongdrafting@ncable.net.au<sup>47</sup>

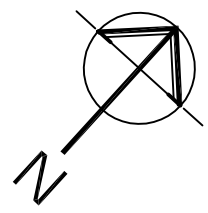
project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

scale:	1:100
print date:	
sheet no:	<b>10</b>
drg no:	<b>17363</b>



**floor plan**

- ☉ smoke detector to A.S. 3786
- all smoke detectors to be interconnected
- 100 x 50 downpipes
- Ⓐ brick control joint



**AREAS:**

living = 121.17m <sup>2</sup> .	13.04sq
garage = 37.56m <sup>2</sup> .	4.04sq
porch = 1.90m <sup>2</sup> .	

**UNIT 2**



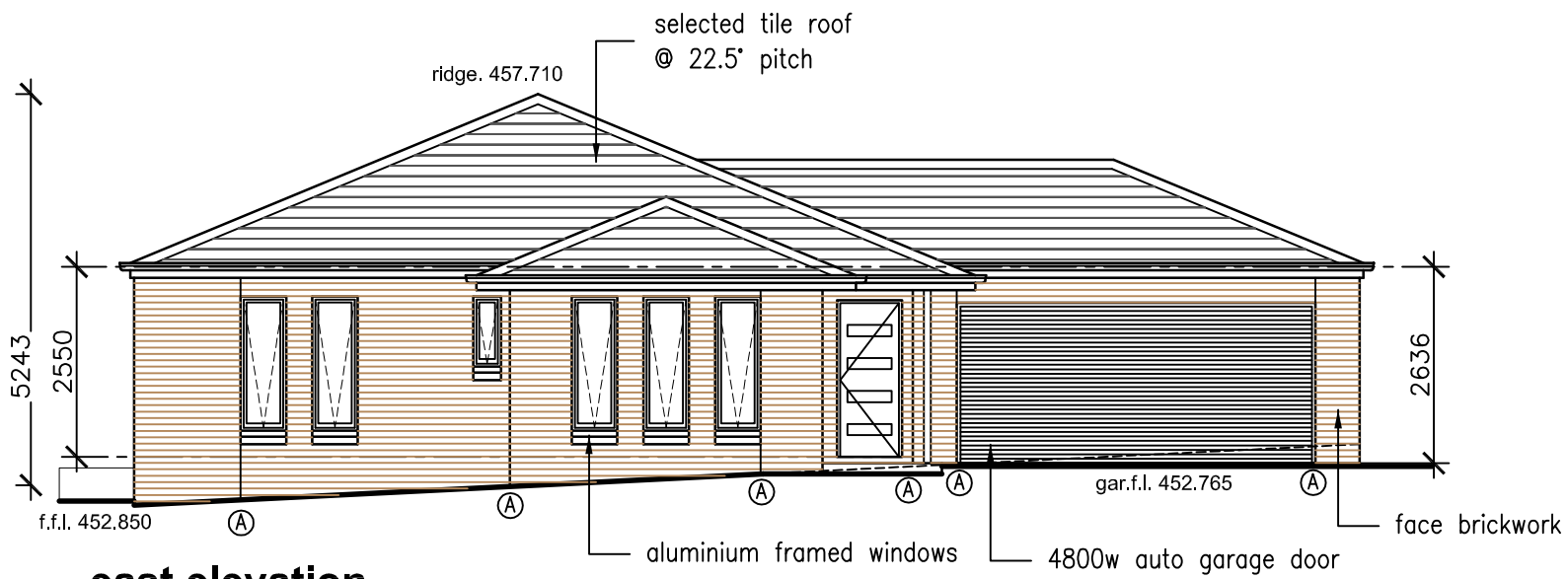
**Tony De Jong Drafting P/L**

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: dejongdrafting@ncable.net.au<sup>48</sup>

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

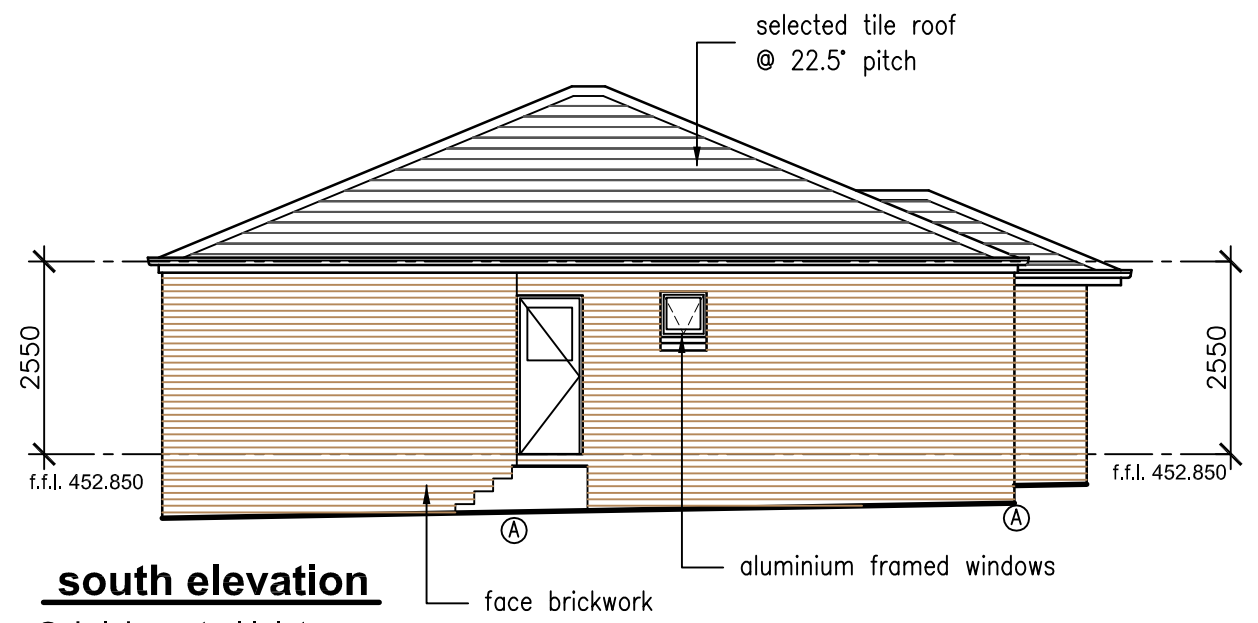
scale:	1:100
print date:	
sheet no:	<b>11</b>
drg no:	<b>17363</b>





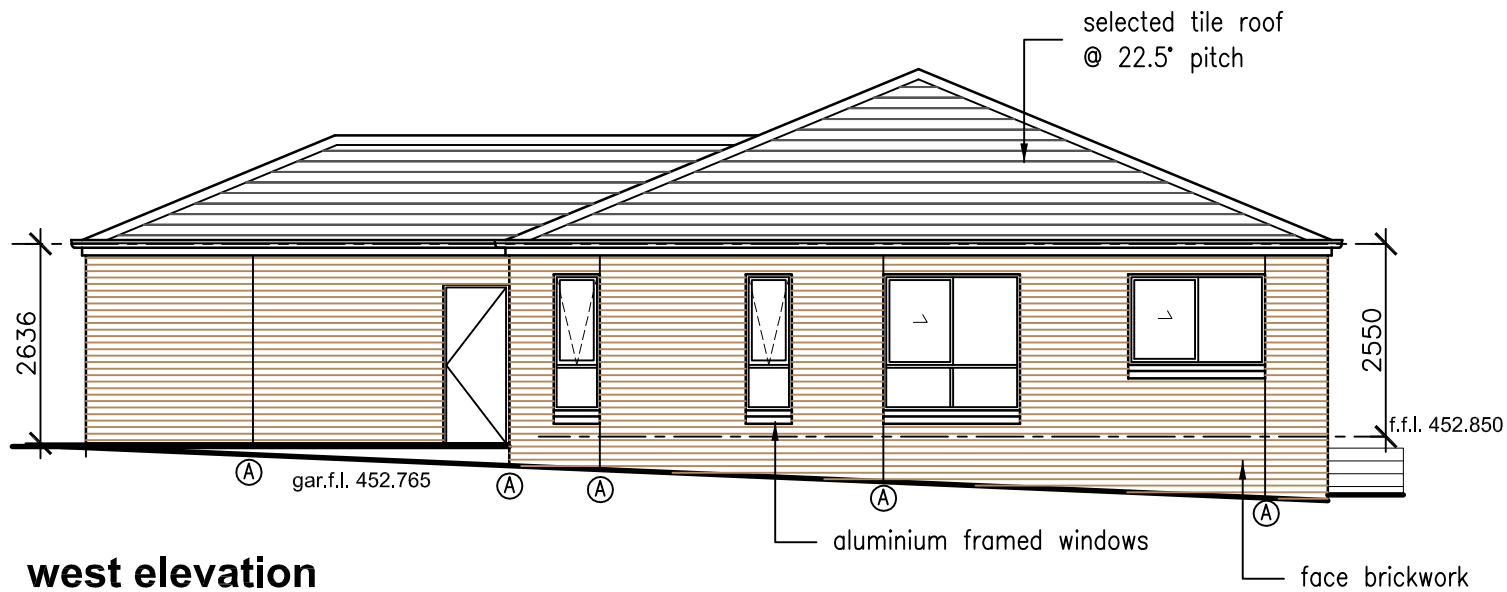
**east elevation**

Ⓐ brick control joint



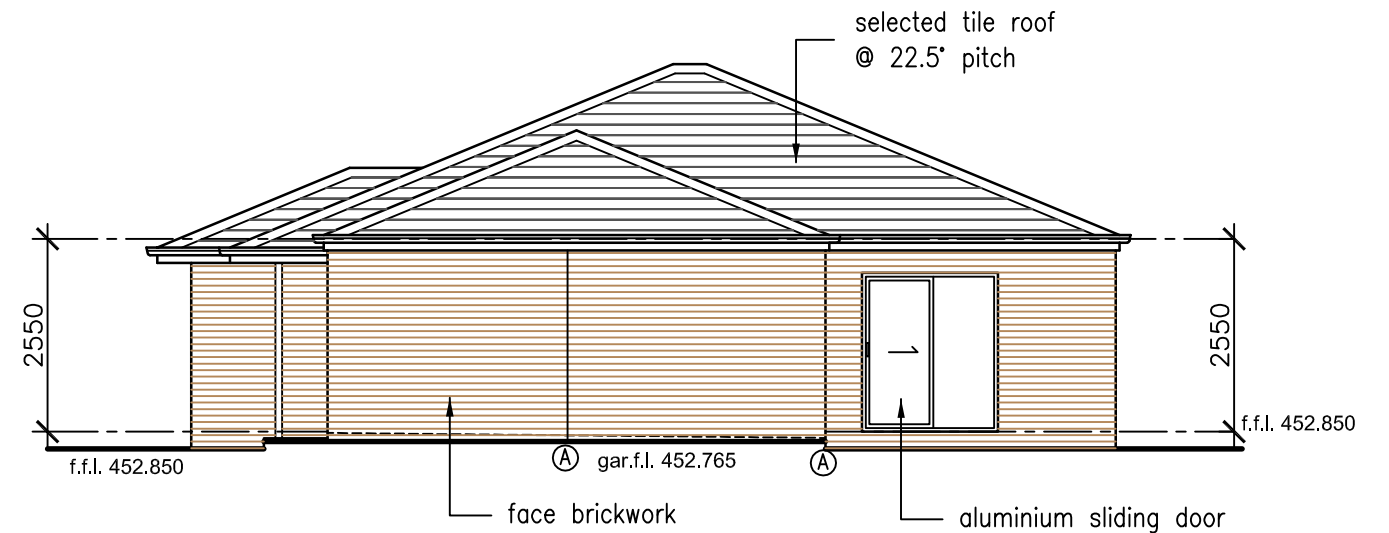
**south elevation**

Ⓐ brick control joint



**west elevation**

Ⓐ brick control joint



**north elevation**

Ⓐ brick control joint



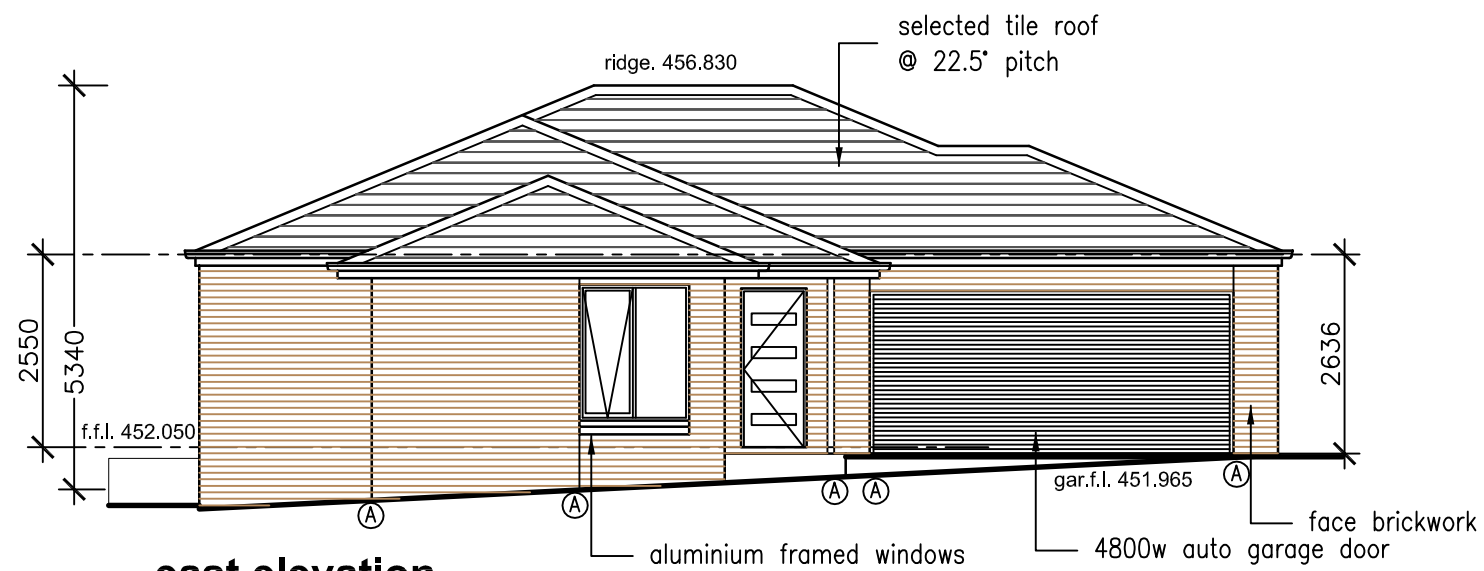
**Tony De Jong Drafting P/L**

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: dejongdrafting@ncable.net.au

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street  
 Brown Hill**

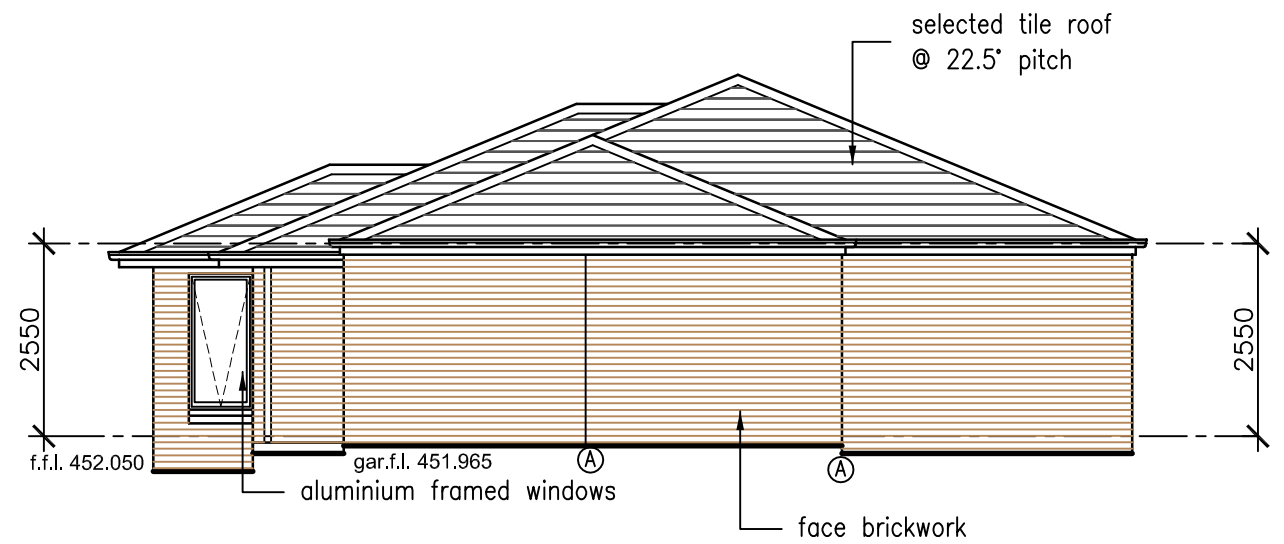
scale: 1:100  
 print date:  
 sheet no: **12**  
 drg no: **17363**

**UNIT 1**



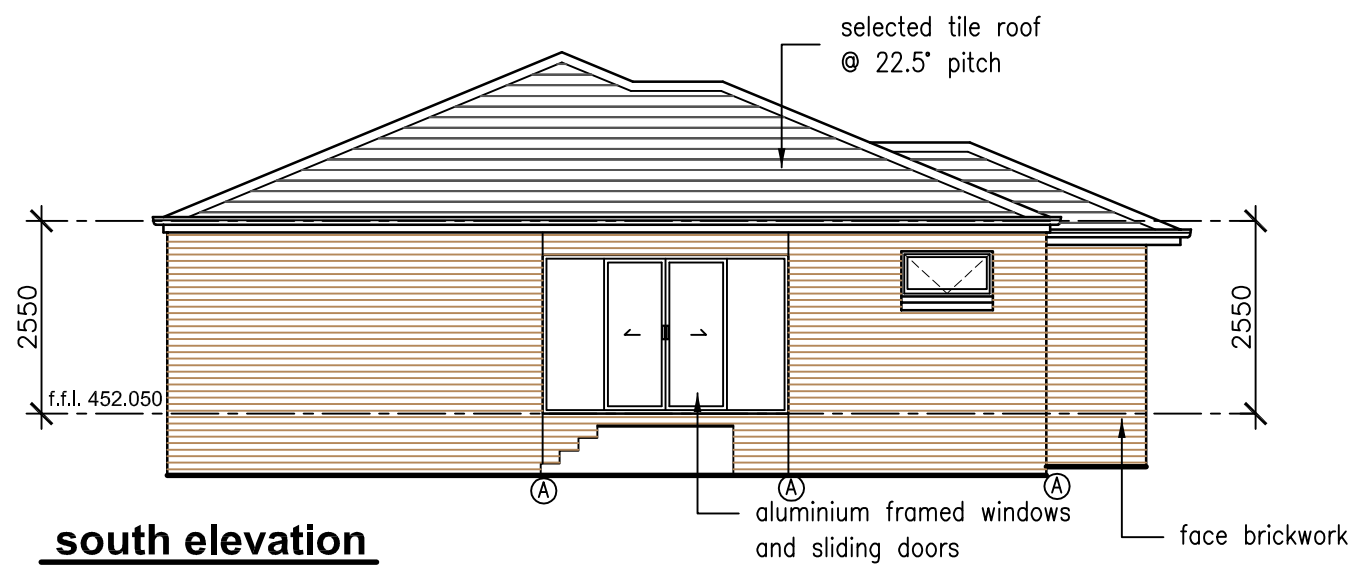
**east elevation**

Ⓐ brick control joint



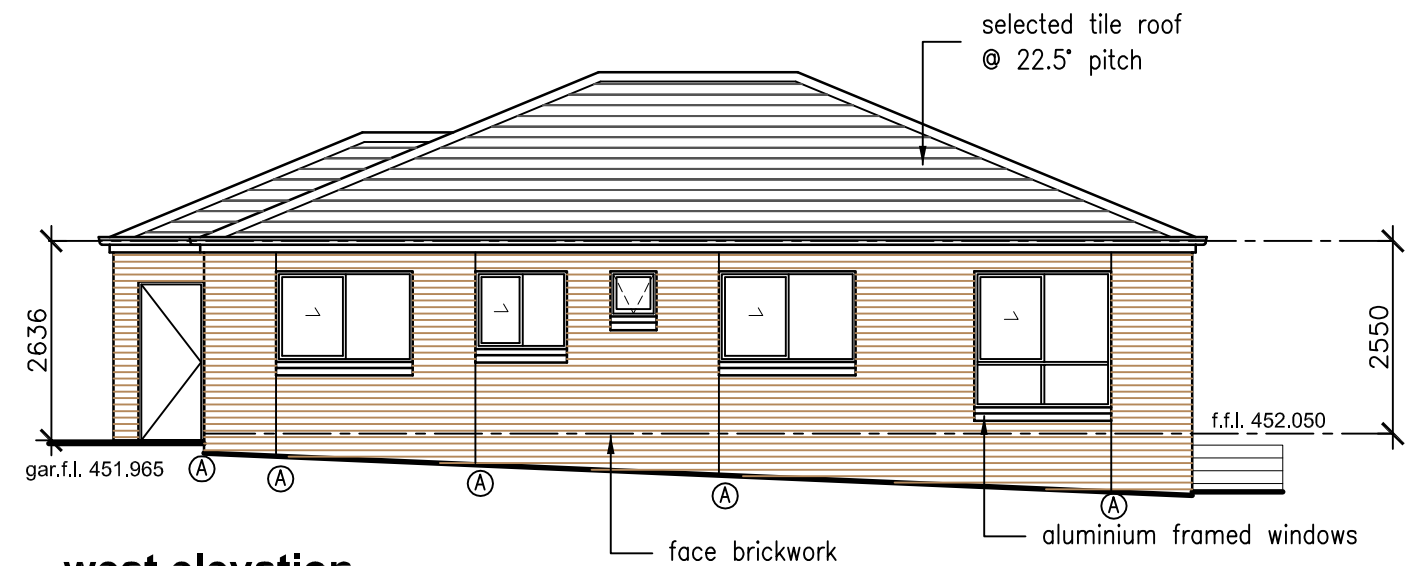
**north elevation**

Ⓐ brick control joint



**south elevation**

Ⓐ brick control joint



**west elevation**

Ⓐ brick control joint



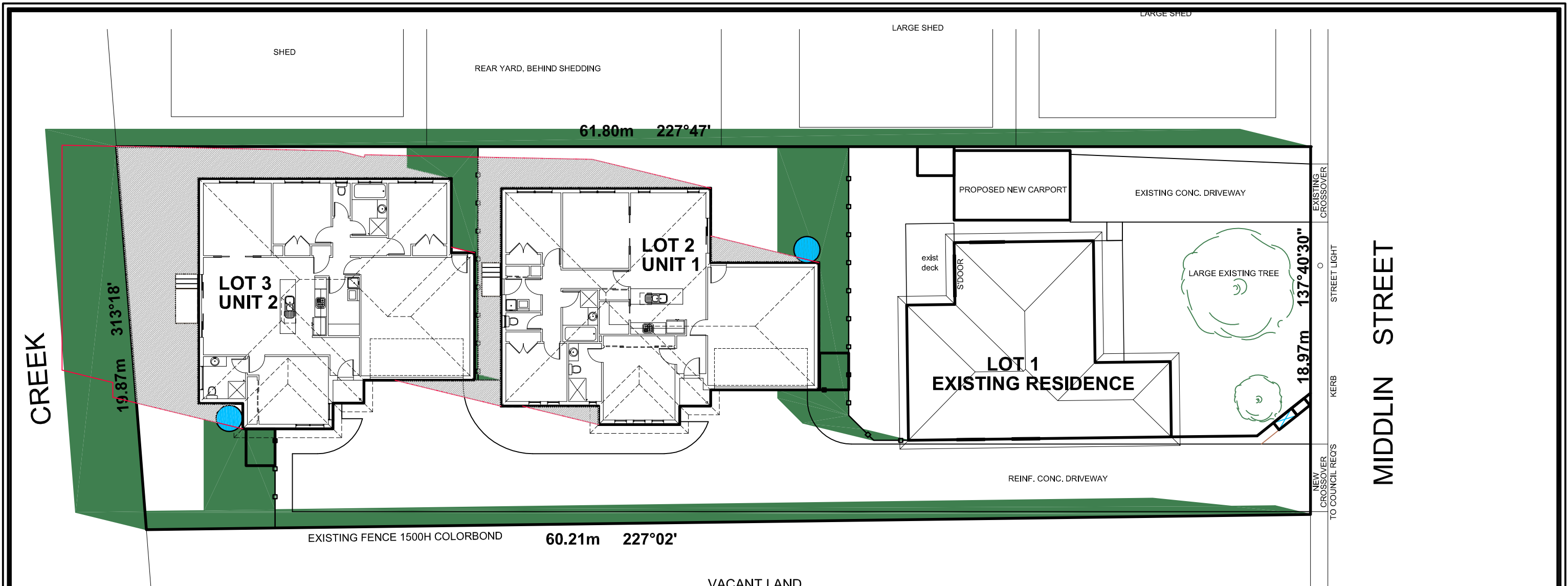
**Tony De Jong Drafting P/L**

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: [dejongdrafting@ncable.net.au](mailto:dejongdrafting@ncable.net.au)

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street  
 Brown Hill**

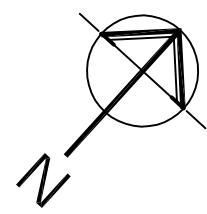
scale: 1:100  
 print date:  
 sheet no: **13**  
 drg no: **17363**

**UNIT 2**

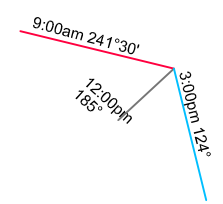


**9:00am shadow diagram**

as cast on 22nd September



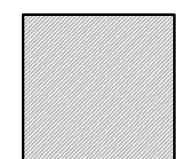
**shadow heights and directions per m high**



- 9:00am 2.09m shadow per 1m high (shown as red lines)
- 12:00pm 1.0m shadow per 1m high (shown as grey lines)
- 3:00pm 1.79m shadow per 1m high (shown as blue lines)



REPRESENTS SHADOWZONE OF 1800H FENCING



REPRESENTS SHADOWZONE CAST BY NEW BUILDINGS ONTO SUBJECT SITE

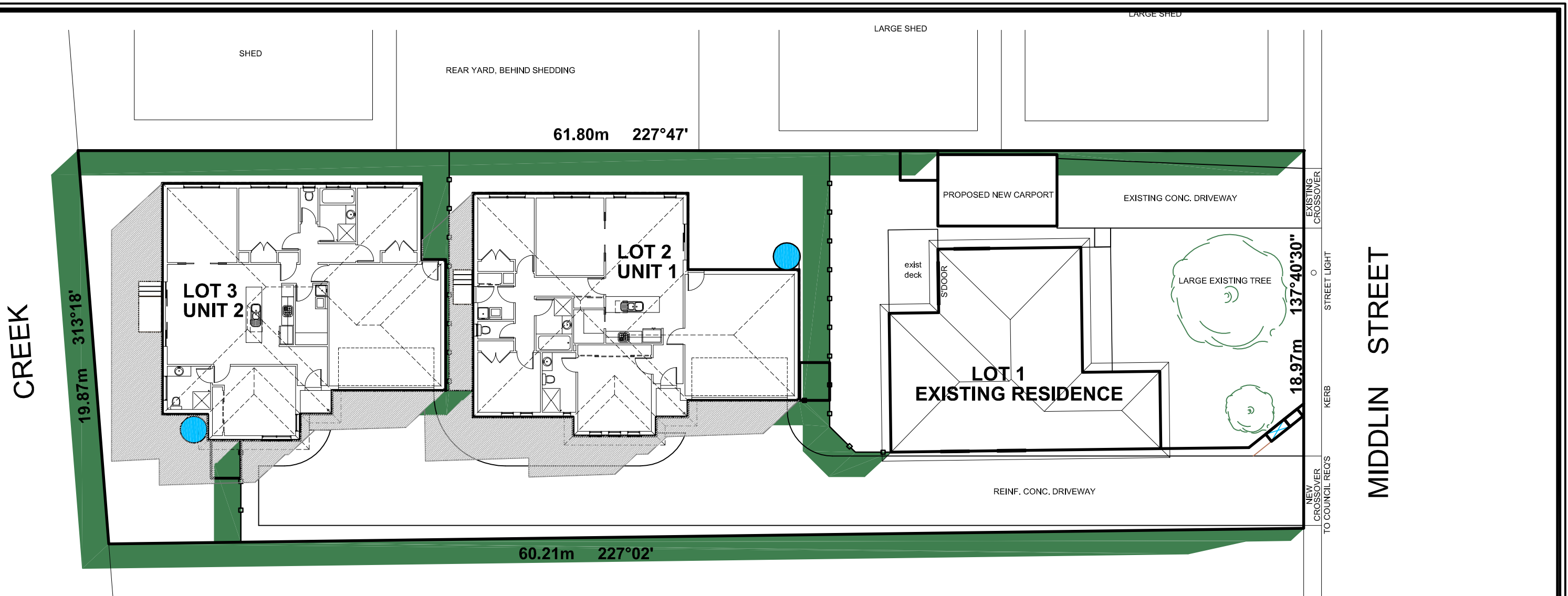


**Tony De Jong Drafting P/L**

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: dejongdrafting@ncable.net.au<sup>51</sup>

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

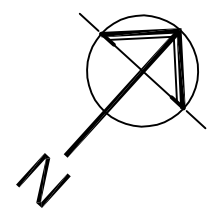
scale:	1:200
print date:	
sheet no:	<b>14</b>
drg no:	<b>17363</b>



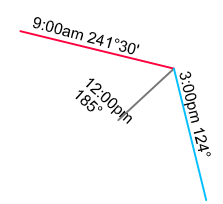
**12:00pm shadow diagram**

as cast on 22nd September

VACANT LAND



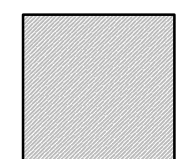
**shadow heights and directions per m high**



- 9:00am 2.09m shadow per 1m high (shown as red lines)
- 12:00pm 1.0m shadow per 1m high (shown as grey lines)
- 3:00pm 1.79m shadow per 1m high (shown as blue lines)



REPRESENTS SHADOWZONE OF 1800H FENCING



REPRESENTS SHADOWZONE CAST BY NEW BUILDINGS ONTO SUBJECT SITE



**Tony De Jong Drafting P/L**

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: dejongdrafting@ncable.net.au

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

scale:	1:200
print date:	
sheet no:	<b>15</b>
drg no:	<b>17363</b>

CREEK

19.87m 313°18'

SHED

REAR YARD, BEHIND SHEDDING

LARGE SHED

LARGE SHED

61.80m 227°47'

LOT 3  
UNIT 2

LOT 2  
UNIT 1

LOT 1  
EXISTING RESIDENCE

PROPOSED NEW CARPORT

EXISTING CONC. DRIVEWAY

exist deck

S DOOR

LARGE EXISTING TREE

137°40'30"

18.97m

EXISTING CROSSOVER

STREET LIGHT

KERB

NEW CROSSOVER TO COUNCIL REQ'S

MIDDLIN STREET

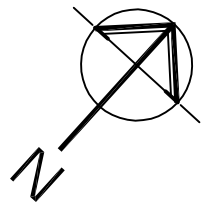
60.21m 227°02'

REINF. CONC. DRIVEWAY

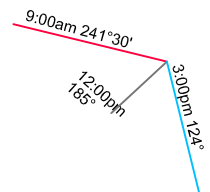
### 3:00pm shadow diagram

as cast on 22nd September

VACANT LAND



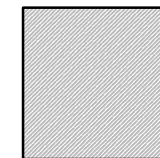
### shadow heights and directions per m high



- 9:00am 2.09m shadow per 1m high (shown as red lines)
- 12:00pm 1.0m shadow per 1m high (shown as grey lines)
- 3:00pm 1.79m shadow per 1m high (shown as blue lines)



REPRESENTS SHADOWZONE OF 1800H FENCING



REPRESENTS SHADOWZONE CAST BY NEW BUILDINGS ONTO SUBJECT SITE



## Tony De Jong Drafting P/L

D.P. AD 244  
 A.B.N: 38 233 853 783  
 Phones: 53 322468 / 0419 538 580  
 Email: [dejongdrafting@ncable.net.au](mailto:dejongdrafting@ncable.net.au)

project name: **PROPOSED UNIT DEVELOPMENT**  
 client: **DES RIX HOMES**  
 address: **(lot 5) No. 2 Middlin Street**  
**Brown Hill**

scale: 1:200  
 print date:  
 sheet no: **16**  
 drg no: **17363**

Clause 55 Assessment

The purpose of Clause 55 *Two or more dwellings on a lot and Residential Buildings* is to:

- achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character;
- encourage residential development that provides reasonable standards of amenity for existing and new residents;
- encourage residential development that is responsive to the site and neighbourhood

Standard	Requirement	Response
<b>B1 Neighbourhood character</b>	Development must: <ul style="list-style-type: none"> <li>• be appropriate to the neighbourhood and site</li> <li>• respect existing neighbourhood character</li> <li>• respond to features of the site</li> </ul>	<p>✓ Complies</p> <p>The surrounding area is residential in character, there are quite contemporary houses interspersed with older homes however all have a similar typology generally constructed from brick with hipped roofs, single storey with prominent double garages.</p> <p>The dwelling on the subject site is an older dwelling, constructed of weatherboard with a hipped corrugated roof. The proposed dwellings are to follow the existing character, being single storey with hipped roofs.</p>
<b>B2 Residential policy</b>	Provision of a written statement consistent with relevant policies	<p>✓ Complies</p> <p>In accordance with residential policy. The proposed development will help consolidate the existing urban area and has good access to public transport and community facilities and infrastructure.</p>
<b>B3 Dwelling diversity</b>	Developments of ten or more dwellings to have: <ul style="list-style-type: none"> <li>• dwellings with different number of bedrooms</li> <li>• one dwelling with all facilities located on the ground floor</li> </ul>	NA
<b>B4 Infrastructure</b>	Development must: <ul style="list-style-type: none"> <li>• provide appropriate utility services and infrastructure</li> <li>• not overload the capacity of utility services and infrastructure</li> </ul>	<p>✓ Complies</p> <p>The subject site is located in an established urban area with access to all required services.</p>
<b>B5 Integration with street</b>	Layout of development to integrate with the street	<p>✓ Complies</p> <p>No front fence is proposed.</p> <p>The front dwelling is orientated to the street.</p>
<b>B6 Street setback</b>	Ensure the setback respects existing or preferred neighbourhood character <ul style="list-style-type: none"> <li>• Dwellings both sides – average or 9 metres, which ever is less</li> </ul>	✓ Complies

	<ul style="list-style-type: none"> <li>• Dwelling on one side – same or 9 metres, which ever is less</li> <li>• Corner site (side street) – same as dwelling on side street or 3 metres</li> <li>• No dwelling on either side – 6 metres in Road Zone or 4 metres</li> </ul>	The front dwelling is being retained and there is no change to street setback.
<b>B7 Building height</b>	Maximum height of 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the building 2.5° or more, in which case the maximum building height should not exceed 10 metres	<p>✓ Complies</p> <p>The proposed maximum dwelling height is 5.24 metres.</p>
<b>B8 Site coverage</b>	Maximum site coverage of 60%	<p>✓ Complies</p> <p>Site area = 1182 sqm</p> <p>Existing dwelling = 127sqm Unit 2 = 160sqm Unit 3 =158.73 sqm</p> <p>Total = 445.73sqm</p> <p>Site coverage = 37.7%</p>
<b>B9 Permeability</b>	Minimum permeability of 20%	<p>✓ Complies</p> <p>Hard surface = 275 sqm Buildings = 445.73 sqm Total = 720.73 sqm</p> <p>Permeable area = 39.02% of site</p>
<b>B10 Energy efficiency</b>	<p>Buildings should:</p> <ul style="list-style-type: none"> <li>• achieve energy efficient design</li> <li>• make appropriate use of daylight and solar energy</li> </ul>	<p>✓ Complies</p> <p>The site runs east to west. Unit 1 has the living areas facing north as well as SPOS located on the north side of the dwelling.</p> <p>Unit 2s living areas are located with windows to the west, however do have exposure to the northern sun and the SPOS will also have significant exposure to the northern sun.</p>
<b>B11 Open space</b>	Integrate the layout of the development with any public and communal open space provided in or adjacent to the development	N/A
<b>B12 Safety</b>	Provide safety and security of residents and property	<p>✓ Complies</p> <p>Entrances for the new dwellings are visible from the internal accessways.</p> <p>Entrances to dwellings are easily identifiable and there is sufficient room between entrances and adjacent accessways.</p>
<b>B13 Landscaping</b>	Encourage development that:	✓ Complies

	<ul style="list-style-type: none"> <li>• respects landscaped character while maintaining and enhancing habitat for plants and animals in locations of habitat importance</li> <li>• retains mature vegetation on site</li> <li>• provides appropriate landscaping</li> </ul>	A landscape plan has been provided that includes the provision of at least 1 canopy tree in each POS area.
<b>B14 Access</b>	<p>Accessways should:</p> <ul style="list-style-type: none"> <li>• be limited to one per dwelling fronting the street</li> <li>• be at least 3m wide</li> <li>• not exceed 33% of frontage</li> <li>• not exceed 40% of frontage if the street frontage is less than 20 metres</li> <li>• provide access for emergency vehicles</li> </ul>	<p>✓ Complies</p> <p>Street frontage = 18.97 metres Accessways = 6.5 metres = 34.26%</p> <p>Trafficable width is 3.5m.</p>
<b>B15 Parking location</b>	<p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>• be close and convenient to dwellings</li> <li>• designed to allow safe and efficient movements within the development</li> </ul> <p>Shared accessways or car parks of other dwellings should be located at least 1.5 metres from windows of habitable rooms, may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway</p>	<p>✓ Complies</p> <p>Car parking areas are located adjacent to dwellings.</p> <p>Vehicles can exit in a forward direction.</p> <p>The existing dwelling has two bedroom windows facing the existing access way. They are double glazed and have a sill height of 1.4 metres.</p>
<b>B17 Side and rear setback</b>	<p>Minimum setback of:</p> <ul style="list-style-type: none"> <li>• 1 metre from side or rear boundaries not built to the boundary walls up to 3.6 metres, plus additional 0.3 metre setback between 3.6 to 6.9 metres, plus additional 1.0 metre setback above 6.9 to 9.0 metres</li> </ul>	<p>✓ Complies</p> <p>The southern wall setback of the existing dwelling is 1 metre, the height of this wall is 3 metres.</p> <p>All other walls are setback at least 1.5 metres and walls do not exceed 3.6 metres height.</p> <p>These heights and setbacks comply with clause 55.04-1.</p>
<b>B18 Walls on boundaries</b>	<p>Walls on boundaries can be:</p> <ul style="list-style-type: none"> <li>• maximum 10 plus 25% of remaining boundary</li> <li>• maximum average height of 3.2 metres with a maximum height of 3.6 metres</li> <li>• the length and height of an existing or simultaneously built wall</li> </ul>	<p>✓ Complies</p> <p>The new carport for the existing dwelling will have a boundary length of 5.5 metres. Height of 2.4 metres.</p>
<b>B19 Daylight to existing windows</b>	<p>New building walls to be set back from an existing habitable room window in adjacent dwellings:</p> <ul style="list-style-type: none"> <li>• to provide a light court of minimum 3m<sup>2</sup> with a minimum width of 1 metre</li> <li>• at least 50% the height of any wall over 3 metres within a 55° arc from the centre of the window, the arc may be swung within 35° of the plane of the wall containing the window</li> <li>• where the existing window is above floor level, the wall height is measured</li> </ul>	<p>✓ Complies</p> <p>No impact on existing habitable room windows.</p>



	from the floor level of the room containing the window	
<b>B20 North-facing windows</b>	<p>If a north facing habitable window is within 3 metres of a boundary then:</p> <ul style="list-style-type: none"> <li>any building will require a setback of 1 metre from the boundary plus additional 0.6 metres setback of wall height between 3.6 to 6.9 metres, plus additional 1.0 metre setback of wall height above 6.9</li> </ul> <p>North facing window is a window with an axis perpendicular to its surface oriented north 20° west to north 30° east</p>	<p>✓ Complies No impact on north facing windows.</p>
<b>B21 Overshadowing open space</b>	<p>Overshadowing of secluded open space of an existing dwelling must not:</p> <ul style="list-style-type: none"> <li>reduce sunlight more than 75% or 40 m<sup>2</sup> whichever is less for more than 5 hours between 9am and 3pm on 22 September</li> </ul> <p>If existing sunlight is already reduced to less than this standard then the sunlight cannot be further reduced</p>	<p>✓ Complies No impact on adjoining dwellings.</p> <p>Overshadowing no greater than that already caused by fencing.</p>
<b>B22 Overlooking</b>	<p>Overlooking into secluded private open space or existing windows should not be:</p> <ul style="list-style-type: none"> <li>within 9 metres of a 45° arc from the edge of the window</li> </ul> <p>unless the window has:</p> <ul style="list-style-type: none"> <li>an offset 1.5 metres to the edge of adjacent window</li> <li>sill height of 1.7 metres</li> <li>fixed or obscure glazing to any part below 1.7 metres above floor level</li> <li>permanently fixed screens at least 1.7 metres above floor level</li> </ul> <p>This standard does not apply where there is a visual barrier of at least 1.8 metre high where the floor height is less than 0.8 metres above ground level at the boundary</p>	<p>✓ Complies</p> <p>New 1.8m high Colorbond fencing on each boundary will be sufficient to mitigate any potential overlooking</p>
<b>B23 Internal views</b>	Windows and balconies to prevent overlooking of more than 50% of private open space on lower level buildings within the same development	<p>✓ Complies 1.8 Colorbond fences provide screening between POS and common areas.</p>
<b>B24 Noise impacts</b>	Protect dwellings from adjoining and external noise sources	✓ Complies
<b>B25 Accessibility</b>	Ground floor dwellings to be accessible or made accessible to people with limited mobility	<p>✓ Complies</p> <p>Dwellings could be easily retrofitted for those with limited mobility.</p>
<b>B26 Dwelling entry</b>	<p>Entries to dwellings should:</p> <ul style="list-style-type: none"> <li>be visible and easily identifiable from the street</li> <li>provide shelter and transitional space</li> </ul>	<p>✓ Complies Entries are easily identifiable.</p>
<b>B27 Daylight to new windows</b>	Window in a habitable room should be located to face:	✓ Complies

	<ul style="list-style-type: none"> <li>• an outdoor space clear to the sky or a light court of minimum 3m<sup>2</sup> with a minimum width of 1 metre, not including land on an abutting lot, or</li> <li>• a verandah provided it is open for at least one third of its perimeter, or</li> <li>• a carport provided it has two or more sides open for at least one third of its perimeter</li> </ul>	<p>All habitable room windows are clear to the sky. Minimum dimension is 1.65m.</p> <p>A family room window on the existing dwelling faces to the carport which is open on all sides.</p>
<b>B28 Private open space</b>	<p>To provide the following minimum areas of open space:</p> <ul style="list-style-type: none"> <li>• 40 m<sup>2</sup> with 25 m<sup>2</sup> secluded private open space with a minimum width of 3 metres and convenient access from a living room</li> <li>• 8 m<sup>2</sup> on a balcony with a minimum width of 1.6 metres and convenient access from a living room</li> <li>• 10 m<sup>2</sup> roof top with a minimum width of 2.0 metres and convenient access from a living room</li> </ul>	<p>✓ Complies</p> <p>The existing dwelling is to have 59.39 square metres of SPOS.</p> <p>Unit 2 will have 38 sqm of SPOS and over 40sqm of POS</p> <p>Unit 3 will have 88.88 sqm of SPOS.</p>
<b>B29 Solar access to open space</b>	<ul style="list-style-type: none"> <li>• open space should be located on the north side of a dwelling, if appropriate</li> <li>• southern boundary of secluded open space should be set back from any wall on the north at least (2 + 0.9h) metres</li> </ul>	<p>✓ Complies</p> <p>Open space is located on the western side of the existing dwelling and proposed unit 2. The northern wall of the SPOS is well setback from the southern boundary and adequate sunlight will be able to penetrate.</p> <p>Unit 2's SPOS is located on the northern side of the dwelling. The garage wall is setback 5.5m from the northern boundary wall, complying with the 3.62m requirement.</p>
<b>B30 Storage</b>	Provide for 6 m <sup>3</sup> of convenient externally accessible storage	<p>✓ Complies</p> <p>Each dwelling is designated a 6 cubic metre garden shed.</p>
<b>B31 Design detail</b>	Design of buildings to respect the neighbourhood character and for garages and carports to be visually compatible with the design of the building	<p>✓ Complies</p> <p>Design respects existing character, drawing on typical roof form and materials.</p> <p>Proposed carport is well setback from front boundary.</p>
<b>B32 Front fences</b>	<p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties. A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> <li>- 2 metres where adjacent to a Road Zone Category 1; or</li> <li>- 1.5 metres for all other streets.</li> </ul>	<p>✓ Complies</p> <p>No front fences proposed.</p>

<p><b>B33</b> <b>Common Property</b></p>	<p>Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.</p>	<p>✓ Complies All public and private areas are clearly delineated, functional and capable of efficient management.</p>
<p><b>B34</b> <b>Site services</b></p>	<p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>✓ Complies Service meters and mailboxes to be clearly visible at the common driveway entrance from the street.</p> <p>Bin storage is provided at the rear of each dwelling and kerbside collection can be provided by Council.</p>

**9.2. PLP/2004/355/A 9367C WESTERN HIGHWAY WARRENHEIP**

**Division:** Development and Planning  
**Director:** Terry Demeo  
**Author/Position:** Jade Erwin - Statutory Planner

**OFFICER RECOMMENDATION**

**Council resolves to:**

**Issue a Notice of Decision to Grant an Amendment to Planning Permit PLP/2004/355/A for the land located at 9367C Western Highway, Warrenheip, subject to the conditions listed below.**

**Proposed Amended Preamble:**

**Use and development of an indoor and outdoor recreation facility (mini golf), including food and drink premises, use of the building as a place of assembly (cabaret club) and live music venue, associated caretakers dwelling, dispensation of car parking, liquor licence and erection of a 9m high structure.**

**Proposed Amended Conditions:**

**1. Amended Plans Required**

**Before the use and/or development starts, 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 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 amended plan submitted 16 March 2018 but modified to show:**

- a) Amended plans showing 12pm (midnight) licensing in lieu of 1am licensing.**
- b) Details of proposed acoustic treatment to the building, to the satisfaction of the Responsible Authority.**
- c) Patron Management Plan in accordance with Condition 9.**

**Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.**

**2. Completion and Maintenance of Landscaping Works**

**Prior to the use of the site or occupation of the buildings commencing all landscape works forming part of the approved Landscape Plans must be completed to the satisfaction of the Responsible Authority. The landscaping shown on the approved landscape plan must be maintained to the satisfaction of the Responsible Authority for 18 months from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of**

**maintenance and must not be deferred until the completion of the maintenance period.**

**3. Amenity**

**The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**

- (a) transport of materials, goods or commodities to or from the land;**
- (b) appearance of any building, works or materials;**
- (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
- (d) presence of vermin or otherwise;**

**In the event of any nuisance being caused to the neighbourhood by activities related to the use and development the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance be undertaken.**

**4. Music and equipment noise**

**All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority. Details of plant equipment location and acoustic treatment shall be submitted to the Responsible Authority prior to the commencement of the use hereby approved.**

**Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of music noise from public premises) No. N-2.**

**No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast playing of music or similar purpose after 9.00pm.**

**5. Hours of Operation and Delivery Times**

**Hours of Operation**

**The uses hereby approved under this permit may operate only between the following hours, seven days a week:**

- Indoor and Outdoor Mini-golf: 9.00am to 10.00pm**
- Food and drink premises/cabaret/function centre: 9.00am to 12pm (midnight) the following day**

**without the further written consent of the Responsible Authority.**

**Despite the above hours, all live music and entertainment must cease by 11.00pm without the further written consent of the Responsible Authority.**

**Delivery times**

Deliveries to and from the site (including waste collection) must only take place between 8.00am and 10.00pm without the further written consent of the Responsible Authority.

**6. Liquor**

Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed areas as shown on the endorsed plans and only between the following hours:

- For the outdoor mini-golf licensed area (coloured orange): 11.00am to 9.00pm
- For the indoor mini-golf licensed area (coloured green): 11.00am to 10.00pm
- For the restaurant/cabaret/function centre indoor and outdoor area (coloured blue): 11.00am to 12.00pm (midnight).

**7. Regulation of Sale and Consumption of Liquor**

The predominant activity carried out in the function centre and place of assembly, must be the preparation and serving of meals for consumption on the premises.

**8. Limit on Number of Patrons**

Without the prior written consent of the Responsible Authority, not more than 150 patrons may be present on the premises at any one time.

If a lesser number of patrons is determined acceptable by a Registered Building Surveyor and/or the Victorian Commission for Gambling and Liquor Regulation, the lesser number will apply.

**9. Patron Management Plan**

Before the use starts, a Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:

- a) Staffing and security arrangements for the premises designed to ensure the orderly arrival and departure of patrons;
  - b) Signage to be used to encourage responsible off-site patron behaviour;
  - c) The training of staff in the management of patron behaviour;
  - d) Measures to control noise emissions from the premises;
  - e) Measure to ensure external doors are kept closed during performances and at all time whilst live music is being played.
  - f) Measures to manage patrons queuing to enter the premises;
  - g) Collection of rubbish from roads, car parks and public reserves in the vicinity of the premise and external areas used by premise patrons;
-

- h) **A documented complaint response procedure to the satisfaction of the Responsible Authority including the provision of:**
- **A contact point during hours of operation;**
  - **Investigation and assessment process;**
  - **Record management of complaints and corrective action taken to resolve the concern.**

**The Patron Management Plan must be implemented to the satisfaction of the Responsible Authority. The patron management plan must not be modified unless with the further written consent of the Responsible Authority.**

**10. Waste Storage**

**External waste storage areas shall be restricted to the bin storage area shown on the approved plan. Storage bins shall be screened from view of the street and adequately covered to the satisfaction of the Responsible Authority to minimise dispersal of material by wind or water and vermin and pest insect access. Appropriate controls shall be implemented to restrict the movement of wind blown litter and prevent the site appearing unsightly. No litter shall be discharged beyond the boundaries of the site. All storage areas shall be surfaced and capable of being washed down with waste water being directed to sewer via an appropriate litter trap. No odour shall be emitted from any waste storage areas so as to cause offence to adjoining property occupiers to the satisfaction of the Responsible Authority.**

**11. Fencing of car park**

**A non translucent fence to a minimum height of 2.0m shall be erected on the western and southern boundaries of the on site car park to the satisfaction of the Responsible Authority.**

**12. Lighting**

**On-site external lighting shall be installed to the satisfaction of the Responsible Authority prior to the occupation of the buildings. External lighting including security lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**

**13. Internal Access Ways and Car Parking**

**Prior to the commencement of the use or occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the approved plans must to the satisfaction of the Responsible Authority be:**

- (a) Constructed with a flexible granular pavement and spray sealed or concrete or crushed rock;**
  - (b) Properly formed to such levels that they can be used in accordance with the plans;**
  - (c) Drained;**
  - (d) Line-marked to indicate each car space and all access lanes;**
  - (e) Clearly marked to show the direction of traffic along access lanes and driveways.**
-

**Car spaces and access lanes must be maintained and kept available for these purposes at all times.**

**Prior to the commencement of the use or occupation of the development, all works shall be completed in accordance with plans submitted to and approved by the Responsible Authority.**

**14. Drainage Easements**

**Prior to the commencement of site works, the existing drains running through the site must either be protected by newly created easements clear of structures and areas of subsurface disturbance pursuant to the *Subdivision Act 1998* or relocated to existing easements to the satisfaction of the Responsible Authority.**

**15. Loading/Unloading**

**The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and must not disrupt the circulation and parking of vehicles on the land or street network to the satisfaction of the Responsible Authority.**

**All Vehicle entry to and egress from the site shall be in a forward direction.**

**16. Drainage Construction with On-site Storm-water**

**All underground or surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with plans, computations and specifications submitted to and approved by the Responsible Authority prior to the commencement of construction of drainage works.**

**Such drainage works shall include the provision of an on-site storm-water detention system designed in accordance with the City of Ballarat's 'Site Storm-water Management Systems Policy' and installed to transport storm-water run-off from the subject land and surrounding land or adjoining road(s) to an approved point of discharge.**

**No storm-water shall drain or discharge from the land adjoining properties without the prior approval of the Responsible Authority.**

**On completion of the construction of the storm-water detention system, as constructed drawings shall be submitted to the Responsible Authority. The plans shall be certified by a suitably qualified and experienced engineer eligible for Corporate Membership of the Institution of Engineers, that the completed works are in accordance with the approved plans, design levels and specification.**

**All works shall be completed to a standard satisfactory to the Responsible Authority prior to the use hereby approved commencing.**



**17. Sediment Control Measures**

Details of site sediment control measures (a Sediment Control Plan) during site construction works shall be submitted to the satisfaction of the Responsible Authority prior to the commencement of site works. Control measures should be consistent with the EPA publication 480 'Environment Guidelines for Major Construction Sites'. When approved the Sediment Control Plan shall be endorsed as forming part of this permit. All sediment control measures shall be undertaken and remain in place until the completion of site works in accordance with the Sediment Control Plan to the satisfaction of the Responsible Authority.

**18. Maintenance and appearance of Miner Structure**

The miner structure shall be maintained in good visual condition at all times to the satisfaction of the responsible authority.

The miner shall remain in an unpainted form to the satisfaction of the responsible authority. Ground based 'up lit' lighting only may be used to specifically illuminate the structure.

**19. VicRoads condition (ref: BAL T SY 005 06)**

Any existing tourist signs and posts (service signs) that are currently used for the Woolshed on the Western Highway and that are not relevant to the new development must be removed or a new application to replace the existing signs must be approved by the Responsible Authority and installed prior to the opening date of the development

**20. Permit Expiry – Use and Development**

Development and use of land expires if:

- (a) The development or any stage of it does not start within two (2) years of the date of this permit; or
- (b) The development or any stage of it is not completed within four (4) years of the date of this permit; or
- (c) The use does not start within two (2) years after the completion of the development; or The use is discontinued for a period of two years.

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 development) or twelve months after the permit expires (for a request to extend the time to complete the development).

**Notes:**

Site signage.

This permit has not approved the erection of any site signage other than shown on the endorsed plan. Site signage may require a further planning permit. Full construction of the common property carpark and access is required by planning permit 104-04.

## Air Conditioning Plant

**Any air conditioning system incorporating one or more cooling towers must comply with and be managed in accordance with the relevant provisions of the *Public Health and Wellbeing Act 2008*.**

### EXECUTIVE SUMMARY

On 23 January 2018 an application was lodged for an amendment to Planning Permit PLP/2004/355 to allow for use and development of an indoor and outdoor recreation facility (mini golf), including food and drink premises, use of the building as a place of assembly and live music venue, associated caretaker's dwelling, dispensation of car parking, liquor licence and erection of a 9m high structure at 9367c Western Highway, Warrenheip. The Application was advertised and Council has received one objection. It is recommended that Council issue a Notice of Decision to Amend the Permit subject to a number of changed and new conditions.

### APPLICATION DETAILS

<b>Applicant:</b>	SED Advisory
<b>Owner:</b>	Wayne Johnston
<b>Date Lodged:</b>	23 January 2018
<b>Subject Site:</b>	9367C Western Highway, Warrenheip
<b>Current use:</b>	Indoor recreation facility (Gold Rush Indoor and Outdoor mini golf)
<b>Zone:</b>	Mixed Use Zone
<b>Overlays:</b>	Design and Development Overlay, Schedule 2
<b>Permit triggers:</b>	Section 72 of <i>Planning and Environment Act 1987</i> - Amended Permit seeks to: <ul style="list-style-type: none"> <li>• Increase licenced area</li> <li>• Increase operating hours and licenced hours</li> <li>• Use part of the existing building as a place of assembly and live music venue</li> <li>• Vary condition on permit to enable retention of the existing big miner statue</li> </ul>
<b>Ward:</b>	South
<b>Number of Objections:</b>	1
<b>Mediation Meeting:</b>	Yes
<b>Council Referral Trigger:</b>	Liquor Licence
<b>Covenant or S173</b>	Yes Section 173 Agreement S481819J. The proposed amendment does not breach this restriction.
<b>CHMP Required:</b>	N/A

### PROPOSAL

Planning Permit PLP/2004/355 allows for 'Use and development of an indoor recreation facility (mini golf), associated caretakers dwelling, food and drink premises, dispensation of car parking and erection of a 9m high structure'. This application seeks an amendment to the permit to include the use of the land for a place of assembly (with live music) and a liquor licence with extended trading hours. The place of assembly will be used as 'The Cabaret Club' which includes live shows that include music, dance, theatre and comedy performances.

Currently, condition 9 of the permit allows for:

*Hours of operation*

- *The uses hereby approved under this permit may operate only between the hours of 9.00am – 10.00pm without the further written consent of the Responsible Authority.*

It is proposed to extend the operating hours from 10pm to 12pm (midnight) the following day to accommodate the Cabaret Club and associated liquor licence trading hours.

Planning Permit PLP/2011/296 (the liquor licence permit) allows for the use of the subject site for an ‘on premises liquor licence’. The red line area follows the alignment of the existing function rooms that has a total floor area of approximately 225 square metres and permits the following hours:

- *Without the further written consent of the Responsible Authority, alcohol service may only be between the hours of Anzac Day and Good Friday 12 noon to 11pm and any other day 11am to 11pm.*

The amendment to this permit will essentially amalgamate the conditions of the liquor licence permit with the current permit and seeks approval for the consumption hours of alcohol to extend to 12pm (midnight). It is proposed that the licenced area is extended to encompass the outdoor area to the north and east of the main building as well as the indoor mini-golf area. The extent of the red line area is indicated in Figure 1 below.

**Figure 1 – Proposed extent of red line area**



- Orange shaded area: Outdoor mini-golf - Proposed licenced hours - 11am to 9pm

- Blue shaded area: Proposed live music and function area - Proposed licenced hours - 11am to 12.00pm (midnight)
- Green shaded area: Indoor mini-golf - Proposed licenced hours - 11am to 10pm
- Yellow shaded area: Caretakers dwelling – no liquor licence proposed

According to the applicant, events on the subject site would end no later than 11pm however the venue would remain open until 12pm (midnight), allowing for patrons to socialize over food and drinks after the events. Background music would be played internally after the events until closing. Food and drink would be available until closing to be consumed both inside the venue and outside in the outdoor dining areas to the north and east of the main building. These areas, as well as the car parking area, would be illuminated until closing. The outdoor mini golf courses would not be accessible to patrons of the Cabaret Club and would not be illuminated outside the operating hours of the Golf Rush Mini Golf between 9am and 11pm. Events hosted by the Cabaret Club would be held on an occasional basis, mainly from Thursday to Sunday.

The Cabaret Club proposes to host occasional live entertainment events in the function area of the main building. The applicant has advised that the current liquor licence permits 150 patrons within the venue. This patron number is not reflected in either Planning Permit PLP/2004/355 or PLP/2011/296. Therefore, this application will also need to include a condition that reflects the desired patron numbers.

The amendment also proposes to change the conditions to allow for 'The Big Miner' statue to remain in place. Condition 13 of the permit requires the structure to be removed five years from the date of the permit unless written permission is obtained from the Responsible Authority. This condition effectively required the 'Miner' structure to be removed by 14 December 2009, however it has remained in place since that time.

## EXISTING PERMITS

### PLP/2004/355

This permit was issued on **4 December 2004** at the direction of VCAT and allows for the use and development of an indoor and outdoor recreation facility (mini golf), associated caretaker's dwelling, food and drink premises, dispensation of car parking and erection of a 9 metre high structure. These are the uses currently occupying the site.

The hours of operation outlined in this permit under Condition 9 are between 9am and 10pm. Condition 13 of the permit states that the 'Miner' structure is to be removed five years from the date of this permit unless the written permission is obtained from the Responsible Authority. A copy of this existing permit is contained as Attachment 1.

### PLP/2011/296

This permit was issued on **28 June 2011** and allows for an on-premises liquor licence within the function area, foyer, offices and kitchen/bar area of the building. It also applies conditions including to the hours of operation stating that alcohol service may only be between the hours of 12 noon to 11pm on Anzac Day and Good Friday and 11am to 11pm on any other day. A copy of this existing permit is contained as Attachment 2.

## SITE AND SURROUNDS

The property is located at 9367C Western Highway, Warrenheip on the south side of the Western Highway approximately 360m east of its intersection with Old Melbourne-Dunnstown Road.

---

The area is known as the Woodmans Hill Gateway Precinct and is located at the eastern entrance to Ballarat. The irregular shaped site measures 4,956 square metres in area and is currently occupied by a mini golf business and function centre. The site does not contain any vegetation of significance.

The site adjoins common property to the south and east, which is used as a car parking area. There are two buildings located to the east of the common property: the Great Southern Woolshed, which is occupied by the Amazing Mill Markets and Ozzie Creations gift shop. The site adjoins the Ballarat Provedore and the Ballarat Colonial Motor Inn on the western side of the site and the Western Highway on the northern side of the site.

Gold Rush Mini Golf is based at the site and they have an 18-hole mini golf course and a 36-hole mini golf course located within the main building. There is also an 18-hole mini golf course which covers approximately 1800 square metres located outside on the northern side of the main building. The outdoor mini golf course contains elaborate design features reflecting a gold mining theme, including a man-made mountain, flag pole, poppet head, water course, tents and wagons. The main building also contains a cafe, function area and an arcade game area. The current opening hours of Gold Rush Mini Golf are from 9am until 10pm. Solid, 3m high fencing is currently provided along the western boundary of the site where it interfaces with the motel.

A 9-metre-high statue referred to as 'The Big Miner' which depicts a gold miner holding a pick and pan is located at the front of the site, approximately 12 metres from the Western Highway frontage.

An aerial map is provided below.



**RESPONSE TO NOTICE OF APPLICATION**

1 objection has been received. Grounds of objection are summarised as follows:

- Amenity impacts including excess noise from music and late-night liquor licensing on the adjoining motel.
- Restriction of noise emission from the subject site would be extremely difficult to enforce – even with appropriate restrictive permit conditions.

A mediation meeting was convened, and the applicant has reduced and modified the extent of licensed areas to what is now currently proposed.

**REFERRAL OF APPLICATION**External Referrals**Victoria Police Ballarat**

No concerns raised or conditions requested.

Internal Referrals**Environmental Health Unit**

No objection subject to conditions.

**Traffic Unit**

No objection and no conditions required.

**Local Laws & Parking Enforcement**

No objection.

**Social Planning**

No objection.

**KEY ISSUES****Ambit of Discretion**

The application for an amendment to the permit was received under Section 72 of the *Planning and Environment Act 1987* (“the Act”) which provides:

- *A person who is entitled to use or develop land in accordance with a permit may apply to the Responsible Authority for an amendment to the permit.*

Section 73 of the Act states:

- (1) *Subject to this section, sections 47 to 62 (with any necessary changes) apply to an application to the responsible authority to amend a permit as if—*
  - (a) the application were an application for a permit; and*
  - (b) any reference to a permit were a reference to the amendment to the permit.*

- (2) *If the responsible authority decides to grant an amendment to a permit subject to conditions, the conditions must relate to the amendment to the permit; and*
- (3) *Any conditions to which an amendment to a permit is subject form part of the permit when it is issued.*

These relevant sections of the legislation effectively require Council to consider an amendment to a permit in the same way as an application for planning permit would be considered. The following provides a discussion against the relevant provisions of the State and Local Planning Policy Framework, the Mixed Use Zone, Clause 52.27 (Licensed Premises) and Clause 52.06 (Car Parking).

The amendment is consistent with the purpose of the **State Planning Policy Framework** including:

- **Clause 11.08** (Central Highlands) has the objective at Clause 11.08-2 (A Diversified Economy) of, *'to strengthen the region's economy so that it is more diversified and resilient'*.

The proposal to include the use of the land for a Place of Assembly (Cabaret Club) and extend the opening hours and licensed area will strengthen tourism in Ballarat by enhancing and diversifying the tourism products on offer at the subject site. The Cabaret Club's live shows, which include music, dance, theatre and comedy performances are a unique product in Ballarat.

- **Clause 17.03** (Tourism) has the objective at Clause 17.03-1 (Facilitating tourism) of, *'to encourage tourism development to maximize the employment and long term economic social and cultural benefits of developing the State as a competitive domestic and international tourist destination'*.

The proposed new use and extension to the licensed area will improve the customer experience of the Gold Rush Mini Golf and The Cabaret Club, strengthening the role of the complex as a popular tourist destination and entertainment venue. In turn, it is likely to also boost tourism and generate employment in Ballarat. The subject site has excellent siting on the Western Highway and adjoins accommodation at the Ballarat Colonial Motor Inn, which is also likely to benefit from the proposal.

The amendment is consistent with the purpose of the **Local Planning Policy Framework** including:

- Clause 21.07 (Economic development) has the objective at Clause 21.07-5 (Tourism) of, *'to create prosperity through the development of the tourism sector'*.

Ballarat has a strong tourism industry that has been built around major attractions. Tourism is an industry that, either directly or indirectly stimulates growth and prosperity among a range of other sectors. With its proximity to Melbourne, Ballarat is a significant attractor of day trippers. Council's tourism strategies are focused on increasing the number of visitors and in particular the number of overnight stays. One of the strategies listed (and of most relevance to the application) is, *'encourage the use and development of land for purposes that will encourage visitors to increase their length of stay within Ballarat'*. With the change of use (Cabaret Club) hosting events during the evening it is likely that this will increase patrons to stay overnight in Ballarat's accommodation.

---

**Mixed Use Zone**

The subject site is located within the Mixed Use Zone, the purpose of which includes:

- To provide for a range of residential, commercial, industrial and other uses which complement the mixed- use function of the locality;
- To provide for housing at higher densities;
- To encourage development that responds to the existing or preferred neighbourhood character of the area;
- To facilitate the use development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

The use of the land for a place of assembly is a section 2 use (permit required). The use of the land is appropriate and consistent with the mixed-use nature of the locality, in which there are a range of uses operating in close proximity of the subject site including retail, accommodation (Ballarat Colonial Motor Inn) and food and drink uses. Surrounding the Mixed Use Zone is the Farming Zone (east) and Rural Living Zone (west).

The land has been operating with a liquor licence for 150 patrons. An amendment to this permit will allow for the same number of patrons ensuring there is no unreasonable increase in patron activity on the site. The Cabaret Club proposes to hold events until 11pm, however after that time activities will be more subdued with patrons continuing to socialise until 12pm (midnight). The activity associated within the new use will mostly occur within the building, ensuring amenity impact is reduced. Condition 10 of the permit requires 'noise levels emanating from the premises to not exceed those required to be met under State Environment Protection Policy (Control of music from public premises) No. N-2'. This condition will be retained and will remain enforceable, should noise associated with the use become an issue.

**Design and Development Overlay, Schedule 2**

The subject site is located within Schedule 2 to the Design and Development Overlay (Woodmans Hill Gateway). The purpose of this overlay is:

- To ensure that buildings and works are generally consistent with the Woodmans Hill Gateway Precinct Master Plan (January 2015);
  - To provide for an attractive and distinctive town approach along the current and future alignment of the Western Freeway, by ensuring that the nature, scale and appearance of new development is compatible with the landscape and design controls for new development as set out in the Woodmans Hill Gateway Precinct Master Plan (January 2015);
  - To reinforce the gateway role that this precinct plays to the Ballarat Central Business District (CBD);
  - To provide appropriate interfaces between the commercial and rural, rural living and residential areas of Woodmans Hill, by providing suitable landscape treatments to integrate built form with surrounding development;
  - To ensure that development of land nearby to the current and future alignment of the Western Freeway is undertaken with appropriate noise attenuation measures to minimize the impact of traffic noise; and
  - To ensure that development is compatible and sensitive to the valued landscape and natural environmental elements of the area, including view lines, vegetation retention, landscaping and defined koala habitat.
-



The amended permit does not propose any additional buildings and works; however the proposal is generally consistent with the Woodmans Hill Gateway Precinct Master Plan which seeks to support existing tourism activity in this location. The existing Miners Statue has been a focal point in the Woodmans Hill precinct for some time and its ongoing retention will have no new detrimental impact on the aesthetics of the area.

### **Car Parking and Bicycle Provision**

The statutory requirements for car parking are set out in Clause 52.06 of the Scheme. A permit is required to reduce the number of car parking spaces required under Clause 52.06-5. For the use of the land for a Place of Assembly, 45 car parking spaces are required.

The subject site has space for 20 car parks and there is space for 50 plus car parking spaces on common property adjoining the subject site. The use of the land as a Place of Assembly would accommodate the activities of the Cabaret Club which would mostly operate on Friday, Saturday and Sunday evenings.

A response to the Assessment criteria under Clause 52.06-7 follows:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.

Multi-purpose trips in connection with The Cabaret Club are likely as it is co-located with Gold Rush Mini Golf and nestled between destinations including the Amazing Mill Markets, Ballarat Provadore, Ozzie Creations gift shop and the Ballarat Colonial Motor Inn.

- The variation of car parking demand likely to be generated by the proposed use over time.

It is likely that car parking demand in the area will fluctuate at different times and on different days. Gold Rush Mini Golf has a private car parking area with space for 20 cars. There is also space for in excess of 50 car parks on common property to the south-east of the site. These are mostly vacant outside normal business hours when the Amazing Mill Markets and Ozzie Creations gift shop are closed.

Therefore, as the Cabaret Club would mostly operate on Friday, Saturday and Sunday evenings, it is anticipated that there would be ample car parking spaces available for patrons of the proposed new use.

- The short-stay and long-stay car parking demand likely to be generated by the proposed use.

Staff are likely to park at the site for up to 8 hours whereas other patrons are likely to have shorter stays of 2 to 4 hours.

- The availability of public transport in the locality of the land.

Public transport is not easily accessible to or from the site.

- The convenience of pedestrian and cyclist access to the land.

The site does not have convenient access for pedestrians and cyclists from the Western Highway however the site is easily accessible by foot or bike to visitors staying at the Ballarat Colonial Motor Inn adjoining the site.

---

- The provision of bicycle parking and end-of-trip facilities for cyclists in the locality of the land.

There is ample space for secure bicycle parking on the property.

- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.

It is likely that most staff and patrons of the Cabaret Club would own cars. However, given the nature of the use and potential for alcohol consumption it is likely that many patrons will access the site by taxi, Uber or by carpooling.

Council's Traffic and Transport Unit have consented to the proposed car parking arrangements and have raised no concerns.

### **Liquor Licence**

The existing licence provides for an on-premises liquor licence within the function area, foyer, offices and kitchen bar areas. The current licenced hours are 11am to 11pm. The proposal is to increase the licenced hours to 12pm (midnight) for some of the building and the outdoor dining area. Notably, the outside mini golf area would not be accessible after 11pm. It is proposed that the licenced area is extended to encompass the outdoor area to the north and east as well as the internal mini golf.

Clause 52.27 deals with Licensed Premises and has the purpose of:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider a number of decision guidelines that are addressed as relevant:

- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.

Cabaret Club events are proposed to finish at 11pm, however the venue is proposed to remain open until 12pm (midnight) to allow for patrons to continue socialising over food and drink. Between 11pm and 12pm, the outdoor mini golf course would not be accessible to patrons of the Cabaret Club and therefore the consumption of liquor would be limited to inside the venue and outside in the outdoor dining areas to the north east of the main building. This can be addressed through a condition of the permit.

The subject site is located in an established commercial precinct under the Mixed Use Zone provisions, surrounded by a range of business activities that operate mainly daylight hours including a market building with a range of traders and a separate art/craft facility both located to the east. While the motel adjoining to the west is a residential use, its location on the Western Highway away from the main centre of Ballarat would most likely result in the majority of residents being high-turnover travellers where a typical stay would be overnight and not much longer. In light of the nature of the proposed activity and the surrounding development, it is considered that the licensing of the function centre will have minimal impact on the amenity of the surrounding area given the following observations:

- The impact of the number of patrons on the amenity of the surrounding area.
-

It is proposed to have a maximum of 150 patrons. Ten (10) tables (each with four (4) chairs) amounting to 40 seats would be located on the lower section of the function room next to the stage. Eight (8) tables (each with 4 seats) and two tables (each with 2 seats), amounting to a further 40 seats, would be located on the upper section of the function room next to the bar. Six picnic tables which can seat a total of 36 people are located outside, including 3 on the verandah on the northern side of the main building, 2 in the BBQ pavilion and 1 to the east of the main building. There is seating for 116 people in total at the property, 80 of which are located in the function room of the main building. Patrons would be able to order food, including tapas and sit-down meals, until closing time, reducing the risk of excessive alcohol consumption. In this case, the consumption of alcohol is mainly for booked functions and, therefore, an ancillary use to the main business activity on the site.

- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

The site is not situated within a cluster and it is unlikely that the proposal will result in any negative cumulative impact on the area. It is anticipated that with appropriate mitigation measures, such as Responsible Service of Alcohol and patron management, the proposal will not generate unreasonable amenity impacts.

Having regard to the above observations, it is considered that the proposal accords with the purpose of Clause 52.27 (Licensed Premises) of the Ballarat Planning Scheme and should be supported in this instance.

A number of conditions relating to the liquor licence are recommended to be included within the permit (see Recommendation above).

### **Big Miner Statue**

Condition 13 of the permit requires the 'Big Miner Statue' structure to be removed five years from the date of the permit. The structure has not been removed and the amendment to the permit seeks to delete the condition.

The statue is located at the north east corner of the site, approximately 12 metres from the Western Highway frontage. The statue depicts a miner with a pick and pan and endorsed plans permit the statue to have a maximum height of 6 metres supported on a base of up to 3 metres above natural ground level.

The retention of the statue is considered appropriate as it functions as a marketing tool for the commercial operation carried out on the site and its size and finished detail is acceptable within the context of the area. The subject site is not affected by a heritage overlay and does not have any cultural significance that would be compromised by the retention of the statue. The site is not specifically sensitive within the landscape setting. The site is not elevated, does not form part of a valued rural landscape or a landscape with other valued scenic qualities.

The site is located on the periphery of Ballarat in a locality in which large, bulky, commercial and industrial type buildings are common. Surrounding land uses include motels, petrol stations and other tourist facilities that currently display large business identification signs up to 9 metres in height. In this regard, the retention of the statue is appropriate and it is recommended that Condition 13 be deleted.

## OBJECTIONS

It is a well-established planning principle that depreciation of land or property values resulting from development is not a relevant planning consideration. As stated in *Skunca v Mornington Peninsula SC [2004]* “If adjoining land is devalued because of detriment to its amenity, it is the detriment to the amenity that is considered in relation to town planning, not the resulting devaluation.” Therefore, property value is not, in itself, a planning consideration. Amenity impacts are relevant and the potential amenity impacts have been addressed earlier in this report.

In response to the grounds of objection not already discussed in the report, the following comments are made:

- Concerns about noise impacts on Motel

The abutting motel requires a quiet environment in the evening for the accommodation use and is concerned about noise impacts from the proposed changes to the gold rush mini-golf centre.

Firstly, it is noted this is a Mixed Use Zone abutting the Western Highway, not a General Residential Zone or Neighbourhood Residential Zone, so amenity expectations of surrounding properties including the motel need to be viewed in light of these existing site circumstances.

Permit conditions will require amenity and noise impacts be managed and reduced to prevent adverse impacts on adjoining properties. A caretaker's dwelling is located on-site which enables continuous monitoring and enforcement of these conditions by the live-in manager.

In order to adequately protect the amenity of the motel from any adverse noise impacts, the applicant has agreed to acoustically treat the function centre portion of the building, which will be enforced by way of permit condition. Additional permit conditions will prevent any live music being amplified or played externally from the building. All live music and events will occur inside the existing building only.

## Conclusion

The application proposes to amend the permit to include the use of the land for a Place of Assembly (for use of events associated within the Cabaret Club). The Place of Assembly will include live music and extended trading hours for the liquor licence. Given the commercial and mixed-use nature of the locality (Woodmans Hill Gateway) the introduction of the use of site is appropriate and will not cause effect to any nearby sensitive area.

It is considered that the extension of the licensed area at the premises will have a minimal impact on the locality as it is not within an existing cluster of licenced premises. The consumption of alcohol during mini golf and live performances would be heavily monitored and impact mitigation measures would be put in place (see recommended conditions).

## LEGISLATION, COUNCIL PLAN, STRATEGY AND POLICY IMPLICATIONS

Clauses relevant to the application include the following:

---

## State Planning Policy Framework (SPPF)

11.08 Central Highlands

17.03 Tourism

## Municipal Strategic Statement

21.07 Economic Development

In addition:

- *Charter of Human Rights and Responsibilities Act 2006;*
- *Planning and Environment Act 1987;*
- *Subdivision Act 1988;*
- City of Ballarat Council Plan 2017-2021; and
- Ballarat Planning Scheme.

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	Yes
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	No	No
<b>Economic</b>	No	No
<b>Financial /Resources</b>	No	No
<b>Risk Management</b>	No	No
<b>Implementation and Marketing</b>	No	No
<b>Evaluation and Review</b>	No	No

**Human Rights and Social/Cultural-** The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* and the Ballarat Planning Scheme. The assessment is considered to accord with the *Charter of Human Rights and Responsibilities Act 2006* and Specifically:

- Freedom of Expression (part 2 section 15);
- A fair hearing (part 2 section 24);
- Entitlement to participate to public life (part 2 section 18); and

## OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

## REFERENCE DOCUMENTS

- Ballarat Planning Scheme

## ATTACHMENTS

1. Existing Permit PLP/2004/355 [9.2.1]
2. Existing Permit PLP/2011/296 [9.2.2]

# PLANNING

# PERMIT

**Permit No.**

PLP 2004355

**Planning Scheme**

Ballarat (Gazetted 26/11/98)

**Responsible Authority**

Ballarat City Council

## **ADDRESS OF THE LAND:**

Lot 4, PS341182N, Western Highway, Warrenheip

## **THE PERMIT ALLOWS:**

Use and Development of an indoor and outdoor recreation facility (mini golf), associated caretakers dwelling, food and drink premises, dispensation of car parking and erection of a 9m high structure.

## **THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.**

### **1. Amended Plans:**

Before the use and development starts, 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 plans submitted with the application but modified to show:

- a) Final design of all buildings including floor plans, elevations, materials and colours;
- b) Reduction of the miner statue to a maximum height of 6.0m supported on a base up to a maximum of 3.0m above ground level so that no part of the structure exceeds a maximum height above natural ground level of 9.0m; 8~ ✓
- c) Final detail design and materials and finishes of 'Miner' structure and external mini golf course structures and features.

When approved, the plans will be endorsed and will then form part of the permit.

The formal plan of subdivision lodged for certification must be in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.

### **2. Landscape plan required**

Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- (a) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

Any landscape plans must be professionally prepared in accordance with the "City of Ballarat Landscape Guidelines for Development - September 2000 version (section 3.0)".

Three (3) sets of all plans must be professionally prepared and presented with the following information and in the following format:

- drawn to an accurate and clearly legible scale on maximum A1 size and minimum A3 size sheets;
- include a north arrow, site location, scale of drawing, date, drawing no. and the author/designer details;

# PLANNING

# PERMIT

**Permit No.** PLP 2004355  
**Planning Scheme** Ballarat (Gazetted 26/11/98)  
**Responsible Authority** Ballarat City Council

## **ADDRESS OF THE LAND:**

Lot 4, PS341182N, Western Highway, Warrenheip

## **THE PERMIT ALLOWS:**

Use and Development of an indoor and outdoor recreation facility (mini golf), associated caretakers dwelling, food and drink premises, dispensation of car parking and erection of a 9m high structure.

## **THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.**

- be neatly drawn and presented;
- be reproducible and legible in a black and white format (eg. plan should not rely on colour reproduction for coding or interpretation).

Before the use of the site commences or all landscape works forming part of the endorsed Landscape Plans must be completed to the satisfaction of the responsible authority. The permit holder must ensure that all landscaping works are maintained to the satisfaction of the responsible authority for a minimum period of twelve months.

### **3. Sediment Control Measures (plans required):**

Details of site sediment control measures (a Sediment Control Plan) during site construction works shall be submitted to the satisfaction of the responsible authority prior to the commencement of site works. Control measures should be consistent with the EPA publication 480 "Environment Guidelines for Major Construction Sites". When approved the Sediment Control Plan shall be endorsed as forming part of this permit. All sediment control measures shall be undertaken and remain in place until the completion of site works in accordance with the Sediment Control Plan to the satisfaction of the responsible authority.

### **4. Drainage Construction with On-site Stormwater Detention (plans required):**

All underground or surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with plans, computations and specifications submitted to and approved by the Responsible Authority prior to the commencement of construction.

Such drainage works shall include the provision of an on-site stormwater detention system designed in accordance with the City of Ballarat's 'Site Stormwater Management Systems Policy' and installed to transport stormwater run-off from the subject land and surrounding land or adjoining road(s) to an approved point of discharge.

No stormwater shall drain or discharge from the land adjoining properties without the prior approval of the Responsible Authority.

On completion of the construction of the stormwater detention system, as constructed drawings shall be submitted to the Responsible Authority. The plans shall be certified by a suitably qualified and experienced engineer eligible for Corporate Membership of the Institution of Engineers, that the completed works are in accordance with the approved plans, design levels and specification.

All works shall be completed to a standard satisfactory to the Responsible Authority prior to the use hereby approved commencing.

# PLANNING

# PERMIT

**Permit No.** PLP 2004355  
**Planning Scheme** Ballarat (Gazetted 26/11/98)  
**Responsible Authority** Ballarat City Council

## **ADDRESS OF THE LAND:**

Lot 4, PS341182N, Western Highway, Warrenheip

## **THE PERMIT ALLOWS:**

Use and Development of an indoor and outdoor recreation facility (mini golf), associated caretakers dwelling, food and drink premises, dispensation of car parking and erection of a 9m high structure.

## **THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.**

---

### **5. Internal Access ways and Car parking (plans required):**

Before the use starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) constructed
- (b) properly formed to such levels that they can be used in accordance with the plans
- (c) surfaced with an all-weather wearing course (an alternative suitable interim surface may be applied for a maximum period of 2 years from the date of this permit after which time an all weather surface shall be applied)
- (d) drained
- (e) line-marked to indicate each car space and all access lanes
- (f) clearly marked to show the direction of traffic along access lanes and driveways
- (g) signed so that off street parking areas are clearly identified.

to the satisfaction of the responsible authority.

Car spaces, access lanes must be maintained and kept available for these purposes at all times.

All works and parking signage shall be completed in accordance with plans and specifications prepared to the satisfaction of the Responsible Authority and submitted to and approved by the Responsible Authority before the site works commence.

### **6. Drainage Easements or existing drainage realignment:**

Prior to the commencement of site works, the existing drains running through the site must either be protected by newly created easements clear of structures and areas of subsurface disturbance pursuant to the Subdivision Act 1998 or relocated to existing easements to the satisfaction of the Responsible Authority.

### **7. Lighting:**

On-site external lighting shall be installed to the satisfaction of the Responsible Authority prior to the occupation of the buildings. External lighting including security lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

Carparking and general site lighting must be turned off by 10.30pm each evening and not be turned back on until 7.00am.



# PLANNING

# PERMIT

**Permit No.** PLP 2004355  
**Planning Scheme** Ballarat (Gazetted 26/11/98)  
**Responsible Authority** Ballarat City Council

## ADDRESS OF THE LAND:

Lot 4, PS341182N, Western Highway, Warrenheip

## THE PERMIT ALLOWS:

Use and Development of an indoor and outdoor recreation facility (mini golf), associated caretakers dwelling, food and drink premises, dispensation of car parking and erection of a 9m high structure.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

### 8. Loading/Unloading:

The loading and unloading of goods from vehicles must only be carried out on the land (*within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land*).

All vehicle entry to and egress from the site shall be in a forward direction.

### 9. Hours of Operation and delivery times

#### *Hours of Operation:*

The uses hereby approved under this permit may operate only between the hours of 9.00am – 10.00pm without the further written consent of the Responsible Authority.

#### *Delivery times:*

Deliveries to and from the site (including waste collection) must only take place between 8.00am and 10.00pm without the further written consent of the Responsible Authority.

### 10. Music and equipment noise

All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the responsible authority. Details of plant equipment location and acoustic treatment shall be submitted to the responsible authority prior to the commencement of the use hereby approved.

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of music noise from public premises) No. N-2.

No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose after 9.00pm.

### 11. Fencing of carpark

A non translucent fence to a minimum height of 2.0m shall be erected on the western and southern boundaries of the on site carpark to the satisfaction of the responsible authority.

# PLANNING

# PERMIT

**Permit No.** PLP 2004355  
**Planning Scheme** Ballarat (Gazetted 26/11/98)  
**Responsible Authority** Ballarat City Council

## ADDRESS OF THE LAND:

Lot 4, PS341182N, Western Highway, Warrenheip

## THE PERMIT ALLOWS:

Use and Development of an indoor and outdoor recreation facility (mini golf), associated caretakers dwelling, food and drink premises, dispensation of car parking and erection of a 9m high structure.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

### 12. Maintenance and appearance of Miner structure

The miner structure shall maintained in good visual condition at all times to the satisfaction of the responsible authority.

The miner shall remain in an unpainted form to the satisfaction of the responsible authority. Ground based 'up lit' lighting only may be used to specifically illuminate the structure.

### 13. Life of Permit

The "Miner" structure is to be removed five years from the date of this permit unless the written permission is obtained from the responsible Authority.

### 14. VicRoads condition (ref: BALT SY 005 06)

Any existing tourist signs and posts (service signs) that are currently used for the Woolshed on the Western Highway and that are not relevant to the new development must be removed or a new application to replace the existing signs must be approved by the responsible Authority and installed prior to the opening date of the development.

### Notes:

1. Site signage  
This permit has not approved the erection of any site signage other than shown on the endorsed plans. Site signage may require the a further planning permit.
2. Full construction of the common property carpark and access is required by planning permit 104-94.

Date Issue 14 December, 2004

Planning and Environment Regulations 1988 Form 4

Signature for the  
Responsible Authority

82



# PLANNING

# PERMIT

*Permit No*

PLP/2011/296

*Planning Scheme*

Ballarat (Gazetted 26/11/98)

*Responsible Authority*

Ballarat City Council

---

**ADDRESS OF THE LAND:**

Lot 4, Plan of Subdivision 341182, Parish of Ballarat  
9367C Western Highway, WARRENHEIP VIC 3352

**THE PERMIT ALLOWS:**

On premises liquor licence

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT**

---

**1. Layout not Altered**

The licensed areas as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority.

**2. Hours of Operation**

Without the further written consent of the Responsible Authority, alcohol service may only be between the hours of Anzac Day and Good Friday – 12noon to 11pm and Any Other Day – 11am to 11pm.

**3. Noise Emissions**

No sound shall be emitted from any device or from any source or activity so as to become a nuisance to occupiers of adjoining properties or impair or impinge upon the amenity of occupiers of properties within the near vicinity to the satisfaction of the Responsible Authority.

**4. Regulation of Sale and Consumption of Liquor**

The predominant activity carried out in the function centre premises, must be the preparation and serving of meals for consumption on the premises.

---

*Signature for the Responsible Authority:*



*Date Issue:*

28 June 2011

# PLANNING

# PERMIT

*Permit No*

PLP/2011/296

*Planning Scheme*

Ballarat (Gazetted 26/11/98)

*Responsible Authority*

Ballarat City Council

---

## 5. Management/Supervision of Premises

At all times during the operation of the use, there must be present on the premises a person over the age of 18/21 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the responsible authority (referred to in this permit as "the manager").

The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the responsible authority *and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998*; and/or to take action on his/her behalf in accordance with a direction by such officer.

## 6. Time for Starting and Completion

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

- The use is not started within two years of the date of this permit
- The development 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 three months afterwards.

---

*Signature for the Responsible Authority:*



*Date Issue:*

28 June 2011



### 9.3. INTERCULTURAL CITY STRATEGIC PLAN 2018-2021

**Division:** Community Development  
**Director:** Neville Ivey  
**Author/Position:** Frances Salenga - Coordinator Cultural Diversity

#### OFFICER RECOMMENDATION

Council resolves to:

1. **Endorse the Intercultural City Strategic Plan 2018- 2021**
2. **Acknowledge the key stakeholders in the formation and direction of this strategy. Key stakeholders include: Multicultural Ambassadors (past and present), The Intercultural Advisory Committee, Council Committees and Partners – Ballarat Friends of Ainaro Community Committee (BFACC), The Koori Engagement Action Group (KEAG) and the Ballarat Regional Settlement Advocacy Committee (BRSAC).**

#### EXECUTIVE SUMMARY

In 2009, the City of Ballarat developed its Cultural Diversity Strategy 2009-2014 which has been based on a commitment to developing intercultural relationships between its indigenous, culturally and religiously diverse population and Australian-born residents. This Plan was for the period 2009-2014 and it shaped Council's activities and policies in relation to how it carried out its community development functions. In 2015-16, Council decided to further progress delivered actions to a higher level to establish program sustainability and community engagement.

After an extensive community consultation process, four pillars were identified and adapted by Council to guide the development of the next Intercultural City Strategy 2018-2021 and consequently, a yearly Action Plan which is due to be delivered in the third quarter of 2018.

These pillars are:

- **Key Priority Area 1 - Responsive Services**

\*Provide services / programs with easy access points for Cultural and Linguistically Diverse (CALD) and newly arrived communities.

- **Key Priority Area 2 - Active Citizenship**

\*Create opportunities for CALD people with other communities to exercise their rights and responsibilities to influence public life.

- **Key Priority Area 3 - Leadership and Advocacy**

\*Engage CALD communities and other residents in finding solutions to addressing specific community needs.

- **Key Priority Area - Maximizing and Valuing Diversity**

\*Celebrate the 'diversity advantage' of the Ballarat Intercultural City.

**RATIONALE**

The development of the Intercultural City Strategic Plan 2018-21 is a response and in recognition of current trends and future projections that indicate an increasing, diverse population. With this comes an identified need to better recognise, value and respect the rights, culture, faith and identity of its culturally and linguistically diverse (CALD) community members.

The goal of the Strategy is to provide Council with advice in identifying the opportunities to promote and enhance social inclusion and the wellbeing of its CALD community members. It will guide effective service planning, partnership development, community participation and engagement. It also outlines a plan of action for the next four years as a response to the identified needs that Council, together with the community and other stakeholders will implement.

The development of the Intercultural City Strategic Plan 2018-21 is a key action identified within the Council Plan 2018-2021. The Strategy directly aims to:

- Take forward and progress action streams agreed from the Multicultural Summit 2014 and various community consultations undertaken in 2016–17 with the Intercultural Advisory Committee and community groups;
- Identify new and emerging actions & responses required of all key stakeholders; and
- Provide clear direction in terms of growing Council's capacity for fully supporting the principles of cultural diversity.

**LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS**

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- Reconciliation Action Plan 2017-2017
- Municipal Early Years Strategy 2017-2021
- Youth Development Framework 2016-2021
- Our People, Culture and Place – Heritage Plan 2016-2030
- Municipal Emergency Management Plan 2014-2016
- Sturt Street Gardens, Ballarat, Victoria Conservation and Landscape Plan 2007
- Recreation Strategy 2014
- Strategic Strategy for Ballarat Library 2012-2017
- Disability Access and Inclusion Strategy 2015-2017
- Economic Program 2015-2019
- Positive Ageing Framework 2015-2019
- Art Gallery of Ballarat Strategic Plan 2014-2018

---

**REPORTING AND COMPLIANCE STATEMENTS**

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	Yes
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	Yes	Yes
<b>Economic</b>	Yes	Yes
<b>Financial/Resources</b>	Yes	Yes
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	Yes	Yes
<b>Evaluation and Review</b>	Yes	Yes

**Human Rights** – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*. The implementation of the strategy will strongly promote an intercultural methodology that observes the Human Rights Framework in the following manner:

- mutual respect and understanding regardless of background;
- endorse diversity within the context of shared laws, values, aspirations and responsibilities;
- work in collaboration to build a positive and progressive future;
- guided by Federal and State laws and respect for democratic processes.

**Social/Cultural** – The implementation of the strategy will continue to provide opportunities to increase awareness of the benefits of cultural diversity which will result to social inclusion, understanding and the development of synergies amongst CALD groups and other communities. It will also open opportunities for community input to Council's future action planning. The plan will provide avenues to increase awareness of the benefits of cultural diversity resulting in enhanced social integration, understanding and the development of synergies amongst CALD groups and other communities. It will also open opportunities for community input into Council's future action planning.

The strategy provides the impetus to consider and practice different approaches to cultural diversity through intercultural communication, interaction and exchange to achieve social cohesion. This has been demonstrated by the various events and activities which were driven / participated in by communities or by working together. Linking and involving the Indigenous community in planning and implementation of activities / programs has also been considered.

**Environmental/Sustainability** – Through the implementation of the strategy it has been observed that physical environments largely reflect the characteristics of our communities. It has been noted that in future environment planning and design, it is imperative to consider the extent to which communities are able to actively participate / engage with communities in these spaces. Consequently, this must be evidenced in safe and accessible public spaces and facilities that truly reflect the composition of our local communities.

**Economic** – Through the strategic goal of pursuing Ballarat's 'diversity advantage', the implementation of programs promoting pathways to education, employment and entrepreneurship will aim to address current economic gaps as a priority identified by various CALD communities.

**Financial/Resources** – In the implementation of the strategy key deliverables, Council has allocated funding in the 2017-18 budget. This is complemented through additional grants by the Victorian Multicultural Commission (\$80,000) and Regional Development Victoria (\$334,575).

---



**Risk Management** – The issues of risk management arising in the implementation of the strategy are the following:

- Potential for CALD people’s lack of knowledge and observance of Occupational Health and Safety principles in project management;
- assistance via provision of OHS training will minimize risk factors if undertaken for some CALD groups.

**Implementation and Marketing** – Implementation of the strategy is guided by an annual Intercultural City Strategic Action Plan based on the four identified strategic Key Priority Areas. Corresponding strategic actions are anchored on the eleven pillars of Intercultural Practice. The strategy will be widely distributed across the Ballarat community, shared with Federal, State and Local Governments, Cultural Diversity Sector / Agencies, Intercultural Cities Network members – Council of Europe. The strategy will be promoted via City of Ballarat social media channels.

**Evaluation and Review** – The strategy roll-out will be reviewed by the Intercultural Advisory Committee (IAC) on a yearly basis. An Intercultural City expert will evaluate on-going progress of the yearly Intercultural City Strategic Action Plan 2018-21 based on the eleven pillars of the Intercultural City methodology covering: education, neighborhoods, public services, employment and labor market, cultural life, public space, intercultural mediation, language, public sphere, open and international outlook, intercultural competence, welcoming new migrants, leadership, citizenship and representation, anti-discrimination, economic collaboration, entrepreneurship and economic development.

## **CONSULTATION**

The development of this strategy has involved an extensive community engagement process with the following: Multicultural Ambassadors (past and present), Intercultural Advisory Committee, Council Committees and Partners – Ballarat Friends of Ainara Community Committee (BFACC), The Koori Engagement Action Group (KEAG), Ballarat Regional Settlement Advocacy Committee (BRASC). The draft strategy was open to the community to garner public comment in September-November 2017. Relevant recommendations / comments have been addressed and are now reflected in the final document.

## **OFFICERS DECLARATIONS OF INTEREST**

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

## **REFERENCE DOCUMENTS**

- Intercultural City Strategic Plan 2018-2021

## **ATTACHMENTS**

1. Intercultural City Strategic Action Plan 2018-2019 **[9.3.1]**
2. Intercultural City Strategic Plan 2018-2021 May 2018 **[9.3.2]**

## Intercultural City Strategy - Detailed Action Plan 2018-19

**Division:** Community Development

**Unit:** Learning and Community Hubs

**Area:** Cultural Diversity

**Community**

**Demographics:**

- Estimated resident population of Ballarat at 30 June 2015 was 101,578
- From the 2011 Census, 8.6% (8,052 people) were born overseas and half (4,254) were from non-English speaking backgrounds
- Main countries of birth (other than Australia) were: United Kingdom, New Zealand, Netherlands, India, China, Germany, USA, Philippines, South Africa and Italy

### PRIORITY AREAS

Priority 1 – Responsive Services

Priority 2 – Active Citizenship

Priority 3 – Leadership and Advocacy

Priority 4 – Maximising and Valuing Diversity

DETAILED ACTION PLAN (How are we going to get there?)							
PRIORITY 1	ACTIVITY	ACTIVITY TARGET	ACTIVITY TIMEFRAME	ACTIVITY PROGRESS			PRIORITY AREA OUTCOME(S) & KPI's
*Responsive Services							
							COMMENTS
<b>Goal:</b> Provide services / programs with easy access points for CALD and newly arrived communities	Provide information on services that CALD and Indigenous people can access	Update the Multicultural Services Directory Publish the 2018 'All of Us' Calendar	Jun 2018 - Jun 2019				Directory, calendars and information released to target communities
	Promote volunteering experience	4 Volunteers managing the MIP Desk	Jun 2018 - Jun 2019				85% attendance of MIP volunteers managing the MIP Desk on a 4-day weekly roster
	Deliver Intercultural Awareness Training for Council staff, public interface agencies and industry	5 training sessions (Indigenous & CALD)	Jun 2018 - Jun 2019				20 industry/agency participants attended Cultural Awareness Training
	Facilitate the Reconciliation Action Plan	Delivery of a new Reconciliation Action Plan	Jun 2018 - Jun 2019				Launch the CoB 2018-2020 Reconciliation Action Plan during Reconciliation Week 2018
	Support a range of activities in the field of arts, culture, recreation and sport aimed at encouraging inclusive teamwork among people from diverse cultural backgrounds	Engage with local Sporting Associations, Harmony Fest Working Group, Multicultural Ambassador Project Planning and Implementation activities	Jun 2018 - Jun 2019				Support 2 activities driven by local cultural groups and Multicultural Ambassadors
	Jenny – is this something you have knowledge of? If not please consider deleting. Advocate for a Council recruitment plan that will accommodate a diverse workforce	Provide information relating to work opportunities in State and Local Governments	Jun 2018 - Jun 2019				Advocate for diverse individuals to be employed by State or Local Government organisations Make information available on the MIP desk.

DETAILED ACTION PLAN (How are we going to get there?)




PRIORITY 2	ACTIVITY	ACTIVITY TARGET	ACTIVITY	ACTIVITY PROGRESS			PRIORITY AREA OUTCOME(S) & KPI's
			TIMEFRAME				COMMENTS
<p><b>*Active Citizenship</b></p> <p><b>Goal:</b> Engage CALD people to exercise their rights and responsibilities as citizens to participate in public life</p>	Recruit, facilitate and deliver the 2018-2020 Multicultural Ambassador Program	Mentor 10 Multicultural Ambassadors to be actively engaged in delivering community initiatives	Jun 2018 - Jun 2019				<p>Present the new Ambassadors to the community</p> <p>Public speaking training delivered to new Ambassadors</p> <p>1 community activity delivered by the new Multicultural Ambassadors</p>
	Co-deliver Migrant Welcome initiatives	Migrant Morning Teas events	Jun 2018 - Jun 2019				<p>4 Migrant Morning Teas delivered in partnership with BRMC, Fed Uni and BCH</p>
	Collaborate with Committees, schools / universities to develop spaces/ environments for intercultural exchange, interaction of people, families and community	<p>Seek available funding opportunities for an Intercultural Garden Project</p> <p>Work with Federation University in relation to International student activities</p>	Jun 2018 - Jun 2019				<p>Investigate grant opportunities for the furthering of the Intercultural Garden Project</p> <p>Contribute to a Federation University event to Welcome International Students to Ballarat</p>
	Promote social, cultural, education and training activities that highlight intercultural learning and exchange	<p>IEP industry engagement</p> <p>Mentoring for IEP participants</p> <p>Other workshops promoting 'Active Citizenship'</p>	Jun 2018 - Jun 2019				<p>2 IEP industry engagement events delivered</p> <p>5 business mentoring activities for IEP participants</p> <p>Deliver an 'Active Citizenship' training workshop in conjunction with the Victorian Electoral Commission</p> <p>Support 2 Interfaith activities by</p>

	Advocate for private and public interfaith organisations and gathering	Support the delivery of 2 Interfaith activities	Jun 2018 - Jun 2019					different faith groups & Multicultural Ambassadors
	Provision of information and referrals for private and public English-language training for those who seek it	Facilitate multi-lingual initiatives and Chat Groups to enhance English language skills	Jun 2018 - Jun 2019					Deliver 2 Global Conversation Café events in the Library Update and increase the Library's language resource collection Multilingual resources available at the MIP desk Local language class referrals available from the MIP desk

**DETAILED ACTION PLAN (How are we going to get there?)**

PRIORITY 3	ACTIVITY	ACTIVITY TARGET	ACTIVITY	ACTIVITY PROGRESS			PRIORITY AREA OUTCOME(S) & KPI's
*Leadership and Advocacy			TIMEFRAME				
Goal: Enable CALD communities to work as effective partners of Council	Facilitate rights and responsibilities seminars	Preventing Violence Against Women Workshops etc	Jun 2018 - Jun 2019				1 initiative driven with a partner agency
	Resource / support partnerships and collaborations with communities and various agencies	Support the following committees of Council:  Intercultural Advisory Committee Ballarat Friends of Ainara Community Committee Koorie Engagement Action Group Harmony Fest Steering Committee Ballarat Ainara & Bendigo Maubisse Groups	Jun 2018 - Jun 2019				Attend monthly meetings as required and / or directed  Resource the IAC, BFACC, KEAG & HRSC groups
	Promote networking with National, State, Local Governments, Community Groups, Service Agencies and Industry	VLGMIN OMAC RAC VMC	Jun 2018 - Jun 2019				CoB representation on all networks listed

		ASRC BRMC CMY					Attend network meetings as scheduled
	Sustain memberships in national and global networks	Intercultural Cities Network Refugee Welcome Zone Asylum Seeker and Refugee Centre	Jun 2018 - Jun 2019				Deliver 2 ICC initiatives Deliver 1 event during Refugee Week in collaboration with the Ballarat Refugee Week organising committee
	Gather diversity and intercultural relations data to inform policy formulation in all contexts, not only within designated 'multicultural' spheres	Active engagement and information sharing with ABS Census and other LGs for the use of agencies and Council	Jun 2018 - Jun 2019				Share census data with community groups and agencies
Support Council's Sister-City relationships and initiatives as required	Engagement with: Inagawa, Japan – Sister City Ainaro, Timor Leste – Friendship City Chinese links	Jun 2018 - Jun 2019				BFACC formally present their Strategic Plan 2017-2022 to Council BFACC and Bendigo Friends of Maubisse to meet 2 times Receive the Inagawa Junior High School Delegation Facilitate a Japanese Speech Contest for local Year 10 students Receive the Inagawa Senior Speech Contest Winners Receive and deliver the Inagawa Mayoral delegation celebration 30 years of Sister City relations Conduct the Able Art exchange initiative Support the Japan and China Challenge schools initiatives	

DETAILED ACTION PLAN (How are we going to get there?)							
PRIORITY 4	ACTIVITY	ACTIVITY TARGET	ACTIVITY	ACTIVITY PROGRESS			PRIORITY AREA OUTCOME(S) & KPI's
*Maximising and Valuing Diversity			TIMEFRAME				
Goal: Celebrate the 'diversity		IEP Program delivery	Jun 2018 - Jun 2019				Recruitment of IEP Project Officer

<b>advantage' of the Ballarat the Intercultural City</b>	<b>Deliver the Intercultural Pathways: Education, Employment and Entrepreneurship (IEP) Program</b>							<b>Recruitment of Industry Partner</b>  <b>Industry engaged, and partners confirmed</b>  <b>60 IEP Participants recruited and 2 training sessions delivered</b>
	<b>Coordinate celebrations across cultures</b>	<b>Harmony Fest / Cultural Diversity Week Intercultural Gala Dinner NAIDOC Week Refugee Week Sorry Day Reconciliation Week</b>	<b>Jun 2018 - Jun 2019</b>					<b>Deliver a suite of events alongside community partners</b>
	<b>Deliver the Regional Certifying Body Program</b>	<b>Certify and assess employer nominations</b>	<b>Jun 2018 - Jun 2019</b>					<b>All eligible RCB Nominations processed</b>
	<b>Encourage intercultural interactions in Libraries / Community Hub, playgrounds, parks and any other public facilities</b>	<b>Interactive learning and development initiatives</b>	<b>Jun 2018 - Jun 2019</b>					<b>5 Intercultural initiatives delivered across Council community spaces</b>



**BALLARAT**  
**INTERCULTURAL CITY**  
**STRATEGIC PLAN 2018–2021**







---

## CONTENTS

---

<b>1. Message from the Mayor</b>	<b>04</b>
<b>2. Introduction</b>	<b>06</b>
<b>3. Background to our Intercultural City</b>	<b>08</b>
<b>4. Ballarat's changing and diverse community</b>	<b>12</b>
<b>5. Community Engagement and Consultation</b>	<b>13</b>
<b>6. The Intercultural City Strategic Plan</b>	<b>14</b>
<b>7. Critical Success Indicators</b>	<b>15</b>
<b>8. Implementation and Evaluation</b>	<b>16</b>
<b>9. Partners in Action</b>	<b>17</b>
<b>10. References</b>	<b>18</b>

## DEFINING AN INTERCULTURAL CITY

*The Intercultural City* is where 'diversity' is deemed to be the norm. It is a place where there is communication, interaction and exchange between diverse cultural groups. People from various backgrounds communicate, understand and learn from each other and establish 'connections'. All these 'connections' spur understanding, creativity, innovation and growth by bringing people of all cultures together for the benefit of the whole community.

'Ballarat: an inclusive intercultural city' is a community that examines what its people already share. We may all come from diverse backgrounds and cultures, but as a community, we share the same schools, businesses, work places and public spaces. Our intercultural city builds on the concept of mutual respect and 'shared values' of freedom, democracy, social inclusion, the rule of law and equal opportunity.

## ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

City of Ballarat respectfully acknowledges the Wadawurrung and Dja Dja Wurrung people as Traditional Owners and custodians of the land on which we work and live, and pays respect to their Elders past and present.

We acknowledge their significant cultural heritage, their fundamental spiritual connection to Country, and value their contribution to a diverse community.

# 1. Message from the Mayor



The City of Ballarat's Intercultural City Strategic Plan 2018–2021 celebrates our city's 'diversity advantage' and the significant contributions made by successive waves of migrants to the municipality. This Strategic Plan details how the City of Ballarat works in partnership with culturally and linguistically diverse (CALD) communities to meet the challenges associated with immigration and settlement.

This Intercultural City Strategic Plan 2018–2021 reinforces the City of Ballarat's commitment to its various ethnic communities through leadership and advocacy. It recognises that it has a significant role to play in promoting wellbeing, empowering and providing opportunities for everyone regardless of their cultural, linguistic or religious backgrounds. In effect, this Strategic Plan will guide the City of Ballarat in facilitating the delivery of both responsive and proactive services, promoting inclusion and intercultural exchange, celebrating diversity and welcoming people of all cultures.

Ballarat's culturally diverse communities bring a wealth of global skills, experiences and innovative ideas. They enrich the social, civic, economic and cultural fabric of our intercultural city.

Ballarat's growing diversity presents numerous opportunities to enhance social cohesion. The planning of employment, leadership and community information programs builds upon the strengths of our culturally, linguistically and religiously diverse communities. Through community partnerships and engagement, all members of our community can participate in the development of Ballarat.

This Strategic Plan builds on the success of the 2009–14 Cultural Diversity Strategic Plan. It has been developed following continuous research, community engagement and consultation with City of Ballarat's staff, stakeholders, CALD groups and other organisations.

The 2018–2021 Strategic Plan identifies key actions that will enhance and promote social cohesion and inclusion of our CALD communities and the contributions they make to the development of Ballarat. These include the Multicultural Ambassador Program, which trains and supports individuals to represent their communities and build their capacity. The Multicultural Information Place (MIP) located at the Ballarat Library, where individuals can volunteer. Through the MIP Desk, existing and new migrants can be assisted to build their skills and networks by gaining information regarding various services that they can access. In addition, the Intercultural Employment Pathways (IEP) Program is yet another initiative that is creating real career outcomes for migrants and refugees. Plus, Harmony Fest – an annual intercultural celebration which brings people of various cultures together to celebrate Ballarat's diversity.

Our recent membership to the Council of Europe's Intercultural Cities Programme commits the City of Ballarat to working meaningfully and strategically to bring people together, migrants and existing communities to engage in dialogue and create relationships. Along with the Intercultural City Strategic Plan, this will create a stronger and more harmonious Ballarat.

I am delighted to endorse our Intercultural City Strategic Plan 2018–2021 and look forward to Council's continued collaboration with our community and stakeholders to build on Ballarat's success in developing an inclusive and cohesive community. A proud city that is **bold, vibrant and thriving.**

**Cr Samantha McIntosh**  
Mayor of Ballarat

## **City of Ballarat Vision Statement – Ballarat the Intercultural City**

**‘An inclusive intercultural community that celebrates diversity and is welcoming to people of all cultures’**

---

### **Organisational Goal**

The City of Ballarat will progress its vision of being an intercultural city by providing leadership, advocacy and culturally inclusive services. This will be achieved through communication, exchange, interaction, understanding and learning that facilitate inclusive engagement and collaboration with its culturally, linguistically and religiously diverse communities.

---

## 2. Introduction

**The City of Ballarat's Intercultural City Strategic Plan 2018-2021 provides direction for the City of Ballarat in planning for the needs of its diverse groups, in consultation with the community and stakeholders over the next five years.**

**This 2018–2021 Strategic Plan is about building social inclusion by pursuing and enhancing the social, economic, cultural, health and wellbeing of the city's culturally and linguistically diverse (CALD) communities.**

This Strategic Plan has been developed in response to Ballarat becoming an increasingly culturally diverse community. It is an important framework for the City of Ballarat's ongoing services:

- Cultural diversity enriches and strengthens a community through the promotion of social justice, equality and the exchange of global ideas
- Cultural diversity is a resource where individuals are supported to adapt to change, to be innovative, entrepreneurial and productive, thereby boosting the city's economic prosperity
- Evidence indicates that people from CALD communities experience discrimination, inequalities in health outcomes and social exclusion, which create social outcomes that are not to the individual's or to Ballarat's advantage.

A whole-of-Council approach was taken in the development of this Strategic Plan, which aims to:

- continue building on the success of the Cultural Diversity Strategic Plan 2009–2014
- value and promote the advantages of cultural diversity
- engage CALD community members to provide leadership to support the City of Ballarat to create culturally inclusive policies and programs

- develop and enhance collaboration between CALD communities, organisations and businesses to further Ballarat's economic, social and cultural fabric
- engage CALD members to work with the City of Ballarat to create an interculturally enriched community.

This Strategic Plan is underpinned by these Federal and State Government policies and legislations:

- **Multicultural Australia – United, Strong Successful – Australia's Multicultural Statement 2017:** enshrines the principles of multiculturalism and provides a rationale for this Strategic Plan. This policy renews and reaffirms the Government's commitment with a clear message on the values and responsibilities that underpin Australian society. It seeks a safe and secure Australia; a shared vision for the future; encouraging economic and social participation of new arrivals; harnessing the advantages of our diversity and shared national interest; continuing to build harmonious and socially cohesive communities.
- **Victoria's Multicultural Policy Statement 2017:** provides a 'whole of government framework' that recognises and values the cultural, racial, religious and linguistic diversity of the people of Victoria. This policy is underpinned by the Victorian Values Statement: one law for all; discrimination is never acceptable; freedom to be yourself; a fair go for all; it is up to us to contribute to a Victoria we can be proud of.

- **Racial and Religious Tolerance Act 2001:** prohibits behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another person or group of people because of their race and/or religion.
- **Equal Opportunity Act 2010:** all Victorian Government departments and service providers have a positive duty to take reasonable and proportionate measures to identify and eliminate discrimination.
- **Charter of Human Rights and Responsibilities Act 2006:** sets out the basic rights of Victorians to live with freedom, respect, equality and dignity; and requires public authorities to act compatibly with the Charter.

In addition, the Strategic Plan draws from:

- The Australian Intercultural Standards and Index: identifies the baseline quality of the City of Ballarat's activities to promote intercultural relationships between all members of the Ballarat community in the following identified areas: education, neighbourhoods, public services, employment and labour market, cultural life, public space, intercultural mediation, language, public sphere, open and international outlook, intercultural competence, welcoming new arrivals, leadership, citizenship and representation, economic collaboration, entrepreneurship, economic development, anti-discrimination.

- The Ballarat City Council Benchmarking Report in which the City of Ballarat undertook a benchmarking exercise, which provided information about the quality of services and programs in relation to those offered by 80 Intercultural Cities around the world. The Benchmarking Report positioned Ballarat **1st** amongst cities with 15% of residents born overseas and scored an aggregate Intercultural City Index of **84%**. Ballarat has been ranked **2nd** among cities with less than 200,000 inhabitants.

The development of this Strategic Plan has involved research, policy analysis and an intercultural community engagement process to ensure it reflects the needs and aspirations of the CALD communities living in Ballarat. Community needs that arise during the life of this encompassing Strategic Plan will be responded to in the context of the identified priorities, goals and objectives.

### 3. Background to our Intercultural City

**The Ballarat region has a rich and diverse history that has shaped who we are today. Long before white settlers arrived, the region was home to at least 25 Aboriginal tribes known as the Wathaurong people** (Redwood K. 2009).

In 1835, the first Anglo-Saxon pastoralists began to arrive. The discovery of gold in 1851 led to a dramatic influx of people seeking their fortune - while 75per cent were British subjects, there was also a significant Chinese population, as well as European Jewish, Germans, Russians, Polish, Danish, Italian, French, Americans and Canadians (Redwood K. 2009). At least 22 nations were represented on the Ballarat goldfields. Thus, Ballarat was one of the most cosmopolitan cities in the world at that time.

In the twentieth century, the Federal Government's immigration program and post war reconstruction resulted in one million new settlers arriving in Australia. By 1955, hundreds of migrants from the United Kingdom, Poland, the Netherlands and Southern Europe had settled in Ballarat. Consistent with the integration policies of the time, these groups became part of the fabric of the community and their experiences as migrants were largely forgotten (Redwood K. 2009).

Since the 1960s, the Federal Government approval of migration from a widening range of countries has made Australia one of the most ethnically and culturally diverse countries in the world. As recently as 15 years ago, rural and regional areas were often less diverse than metropolitan areas, however Ballarat has become increasingly diverse with between 90 and 130 new migrants arriving to settle each year (Redwood K, 2009). Migrant settlement trends suggest new and emerging communities in Ballarat include Indian, Chinese, Filipino, Sudanese, Togolese, Pakistani, Thai and other people from African, Asian and Middle Eastern backgrounds.

This significant demographic change has seen an evolving social, economic and cultural fabric across the municipality - a positive outcome for Ballarat. However, with growth comes the responsibility for ensuring the City of Ballarat's services and programs are culturally appropriate, sensitive as well as inclusive, to enhance the wellbeing of all CALD communities.

## 3.2 The Role of Council

**Local government is the level of government closest to the people - it has the greatest opportunity to lead the development of inclusive and equitable policies and strategies that recognise, respect and value cultural, linguistic, ethnic and religious diversity.**

It must work to ensure cultural diversity is used as an advantage to assure community harmony, a sense of belonging and a place for all.

In recent years, the City of Ballarat has demonstrated its support for cultural diversity through several initiatives and programs, including:

- **Cultural Diversity Strategic Plan 2009-14:** aimed at sustaining and strengthening its continuously growing multicultural communities
- **Multicultural Information Place – Ballarat Library:** aimed at providing information on numerous services and programs that are available for our indigenous communities, immigrants including refugees and asylum seekers
- **Ballarat Multicultural Ambassador Program:** aimed at enhancing community awareness and fostering social acceptance rather than social tolerance in Ballarat
- **CALD Education and Employment Pathways (CEEP) Program:** aimed at addressing education and employment gaps through the provision of various pathways such as training, further university education, volunteering and employment
- **Ballarat Regional Settlement and Advocacy Committee:** aimed at bringing key service providers together to attract and support new immigrants including refugees and asylum seekers with their settlement needs

- **Destination Ballarat White Paper 2016:** aimed at making Ballarat a leading regional settlement destination through existing, well-embedded capabilities, coordinated and integrated approaches to strategic planning of various agencies
- **Reconciliation Action Plan 2014–2017:** aimed at meeting Council's commitment to supporting the reconciliation process and closing the gap in disadvantage between Aboriginal and Torres Strait Islander peoples and other Australians
- **Koorie Engagement Action Group (KEAG):** aimed at bringing a group together to enhance the opportunities for Aboriginal and Torres Strait Islander residents of Ballarat to contribute, participate and benefit from Ballarat's community life
- **Ballarat Friends of Ainaro Community Committee (BFACC):** aimed at promoting education, mutual respect, municipal cooperation and working with the community to achieve economic, social and environmental sustainability for the people of Ainaro, Timor-Leste.

The Cultural Diversity Strategic Plan 2009–2014 and its Action Plan were further progressed in 2015–2016 and have now been fully realised. The extent of the goals that were achieved were presented to the community at the Ballarat Multicultural Summit 2014 (Summit Report 2014, Strategic Outcomes - page 5). This Intercultural City Strategic Plan 2018–2021 aims to scaffold on the initiatives and programs developed to date. Ballarat's emerging cultural diversity is now recognised as requiring a broader social inclusion approach.



## 3.2 The Role of the City of Ballarat



This Strategic Plan is aligned to the City of Ballarat's Plan 2017–2021, which aims to stimulate liveability, prosperity, sustainability and accountability now and in the future. It builds on the Liveability portfolio's goal of *a safe, healthy, environmentally sustainable, innovative and well-serviced community* - one that is welcoming, inclusive, socially connected and values a powerful sense of community. Cultural diversity is relevant to all areas of the City of Ballarat. Business units across the organisation will work with the Cultural Diversity area to implement the identified actions in this Strategic Plan.

The City of Ballarat employs specialist staff to support cultural diversity in the organisation and in the community - the role of the Intercultural City Coordinator is to facilitate the development, execution, monitoring and evaluation of this Strategic Plan. The Cultural Diversity unit is the primary point of contact for community groups that represent CALD communities.

Key City of Ballarat officers promote inter-cultural practice in program delivery. Working across different units include:

- Business Unit Directors and Executive Managers
- Key Responsible Officers and Staff
- Library Leadership Team and Staff
- Cultural Partnerships Officers
- Cultural Diversity Officers
- Intercultural Employment Pathways Program Officers and Consultants
- Economic Development Officers
- Urban and Social Planners
- Open Space Planners

### 3.3 The Intercultural Strategic Plan links to other City of Ballarat Strategies/Plans

This Strategic Plan is linked to the different services that operate in the City of Ballarat:



# 4. Ballarat's changing and diverse community

## 4.1 Census snapshot:



Total population of Ballarat at August 2016

**101,686**

From the 2016 Census **9.6%** (9655 people) were **born overseas** and of these **5.4%** (5,499) spoke a **language other than English** at home **1.4%** (1,470) identified as Aboriginal or Torres Strait Islander

A further **6,963 residents** (6.8% of total population) **did not state which country they were born in** so cannot be included in the data

**52%** are female  
**48%** are male

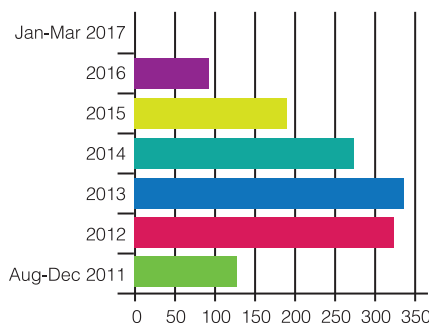
There are immigrants in Ballarat from at least **89 different countries**  
**219 ancestries**

**7%** of migrants are **aged 0-14**  
**9%** are **aged 15-24**  
**29%** are **aged 25-44**  
**13%** are **aged 45-54**  
**29%** are **aged 55-74** and  
**12%** are **aged 75 and over**

Main countries of birth other than Australia were: **England** (2,080), **India** (860), **New Zealand** (763), **China** (717), **Netherlands** (537), **Philippines** (415), **Scotland** (355), **Germany** (288), **USA** (233), **South Africa** (210), **Malaysia** (183), **Italy** (179)

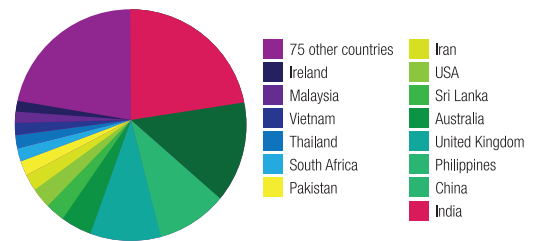
Main countries of birth for people moving to Ballarat since 2011: **China** (369), **India** (284), **Philippines** (181), **United Kingdom** (180), **New Zealand** (113)

**Figure 1:** Number of migrants arriving and settling in Ballarat by year



**5.4%** of people living in Ballarat **speak a language other than English** at home

**Figure 2:** Country of birth (top 4) of migrants arriving in Australia between August 2011 and March 2017, and currently living in Ballarat



Main languages spoken (other than English): **Mandarin, Filipino, Tagalog, Punjabi, Hindi, Italian, Dutch, Cantonese, German, Arabic, Japanese, Greek**

**710** people born overseas were **not proficient in English**, the largest group (**27%**) spoke **Mandarin**

**52%** (4,985 people) of residents living in Ballarat and born overseas, **arrived in Australia after 1996**

Since 2011, **67%** of migrants came through the **skilled migration** stream, **32%** came through the **family migration** stream and **2%** came through the **humanitarian** stream

**Catholic, Anglican, Uniting Church, Presbyterian** and **Reformed Church** are the major religious denominations in Ballarat

## 5. Community Engagement and Consultation

### City of Ballarat Multicultural Ambassadors 2016–2018



Alisa Ma  
(China)



Maggie Liu  
(China)



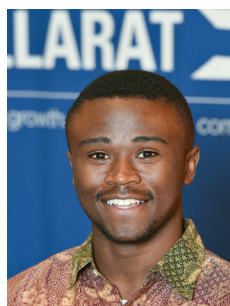
Nikki Foy  
(Australia)



Rebecca Bo  
(South Sudan)



Rod Serojales  
(The Philippines)



Sadiki Mukasa  
(Congo)



Yvonne Paulina  
Davis  
(The Netherlands)



Syed Muhammad  
Sami  
(Pakistan)



Tuyet Yeardley  
(Vietnam)



Sid Tegally  
(Mauritius)

**An extensive community engagement process has been undertaken to inform the development of this Strategic Plan. The process included the following actions:**

- Internal consultation workshops were held with 20 Multicultural Ambassadors bi-monthly from January 2016 to December 2016
- Consultations with the Intercultural Advisory Committee in relation to the Cultural Diversity Strategy – Action Plan 2014–2016 were tabled in the meeting agendas held bi-monthly from January 2016 to December 2016
- A Multicultural Summit was convened on 6 August 2014 to discuss the key actions of this Strategic Plan. Made up of key stakeholders - listed as 'Partners in Action' in this plan - represented a range of sectors including: ethno-specific services, community services, health, education and employment agencies. The group identified the priority areas and the action component of this Strategic Plan
- Several consultations with the Ballarat Regional Settlement and Advocacy Committee (BRSAC) made up of key stakeholders and CALD communities took place in the 12 months leading up to the completion of this Strategic Plan. These sessions focussed on informing established and new Ballarat residents about the development of this Strategic Plan and invited feedback through discussions about CALD issues and current service availability
- Data collection and evaluation of programs including: Multicultural Ambassador Program, CALD Education and Employment Pathways Program and the BRSAC research paper *Destination Ballarat: A Leading Regional Settlement Destination*.

## 6. The Intercultural City Strategic Plan

In the development of this Strategic Plan, the City of Ballarat played an active role in working with the community and in promoting successful and inclusive partnerships. Actions were in the context of ‘collaborative approaches to achieve collaborative impact’ which reflect the realistic aspirations of the community and of our various stakeholders.

### Key Priority Area 1 Responsive Services

#### Goal

Provide services/programs with easy access points for CALD and newly arrived communities

#### Objectives

1. Enhance coordination, delivery of local services
2. Increase cultural competence of Council staff and service providers

### Key Priority Area 2 Active Citizenship

#### Goal

Create opportunities for CALD people with other communities to exercise their rights and responsibilities to influence public life

#### Objectives

1. Make Ballarat a place where people fulfill their rights and responsibilities
2. Create opportunities for CALD people with other communities to exercise their rights and responsibilities to influence public life

### Key Priority Area 3 Leadership and Advocacy

#### Goal

Engage CALD communities and other residents in finding solutions to addressing specific community needs

#### Objectives

1. Build capacity of CALD and other residents to advocate to Council in relation to their needs
2. Represent and support CALD communities and other residents on issues impacting them to governments and the broader community

### Key Priority Area 4 Maximising and Valuing Diversity

#### Goal

Celebrate the ‘diversity advantage’ of the Ballarat Intercultural City

#### Objectives

1. Enhance CALD community participation in social, employment, education, training, arts, sports and recreation opportunities
2. Provide opportunities for all residents and visitors to enjoy an intercultural, cosmopolitan Ballarat