

OFFICIAL

Planning Delegated Committee Meeting

Minutes

9 August 2023 at 6:30pm

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





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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

2.1 Present

Cr Des Hudson (Mayor)
Cr Daniel Moloney
Cr Ben Taylor
Cr Belinda Coates
Cr Mark Harris
Cr Peter Eddy
Cr Tracey Hargreaves
Cr Samantha McIntosh

Mr Evan King- Chief Executive Officer
Ms Bridget Wetherall - Director Infrastructure and Environment
Mr Matthew Wilson - Director Community Wellbeing
Mr John Hausler - Director Corporate Services
Ms Natalie Robertson - Director Development and Growth
Mr Martin Darcy - Director Economy and Experience
Mr Cameron Montgomery - Executive Manager Governance and Risk
Mr Fabian Horton - Coordinator Risk and Compliance
Mr Stephen Wright - Administration Assistant Compliance

2.2 Apologies

Cr Amy Johnson

RESOLUTION:

That the apology be accepted.

Moved: Cr Tracey Hargreaves
Seconded: Cr Daniel Moloney

CARRIED
(PDC12/23)

3. DECLARATION OF CONFLICT OF INTERESTS

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Planning Delegated Committee Meeting on 12 July 2023 as circulated be confirmed.

**Moved: Cr Daniel Moloney
Seconded: Cr Belinda Coates**

**CARRIED
(PDC13/23)**

5. OFFICER BRIEFING

Nil

6. PLANNING DELEGATED COMMITTEE REPORTS

6.1. C235BALL MINERS REST TOWNSHIP PLAN - PLANNING PANELS VICTORIA RECOMMENDATIONS REVIEW

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Susie Perera- Strategic Planner/Terry Natt – Manager
Strategic Planning

Public representations were made by Jason Black of Resi Ventures, Alicia Bond of Committee for Miners Rest, Alan Ford, and Grant Tillett.

PURPOSE

1. To consider the recommendations by Panels Victoria for Planning Scheme Amendment C235ball (Miners Rest Township Plan) to the Ballarat Planning Scheme (the Amendment).
2. To endorse the Panel's recommendation to form the basis of Council's request to approve the Amendment.
3. To consider the officer recommendation to request that the Minister for Planning approve the Amendment.

RESOLUTION:

- 25. That the Planning Delegated Committee:**
- 25.1 Note the Amendment C235ball Planning Panel Report recommendation that Ballarat Planning Scheme Amendment C235ball be adopted as exhibited.**
 - 25.2 Accept the recommendation by the independent Planning Panel for Amendment C235ball to the Ballarat Planning Scheme.**
 - 25.3 Adopt Amendment C235ball to the Ballarat Planning Scheme as exhibited pursuant to section 29 of the Planning and Environment Act 1987.**
 - 25.4 Submit the adopted Amendment C235ball to the Minister for Planning requesting approval pursuant to section 31(1) of the Planning and Environment Act 1987.**
 - 25.5 Notify all submitters of the Planning Delegated Committee' resolution to accept all the independent Planning Panel's recommendations; adopt Amendment C235ball and submit the Amendment to the Minister for Planning for approval.**

Moved: Cr Samantha McIntosh
Seconded: Cr Daniel Moloney

CARRIED
(PDC14/23)

6.2. BRIDGE MALL BUILT FORM REVIEW

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Evan Burman - Principal Strategic Planner

Public representations were made by Stuart Kelly of Ballarat Heritage Watch, Darryl Cloonan, and Paul Gordon Smith.

PURPOSE

1. To provide a summary of the key issues raised during Stage 1 of the community engagement on the Built Form Review project for the Bridge Mall and Bakery Hill Precinct.
2. To present the Planning Delegated Committee with the proposed amendment documents (Amendment C243ball) for endorsement to seek authorisation from the Minister for Planning (through the Department of Transport and Planning) to prepare and exhibit a planning scheme amendment.

RESOLUTION:

34. That the Planning Delegated Committee:

- 34.1 Writes to the Minister for Planning to request authorisation to prepare an amendment to the Ballarat Planning Scheme in accordance with Section 8A(4) of the *Planning and Environment Act 1987* as at Attachment 6.2.3**
- 34.2 Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the *Planning and Environment Act 1987*.**
- 34.3 Authorise the Director Development and Growth to make any administrative changes to the amendment that do not change the intent of the amendment or any changes required under the Minister for Planning's Authorisation prior to commencement of exhibition.**

Moved: Cr Ben Taylor
Seconded: Cr Daniel Moloney

CARRIED
(PDC15/23)

6.3. PLP/2022/508 - 8 MAIR STREET

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Claire Pepin – Principal Planner

Public representations were made by Stuart Kelly, John Barnes and Gerald Jenzen of Save Our Station SOS Ballarat Inc, Barbara Cytowicz, and Paul Gordon Smith.

PURPOSE

1. The purpose of this report is to advise Councillors of Planning Permit Application No. PLP/2022/508 (8 Mair Street and 116 - 122 Lydiard Street, Ballarat Central) and the permit applicant's request to the Minister for Planning to call-in the application for a final decision. This is on the basis of the various land ownerships and related government agency responsibilities which affect the site, and that the development would include a key piece of public infrastructure spanning these various areas of responsibility.
2. The application seeks approval to demolish the existing building occupying 8 Mair Street and elements of buildings fronting Lydiard Street, construct a multi-storey mixed-use building comprising office space, retail tenancies, residential hotel and a childcare centre, the display of signage, a reduction in car parking requirements and alterations to an existing accessway off Mair Street (forming part of a Transport Zone 2).
3. The below images show the proposed building in greater detail.



Figure 1: Render image of proposed building as viewed from Camp Street (application documents)



Figure 2: Render image of proposed building as viewed from Coffee Palace Lane (application documents)

4. The application has undergone public notice and 17 submissions have been received to date.

RESOLUTION:

14. That the Planning Delegated Committee resolves to:

Write to the Minister for Planning, in support of the applicant's recent request to the Minister for Planning, to call-in Permit Application No. PLP/2022/508 pursuant to Section 97B of the *Planning and Environment Act 1987*. This expression of support is subject to further community consultation on the planning application and a formal referral to Council for further consideration, which would include the following built form and design changes:

- a. Increased activation along the Coffee Palace Lane frontage of the site, including the provision of a safe, accessible, functional and visually appealing built form accommodating all road users;
- b. Full concealment of the development when viewed from the western side of Lydiard Street directly opposite the centre of the site frontage;
- c. Reduction in height of the Mair Street wall so that the parapet height generally matches that of 102 Lydiard Street. This reduced height must extend for a distance of no less than the width of the accessway along the western boundary of the site;
- d. A reduced number of car parking spaces on site, including the deletion of the car park extending off the laneway extending along the western property boundary (office and retail spaces) and the provision of additional end-of-trip and bicycle storage facilities in the vacated space to be used in association with office and retail uses and accessible off the western laneway. Car parking in association with the hotel and childcare centre only should be provided on site;

- e. The reduction in height of the entrance arch along the Mair Street frontage by a minimum of one storey. This might allow for the provision of additional office floor space at the upper level;
- f. Greater modulation of the Mair Street façade via the use of alternate materials to better reflect the streetscape rhythm of the surrounding heritage precinct. This includes the provision of additional masonry elements and a commensurate reduction in glazing;
- g. Further consideration given to the presentation of the rear (northern) façade of the building. This might also include the provision of additional masonry elements to better reflect the built form character of the surrounding heritage precinct. A balance between additional masonry elements and the need to also provide for visual permeability into the building when approaching from the railway station forecourt is preferred. Some glazing will provide for this however the rear frontage should not be wholly glazed;
- h. The overall height of the proposed building maintained and not increased at any point as a result of the abovementioned preferred changes; and
- i. The delivery of the aforementioned pedestrian bridge from the Ballarat Railway Station forecourt over Coffee Palace Lane to the rear of 8 Mair Street. This bridge must be functional, of a high-quality design and to the satisfaction of all relevant authorities. This includes the provision of integrated screening limiting views into the rear of the Coffee Palace (126 Lydiard Street). This integrated screening could incorporate heritage interpretation panels along the length of the bridge.

Moved: Cr Mark Harris
Seconded: Cr Ben Taylor

CARRIED
(PDC16/23)

7. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA

Nil

8. CLOSE

The Mayor declared the meeting closed at 8:43 pm.