

OFFICIAL

Planning Delegated Committee Meeting

Agenda

8 November 2023 at 6:30pm

**Council Chamber, Town Hall, Sturt Street,
Ballarat**



PUBLIC SUBMISSIONS

- Public representations may be made on any items listed on the agenda in a Planning Meeting apart from those listed in the confidential section.
- If you do wish to attend the meeting in person to make a submission, please fill out the [form on our website](#).
- Members of the public who wish to make a submission on an agenda item but who are unable to attend the meeting in person may make a submission in writing:
 - Submissions must be submitted in writing via the [form on our website](#) by no later than 2:00pm on the day of Planning meeting; and
 - limited to no more than 200 words that will be read out by the Chief Executive Officer or nominated delegate at the meeting prior to the matter being considered.

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1. ACKNOWLEDGEMENT OF COUNTRY



The City of Ballarat acknowledges the Traditional Custodians of the land we live and work on, the Wadawurrung and Dja Dja Wurrung People, and recognises their continuing connection to the land and waterways. We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

2. APOLOGIES FOR ABSENCE

3. DECLARATION OF CONFLICT OF INTERESTS

4. CONFIRMATION OF MINUTES

5. OFFICER BRIEFING

6. PLANNING DELEGATED COMMITTEE REPORTS

6.1. BALLARAT DESIGN REVIEW PANEL - EXTENSION

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Joanna Cuscaden – Executive Manager Development Facilitation

PURPOSE

1. To provide the Planning Delegated Committee with an update on the established Ballarat Design Review Panel (BDRP) and a recommendation to extend the BDRP for a further 2 years.

BACKGROUND

2. The practice of design review is to 'peer review' design proposals through discussion and debate about the different ways to improve design outcomes. It is a process widely used in Australia and internationally.
3. Through a design review process, projects are evaluated against the principles of good design and with regard for the parameters of what is allowable in planning policy. Expert panel members evaluate design based on their experience and professional perspective, bringing alternative ideas and solutions to built-form outcomes.
4. The Ballarat Design Review Panel was formally established at the 15 December 2021 meeting of Council.
5. Since its establishment, the Design Review Panel has completed 13 design reviews. The design reviews have included a mixture of applications incorporating higher density buildings, growth areas masterplans, social housing proposals, and community facilities.
6. The City of Ballarat continues to experience significant development pressure in the municipality. There continues to be a growing need for greater design capability to support Council and developers to achieve high quality design outcomes that will continue to make a positive contribution to Ballarat's distinctive character and place value.
7. With an increase in higher density development, the City of Ballarat should continue to push for improved design outcomes for longer term built-form legacy. The panel provides an independent review of these building designs.
8. The Terms of Reference for each panel establishes the scope and parameters of the design review panel. It sets out the aspirations of the process, the terms of panel appointment and conduct, how conflicts of interest are managed, and establishes expectations of panel members.
9. Costs are associated with the operation of the panel, including member remuneration.

KEY MATTERS

10. Thirteen design reviews have been completed since 15 December 2021 with varying levels of success. Following a review of all design review panels, a 12-month period has not been long enough to determine overall success of the panel as many applications have not yet been lodged.
11. For applications which have been lodged, the reviews have been used by Council officers to push design outcomes identified and there are some applications where an improved outcome has been achieved.
12. To ensure continued effective operation of the panel, officers would recommend that additional heritage and planning experts are appointed to the panel, via an EOI process. Support will also be sought via a Council report to reappoint all other panel members for a further 2 years.

OFFICER RECOMMENDATION

13. **That the Planning Delegated Committee:**
 - 13.1 **Reappoints the existing panel members to the Ballarat Design Review Panel for a further 2 years to October 2025.**
 - 13.2 **Release an EOI requesting additional heritage and planning experts to be appointed to the panel.**

ATTACHMENTS

1. Governance Review [6.1.1 - 2 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This report aligns with the goals of the Council Plan, specifically:
 - a. Goal 3: A city that fosters sustainable growth
 - b. Objective 3.5: Ensure better quality sustainable design outcomes in both City of Ballarat and private development. This objective identifies the establishment of a Design Review Panel.

COMMUNITY IMPACT

2. Good design creates better places which have multiple benefits to the community. The value of well-designed buildings and places are well documented and have economic, social and environmental benefits. Design review delivers public benefit by advancing the quality of architecture, landscape architecture and urban design.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. There are no climate emergency or environmental sustainability implications identified for the subject of this report.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. There are no economic sustainability implications identified for the subject of this report.

FINANCIAL IMPLICATIONS

5. Costs are associated with the operation of the panel, including member remuneration. These costs will depend on the number of panel sessions that are conducted but are not expected to be significantly greater than what Council currently incurs to engage independent review services by individual consultants. The breadth and depth of advice that can be achieved through a robust design review process is considered to provide better value for money.

LEGAL AND RISK CONSIDERATIONS

6. There are no legal and risk considerations identified for the subject of this report.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

8. This Design Review Panel is identified in the Council Plan which the community has been consulted on and engaged with.

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GENDER EQUALITY ACT 2020

9. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

10. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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6.2. PLP/2022/943 222 MAIR STREET, BALLARAT CENTRAL

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Claire Pepin – Coordinator Statutory Planning

PURPOSE

1. For the Planning Delegated Committee to consider a planning application for the development of a commercial building, demolition of existing car park and associated structures and reduction in car parking requirements.

SUMMARY

2. A summary of the application has been provided below:

Application Number:	PLP/2022/943
Applicant:	Inception Planning
Application Preamble:	Development of a commercial building, demolition of existing car park and associated structures and reduction in car parking requirements
Subject Site:	222 Mair Street, Ballarat Central, Lot 1 on Plan of Subdivision 034366 (Vol: 08252, Fol: 665)
Easements, restrictive covenants, encumbrances or agreements	The site contains an easement (E-1) which runs along the eastern title boundary. The easement is 20.32 centimetres wide (0'8") and is for the purpose of a brick party-wall to Lot 2 on Plan of Subdivision 034366 (220 Mair Street).
Zoning:	Commercial 1 Zone (C1Z)
Overlays:	Heritage Overlay, Lydiard Street Heritage Precinct (HO171)
Aboriginal Cultural Heritage Sensitivity:	The site is not within an area of identified Aboriginal Cultural Heritage Sensitivity.
Permit Trigger:	Clause 34.01-4 – Buildings and works Clause 43.01-1 Buildings and works incl. demolition Clause 52.06- 3 Reduction of carparking requirements
Number of Objections:	Seven (7)
Consultation Meeting:	A consultation meeting was held on 30/05/2023 Committee 1 Room, Town Hall with four objectors, applicant and Planning Officers
Key Considerations:	As discussed within this report.
History	<ul style="list-style-type: none"> • The original application was submitted on 24 December 2022 and first advertised in April 2023. Five (5) submissions were received. • The proposal was amended on 15 August 2023 pursuant to Section 57A of the <i>Planning and Environment Act 1987</i> (the Act). No previous objections were unconditionally withdrawn and a

	further four (4) objections were received. The amended plans form the basis of this assessment.
Current use	The site contains an existing at-grade car park with twelve privately leased parking spaces and a low brick retaining wall with bluestone plinth and chain mesh fencing marking boundaries.
Officer Recommendation:	Notice of Decision to Grant

REPORT

Subject Site and Surrounds

3. The subject site forms part of the Ballarat CBD Principal Activity Centre, where a diverse range of land uses, and higher density mixed-use developments are encouraged. This commercial precinct has been undergoing a moderate level of change in recent years and multi-level mixed-used developments are beginning to emerge and/or have previously been approved. The centre has excellent access to established services, infrastructure and public transport.
4. The site is located on the northern side of Mair Street and eastern side of Armstrong Street North. The site is a corner lot and has following notable characteristics:
5. Rectangular in shape with a total area of approximately 370 square metres.
6. Two frontages; 30.56 metres to Armstrong Street North and 12.13 metres to Mair Street;
7. Accommodates a privately owned at-grade car park with twelve privately leased spaces. Vehicle access is gained via an existing crossover on Armstrong Street North; and
8. Generally flat with gentle slope/fall of approximately one metre (1) from south to north.
9. Surrounding land uses and characteristics are outlined as follows:

North	<p>Immediately to the north of the subject site is Hancocks Lane. Hancocks Lane is a four (4) metre wide, Sealed Secondary Access Road, managed by the City of Ballarat. Hancock Lane runs the entire block and provides rear access to properties at 206 through 222 Mair Street.</p> <p>Directly adjoining Hancocks Lane opposite the site is the Ballarat and District Aboriginal Co-Operative Offices and Community Center at 108 Armstrong Street North. The site is approximately 3500 square metres in size and improved by contemporary buildings, including the recently constructed two-storey directly abuilding. The site also features rear carparking, accessible from Hancocks Lane.</p>
East	<p>Immediately to the east stands a row of intact double-storey late Victorian commercial buildings, including the Trembath Coach and Carriage Building at 214 Mair Street. These buildings. These buildings are occupied by a mix of food and drink premises, retail and officers.</p>

South	<p>To the immediate south, the site adjoins Mair Street; part of the Principal Road Network (Transport Zone). The road is a dual lane road, with on-street parking and median strip parking available. The street features tree planting in the median strip and sealed footpaths on both sides.</p> <p>Further south is the Armstrong Street North precinct typically occupied with food and drink premises, and some retail and offices. On the adjacent corner and side are a row of double storey heritage buildings of significance. Smaller single scale and contributory and non-contributory buildings extend along Mair Street.</p>
West	<p>To the immediate west of the site is Armstrong Street North. Armstrong Street North is a two way Sealed Primary Access Road with 45° car parking on both sides. Directly adjacent the site includes a single parallel carparking space near Hancocks Lane. The road has recently been upgraded as part of the redevelopment works at the GovHub and Civil Hall site. Armstrong Street includes a small median strip with vegetation and sealed footpaths on both sides.</p> <p>On the adjacent corner is the recently constructed GovHub and Civic Hall precinct. The GovHub is a substantial seven (7) building which primarily presents to Mair Street. The building is modern and contemporary in design and features similar design elements to that of the proposed building.</p>



Figure 1 – Street View Source: Google Maps

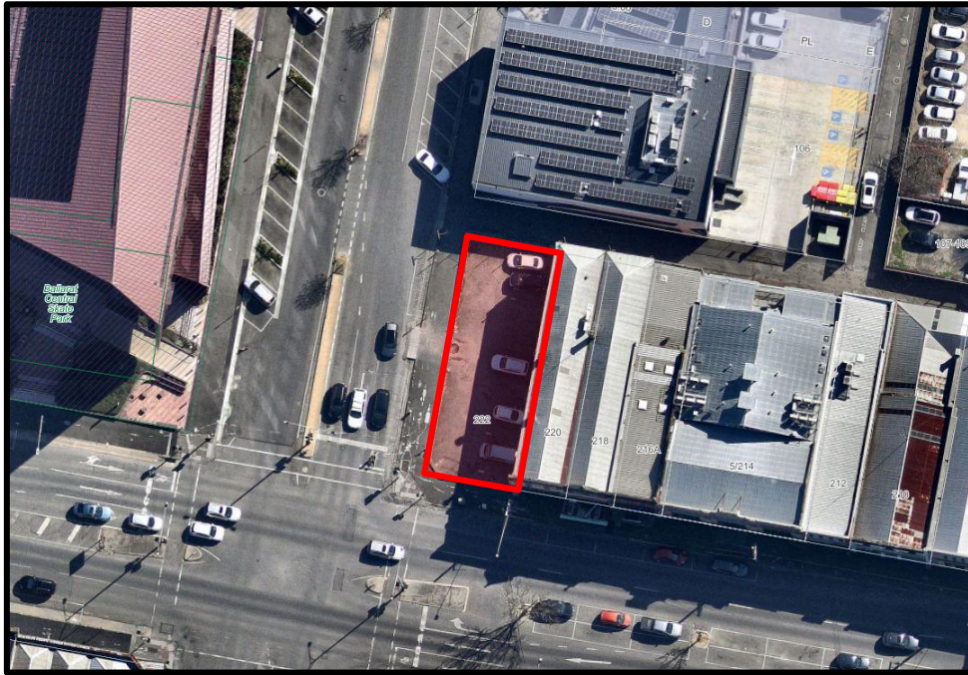


Figure 2 – Aerial View, Source: IntraMaps

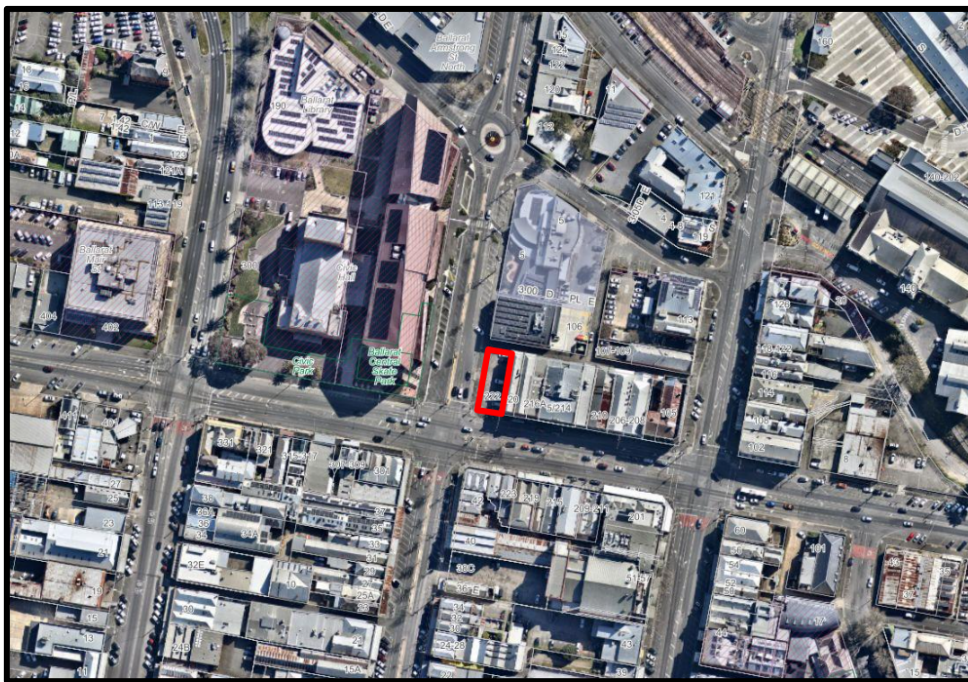


Figure 3 – Locality aerial with subject site in red Source: IntraMaps

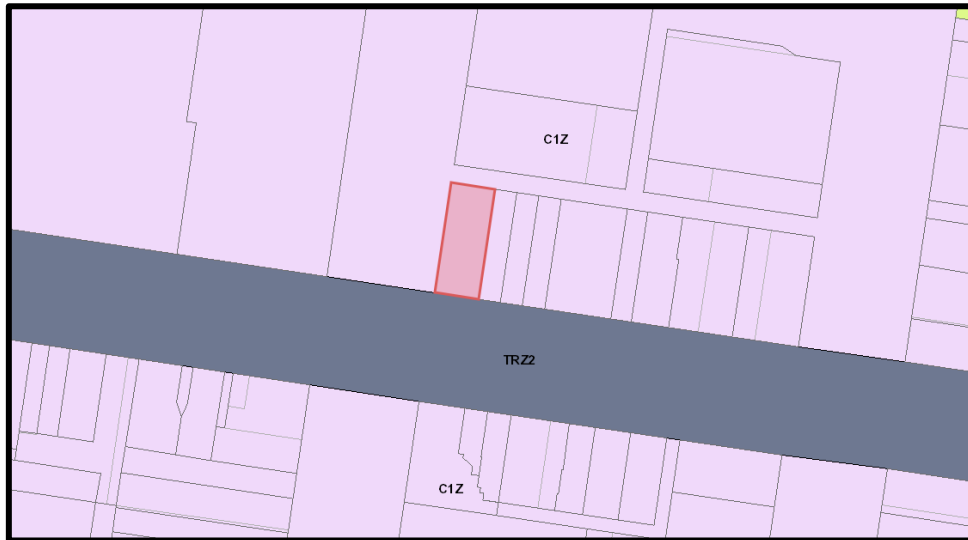


Figure 4 – Zone with subject site in red Source: VicPlan



Figure 5 – Overlays with subject site in red, Source: VicPlan



Figure 6 – Areas of Cultural Heritage Significance with subject site in red, Source: VicPlan

Proposal

10. The plans that form the basis of Council’s consideration were prepared by Wardle and are known as Project No. 2207, Drawing Nos. TP0001 through to TP3501, Revision 5 and advertised in August 2023.

11. Key features of the proposal are:

12. *General*

- The demolition of the existing at-grade car park, bluestone plinth and chain mesh fencing.
- The construction of a six-storey commercial building with a maximum height of 26.8 metres measured from the lowest point of natural ground level (R.L. 432.050) and to the parapet (R.L. 458.850) and comprising five (5) levels of office space and a lobby, end of trip facilities, back-of-house and two retail and café tenancies at ground floor level.
- No vehicle parking is proposed on site, and.
- Pedestrian access is provided off the Mair Street and Armstrong Street North frontages.

13. *Use*

- The proposed comprises predominantly Office space (1150 square metres). On the ground floor, a front of house area that could be later tenanted for café or retail is also provided.
- These uses are ‘as-of-right’ (Section 1 – No permit required) in the Commercial 1 Zone.

14. *Ground floor level layout:*

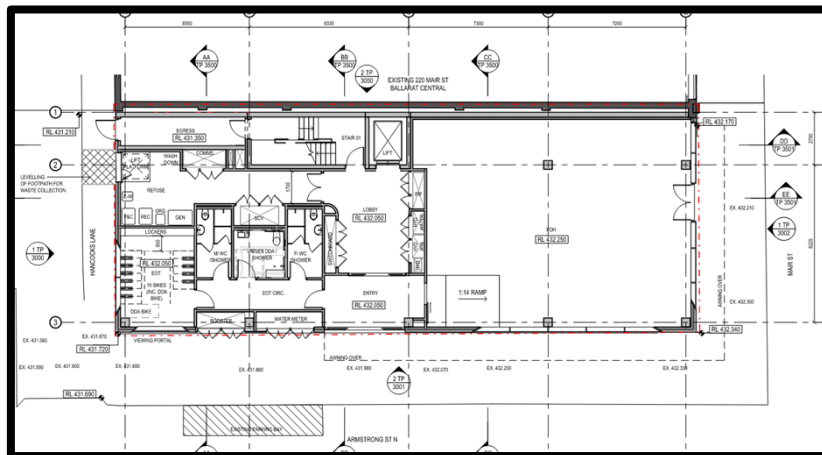


Figure 7 – Ground floor level layout, Source: application

- The ground floor is built to all boundaries with the exception of the eastern title boundary.
- Easement E-1 affects the eastern title boundary and the building is setback 40cm from the boundary to accommodate this easement (existing brick party-wall to 220 Mair Street);
- The back-of-house provides direct access from / to Hancocks Lane to the north.

15. Levels 1 to 4 layout:

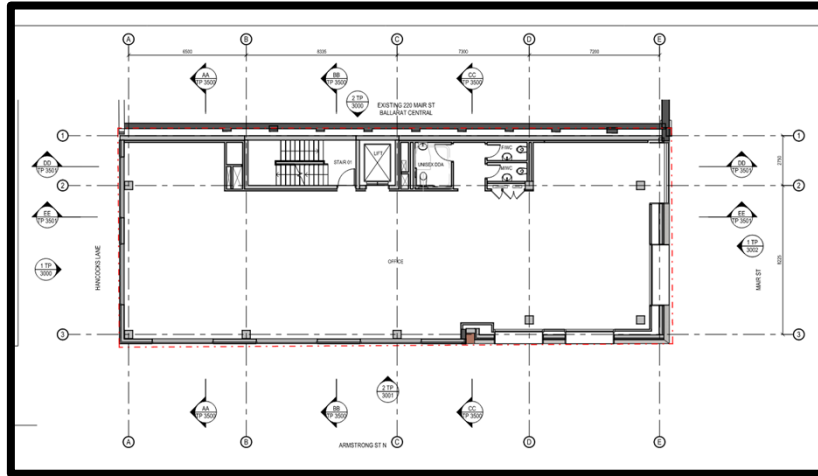


Figure 8 – Levels 1 to 4 floor level layout, Source: application

- Levels 1 through to 4 include increased setbacks from title boundaries due to the sloped nature of the built form.
- Each of these four levels comprises office space with amenities and building services (stairway and lift);
- Due to the built form, the floorplate (Net Leasable Area and Gross Floor Area) of each level decreases slightly as below:

Level	Net Leasable Area (NLA)	Gross Floor Area (GFA)
Level 1	284 m ²	349 m ²
Level 2	268 m ²	344 m ²
Level 3	240 m ²	322 m ²
Level 4	209 m ²	289 m ²

Note: Gross Floor Area is defined at Clause 73.01 of the Ballarat Planning Scheme as: The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.

Net Leasable Area is defined at Clause 73.01 of the Ballarat Planning Scheme as: The total floor area of all floors of all buildings on a site [that can be leased]. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts. [added by author]

16. Level 5 layout:

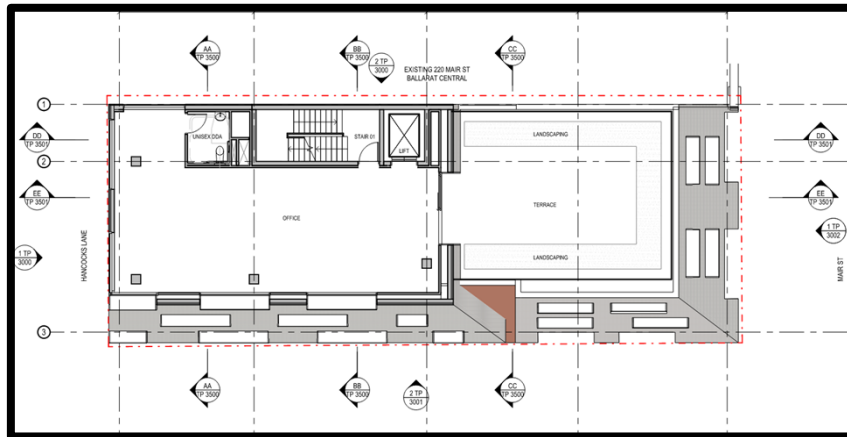


Figure 9 – Level 5 floor level layout, Source: application

- Level 5 comprises further office space with amenities and building services (stairway and lift) and an outdoor terrace with landscaped area.
- Level 5 offers a Net Floor Area of 104m² and Gross Floor Area of 261 m².

17. Level 6 and roof layout:

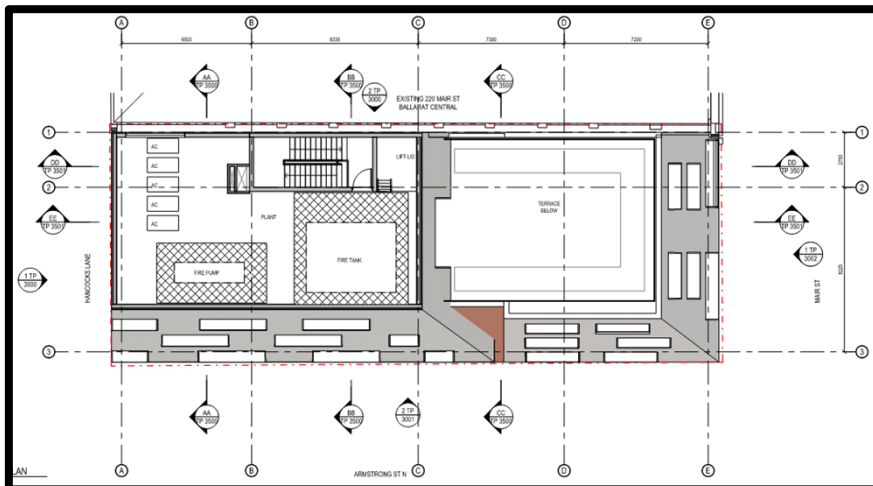


Figure 10 – Level 6 and roof floor level layout, Source: application

- Level 6 accommodates building services, including lift lid, fire pump, fire tank and air conditioning units. This level is setback from the Mair Street frontage due to the terrace at Level 5.
- The roof comprises a grated platform which houses a range of Photovoltaic Panels.

18. Demolition

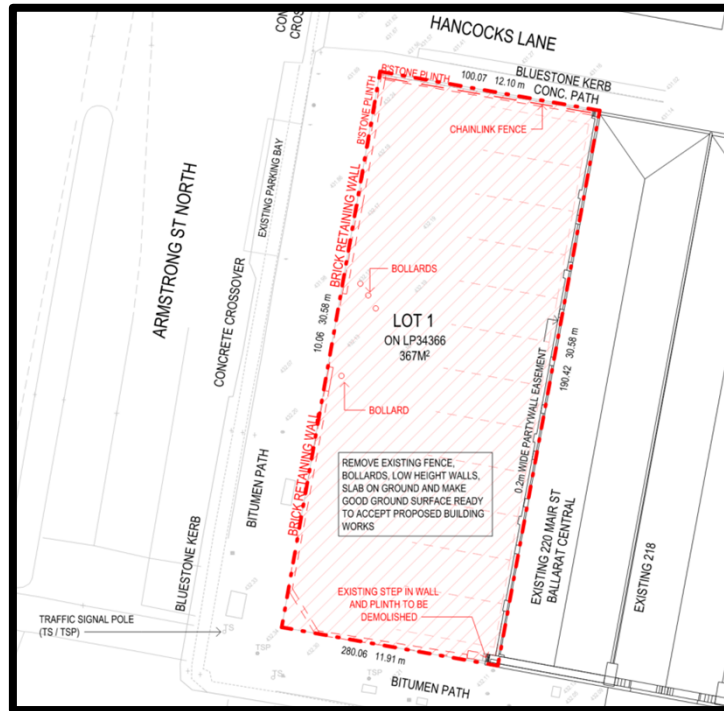


Figure 11 – Demolition plan, Source: application

- The existing at-grade car park, bluestone plinths and chain mesh fencing are to be demolished.

19. Materials and colours:



Figure 12 – Renders of proposed building showing materials and colours, Source: application

- The development adopts a contemporary design response and incorporates brick and brick tiles of graduating colour, size and bond pattern.
- Large, recessed glazing panels will be ‘punched’ into the façade and be bounded by black metal canopies and shrouds. A larger glazed panel is set within the Mair Street façade which extends between Levels 1 and 2.
- Coloured precast and precast brick slips are also proposed for the exposed eastern boundary wall.

- The building would also feature a 'fold' across the Mair Street façade. This fold marks a tapering of the form and aligns with the top of the parapet of the adjoining Victorian buildings to the east.

20. Plans showing the proposed building are provided below for reference.

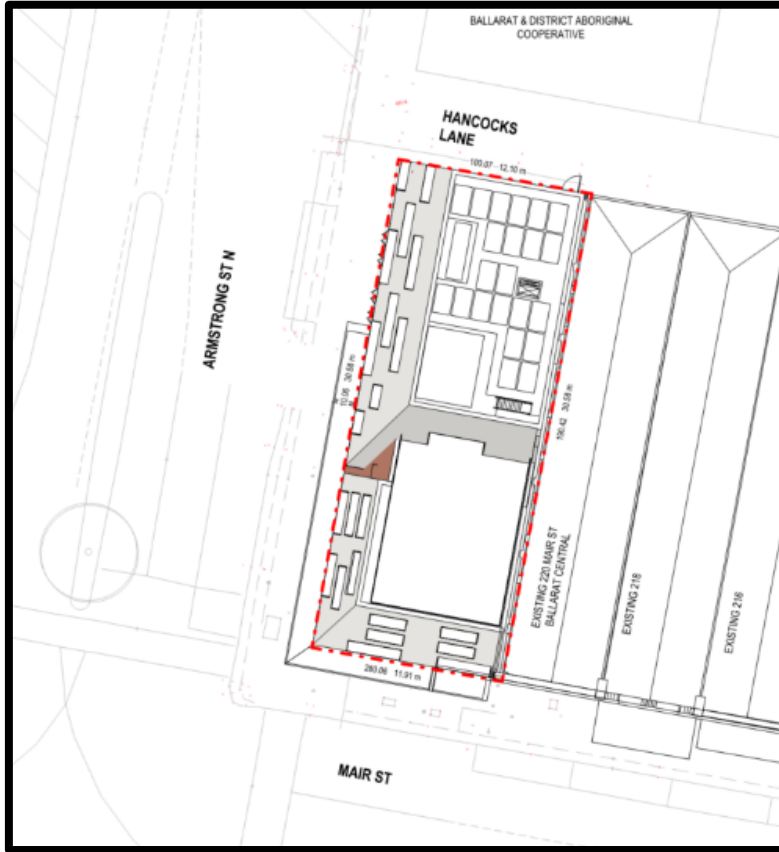


Figure 13 – Proposed site development plan. Source: Application documents

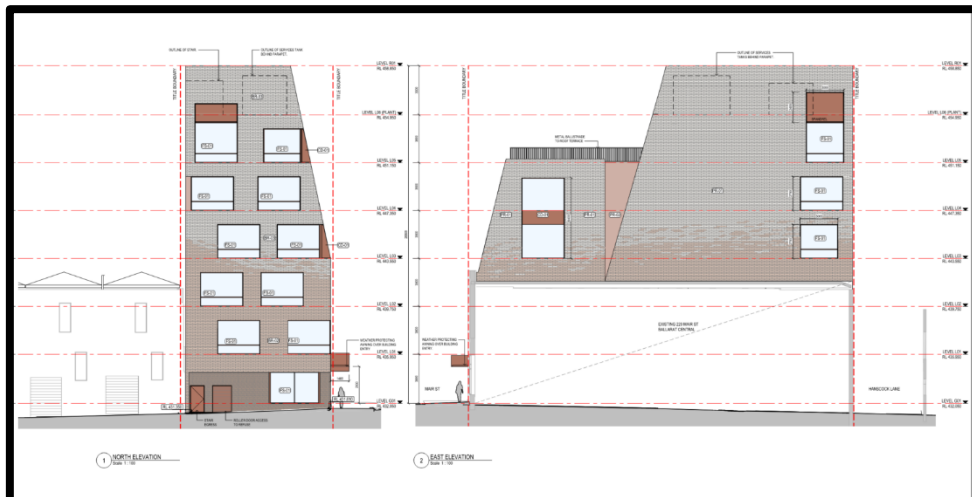


Figure 14 – Proposed North and East elevations site development plan. Source: Application documents



Figure 15 – Proposed South elevations site development plan. Source: Application documents

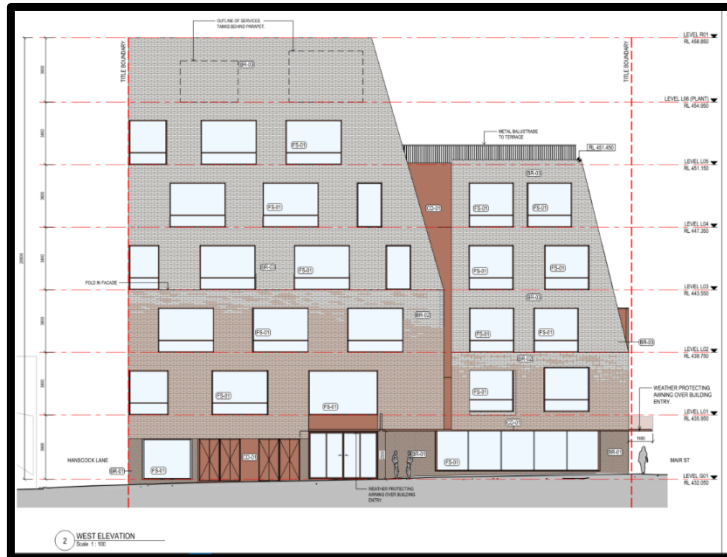


Figure 16 – Proposed west elevations. Source. Application documents

Planning Permit History

Permit Number	Description	Decision
PLP/2021/578	Buildings and works for the construction of a food and drink premises a reduction of car parking; and creation of access to a Road Zone, Category 1.	Withdrawn 10/06/2022
PLP/2021/4	Buildings and works for the construction of a food and drink premises; a reduction of car parking; and creation of access to a Road Zone, Category 1.	Lapsed 5/08/2021
PLP/2017/511	Buildings and works and a waiver of the car parking requirements in association with the use of the land for a food and drink premises	Delegated Permit 4/08/2017
PLP/2016/542	Development of a multi-storey mixed-use building and reduction in car parking requirements	Delegated Permit 2/11/2016
PLP/2013/266	Use of land for a car park including associated works and installation of signage	Delegated Permit 12/06/2013

PLANNING CONTROLS – BALLARAT PLANNING SCHEME

21. The following controls/permit triggers apply:

Zone

22. Clause 34.01 – Commercial 1 Zone

Pursuant to Clause 34.01-1, a permit is not required for the use of land for an office or for retail / café (food and drink premises).

Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.

Overlays

23. Clause 42.01 – Heritage Overlay – Lydiard Street Heritage Precinct (HO171)

Pursuant to Clause 43.01-1, a permit is required to construct a building or construct or carry out works, including demolition.

Particular Provisions

24. Clause 52.06 – Car Parking

Pursuant to Clause 52.06-2, before a new use commences the number of car parking spaces specified under Clause 52.06-5 must be provided on the land prior.

Pursuant to Clause 52.06-3, a permit is required to reduce (including to zero) the number of car parking spaces required under Clause 52.06-5.

- Office

Pursuant to Table 1 at Clause 52.06-5, the statutory rate associated with an Office is 3.5 to each 100 square metres of net floor area.

1,255 square metres of office space will be provided, and this requires 38 car parking spaces on site.

150 square metres of retail space will be provided, and this requires five car parking spaces.

A minimum of 43 car parking spaces is therefore required.

25. Clause 52.34 – Bicycle facilities

Pursuant to Clause 52.34-4, before a new commences, the required bicycle facilities and associated signage must be provided on the land.

Pursuant to 52.34-2, a permit may be granted to vary, reduce or waive any requirement under Clause 52.34-5 and Clause 52.34-6.

- Office

Pursuant to Table 1 at Clause 52.34-5, the statutory rate associated with an Office is:

- Employees: one bicycle space to each 300 square metres if the net floor area exceeds 1000 square metres of employees
- Visitors: one to each 1000 square metres of net floor area if the net floor area exceeds 1000 square metres.

1,105 square metres of office space will be provided, and this requires four employee bicycle spaces and one visitor bicycle space on site.

150 square metres of retail space will be provided, and this requires one bicycle space on site.

26. The following clauses are relevant in the consideration of this proposal:

Planning Policy Framework

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Central Highlands
- Clause 11.03-1S Activity Centres
- Clause 15.01-1S Urban Design
- Clause 15.01-2S Building Design
- Clause 15.03-1S Heritage Conservation
- Clause 17.01-1S Diversified economy
- Clause 17.02-1S Business
- Clause 18.02-1S Walking
- Clause 18.02-2S Cycling
- Clause 18.02-3S Public Transport
- Clause 18.02-4S Roads

Municipal Planning Strategy

- Clause 21.01 Municipal Overview
- Clause 21.06 Built Form, Heritage and Design
 - Clause 21.06-1 Urban Design
 - Clause 2106-2 Heritage
- Clause 21.07 Economic Development
- Clause 21.08 Transport and Infrastructure
- Clause 21.09 Local Areas

Local Planning Policy Framework

- Clause 22.05 Heritage Conservation and Heritage Precincts

Other Provisions

- Clause 34.01 Commercial 1 Zone
- Clause 43.01 Heritage Overlay
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 65 Decision Guidelines

Referrals

27. The following internal departments have been consulted on the proposal:

Referral	Comment
<i>Environmentally Sustainable Design</i>	<p>Council's Environmental Sustainable Design Officer has reviewed the application and recommended additional changes and inclusions to be implemented to ensure the building meets best practice. Recommendations will be implemented by way of Permit Conditions.</p> <p>Importantly, on the basis the application was lodged prior to the formal introduction of the City of Ballarat's ESD policy on 18 September 2023, it is not subject to the provisions of the policy.</p> <p>Notwithstanding this, the applicant has volunteered to incorporate ESD measures into the building's design and is to be commended for doing so in anticipation of the City's policy.</p>
Heritage	<p>The City's Heritage Advisor reviewed the application and provided the following comments:</p> <ul style="list-style-type: none"> • Clauses 15.03-1s, Cl. 22.05 and Cl. 21.06 are all aligned in that they encourage the conservation of the heritage attributes, fabric and values of the municipality. • The site, 222 Mair Street originally accommodated a substantial carriage workshop dating from the latter half of the nineteenth century, which extended from the corner of Mair and Doveton Streets through to 214 Mair Street. The form of the building on the subject site was chamfered to the corner, as were all other buildings on this intersection, and the bluestone retaining wall which originally formed the foundations of the building remains, defining the footprint. This is why the site, while vacant, is identified as significant.

	<p>While Mair Street has some infill modern buildings, it is consistent in terms of its two-storey scale, particularly on this side of the street, and the infill buildings adhere to the reference document for the local heritage policy at Clause 22.05 'Heritage Conservation and Heritage Precincts'. The buildings are consistent in their parapet and string course heights, fenestration patterns and other details and do not compete or detract from their heritage counterparts.</p> <ul style="list-style-type: none"> • In general, the Planning Scheme and its guidelines encourage infill development to be sympathetic to the heritage precinct within which new development is proposed in terms of scale, massing, height, setbacks, form and materials when viewed from surrounding streets. While I do not object to the materials (brick) proposed, the form, pattern, composition, plane directions and rhythm of the proposed building is considered to be at odds with the remainder of the significant streetscape and represents a disordered structure without a consistent frame or pattern. Even the adjacent GovHub has a clear frame, and the varied windows on the elevation addressing Doveton Street are set within an ordered frame, contrasted by the order expressed on the glazing of the Mair Street frontage. • The overall height is considered excessive for this location and will make the building an anomaly within the context of this streetscape. I am not opposed to a modern approach or design but struggle to see how the current proposal can be considered in any way sympathetic to the precinct or responds adequately to the local policy or the Burra Charter.
Economic Development	The City's Economic Development team do not object to the proposal.
Engineering	The City's Engineering Department do not object to this application subject to conditions concerning drainage plans, civic design and construction, construction management, reinstatement off vehicle crossovers and road reconstruction works.

Traffic and Transport	<p>The City's Transport Unit's comments are summarised as follows:</p> <ul style="list-style-type: none"> • The application has been supported by a Traffic Impact Assessment Report (TIAR). • A full dispensation of car parking is supported due to the proposed use and location within the CBD precinct. • The site's location in an area which has a 'very walkable' walk score, excellent access to public transport and the number of alternative means of travel emerging including share car arrangements, increased bicycle use and electric scooters which all provide justification for using a 'centre based' approach to car parking. • The reduction in car parking requirements for the development have considered a 'centre based' approach supported by VCAT on many occasions. • The proposed development does not provide an on-site loading area. This arrangement is considered acceptable. Loading activities for office uses are typically infrequent and occur on an ad-hoc basis using cars or small vans. There are suitable on-street car parking spaces close to the proposed development that could accommodate service vehicle demands. <p><u>Recommendations</u></p> <ul style="list-style-type: none"> • That the proposed use and development of new six storey commercial building at 222 Mair Street, Ballarat Central is supported in principle. • That parking dispensation for the notional shortfall in on-site parking is supported. • That bicycle parks and end of trip facilities are provided generally as indicated in approved plans. • That RRV consents to the proposed awning over the footpath in Mair Street in the vicinity of the road traffic signals. • That all loading and unloading activities are undertaken from an approved loading zone. • That waste collections are undertaken in accordance with an approved WMP. • That the building awning is suitably located so as not to impact on road and vehicles, particularly at the corner.
Property Management	<p>The City's Property Management team do not object to the proposal.</p>

Public Open Space	The City's Public Open Space team do not object to the proposal.
City Design	The City's City Design team do not object to the proposal.
Design and Survey	The City's Design and Survey team do not object to the proposal subject to conditions relating to reinstatement of assets.
Environment Services (Waste)	The City's Waste team do not object to the proposal subject to conditions relating to private waste contracting
Building Services	The City's Building team reviewed the application and do not object to the proposal subject to conditions relating to the development complying with relevant National Construction Codes, relevant Australian Standards and the <i>Building Regulations 2018</i> and <i>Building Act 1993</i> .
Vegetation	<p>The City's Vegetation team do not object to the proposal and have made the following recommendations:</p> <p>Limited opportunity for the implementation of any greening improvements to the site given the current proposal (Total site coverage). Consideration for some greening/planters to be installed on the existing foot path area should be made.</p> <p>Planning permit conditions relating to landscaping and footpath works are included.</p>
Environmental Health	The City's Environmental Health team do not object to the proposal subject to conditions.

28. The following external authorities have been consulted on the proposal:

Referral	Section 52 or 55	Comment
Department of Transport	Section 52	In accordance with the Referral Response Letter dated 29 March 2023, the Head, Transport for Victoria has no in principle objection to the proposal subject to a permit note relating to separate approval from the authority for protruding elements.
Central Highlands Water Authority	Section 52	In accordance with the Referral Response Letter dated 15 February 2023, Central Highlands Water Authority has no in principle objection to the proposal subject to a permit note relating to the location and potential sewer main extension for the site.

Heritage Victoria	Section 52	<p>In accordance with the Referral Response email dated 31 January 2023, Heritage Victoria are unable to provide comment as the site is not on the Victorian Heritage Register, Heritage Victoria.</p> <p>A further response from Heritage Victoria was received dated 15 February 2023 providing advice relating to historical archaeology matters and to facilitate positive site management outcomes, promote compliance with the archaeology provisions of the <i>Heritage Act 2017</i>, and avoid delays that may be associated with the discovery of historical archaeological remains during project works.</p> <p>Heritage Victoria indicated there is a high likelihood that the site contains historical archaeological remains dating from the time of construction of the coach builders building (previous building) in 1862 including early mining relics.</p> <p>This advice was shared with the applicant on 8 March 2023. A Planning Permit condition has been applied for further assessment</p>
Powercor	Section 52	<p>In accordance with the Referral Response Letter dated 1 February 2023, Powercor has no objections to the issue of the permit subject to recommended conditions. Conditions have been applied.</p>
Country Fire Authority	Section 52	<p>In accordance with the Referral Response letter dated 31 February 2023, the CFA has no objections or conditions for the granting of a permit.</p>

Public Notification

29. The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* by:
- Sending notices to the owners and occupiers of adjoining land; and
 - Placing a sign on site.
30. During the first round of public notification, a total of five (5) objections were submitted to Council. During the second round of public notification, four (4) further objections were lodged with Council, with two of these being from new objectors. As such, objections from seven (7) affected properties have been received to date.
31. Objectors' concerns are summarised as follows:
- *The proposal is incompatible with surrounding developments by way of its scale, design and use of materials and results in detrimental impacts to heritage buildings in the vicinity; and*

- *The proposal fails to provide adequate car parking. This area of the Central Business District is considered to already have limited car parking availability.*
- *The proposed development is not respectful to the heritage streetscape.*
- *The proposed development will deter visitors to Ballarat due to loss of heritage architecture.*
- *The proposed development is an overdevelopment of the site.*
- *The proposed development will result in a precedent for similar buildings in the future.*
- *The proposed development is inappropriately guided by GovHub.*

32. A consultation meeting was undertaken on the 30/05/2023. The consultation meeting resulted in no objections being withdrawn.

33. A response to the objections raised is included in the Planning Assessment.

PLANNING ASSESSMENT

34. The key matters to be considered are:

- The alignment of the development with relevant planning scheme policies;
- Whether the proposed built form responds to context and character appropriately?
- Whether the proposal will result in any unreasonable amenity impacts?
- Whether the reduction of car parking is appropriate?
- Other matters as relevant.

35. Key policies and matters are discussed in turn:

The alignment of the development with relevant planning scheme policies.

36. The Ballarat Planning Scheme contains overarching state and local strategic policies which support the enhancement of commercial facilities within the Ballarat CBD Principal Activity Centre. Key state policies relevant to the proposal include:

- It is an objective to “facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements” and strategy to
 - “Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga”.
 - “Plan for development and investment opportunities along existing and planned transport infrastructure”
 - “Encourage a form and density of settlements that supports healthy, active and sustainable transport”.
 - “Promote and capitalise on opportunities for urban renewal and infill redevelopment”.
 - “Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services”.
 - “Ensure retail, office-based employment, community facilities and services are concentrated in central locations” (Clause 11.01-1S Settlement)
- It is a strategy to “Support urban consolidation, particularly in Ballarat’s Central Business District” and “Maintain Ballarat’s Central Business District as the

primary focus for commercial, retail and service activity in the city and region” (Clause 11.01-1R Settlement – Central Highlands)

- It is an objective to “encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community” and strategy to
 - “Build up activity centres as a focus for high-quality development, activity and living”.
 - “Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres”.
 - “Improve access by walking, cycling and public transport to services and facilities”.
 - “Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies” (Clause 11.03-1S Activity Centres)
- It is an objective to “create urban environments that are safe, healthy, functional and enjoyable and that contribute to as” and strategy to “Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate” and “Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport” (Clause 15.01-1S Urban Design)
- It is an objective to “strengthen and diversify the economy” and a strategy to “Improve access to jobs closer to where people live”. (Clause 17.01-1S Diversified economy)
- It is an objective to “encourage a city structure which supports growth and productivity in key economic industries” and strategy to “Encourage the co-location of business, education and research in close proximity to the CBD to strengthen Ballarat’s competitive and innovative capacity and its role in Western Victoria as a centre of knowledge, innovation and research” (Clause 21.07-1 Economic Growth)
- It is an objective to “facilitate the clustering and agglomeration of businesses in regionally significant precincts” and strategy to “Encourage the clustering of uses within regionally significant precincts, to best utilise infrastructure and maximise the potential for agglomeration” (Clause 21.07-2 Regionally significant precincts)
- It is an objective to “transition retail focused activity centres into high amenity destinations for community life’ and strategy to
 - “Encourage Activity Centres to be mixed use precincts offering retail, office, entertainment, community services, and higher density residential”.
 - “Ensure major retail developments, particularly those within Major Activity Centres and the designated Bulky Goods Retail Centre, support the role of the Ballarat CBD as the pre-eminent centre”.
 - “Encourage re-development within activity centres to improve built form quality, and provide the opportunity to redesign the space as a highly accessible, people focussed hub for the local community” (Clause 21.07-3 Activity Centres)
- It is an objective to “integrate transport and urban growth” and “develop and maintain a comprehensive, safe, comfortable and convenient pedestrian network throughout the municipality” and “develop a comprehensive, safe and convenient cycling network” (Clause 21.08-1 Integrated transport networks)
- *Significant new mixed-use development will be encouraged in the CBD. The area will be managed as a key entertainment destination, a hub of knowledge*

sector, retail employment activities and inner-city living precinct with street level and out of hours activation. Strong emphasis will be placed on a high-quality public realm, pedestrian amenity and a people first approach to managing space.

Land use Strategy is include “Facilitate significant new mixed-use development and redevelopment in the CBD” (Clause 21.09-1 Ballarat CBD)

- 37. Of particular note is Clause 21.07 (Economic development), which identifies the site as included in the Ballarat CBD Principal Activity Centre, where the policy encourages significant mixed-use development and vibrant commercial activities.

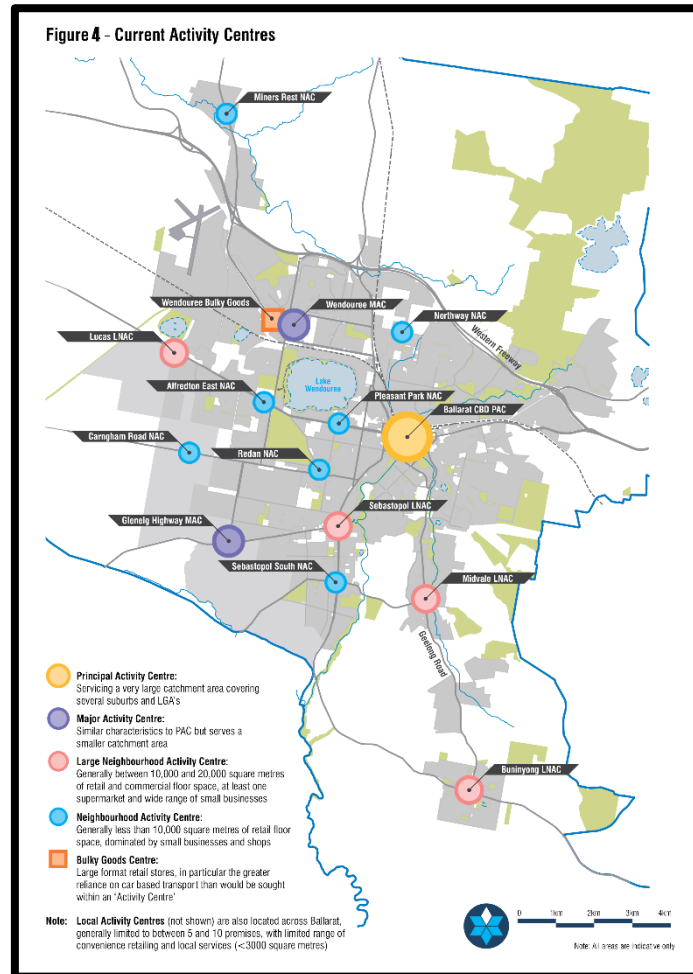


Figure 16 – Map showing Activity Centres within City of Ballarat – Source: Clause 21.07 Economic Development, Ballarat Planning Scheme

- 38. The site is included in the Commercial Zone 1. The purpose of the C1Z, in addition to implementing the MSS and the PPF, is to:
 - To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

Officer response

- 39. The proposal seeks to develop the land for the purpose of an office building and for future tenancies including café and/or retail premises. These uses are ‘as-of-right’ within the Commercial 1 Zone and are considered contributory to the mix of uses contemplated by the zone and more broadly, by local policies.

40. The site is also within the Ballarat CBD Principal Activity Centre, where policy encourages significant mixed-use developments to contribute to the precinct's vibrancy. The building's uses will certainly help achieve this by activating this otherwise currently inactive and derelict site and providing dedicated office floor plates; a facility generally lacking in the Ballarat CBD. The office floor space will accommodate additional workers who will, in turn, provide economic support for city retail uses. This will only add to the vibrancy of the city centre as advocated by policy.
41. In terms of the context, the site is well serviced by public transportation and identified within an "Principal Activity Centre" where redevelopment at densities complementary to the role and scale of the Ballarat CBD are encouraged.

Whether the proposed built form responds to context and character appropriately?

42. As identified above, there is strong planning policy support for a vibrant and mixed-use development at the subject site. However, any development and infill opportunity need to be tempered in relation to the following contextual and policy considerations relating to built form:

Planning Policy considerations

43. At state level, there are consistent objectives seeking design responses that positively contribute to the local context in terms of character, cultural identity, natural features, surrounding landscape and climate (Clause 15.01-1S Urban design, Clause 15.01-2S Building design, and Clause 15.03-1S Heritage conservation). Some relevant key policies include:
- It is an objective to "achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development" and strategy to
 - "Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development".
 - "Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment".
 - "Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste".
 - "Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical".
 - "Encourage water efficiency and the use of rainwater, stormwater and recycled water".
 - "Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm" (Clause 15.01-2S Building Design)
 - It is an objective to "ensure the conservation of places of heritage significance" and strategy to
 - "Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance".
 - "Encourage appropriate development that respects places with identified heritage values".
 - "Retain those elements that contribute to the importance of the heritage place".

- “Encourage the conservation and restoration of contributory elements of a heritage place”.
 - “Ensure an appropriate setting and context for heritage places is maintained or enhanced” (Clause 15.03-1S Heritage Conservation)
 - It is an objective to “encourage development that meets the community’s needs for retail, entertainment, office and other commercial services” and strategy to “Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure” (Clause 17.02-1S Business)
44. At local level, Clause 21.06 (Built form, heritage and design) encourages sympathetic building forms which contribute to the surrounding character, including identified heritage places and precincts.
- It is an objective to “protect and enhance the quality and character of built areas, considering context and local values” and strategy to “Ensure that the scale, bulk and quality of new development contributes to the character and amenity of the built environment”. (Clause 21.06-1 Urban Design)
 - It is an objective to “increase the vitality, amenity and experience of the public realm” and strategy to
 - “Ensure the scale, bulk and quality of new development supports a high-quality public realm”.
 - “Ensure development maximises solar access in public open spaces and creates microclimatic conditions for a high level of pedestrian comfort, including minimising the adverse effects of wind and rain”. (Clause 21.06-1 Urban Design)
 - It is an objective to “improve the permeability, legibility, safety and comfort of the public realm” and strategy to “Ensure new developments in the CBD and Activity Centres provide active street frontages, legible pedestrian routes including minimising pedestrian disruption from car access”. (Clause 21.06-1 Urban Design)
 - It is an objective to “protect, conserve and enhance areas, features, structures and sites of historic, Aboriginal, natural and cultural significance” and strategy to
 - “Conserve, protect, and enhance the fabric of identified heritage places and precincts.”
 - “Identify and protect heritage places, including maintaining the visual prominence of heritage buildings and landmarks.”
 - “Encourage sympathetic forms of development adjacent to heritage sites” (Clause 21.06-2 Heritage)
 - It is an objective to “facilitate the development of a sustainable network of activity centres” and strategy to “Ensure the location and scale of retail development aligns with the hierarchy of Activity Centres” and “Encourage new retail and office development to locate in existing or planned Activity Centres”. (Clause 21.07-3 Activity Centres)
45. In addition to the Municipal Strategic Statement and state and local policies contained within the Planning Policy Framework, the zoning of land and overlay must also be considered in any assessment of built form.

Commercial 1 Zone

Location within the Central Business District and Commercial 1 Zone context

46. The subject site is in the Central Business District of Ballarat and zoned for commercial purposes. The subject site is considered to be a suitable location to support a more robust built form to serve commercial purposes, including its location on a prominent corner site.
47. The proposed built form is considered to positively respond to the site's commercial context and functional purpose within the CBD. Due to its location and proximity to services, the proposed scale of the building is not considered out of character and is supplementary to the economic centre.
48. The building also responds positively to Clause 15.01-1S through the provision of an activated public realm at street level with glazing and weather protection through the inclusion of awnings.
49. In addition, the proposed six (6) storeys will respond to the emerging built form character within the Ballarat CBD, which includes recent 5 storey approvals and development of the Quest Hotel as part of the Ballarat Train Station Redevelopment, the GOV Hub development at 300 Mair Street, a residential hotel at 109 Doveton Street and a multi-storey mixed-use building at 31 Field Street.
50. It is considered that the extent of the building footprint and its proposed scale and height are an appropriate built form outcome in the context of the CBD and Commercial 1 Zone.

Heritage Overlay, Lydiard Street Heritage Precinct (HO171) and heritage context

51. The site is subject to the Heritage Overlay. In addition to implementing the Municipal Planning Strategy and the Planning Policy Framework, the purpose of the Heritage Overlay is to:
 - *To conserve and enhance heritage places of natural or cultural significance.*
 - *To conserve and enhance those elements which contribute to the significance of heritage places.*
 - *To ensure that development does not adversely affect the significance of heritage places.*
 - *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*
 - The subject site is considered to be prima facie contributory to the significance of the Lydiard Street Heritage Precinct (*Ballarat Heritage Precincts, Statements of Significance 2006 (revised August 2014)*, Incorporated Document).
52. The subject site forms part of the larger Lydiard Street Heritage Precinct, denoted on the planning maps as HO171. This precinct broadly affects most of the Ballarat Central Business District.
53. The Statement of Significance for the Precinct highlights what is notable in this area. The Ballarat Heritage Precinct Statement of Significance 2006 (revised August 2014) is an Incorporated Document to the Ballarat Planning Scheme and must be considered when assessing applications subject to the Heritage Overlay.

54. The subject site is identified as being prima facie contributory to the heritage precinct, despite being vacant except for some minor structures. As identified by Council's Heritage Advisor, the remaining bluestone plinth which originally formed the foundations of the previous heritage building is the basis of this significance, though it no longer benefits from any real context and this, in turn, undermines its true significance. To this end, the demolition of remaining structures is considered acceptable in principle.
55. The Lydiard Street Heritage Precinct is considered of state significance, but only local planning controls are applied through the Heritage Overlay within the Ballarat Planning Scheme. There are no places immediately surrounding the site listed on the Victorian Heritage Register.
56. The Statement of Significance for the Lydiard Street Heritage Precinct recognises the following key characteristics, which make the precinct architecturally, aesthetically, and historically significant:
- *The precinct includes Ballarat's significant civic, institutional, religious, and commercial buildings and monuments. The collection of buildings reflects the wealth that the 1851 gold discoveries brought to Ballarat influenced by the immigrants who diversified into other occupations following the gold rush.*
 - *Buildings and features in the precinct show the features associated with the civic and commercial development of the area from the 1850's. Notable contemporary architects, such as Casselli and Figgis and Leonard Terry designed many of the civic and commercial buildings. The significant and contributory buildings are predominantly Victorian, Federation, Edwardian and Inter War styles and feature ornate detailing, verandahs and intact interiors and exteriors.*
 - *The Precinct is aesthetically and architecturally significant as an outstanding example of 19th century provincial city centre representing the development of modern urbanism, initiated by the 1850s gold rush in rural Victoria.*
 - *The creation of the Precinct between 1850 and 1880s is particularly significant as it coincided with the early boom of the gold fields and because the legacy of mid-19th century historic street pattern, urban fabric and buildings have retained their authenticity and integrity to a high degree, in terms of the historic architecture and types of function.*
 - *Ballarat architecture in Lydiard and Sturt Streets represented its élat, its style. The architecture best symbolised the belle époque of the gold mining boom, it was initiated by the wealth generated from the alluvial and deep leads and sustained by the growth of quartz gold mining from the late 1850s. This was emphasized by major landmark buildings that defined the focal point of the major intersections of the grids.*
57. Clause 22.05 (Heritage Conservation and Heritage Precincts) provides supplementary policy support to state policy relating to heritage (Clause 15). This Clause requires that applications must be assessed against Heritage Victoria's 'The Heritage Overlay – Guidelines for Assessing Planning Permit Applications; Public Draft February 2007'. An assessment of the application against this document is provided below.
58. As outlined in the Referral Section above, Council's Heritage Advisor has reviewed the application and provided commentary regarding the façade treatment and materials, form, pattern, composition, plane directions, rhythm, height, scale, consistency of the existing heritage streetscape and extent of glazing. These comments have been considered in the officer response below.

Officer response*Overall height of the building*

59. In the context of the above policy and site heritage context, the proposed overall height of the building is not considered to unreasonably dominate the skyline or overwhelm the streetscapes of Mair Street or Armstrong Street North. This is demonstrated through the ratio of the building height to the street width.
- At Mair Street, the street is approximately 30.18 metres wide. The proposed height of the building at the Mair Street frontage is approximately 19.1 metre.
 - At Armstrong Street North, the street is approximately 30.18 metres wide. The proposed height of the building at the Armstrong Street North frontage is approximately 26.8 metres.
60. Given the building height to the street width ratio for both street frontages are less than 1:1 ratio, this will ensure that the building will avoid unreasonable enclosure or overshadowing.
61. Whilst it is acknowledged that GovHub was not subject to the decision guidelines /policies contained within the Ballarat Planning Scheme, the height of the subject building is considered to provide an appropriate transition in scale from the taller GovHub building to the fine-grain heritage buildings to the east.
62. In addition, the proposed built form provides two distinct built elements with varied building heights which sets the majority of the building's bulk to the rear of the lot. This stepped approach is considered suitable in the site's context as the larger bulk and height is removed from the predominant heritage streetscape of Mair Street.
63. The reduced building height at the frontage to Mair Street is also supplemented by the effect of the façade progressively falling downward to the west, commencing at the same height as the parapet of the neighbouring heritage building. This design feature is supported through heritage policy by adopting the existing setbacks of contributory buildings and where parts of the development are taller, to increase the front setback of the higher form. This design solution is considered an appropriate response to the heritage character of the streetscape and strikes a balance between heritage considerations and strategic location.
64. This is an important point, often overlooked in heritage contexts. Clause 71.02 of the Ballarat Planning Schemes directs a balanced assessment of often competing interests. The only exception to this this is the Bushfire Management Overlay (BMO). Here, the preservation of life and property takes precedent.
65. Whilst in the context of the Ballarat CBD heritage is a key consideration, it is not the only consideration and focus should not exclusively centre upon heritage interests.
66. In this changing environment (as marked by GovHub and the Aboriginal Cooperation Building immediately to the north) more robust forms are emerging and to this end any new form on this site should strike a balance between both heritage and emerging contexts.
67. The sustainability credentials of the site must also be considered, and in highly accessible locations like this, more robust building forms are encouraged to provide for additional workers/residents/visitors. Simply, accessible locations can, as a starting principle, accommodate larger forms, given these forms can accommodate more

workers/residents/visitors in an easy-to-access location. This is one of the pillars of sustainable development and new urbanism.

68. In a heritage context such as this, forms however must be tempered and it is considered in this context the scale of the building and fold of the façade provides an appropriate heritage response. Again, the scale of the building provides an effective transition between the bulk of GovHub and the finer-grain heritage buildings to the east, all within a modern yet respectful form.
69. This said, the height of the building could be further reduced to make for an even more comfortable transition. These savings can be made by way of reducing the floor-to-floor heights.

Overall presentation

70. Heritage policy generally seeks to ensure the design of new buildings within a Heritage Overlay do not detract from the form and materials of other Contributory Elements. This ensures new buildings do not undermine the significance or detract from the prominence and character of adjoining and nearby contributory buildings. Further, policy seeks to ensure new buildings reinforce the existing spatial and visual characteristics of the heritage place using shapes of similar scales, proportions, and materials.
71. It is considered that the proposed building respectfully and sympathetically adopts a façade treatment which considers the heritage streetscape. Whilst some shapes and forms do not align with the shapes and forms of adjoining heritage buildings, with consideration given to the shapes and forms of the most notable and dominant building form in the streetscape (GovHub), the proposed building adopts appropriate proportions and finishes. In addition to this, the use of brick reflects the heritage streetscape and as such again provides a balance between the old and new.
72. Additional façade treatments include the installation of glazing and architectural features such as the building 'fold'. These features contribute to the building's contemporary response however, the negative space created by the large rectangular window across the Mair Street façade is questioned. An alternate arrangement of materials and reduced glazing at this particular focal point is considered crucial to the building settling into the heritage precinct and it is considered could be adequately satisfied through permit condition and revised plans.
73. The proposed overall layout and built form may result in a significant change to the immediate context but subject to the recommended changes (overall height and materials), the proposal will better respond to the context and character.

Whether the proposal will result in an unreasonable amenity impact?

Waste management and back of house services

74. Waste and back of house service areas are contained within the subject land. Building services are to be accessed off Hancock's Lane. The interface to this laneway is largely for waste management and building service and maintenance. Pedestrian access is also provided.
75. A Waste Management Plan has been prepared for the development which specifies private waste collection vehicles will visit the site weekly. A standard condition is

recommended to ensure that a Waste Management Plan will be endorsed concurrent with the development plans.

Other uses

76. The proposed use of the building for an Office with future ground floor tenancies is not considered to unreasonably impact the surrounding area's amenity. The site is largely surrounded by commercial uses and adequately distanced from sensitive residential uses. It is therefore considered that the relevant objectives and strategies in policy regarding land use compatibility have been considered and addressed.

Whether a full reduction of car parking is appropriate?

77. As outlined in the Referral Section above, Council's Transport Unit is in support of the proposal, including a full reduction of carparking subject to the recommended conditions.
78. Clause 52.06-7 requires the submission of a Car Parking Demand Assessment when a proposal seeks a reduction (including to zero) of car parking requirements under Clause 52.06-4.
79. Key state and local policies relevant to the assessment of land use planning and transport. These include:
- It is an objective "to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community" and strategy to "Reduce the number of private motorised trips by concentrating activities that generate high numbers of non-freight) trips in highly accessible activity centres" and "improve access by walking, cycling and public transport to services and facilities" (Clause 11.03-1S Activity Centres)
 - It is an objective to "facilitate an efficient and safe walking network and increase the proportion of trips made by walking" (Clause 18.02-1S Walking)
 - It is an objective to "facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling." (Clause 18.02-2S Cycling)
 - It is an objective to "facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure" (Clause 18.02-4S Roads)
 - It is an objective to "integrate transport and urban growth" (Clause 21.08-1 Integrated Transport Networks).
80. The application is supported by a Traffic Impact Assessment which considers the proposed reduction in the context of the site and the anticipated car parking rates. Key outcomes of the applicant's submission in relation to the reduction of car parking show that:

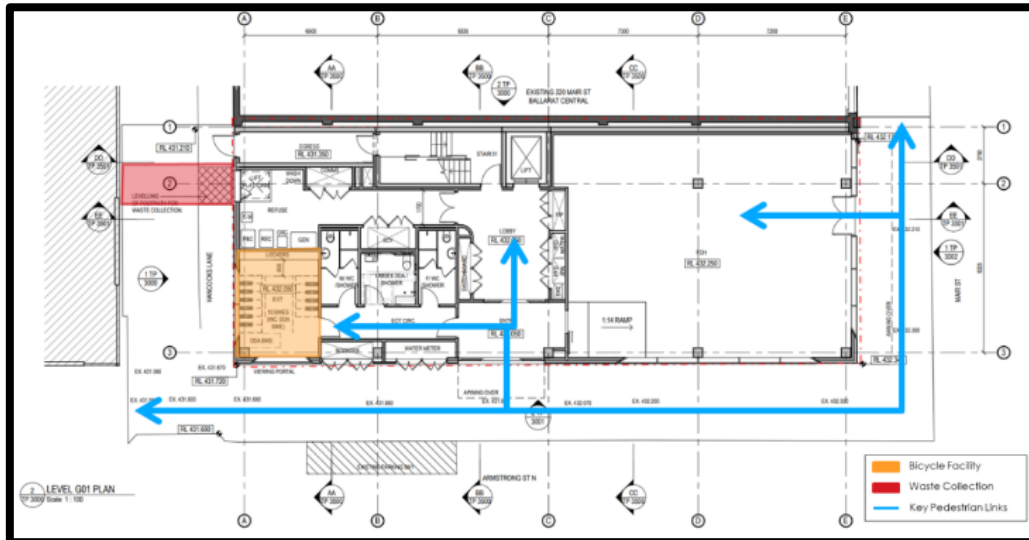


Figure 17 – Map showing pedestrian access points to building. Source. Application documents

Walking

81. Ballarat Central has a well-connected pedestrian network, with all streets in the area generally having sealed footpaths and street lighting. The 'Walk Score' for the subject site is 81 (out of 100), which is defined as 'very walkable', and most errands can be accomplished on foot.

Cycling

82. Strategic Cycling Corridors (SCC) are important transport routes for cycling that cater for the highest, or potentially highest, cycling volumes. An overview of the network in relation to the subject site shows that the site is surrounded by a number of routes that link to destinations in all directions. The cycling catchment is approximately 4.5km to 5km in all compass directions, which covers the majority of the Ballarat CBD.

Public Transport

83. The site is located in close proximity to a range of public transport services, including rail and bus services at Ballarat train station located approximately 300m from the site, and bus services operating along Doveton Street North (150m west of site) and Sturt Street (250m south of site).

Car Parking conditions

84. Stantec commissioned on-street car parking surveys of an inventory area within a 200m radius (approximately) of the subject site. The 200m distance is considered to be an acceptable walking distance between the subject site and publicly available car parking for assessment purposes in this setting.
85. The inventory area contains 161 publicly available on-street car parking spaces, the majority of which are metered, and 29 off-street car parking spaces.
86. Car parking demand surveys were undertaken on Thursday 17th November 2022 between 11:00am and 3:00pm. This time period coincides with the typical peak car parking demand periods of office uses. The car parking survey results are summarised as follows:

- *At 11:00am, there was an observed demand of 73% for the car parking spaces within the inventory area (51 available vacancies).*
- *At 1:00pm there was an observed demand of 82% for the car parking spaces within the inventory area (35 available vacancies).*
- *At 3:00pm there was an observed demand of 71% for the car parking spaces within the inventory area (55 available vacancies).*

87. The car parking surveys indicate that whilst demand for car parking in the vicinity of the subject site is high, there are paid parking vacancies available to accommodate short-term car parking demands.

Bicycle facilities

- 88. The proposed on-site bicycle parking provision of eleven spaces (including one DDA bicycle space) exceeds the statutory requirement.*
- 89. The proposed development does not generate a statutory requirement for showers and change rooms. Nevertheless, three showers with change rooms (inclusive of a DDA shower and change room) will be provided at ground level and adjacent to the bicycle parking area.*

Car Parking Assessment

- 90. A reduced on-site car parking provision, in connection with other development features, responds to sustainable transport objectives set out in identified policies, not only for the subject land but for the surrounding area. This in turn demands a range of outcomes which support more sustainable transport behaviours. It is well recognised that one of a raft of 'tools' or 'levers' available to encourage these behaviours includes a more restrictive approach to car parking provision. This technique is not unlike the car parking limitation policy applied in the Melbourne CBD where car-based travel and consequential storage is identified as having a lower planning importance.*
- 91. Based on these observations, it is expected that a constrained or limited car parking supply will, for most staff, influence their day-to-day travel habits to and from the site.*
- 92. The subject site is located within the Ballarat CBD and there are many nearby commercial and retail uses. In this context, staff will likely visit other uses in the wider precinct as part of their typical working day.*
- 93. The subject site is connected to a well-developed pedestrian network, with footpaths and pedestrian links in the vicinity that provide connections to other destinations within the precinct.*
- 94. Accordingly, the underlying rates of car parking contained in Clause 52.06 are considered excessive for uses located close to public transport alternatives, in areas where publicly available car parking is constrained, and that seek to deliver bicycle facilities in excess of statutory requirements.*
- 95. The delivery of the proposed development with no car parking is considered satisfactory for the following reasons:*
- *The subject site has is accessible by public transport and active transport modes.*

- *Car parking in the area is constrained, with the on-street provision largely being metered and time restricted. There is no reasonable opportunity for staff using a car to park all day in the area.*
- *Bicycle parking and associated end of trip facilities will be provided in excess of the minimum statutory requirements.*
- *A car parking provision below the statutory car parking requirement is consistent with objectives contained in relevant planning policy around reduced private car dependence.*
- *The adoption of a travel demand management approach which encourages sustainable travel modes by limiting on-site car parking is consistent with contemporary planning practices.*

Officer response

Location within the CBD

96. Of note, the site is highly accessible within the Central Business District of Ballarat. The site is within *proximity* to the Ballarat Railway Station, including the main bus interchange for Ballarat. The site is also serviced via existing walking and bicycle networks which provide access to the broader CBD and surrounding suburbs.
97. The site is located within proximity of substantial car parking opportunities, including on-street car parking and large multi-level car parks within walking distance of the site. This is discussed within the Car Parking Demand Assessment.

Site constraints

98. It is considered that due to the constraints of the site caused by the limited site area, requiring the provision of car parking here is not suitable, reasonable or a practical outcome. Additionally, requiring the provision of car parking on this site would further instigate an undesirable urban design outcome by way of the forced inactivation of street fronts. This is opposed as a basic principle in commercial areas.

Alternative arrangements

99. Whilst alternative arrangements for car parking could be made on a different site, it is common practice to apply a centre-based approach to car parking, particularly in the context of the CBD where sites are largely unable to provide the required statutory rates of parking spaces. In short, if many smaller sites such as this were required to comply with the parking provisions of Clause 52.06, many tenancies would remain vacant on the basis car parking cannot be provided in a workable manner. In a commercial context such as this, this is the value of on-street parking and public transport services. These facilities and modes of transport provide alternatives to private car usage and in the interests of both urban design outcomes and limiting inner city congestion, the absence of onsite car parking facilities associated with commercial uses is entirely acceptable and common practice.

Centre – based approach.

100. In *Sansmark Pty Ltd and Ors v Boroondara CC (1998) 22 AATR 103* (editorial comment 22 AATR 103), it was found that car parking waivers should be applied on a centre-based approach in activity centres rather than on a site-by-site basis. Further:
“The basic approach in these decisions is that in important activity centres car parking considerations should not be determinative, instead the land use mix in a centre

should arise from a combination of strategic planning and the economic forces at work in the centre, car parking issues have a part in this but should not dominate. At the level of the individual site where there is a change of use or an extension to an existing building in most situations car parking shortfalls should be waived if it is consistent plan for the centre, firstly because the most equitable solution is to deal with car parking on a centre wide basis, and secondly because even in saturated car parking conditions a balance will occur between the level of activity and the car parking supply.”

101. Similarly, in *Great Oaks Pty Ltd v Greater Dandenong CC (Red Dot) [2015] VCAT 1673* it was found that the preferable decision would be to grant permission for the reduction in the required car parking because any adverse consequences would be outweighed by the social and economic benefits flowing from the proposal and to the activity centre more broadly. This approach was also applied in *Dinopoulos v Darebin CC [2017] VCAT 118 (2 February 2017)*, where VCAT also found that “as with any proposal, a decision to reduce parking ultimately must be tested on its own merits with competing issues balanced to achieve net community benefit. Any potential adverse impacts from parking on-street will need to be assessed against the benefits a proposal may bring to the community where car parking forms only one part of a use or development proposal”.

Other matters as relevant

Bicycle parking

102. Clause 52.34 Bicycle Facilities seeks to encourage cycling as a mode of transport, which is supported through local and state policy including providing the necessary amenities within buildings. The proposed building provides additional bicycle spaces than what is otherwise required by the Planning Scheme. The building response to the provision of bicycle parking is considered to be satisfactory and is in accordance with the relevant transport policies of the Ballarat Planning Scheme.

Environmental Sustainable Design (ESD)

103. Clause 15 of the Ballarat Planning Scheme relates to Built Environment and Heritage and provides policy support for high-quality design outcomes which are environmentally sustainable.
104. The application has addressed Clause 15.01 through the provision of a Sustainability Management Plan prepared by Wrap Consultants. As indicated in this Plan, the development has included a number of key ESD initiatives to ensure the building is adopting a best practice approach to design, energy performance, resource recovery and water efficiency, stormwater treatment, indoor environment quality, building materials, transport and waste management.
105. As outlined in the Referral Section above, Council’s ESD Officer is in support of the application subject to recommended conditions and further implementation of ESD treatments and practices. These recommendations are outlined below and will be required by way of planning permit conditions:
- Implementation Plans relating to construction (including use of locally sourced materials) and building waste (including claimed construction waste diversion of at least 80%).
 - Zero gas building.
 - Intelligent-daylighting tenant lighting
 - Natural Ventilation and openable windows.

- Addition of shading devices on windows.
- Increased Solar Photovoltaic capacity and use of solar energy for building services.
- WELS Water Rating of all building fixtures.
- Stormwater utilisation for watering of landscaping areas and building amenities.
- Inclusion of electric charging points for bikes.
- Variable refrigerant flow with heat recovery.
- Arrangement of bicycle storage to achieve increased storage capacity.
- Building User Guide and Manual to be provided at occupancy to building users.
- Green Travel Implementation plans required by occupants; and
- Landscape plans with management practices and use of stormwater for watering.

106. It is considered through the additional implementation of ESD treatment and practices, the proposed building suitably responds to the relevant state and local policy relating to Environmental Sustainable Design.

Objections

107. Below is a response to the objections that are not addressed in the assessment:

- World Heritage Bid

The assessment of a Planning Permit application is limited to legislation and policies contained within the *Planning and Environment Act 1987* and the Ballarat Planning Scheme. The World Heritage Bid does not currently form part of the ambit of discretion under the Act and the Ballarat Planning Scheme. This application has therefore not been considered in the context of that project.

CONCLUSION

108. Having assessed the application against the relevant planning controls, it is recommended that the Planning Delegated Committee direct to issue a Notice of Decision to Grant a Planning Permit subject to conditions outlined in the Officer Recommendation.

OPTIONS

109. The Planning Delegated Committee, acting as the responsible authority for administering the Planning Scheme, may resolve to: grant a permit, grant a permit with conditions, or refuse to grant a permit.

OFFICER RECOMMENDATION

110. That the Planning Delegated Committee, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, it is recommended that the Responsible Authority issue a Notice of Decision to Grant a Planning Permit in accordance with the Ballarat Planning Scheme in respect of the land known and described as 222 Mair Street, Ballarat Central, for the *Development of a commercial building, demolition of existing car park and associated structures and reduction in car parking requirements*, as associated with PLP/2022/943.

PROPOSED CONDITIONS

1. Amended Plans

Before the development starts, plans must be approved and endorsed by the responsible authority. The plans must:

- a) be prepared to the satisfaction of the responsible authority.
- b) be drawn to scale with dimensions.
- c) submitted in electronic form.
- d) be generally in accordance with the plans prepared by *Wardle* forming part of the application and identified as *Development Plans*, Project Number 2207, Revision 5, dated 20 June 2023, but amended to show the following details:
 - i. Reduced floor-to-floor heights to the minimum extent necessary to comply with Building Regulations;
 - ii. Detailed dimensions of all proposed canopy awnings and clearances to ensure that they do not impact on vehicles travelling on Mair or Armstrong Street North;
 - iii. Any design revisions to the development in accordance with the endorsed Waste Management Plan.
 - iv. Any design revisions to the development in accordance with the endorsed Environmental Sustainability Report.
 - v. Any design revisions to the development in accordance with the endorsed Façade Strategy
 - vi. Any design revisions to the development in accordance with the endorsed Drainage and Engineering Plans.
 - vii. Any design revisions to the development in accordance with the endorsed Landscape Plan.
 - viii. Any pipes, fixtures, fittings vents, plant and equipment servicing the building (excluding storm water down pipes, guttering and rain heads) concealed in service ducts or otherwise hidden from view.

2. Buildings and Works

The development hereby approved as shown on the endorsed plans and/or described in endorsed documents shall not be altered or modified without the prior written consent of the Responsible Authority unless the alteration(s) and/or modification(s) comply with an exemption contained in the Ballarat Planning Scheme. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.

3. Landscape Plan

Prior to the commencement of any works, including demolition or bulk excavation, a landscape plan must be submitted to and approved by the Responsible Authority. Once

approved, the landscape plan will be endorsed to form part of the permit. The landscape plan must detail:

- a. details of surface finishes of terrace areas
- b. a planting schedule of all proposed vegetation, including botanical names, common names, pot sizes, size at planting, sizes at maturity and quantities of each plant (including soil type and profile for any deep soil planting)
- c. Response to water sensitive urban design principles and type of irrigation systems to be used.

All landscaping works must be carried out in accordance with the approved landscape plan and Council's Landscape Design Manual (August 2012).

Except with the prior written consent of the Responsible Authority, the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority at all times.

4. Completion and Maintenance of Landscaping Works

Prior to the use 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. Any dead, diseased or damaged vegetation or landscaped areas are to be repaired or replaced to the satisfaction of the Responsible Authority.

5. Construction Management Plan

Prior to the commencement of any works on the site, including demolition of bulk excavation, a detailed Construction Management Plan must be submitted to and approved in writing by the Responsible Authority. The Plan must consider, as a minimum:

- a. Hours of demolition and construction to accord with Local Laws.
- b. Management of surrounding streets to ensure all are kept free of parked or standing vehicles or any other obstruction, including building materials, equipment, etc. to maintain free vehicle passage to abutting benefitting properties at all times, unless with the written consent of the Responsible Authority.
- c. Methods to contain dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site waste storage construction bins and vehicle washing.
- d. Management of parking of construction machinery and workers vehicles to prevent adverse impacts to nearby properties and surrounding streets.
- e. Management of heavy vehicles, site deliveries and unloading and lifting points and expected frequencies and traffic management in the vicinity of the site to ensure routes to and from the land minimise disruption to nearby properties and surrounding streets.
- f. The measures to minimise disruption to pedestrian movements along adjacent footpaths; and
- g. A liaison officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced.

All works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

6. Environmentally Sustainable Design (ESD) Statement

Prior to the commencement of the development, including demolition or bulk excavation, an amended Environmentally Sustainable Design (ESD) Statement must be prepared and submitted to the satisfaction of the Responsible Authority in consultation

with the City of Ballarat. The ESD Statement must be generally in accordance with the Sustainability Management Report prepared by Wrap Consulting dated 14/07/2023 but updated to reflect the changes required under Condition 1 of this Permit and include:

- Implementation Plans relating to construction (including use of locally sourced materials) and building waste (including evidence of claimed construction waste diversion of at least 80%);
- Rain water tanks
- Details of the Intelligent-daylighting tenant lighting;
- Details of natural Ventilation including openable windows.
- Addition of shading devices on windows
- Details of Solar Photovoltaic capacity and use of solar energy for building services.
- Details of WELS Water Rating of all building fixtures.
- Stormwater utilisation for watering of landscaping areas and building amenities.
- Inclusion of electric charging points for bikes.
- Variable refrigerant flow with heat recovery.
- Arrangement of bicycle storage to achieve increased storage capacity (at least 10 spaces provided);
- Detail of drainage points of roof, façade and terrace to Rain Water Tank's, connections to toilets and garden irrigation, location of RWT's and Legal Point of Discharge (LPOD)
- Building User Guide and Manual to be provided at occupancy to building users; and
- Landscape plans with management practices and use of stormwater for watering.

Once approved, the ESD Statement will be endorsed to form part of the permit.

7. Implementation of Environmentally Sustainable Design (ESD)

Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the endorsed ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans. This may include a GBCA Green Star Design and As Built Design Review Rating to confirm compliance with the stated Green Star targets where required.

8. Façade Strategy

Before the development starts, including demolition, bulk excavation and site preparation works, a Façade Strategy must be submitted to and approved in writing by the Responsible Authority. The Façade Strategy must detail a full schedule of materials, finishes and details, including, but not limited to, the colour, type of materials and appearance. The Façade Strategy must also:

- a. Deliver high quality materials and finishes to the Council's satisfaction.
- b. Undertake an exploration of finer detail of the development, including the manner in which shrouds are attached to the building;
- c. Be updated to reflect the changes required by Condition 1 of this Permit, as necessary.

Once approved, the Façade Strategy will be endorsed to form part of the permit.

9. Projections

All projections over the street alignment, including the awning, must conform to the Building Regulations 2018 to the satisfaction of the Responsible Authority.

10. Section 173 Agreement

Prior to the first occupation of the development hereby approved, the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a. The bricking in of the eastern boundary windows should the adjoining site to the east at No. 220 Mair Street ever be redeveloped in a manner which requires this. This includes to enable the construction of new building forms upon the boundary and/or to preserve the general amenity and privacy of future occupants of any new building form.**
- b. The landowner acknowledges that they do not benefit in perpetuity from the natural light provided by the boundary windows and that this light could be lost should the adjoining site to the east at 220 Mair Street be redevelopment in a manner which requires the windows to be removed.**

The owner of the land must pay all of the responsible authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

11. Archaeology Assessment

Prior to the commencement of the development hereby approved, a historic archaeology assessment must be undertaken. This assessment is required to be prepared and submitted to the Responsible Authority and Heritage Victoria and should:

- a. Consider the built history of the place.**
- b. Consider the level of sub-surface disturbance that may have taken place across the site in the 20th and 21st centuries; and**
- c. Evaluate the site's potential to contain archaeological remains.**

If it is found the site is likely to contain historical archaeological remains, a Heritage Inventory site card is required to be prepared, submitted and approved by the Responsible Authority and Heritage Victoria prior to any further development occurring on the site.

12. Drainage Plans and Construction

Before the development starts, including demolition, bulk excavation and site preparation works, drainage, stormwater detention, stormwater treatment plans and computations must be submitted to and be approved in writing by the Responsible Authority. The drainage, stormwater detention, stormwater treatment plans and computations must accord with the Infrastructure Design Manual, Council's Site Stormwater Management Systems Policy and Council's WSUD guidelines.

All drainage works must be constructed in accordance with the approved plans and must be completed to a standard satisfactory to the Responsible Authority prior to the occupation of the development hereby approved commencing.

At the completion of the works 'as constructed' civil plans must be submitted to the Responsible Authority by a suitably experienced and qualified engineer.

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

Any rainwater tanks forming part of the approved drainage plans/system must be installed and maintained in good operational condition on an ongoing basis to the satisfaction of the Responsible Authority.

13. Engineering plans

Before the development starts, including demolition, bulk excavation and site preparation works, engineering plans and specifications must be submitted to and approved by the Responsible Authority. The engineering plans must accord with the Infrastructure Design Manual and Council's Standard Cross-sections. All engineering works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the commencement of the development/use hereby approved.

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

14. Footpaths

The existing footpath must be rehabilitated as necessary following the construction phase along the Armstrong Street and Mair Street frontages to the satisfaction of the Responsible Authority.

Prior to works commencing on the rehabilitation works of the footpath, plans must be submitted to and approved by the Responsible Authority. The plans must accord with the Infrastructure Design Manual. All works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the commencement of the first use of the development.

15. Construction Waste Disposal and Management Plan

Prior to the commencement of any works on site, a Waste Disposal and Management Plan shall be submitted to and be approved in writing by the Responsible Authority. The plan must detail:

1. Where all building rubble and materials including soil is to be removed to off site.

Note: All materials must be taken to approved waste receiving sites or recycling centres. The site soil may be contaminated and should be disposed of to an authorised facility in accordance with EPA regulations.

2. Provision for materials recycling and collection during site construction.

All necessary approvals shall be gained prior to materials being handled and disposed of in accordance with the Disposal Plan to the satisfaction of the Responsible Authority.

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

16. Waste Management Plan

Prior to the commencement of the development hereby approved, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must detail:

- (a) The location and space allocated for storage of waste and recyclable materials, bins and containers.
- (b) The type of waste and recyclable materials, bins and containers.
- (c) The garbage and recycling equipment (e.g., vehicles and lifting equipment) to be used;
- (d) The frequency and timing of waste collection.
- (e) The path of access for both users and collection vehicles.

- (f) Demonstrate how all collection vehicles can access waste storage areas, including areas for parking/stopping to enable collections; and
- (g) Measures to manage and minimise noise, odour and litter.

Waste management must be undertaken in accordance with the approved Waste Management Plan to the satisfaction of the Responsible Authority. The endorsed Waste Management Plan will have ongoing force and effect unless otherwise approved in writing by the Responsible Authority.

17. Green Travel Plan

Prior to the first occupation of the development, a Green Travel Plan (GTP) must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The plan must address, but is not necessarily limited to, the following:

- (a) A designated 'manager' or 'champion' responsible for co-ordination and implementation.
- (b) Possible staff incentives (e.g., provision of subsidised public transport travel cards);
- (c) Provision of Public Transport maps, timetables and/or real time information of nearby services.
- (d) Details of GTP funding and management responsibilities, including ongoing monitoring and review; and
- (e) Include provisions to be updated not less than every 5 years.

When approved, the GTP will form part of the permit. The City of Ballarat may request a copy of any monitoring data as required by Condition (d) above at any time for review.

18. Removal of crossovers

Prior to the first occupation of the development, all unnecessary vehicle crossings must be demolished, and car park spaces, footpath, kerb and channel reconstructed to the satisfaction of the Responsible Authority, in accordance with plans and specifications first approved by City of Ballarat – Assets and Engineering Departments.

19. Bicycle Facilities

Prior to the first occupation of the building, the bicycle storage area and change room facilities must be completed. No fewer than 10 bicycle spaces are required to be provided on the site.

The bicycle storage area must be designed and constructed in accordance with the requirements of Clause 52.34-6.

20. Baffled Lighting

Outdoor lighting, where provided, must be designed, baffled and located to the satisfaction of the responsible authority such that no direct light is emitted outside the boundaries of the subject land.

21. General Exterior Treatment

The exterior treatment of the building permitted by this permit including all exterior decoration, materials, finishes and colours must be to the satisfaction of the responsible authority. The exterior treatment of the building(s) must be maintained to the satisfaction of the responsible authority.

22. Plant Equipment

Any equipment required for the lifts, refrigeration, air-conditioning, heating and the like must be suitably insulated to EPA standards for the purpose of reducing noise emissions and must be located so as to not be highly visible from the street to the satisfaction of the responsible authority.

23. Active Retail Frontages

The ground floor retail frontages as shown on the endorsed plans must be provided with clear glazing and maintain permanent views into the tenancies to the satisfaction of the responsible authority.

24. Powercor (REF 308737708)

- a. The applicant shall negotiate for an electricity supply to the development in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- b. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

- c. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- d. Any construction work must comply with the Energy Safe Victoria's "No Go Zone" rules.

Notes: To apply for a permit to work go to our website: <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator> and apply on line through the No Go Zone Assessment.

25. Permit Expiry - Development Only

This permit 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).

Notes:

Central Highlands Water Authority (REF: 23/1890 Sect 52 2023-02-215)

The sewer main at the rear of the property is over 8.0m deep, therefore a sewer main extension may be required at the owners cost to create an alternative connection point. Please contact Central Highlands Water Authority to discuss servicing options.

Department of Transport

Separate approval may be required from the Head, Transport for Victoria, for elements of the development that protrude beyond the property boundary of Mair Street.

Heritage Note

Under the terms of the Heritage Act 2017 there is blanket protection for all historical archaeological sites in Victoria, including sites that are not included in the Victorian Heritage Register or Heritage Inventory. Section 123 of the Act stipulates that it is an

offence to knowingly or negligently disturb any historical archaeological site unless Consent has been obtained from the Executive Director, Heritage Victoria. Penalties apply.

If historical archaeological remains, including artefacts, are uncovered at any time during works, it is necessary for all activities to cease and for the City of Ballarat and Heritage Victoria to be notified immediately. In this case, a program of archaeological investigations and recording may be required in consultation with Heritage Victoria.

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 2018* and *Building Code of Australia 2019*.

ATTACHMENTS

1. Governance Review [6.2.1 - 1 page]
2. PL P 2022943 222 Mair Street Ballarat Central Amended Plans July 2023 [6.2.2 - 16 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This report aligns with Council's Vision, Council Plan, Strategies and Policies.

COMMUNITY IMPACT

2. There are no negative community impacts identified for the subject of this report.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. There are no environmental sustainability implications identified for the subject of this report.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. There are no economic sustainability implications identified for the subject of this report.

FINANCIAL IMPLICATIONS

5. If applicable, the cost of running a VCAT hearing is already included within the Statutory Planning Unit's approved budget.

LEGAL AND RISK CONSIDERATIONS

6. There are no legal and risk considerations relevant to the subject of this report.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

8. The planning permit application was advertised pursuant to *Section 52 of the Planning and Environment Act 1987*.

GENDER EQUALITY ACT 2020

9. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

10. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

OFFICIAL

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222 MAIR STREET, BALLARAT CENTRAL



MAIR ST WEST ELEVATION

DRAWING LIST	
SHEET NUMBER	SHEET NAME
TP 0001	DRAWING LIST
TP 0100	SITE PLAN
TP 0101	3D OVERALL BUILDING
TP 0200	EXISTING SITE PLAN
TP 0300	DEMOLITION SITE PLAN
TP 0400	SEPTEMBER 22 SHADOWS
TP 1000	LEVEL G01 & L01 PLANS
TP 1001	LEVEL L02 & L03 PLANS
TP 1002	LEVEL L04 & L05 PLANS
TP 1100	LEVEL L06 PLANT & R01 PLAN
TP 1300	EXTERNAL MATERIAL PALETTE
TP 3000	ELEVATIONS
TP 3001	ELEVATIONS
TP 3002	ELEVATIONS
TP 3500	SECTIONS
TP 3501	SECTIONS

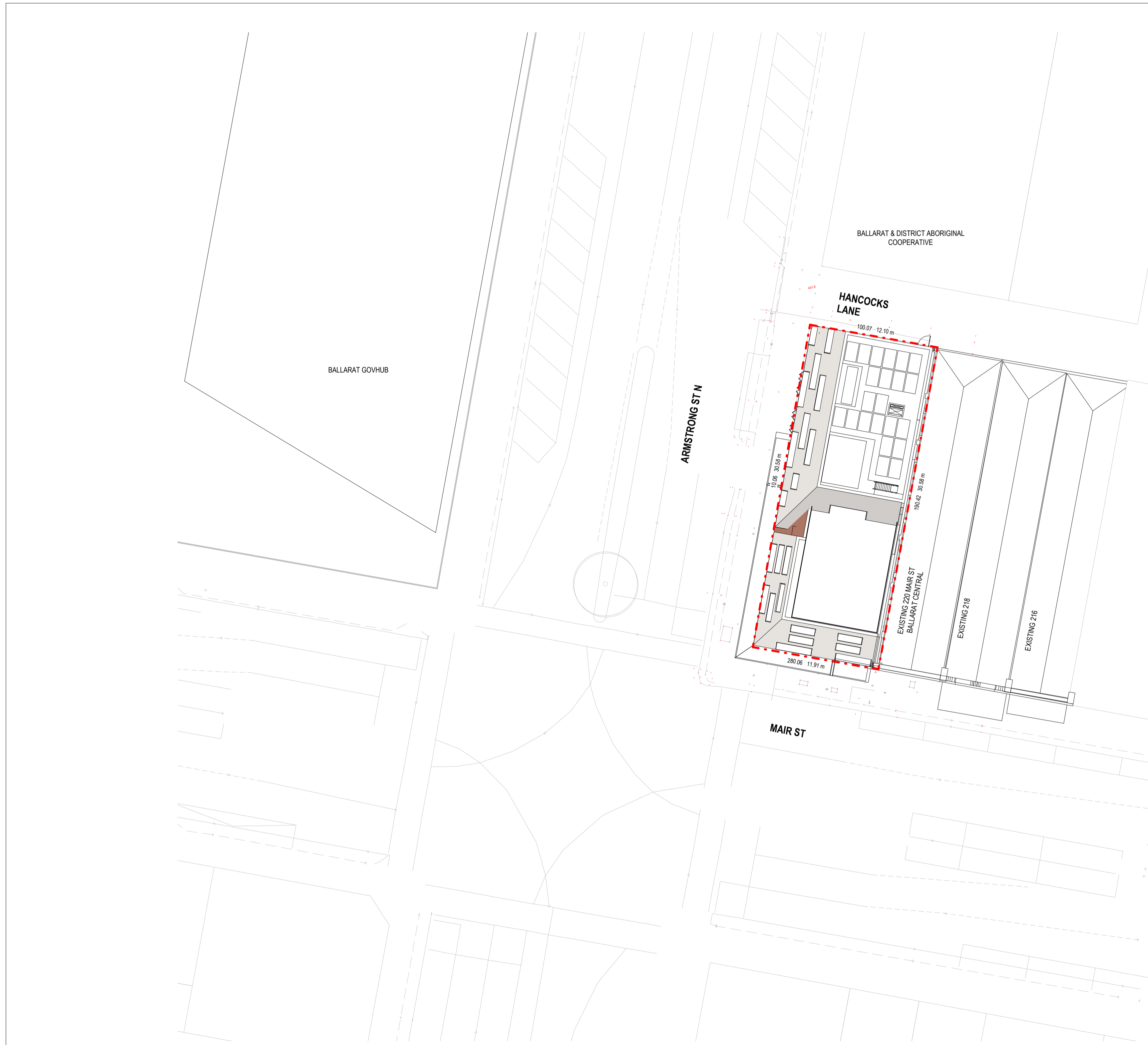
AREA SCHEDULE (GFA)	
LEVEL	AREA
G01	350 m ²
L01	349 m ²
L02	344 m ²
L03	322 m ²
L04	289 m ²
L05	261 m ²
L06 (PLANT)	138 m ²
Grand total	2052 m ²

AREA SCHEDULE (NLA)		
LEVEL	NAME	AREA
G01	FOH	150 m ²
L01	OFFICE	284 m ²
L02	OFFICE	268 m ²
L03	OFFICE	240 m ²
L04	OFFICE	209 m ²
L05	OFFICE	104 m ²
		1255 m ²

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		<p>Project Commercial Development 222 Mair Street, Ballarat</p>		<p>Date SEPT 2022 Co-Ord TD</p> <p>Drawn MM Chk SE</p>	<p>Drawing Status TOWN PLANNING</p>

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Rev.	Issue	Revision Description	Date	Appr by
1		TOWN PLANNING	29.09.2022	LJ
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4		TOWN PLANNING	17.03.2023	LJ
5		TOWN PLANNING	20.06.2023	LJ

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 wardle.studio
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Client	Krause
Project	Commercial Development 222 Maier Street, Ballarat
Title	SITE SITE PLAN

Project No.	2207	Scale @ A1	1 : 200
Date	SEPT 2022	Co-Ord	TD
Drawn	TD	Chk	SE
Drawing Status	TOWN PLANNING		
Drawing No.	TP 0100	Revision	5

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MAIR ST ELEVATION



MAIR ST LOOKING NORTH



ARMSTRONG ST LOOKING NORTH



ARMSTRONG ST LOOKING SOUTH

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		<p>Project Commercial Development 222 Maier Street, Ballarat</p>	<p>Date SEPT 2022</p> <p>Co-Ord TD</p>				
		<p>Drawing Status TOWN PLANNING</p>	<p>Drwn J.L.</p> <p>Chck SE</p>				
		<p>Drawing No. TP 0101</p> <p>Revision 4</p>	<p>Title 3D OVERALL BUILDING</p>				

THE DISTANCE BETWEEN THESE MARKS SHOULD MEASURE AS 100mm WHEN SHEET IS PRINTED TO SCALE AS INDICATED

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 FILE: C:\docs\REV1\2023_Town_Plan_Mair_St.dwg
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4		TOWN PLANNING	20.06.2023	LJ

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<p>Client Krause</p> <p>Project Commercial Development 222 Mair Street, Ballarat</p> <p>Title EXISTING CONDITIONS EXISTING SITE PLAN</p>	<p>Project No. 2207</p> <p>Date SEPT 2022</p> <p>Drwn MM</p> <p>Drawing Status TOWN PLANNING</p> <p>Drawing No. TP 0200</p>	<p>Scale @ A1 1 : 200</p> <p>Co-Ord TD</p> <p>Chck SE</p> <p>Revision 4</p>
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THE DISTANCE BETWEEN THESE MARKS SHOULD MEASURE AS 100mm WHEN SHEET IS PRINTED TO SCALE AS INDICATED

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<p>Client Krause</p>	<p>Project Commercial Development 222 Mair Street, Ballarat</p>
<p>Title DEMOLITION DEMOLITION SITE PLAN</p>	<p>Drawing No. TP 0300</p>

<p>Project No. 2207</p>	<p>Scale @ A1 1 : 200</p>
<p>Date SEPT 2022</p>	<p>Co-Ord TD</p>
<p>Drwn MM</p>	<p>Chck SE</p>
<p>Drawing Status TOWN PLANNING</p>	<p>Revision 5</p>

Project No.	2207	Scale @ A1	1 : 200
Date	SEPT 2022	Co-Ord	TD
Drwn	MM	Chck	SE
Drawing Status	TOWN PLANNING		
Drawing No.	TP 0300	Revision	5

THE DISTANCE BETWEEN THESE MARKS SHOULD MEASURE AS 100mm WHEN SHEET IS PRINTED TO SCALE AS INDICATED

1 SHADOW DIAGRAM SEPTEMBER 9AM
Scale 1:500

2 SHADOW DIAGRAM SEPTEMBER 10AM
Scale 1:500

3 SHADOW DIAGRAM SEPTEMBER 11AM
Scale 1:500

4 SHADOW DIAGRAM SEPTEMBER 12PM
Scale 1:500

5 SHADOW DIAGRAM SEPTEMBER 1PM
Scale 1:500

6 SHADOW DIAGRAM SEPTEMBER 2PM
Scale 1:500

7 SHADOW DIAGRAM SEPTEMBER 3PM
Scale 1:500

8 SHADOW DIAGRAM SEPTEMBER 4PM
Scale 1:500

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<p>Client Krause</p> <p>Project Commercial Development 222 Mair Street, Ballarat</p> <p>Title SHADOW DIAGRAMS SEPTEMBER 22 SHADOWS</p>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Project No.</td> <td style="text-align: center;">2207</td> <td>Scale @ A1</td> <td style="text-align: center;">1:500</td> </tr> <tr> <td>Date</td> <td style="text-align: center;">SEPT 2022</td> <td>Co-Ord</td> <td style="text-align: center;">TD</td> </tr> <tr> <td>Drwn</td> <td style="text-align: center;">MM</td> <td>Chk</td> <td style="text-align: center;">SE</td> </tr> <tr> <td>Drawing Status</td> <td colspan="3" style="text-align: center;">TOWN PLANNING</td> </tr> <tr> <td>Drawing No.</td> <td style="text-align: center;">TP 0400</td> <td>Revision</td> <td style="text-align: center;">5</td> </tr> </table>	Project No.	2207	Scale @ A1	1:500	Date	SEPT 2022	Co-Ord	TD	Drwn	MM	Chk	SE	Drawing Status	TOWN PLANNING			Drawing No.	TP 0400	Revision	5										
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Drwn	MM	Chk	SE																														
Drawing Status	TOWN PLANNING																																
Drawing No.	TP 0400	Revision	5																														

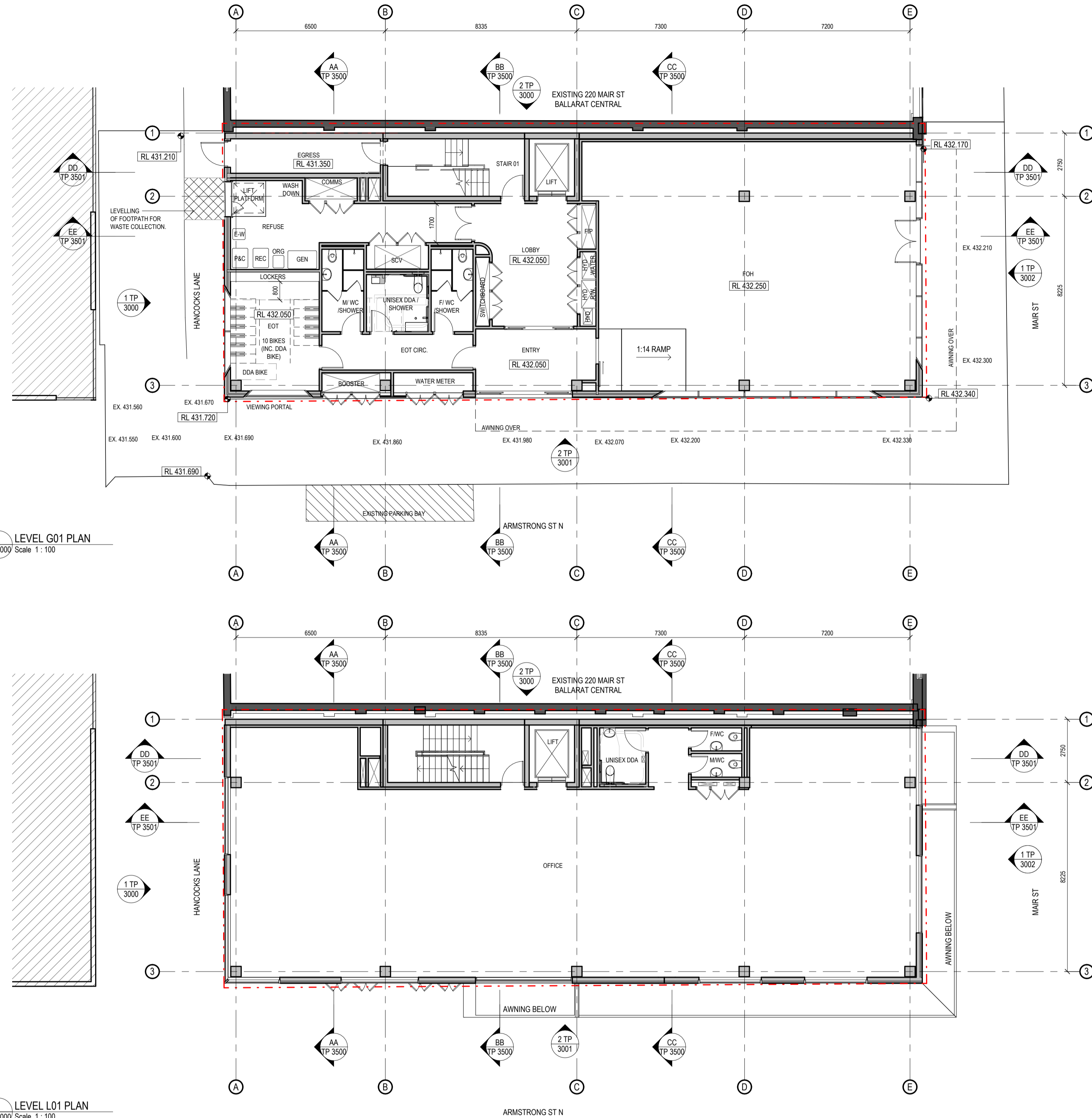
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THE DISTANCE BETWEEN THESE MARKS SHOULD MEASURE AS 10mm WHEN SHEET IS PRINTED TO SCALE AS INDICATED

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2 LEVEL G01 PLAN
TP 3000 Scale 1:100

1 LEVEL L01 PLAN
TP 3000 Scale 1:100



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General Notes	
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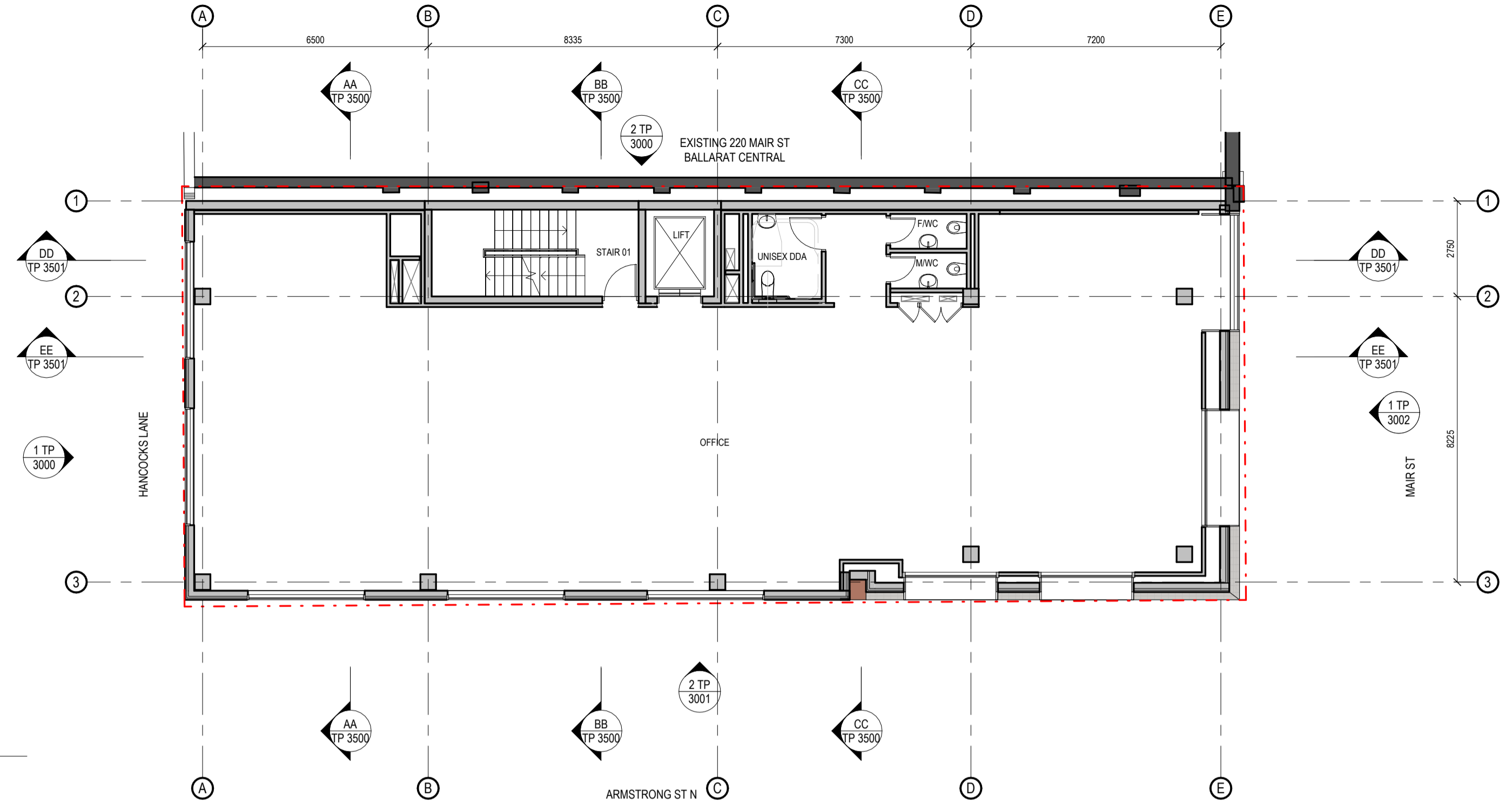
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Client	Krause
Project	Commercial Development 222 Mair Street, Ballarat
Title	FLOOR PLANS LEVEL G01 & L01 PLANS

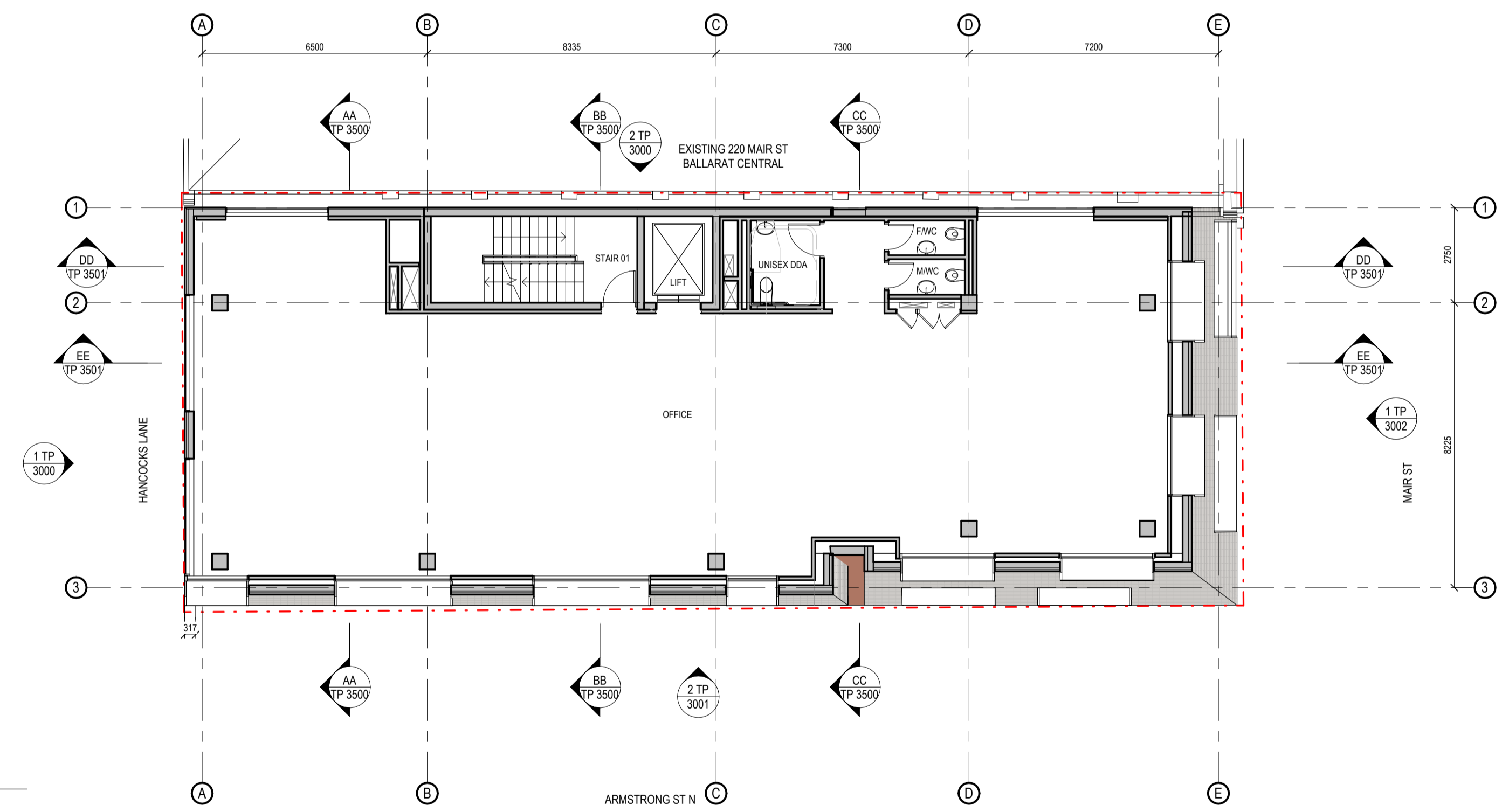
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Date	SEPT 2022	Co-Ord	TD
Drawn	TD	Chk	LJ
Drawing Status	TOWN PLANNING		
Drawing No.	TP 1000	Revision	5

THE DISTANCE BETWEEN THESE MARKS SHOULD MEASURE AS 10mm WHEN SHEET IS PRINTED TO SCALE AS INDICATED

1 LEVEL L02 PLAN
Scale 1:100



2 LEVEL L03 PLAN
Scale 1:100



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5	TOWN PLANNING	TOWN PLANNING	20.06.2023	LJ

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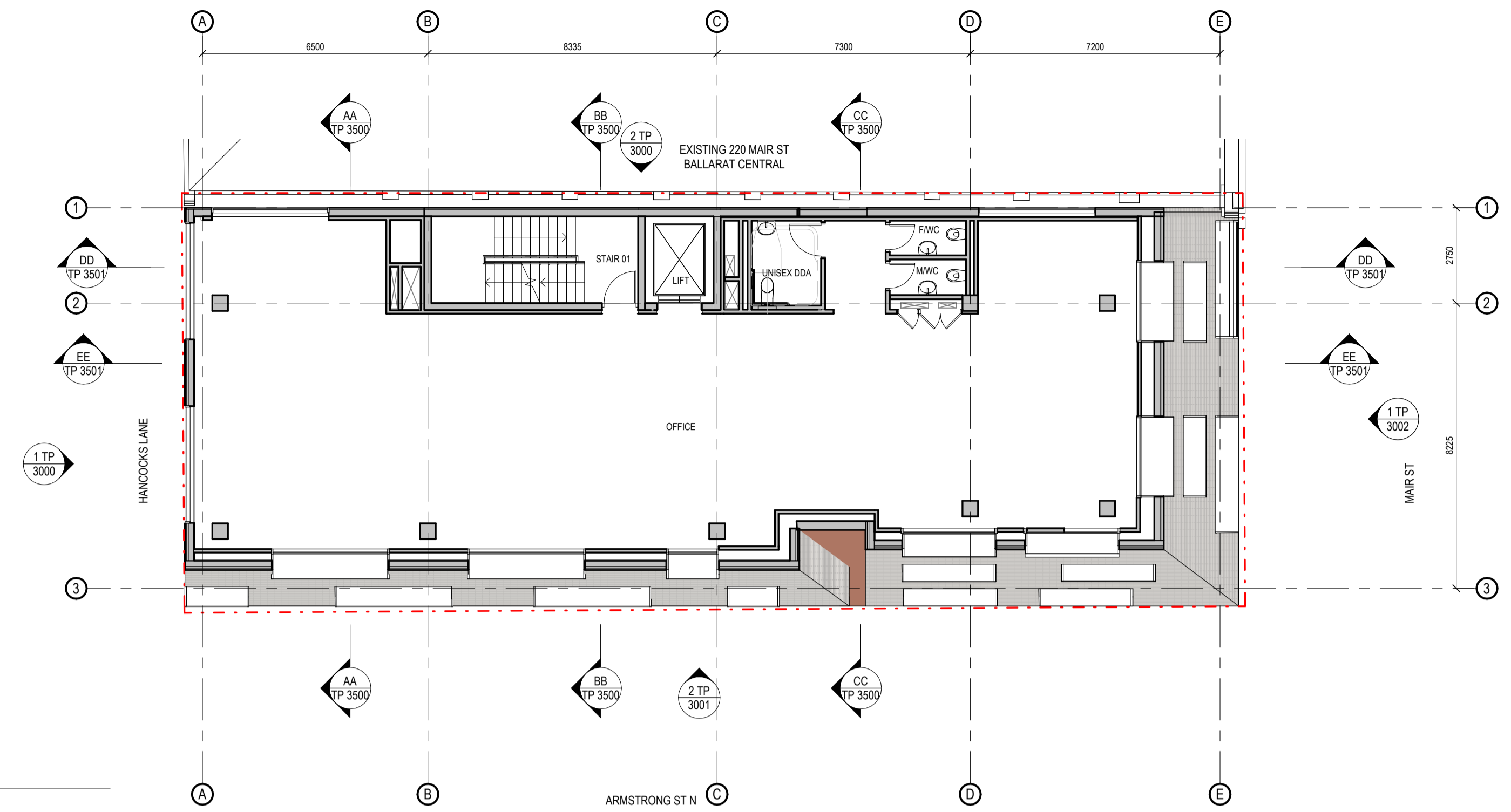
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Client	Krause
Project	Commercial Development 222 Mair Street, Ballarat
Title	FLOOR PLANS LEVEL L02 & L03 PLANS

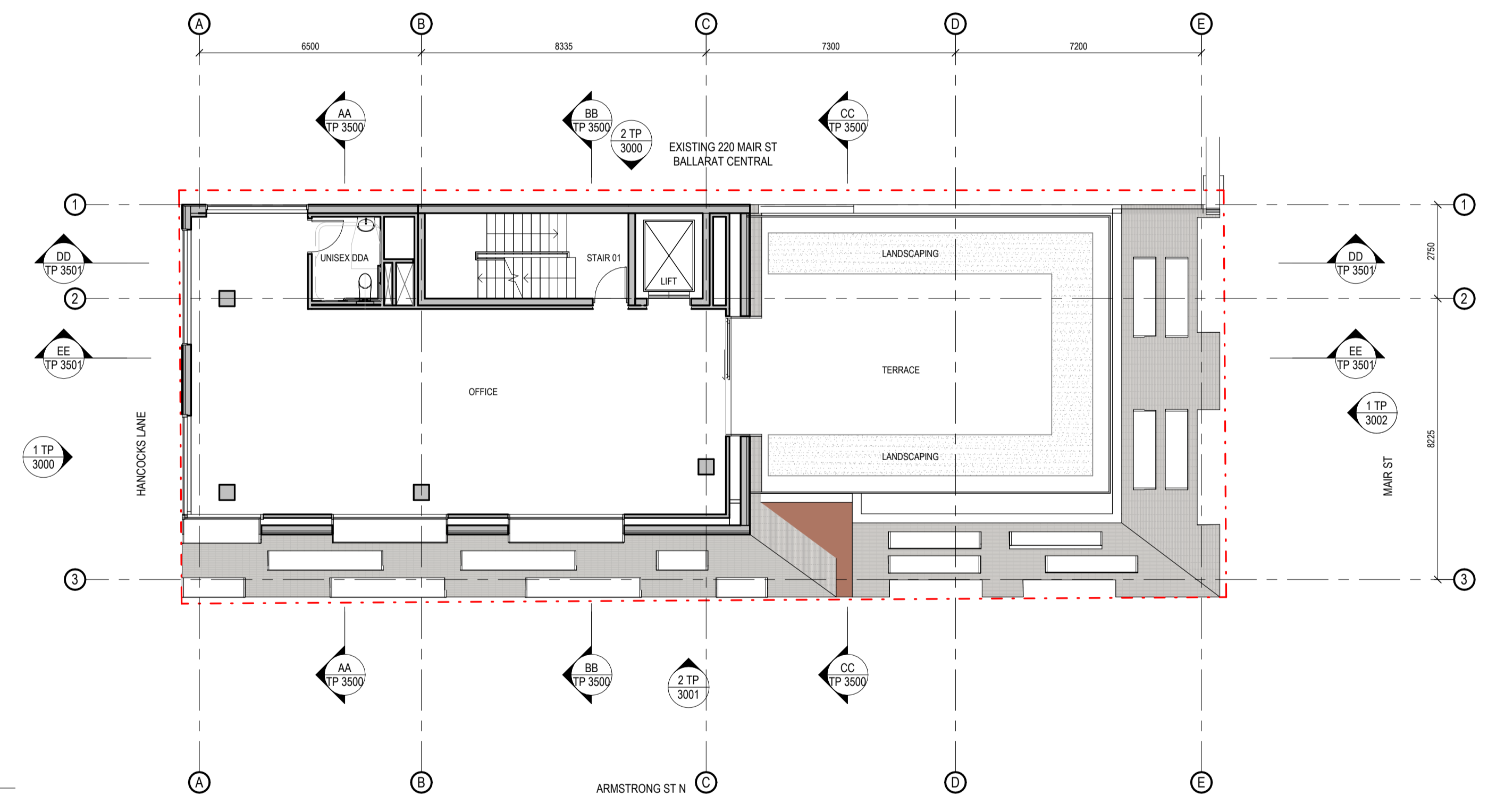
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Drawn	TD	Chk	LJ
Drawing Status	TOWN PLANNING		
Drawing No.	TP 1001	Revision	5

THE DISTANCE BETWEEN THESE MARKS SHOULD MEASURE AS 10mm WHEN SHEET IS PRINTED TO SCALE AS INDICATED

1 LEVEL L04 PLAN
Scale 1:100



2 LEVEL L05 PLAN
Scale 1:100



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General Notes	
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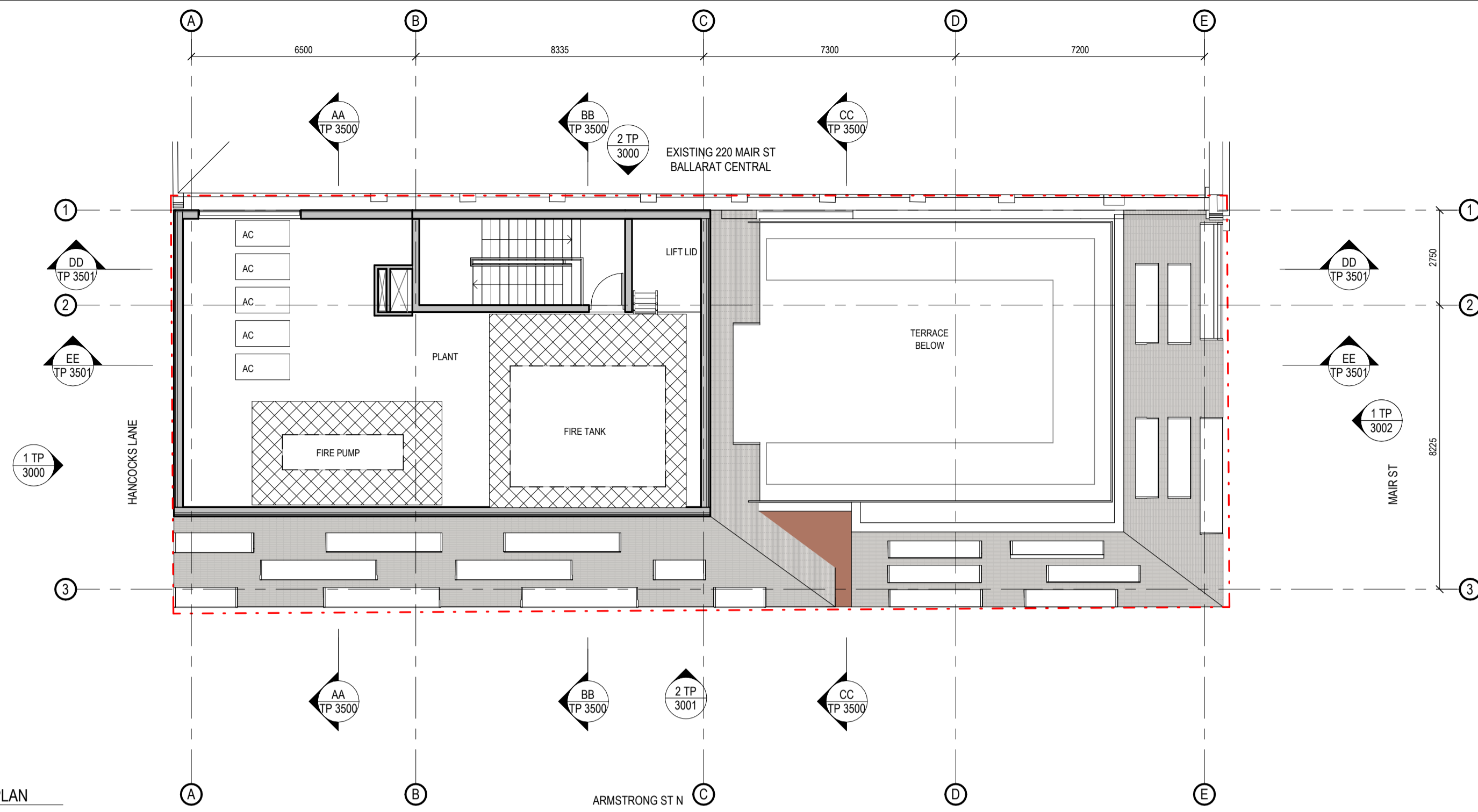
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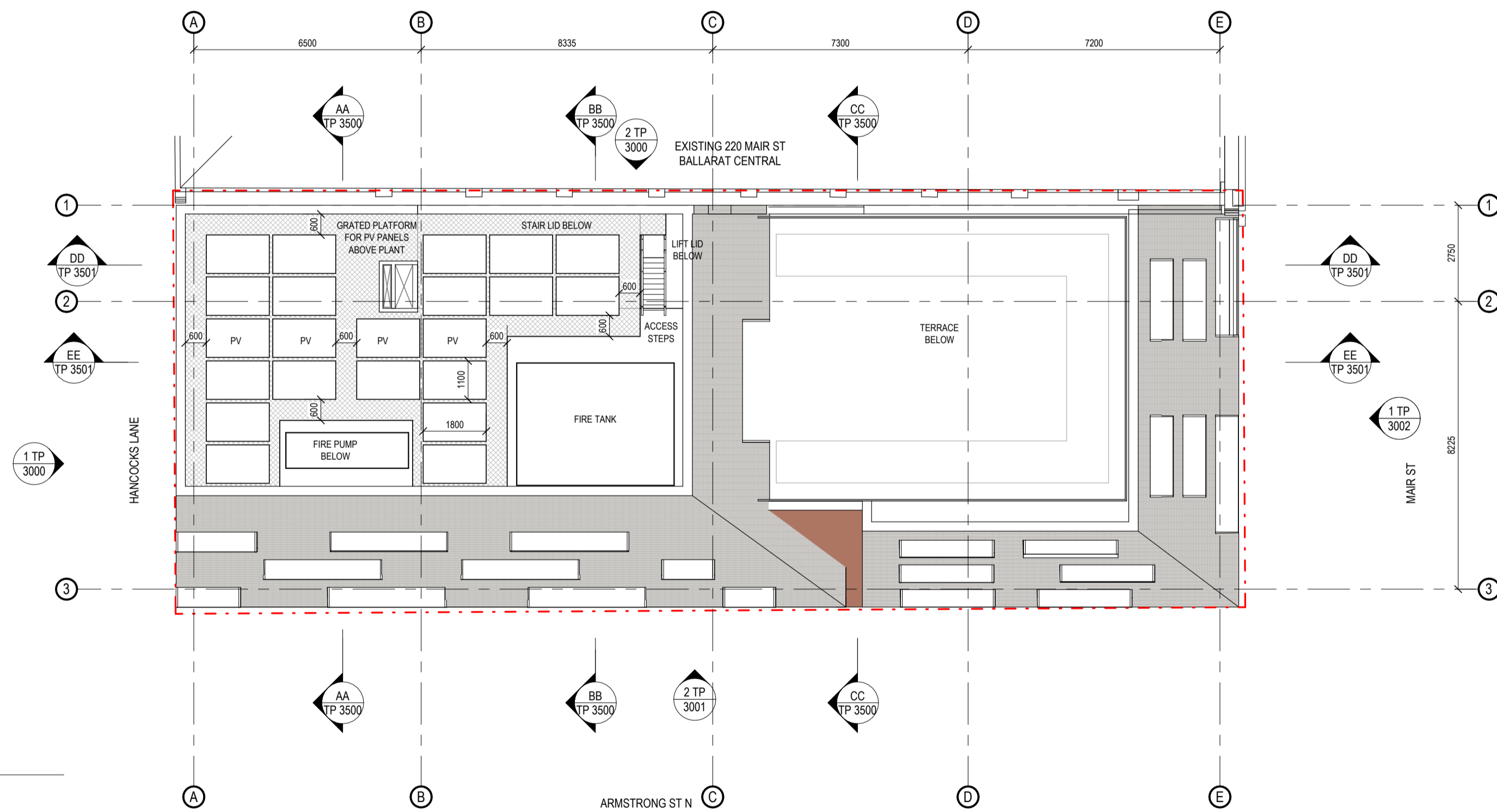
Client	Krause
Project	Commercial Development 222 Mair Street, Ballarat
Title	FLOOR PLANS LEVEL L04 & L05 PLANS

Project No.	2207	Scale @ A1	1:100
Date	SEPT 2022	Co-Ord	TD
Drawn	TD	Chk	LJ
Drawing Status	TOWN PLANNING		
Drawing No.	TP 1002	Revision	5

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1 LEVEL L06 (PLANT) PLAN
Scale 1:100



2 LEVEL R01 PLAN
Scale 1:100

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General Notes	
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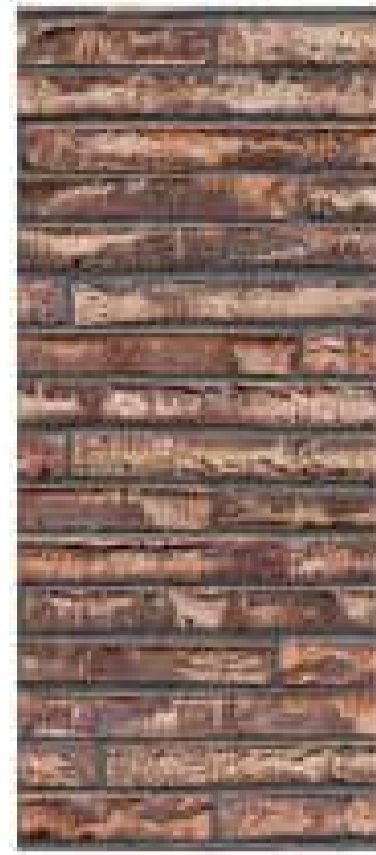
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Client	Krause
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Title	LEVEL L06 PLANT & R01 PLAN

Project No.	2207	Scale @ A1	1:100
Date	SEPT 2022	Co-Ord	TD
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Drawing Status	TOWN PLANNING		
Drawing No.	TP 1100	Revision	5

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EXTERNAL MATERIAL PALETTE



BR-01
BRICKWORK LEVEL GROUND

BRICKWORK WITH SHIFT IN SIZE, COLOUR & BOND PATTERN



BR-02
BRICKWORK UPPER LEVELS

BRICKWORK WITH SHIFT IN SIZE, COLOUR & BOND PATTERN

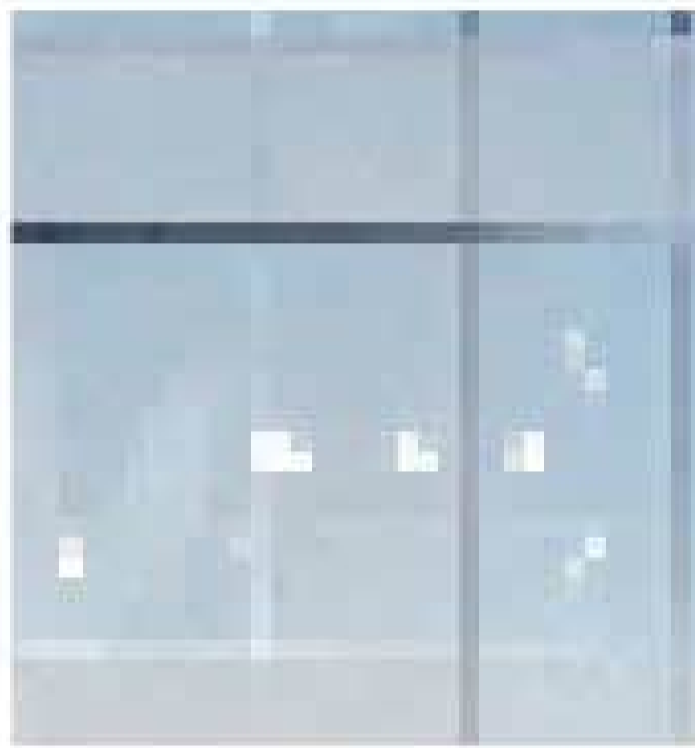


BR-03
BRICKWORK UPPER LEVELS

BRICKWORK WITH SHIFT IN SIZE, COLOUR & BOND PATTERN



CD-01
METAL CLADDING



FS-01
POWDERCOATED ALUMINIUM FRAME, DGU



PR-01
ARCHITECTURAL PRECAST WITH INTEGRATED 'BRICK SLIP'



PR-02
ARCHITECTURAL PRECAST, TEXTURED WITH COLOUR FINISH

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		1	TOWN PLANNING	29.09.2022	LJ	2		TOWN PLANNING	18.11.2022	LJ	3	TOWN PLANNING	02.12.2022	LJ	Date	SEPT 2022	Co-Ord
		4	TOWN PLANNING	17.03.2023	LJ	5	TOWN PLANNING	20.06.2023	LJ	Project	Commercial Development 222 Main Street, Ballarat	Drwn	TD	Chck	SE	Drawing Status	TOWN PLANNING
								Title	MATERIAL SCHEDULE EXTERNAL MATERIAL PALETTE	Drawing No.	TP 1300	Revision	5				

THE DISTANCE BETWEEN THESE MARKS SHOULD MEASURE AS 10mm WHEN SHEET IS PRINTED TO SCALE AS INDICATED



1 NORTH ELEVATION
Scale 1 : 100

2 EAST ELEVATION
Scale 1 : 100

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Rev.	Issue	Revision Description	Date	Appr by
1	TOWN PLANNING	TOWN PLANNING	29.09.2022	LJ
2	TOWN PLANNING	TOWN PLANNING	18.11.2022	LJ
3	TOWN PLANNING	TOWN PLANNING	02.12.2022	LJ
4	TOWN PLANNING	TOWN PLANNING	17.03.2023	LJ
5	TOWN PLANNING	TOWN PLANNING	20.06.2023	LJ

EXTERNAL MATERIAL SCHEDULE

- BR-01 - BRICKWORK GROUND
- BR-02 - BRICKWORK UPPER LEVELS (DARK)
- BR-03 - BRICKWORK UPPER LEVELS (LIGHT)
- CD-01 - METAL CLADDING
- PR-01 - PRECAST BRICK SLIPS
- PR-02 - PRECAST
- FS-01 - POWDERCOATED ALUMINIUM FRAME, DGU

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Client	Krause
Project	Commercial Development 222 Mair Street, Ballarat
Title	MAJOR ELEVATIONS ELEVATIONS

Project No.	2207	Scale @ A1	1 : 100
Date	SEPT 2022	Co-Ord	TD
Drawn	TD	Chk	SE
Drawing Status	TOWN PLANNING		
Drawing No.	TP 3000	Revision	5

THE DISTANCE BETWEEN THESE MARKS SHOULD MEASURE AS 10mm WHEN SHEET IS PRINTED TO SCALE AS INDICATED



1 SOUTH ELEVATION
Scale 1:100



2 WEST ELEVATION
Scale 1:100

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		<p>Project Commercial Development 222 Mair Street, Ballarat</p>	<p>Date SEPT 2022</p> <p>Co-Ord TD</p>				
<p>Drawing Status TOWN PLANNING</p>						<p>Client Krause</p>	<p>Date SEPT 2022</p> <p>Co-Ord TD</p>
<p>Drawing No. TP 3001</p>						<p>Title FACADE ELEVATIONS</p>	<p>Drwn TD</p> <p>Chck SE</p>
						<p>Drawing No. TP 3001</p>	<p>Revision 5</p>

THE DISTANCE BETWEEN THESE MARKS SHOULD MEASURE AS 100mm WHEN SHEET IS PRINTED TO SCALE AS INDICATED

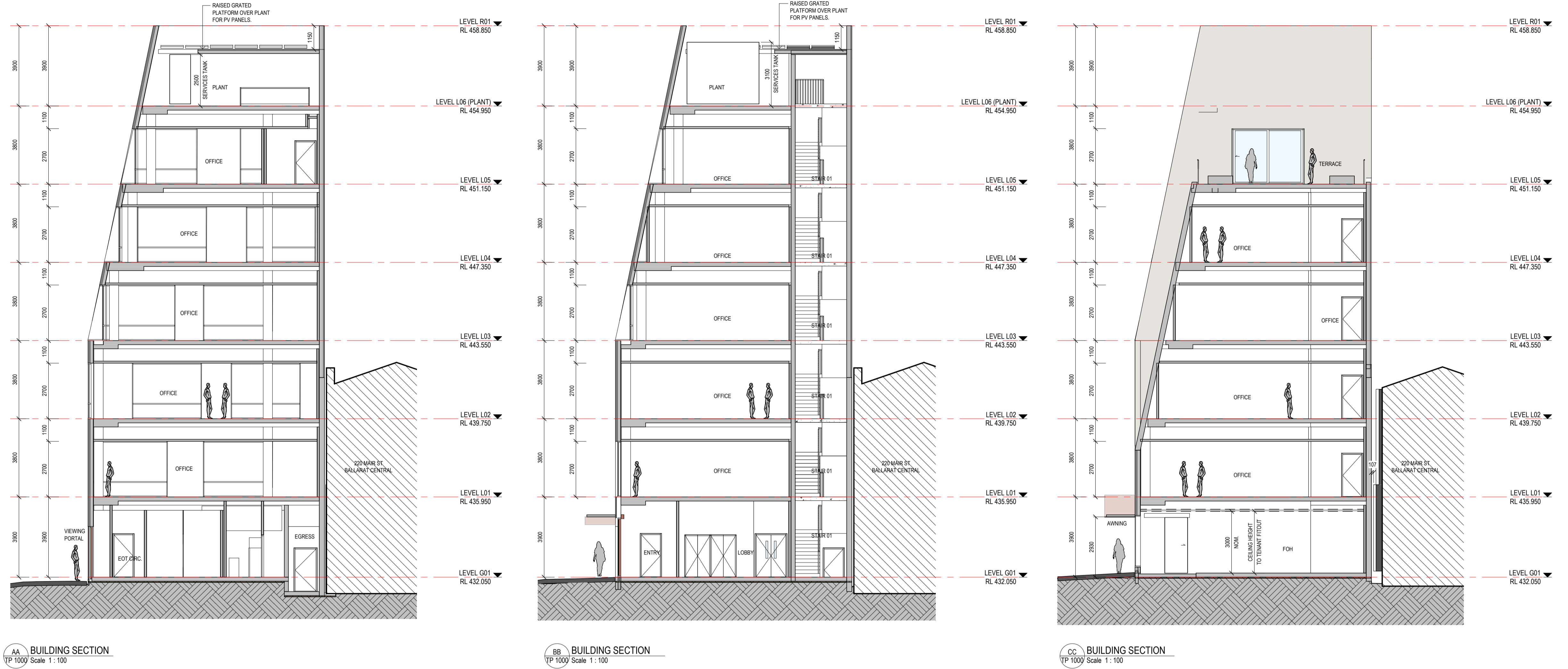


1 SOUTH ELEVATION - MAIR STREET
Scale 1 : 300

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		<p>Project Commercial Development 222 Mair Street, Ballarat</p>		<p>Date SEPT 2022</p> <p>Co-Ord TD</p> <p>Drwn JL</p> <p>Chk SE</p>	<p>Drawing Status TOWN PLANNING</p>	<p>Title FACADE ELEVATIONS</p>

THE DISTANCE BETWEEN THESE MARKS SHOULD MEASURE AS 10mm WHEN SHEET IS PRINTED TO SCALE AS INDICATED



AA BUILDING SECTION
TP 1000 Scale 1 : 100

BB BUILDING SECTION
TP 1000 Scale 1 : 100

CC BUILDING SECTION
TP 1000 Scale 1 : 100

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FILE: C:\D:\REV\12207_Plan_Major_Sections.dwg

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Rev.	Issue	Revision Description	Date	Appr by
1		TOWN PLANNING	29.09.2022	LJ
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5		TOWN PLANNING	20.06.2023	LJ

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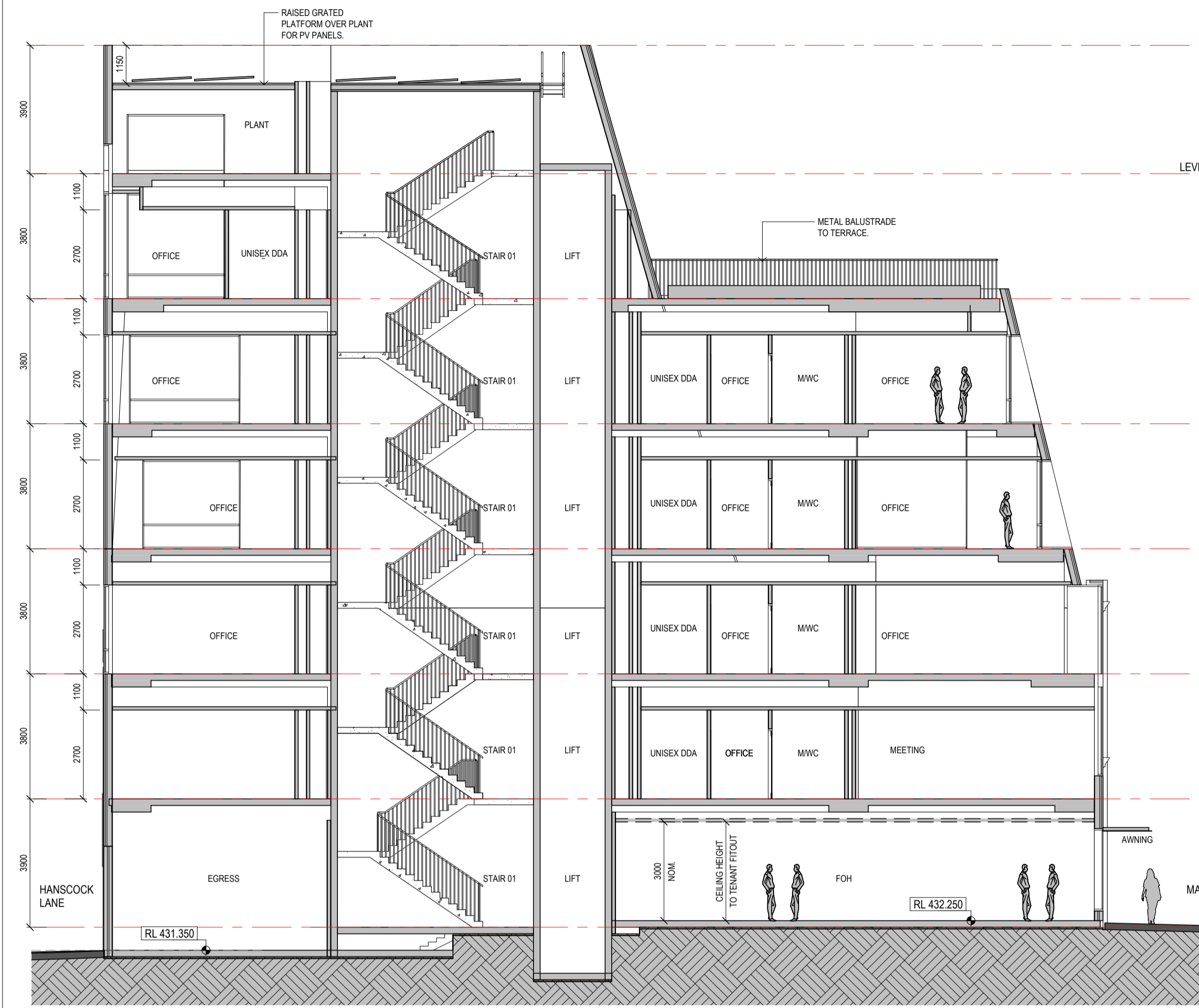
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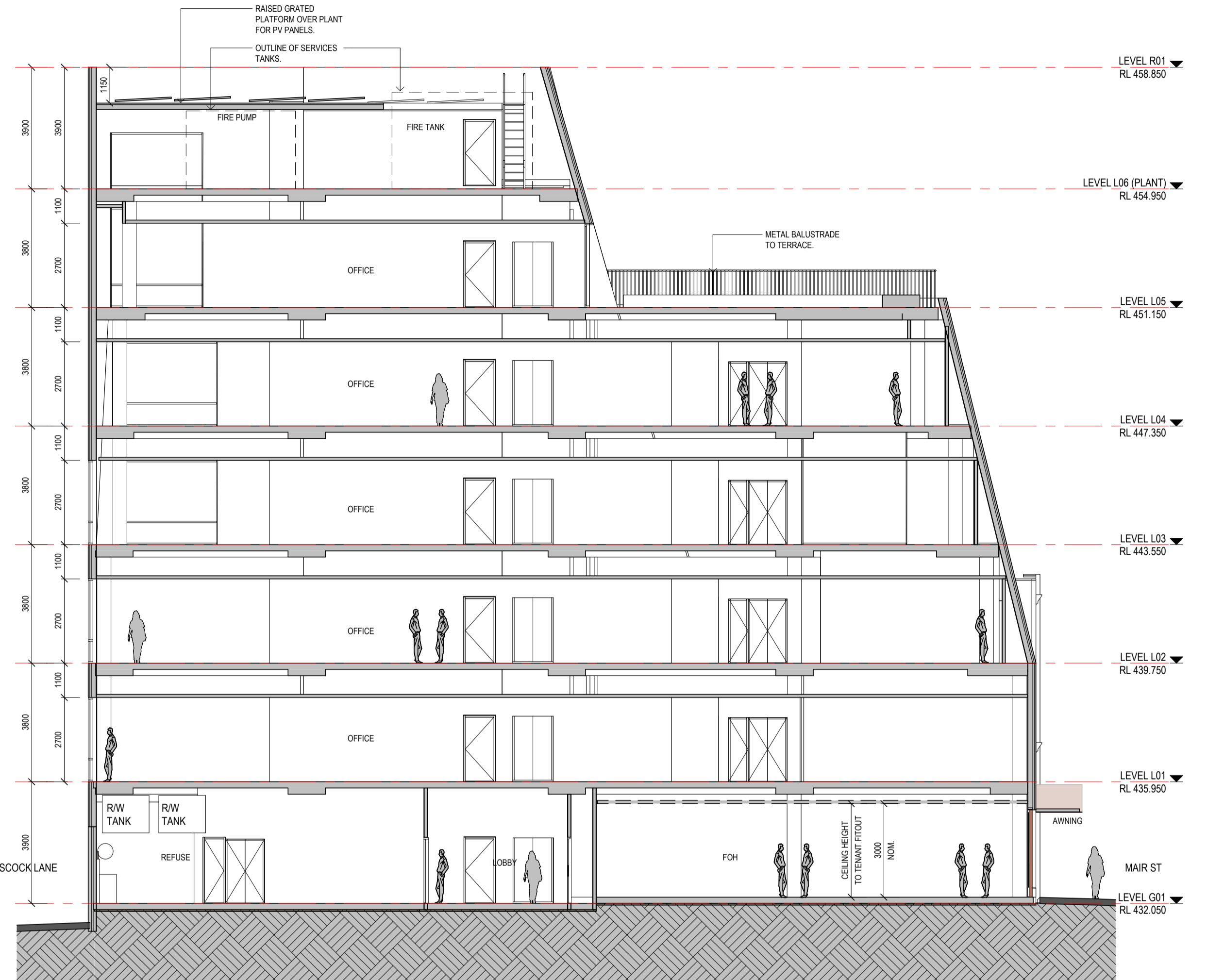
Client	Krause
Project	Commercial Development 222 Mair Street, Ballarat
Title	MAJOR SECTIONS SECTIONS

Project No.	2207	Scale @ A1	1 : 100
Date	SEPT 2022	Co-Ord	TD
Drawn	TD	Chck	LJ
Drawing Status: TOWN PLANNING			
Drawing No.	TP 3500	Revision	5

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DD BUILDING SECTION
Scale 1:100



EE BUILDING SECTION
Scale 1:100

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<p>Client Krause</p> <p>Project Commercial Development 222 Mair Street, Ballarat</p> <p>Title MAJOR SECTIONS SECTIONS</p>	<p>Project No. 2207</p> <p>Date SEPT 2022</p> <p>Drwn TD</p> <p>Drawing Status TOWN PLANNING</p> <p>Drawing No. TP 3501</p>	<p>Scale @ A1 1:100</p> <p>Co-Ord TD</p> <p>Chck LJ</p> <p>Revision 5</p>
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7. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA

8. CLOSE