

OFFICIAL

Planning Delegated Committee Meeting

Agenda

11 May 2022 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 Delegated Committee Meeting apart from those listed in the confidential section.
- Submissions must be submitted in writing to governance@ballarat.vic.gov.au by no later than 4.30pm on the day of Planning Delegated Committee; 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; or
- If you do wish to attend the meeting in person to make your submission, please contact governance@ballarat.vic.gov.au to make arrangements.

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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. PLP/2020/262 - 107 DOVETON STREET SOUTH BALLARAT

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Lulu Zhang – Principal Planner

PURPOSE

1. For Council to consider a planning application for use and development of a residential hotel, alteration of access to a road in a Transport Zone 2, sale and consumption of liquor (Restaurant and Café Licence) in association with a café (as of right), variation to an easement and associated reduction in car parking requirements.

BACKGROUND

2. Summary

History	<ul style="list-style-type: none"> • The original application was submitted on 6 May 2020 and first advertised in September 2020. Nineteen (19) objections were received. • The proposal was first amended on 13 April 2021 pursuant to Section 57A of the <i>Planning and Environment Act 1987</i> (the Act) and submitted prior to the Planning Committee Meeting on 14 April 2021. The decision-making process was subsequently deferred. • The proposal was further amended on 23 September 2021 pursuant to Section 57A of the Act and advertised in November 2021. No previous objections were unconditionally withdrawn, and nine (9) further objections were received. These plans form part of the Council's consideration in this assessment.
Subject Land	107 Doveton Street South, Ballarat Central
Applicant	Beveridge Williams & Co Pty Ltd
Permit Preamble	Use and development of a residential hotel, sale and consumption of liquor (Restaurant and Café Liquor Licence) in association with a café (as of right), variation of an easement, alteration of access to a road in a Transport Zone 2 and associated reduction in car parking requirements
Zone	Commercial 1 Zone (C1Z)
Overlay	Nil
Permit Triggers	Clause 34.01-1 – Use as a Residential Hotel Clause 34.01-4 – Buildings and works Clause 52.02 – Variation to an easement Clause 52.06-3 – Reduction in car parking requirements Clause 52.27 – Liquor Licence Clause 52.29 – Alteration of access to a road in a Transport Zone 2
Restrictive Covenant	Yes, the burdened land shall not erect any building or structure above RL 453.00 AHD.
Cultural Heritage Management Plan	N/A, the site is not located in an area of Aboriginal Cultural Sensitivity.
Objections	Twenty-nine (29) objections from twenty-four (24) affected properties

Proposal

3. The plans that form part of the basis of Council’s consideration were prepared by apt architecture Pty Ltd and are known as Project No. 17046, Drawing Nos. TP04 through to TP13 and advertised in December 2021.

4. Key features of the proposal consist of:

5. *General*

- A six (6) storey residential hotel is proposed with a maximum height of 24.67 metres measured from the lowest point of natural ground level (R.L. 431.18) and to the parapet (R.L. 452.85), providing ninety-four (94) hotel rooms.
- A café will be accommodated within the front section of the ground floor.
- Vehicle access is provided via Alleyway to the north leading to the onsite car park at the rear of the ground floor where twelve (12) car parking spaces are accommodated. Forty-four (44) offsite parking spaces are provided via a lease agreement with Central Square Car Park.
- Pedestrian access is provided via a single point of access via Doveton Street South leading to the cafés (ancillary) and the front reception.

6. *Use*

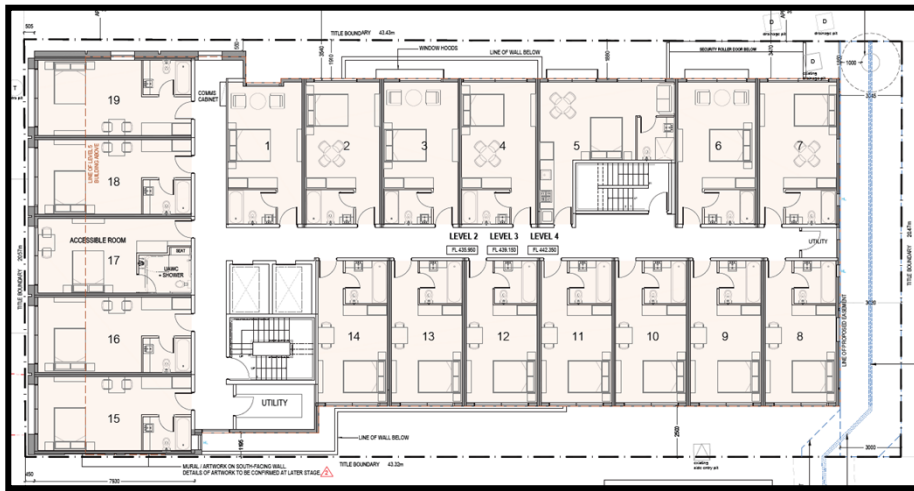
- The proposed residential hotel will be operated 24 hours, 7 days.
- The proposed café and its associated liquor supply and consumption will be carried out between 6.00am and 10.00pm, Monday to Sunday.
- No more than twenty-nine (29) staff may be present on the premises at any one time including seven (7) to the cafes, seven (7) to the front office and fifteen (15) for housekeeping.
- No more than thirty (30) patrons may be accommodated in association with the café use.
- No more than one hundred and eighty-eight (188) hotel guests may be accommodated on the premises at any one time.

7. *Ground Floor Level*



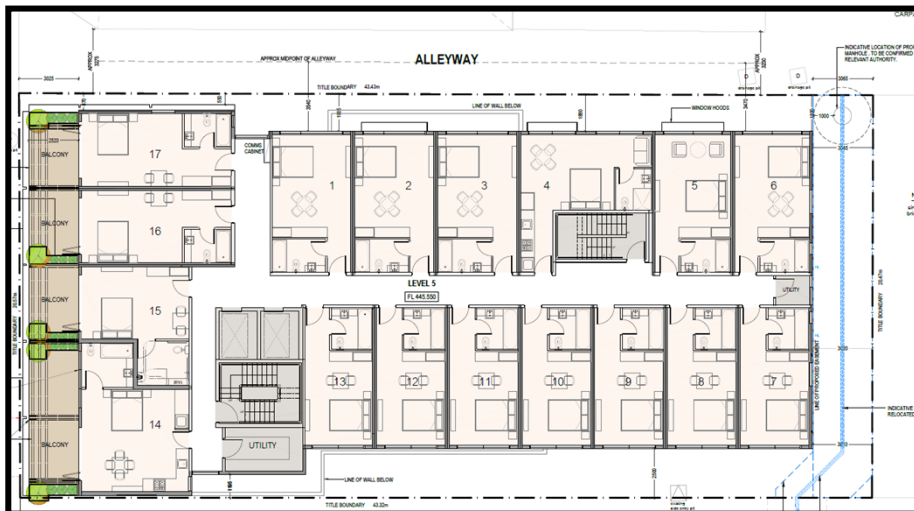
- The ground floor is setback 500mm from the street frontage, partially setback 700mm from the northern boundary, partially 2.2m from the southern boundary and built to the rear boundary. The proposed setbacks will be improved by way of landscaping.
- The ground floor is comprised of a café within the front section facing Doveton Street South, a Reception, a Conference room, a business centre, three (3) hotel rooms, a car park (accommodating twelve (12) parking spaces) and other amenities.
- The bin storage area provides direct access from / to Alleyway to the north.
- The Central Highlands Water (CHW) easement and its associated pipe will be relocated further to the rear. Annotations indicate that separate consent will be sought from the CHW in due course.

8. Levels 2 to 4



- Each of the three levels is setback 505mm from the street frontage, 550mm-1.88m from the northern boundary, 1.195m-2.5m from the southern boundary and 3.02m from the rear boundary.
- Each level is comprised of nineteen (19) hotel rooms and amenities. Five (5) out of the nineteen (19) rooms will directly interface with the street including one (1) accessible room.

9. Level 5



- Level 5 is setback 3.025m from the street frontage. Within the front setback, four (4) balconies with a depth of 2.52m are proposed.
- The proposed side and rear setbacks at this level are generally consistent with the lower levels.
- It is comprised of seventeen (17) hotel rooms and amenities. Four (4) out of the seventeen (17) rooms will directly interface with the street, improved by the balconies.

10. Level 6



- Level 6 provides a clear setback of 3.025m from the street frontage and similar side and rear setbacks as the lower levels.
- It is comprised of seventeen (17) hotel rooms and amenities. Four (4) out of the seventeen (17) rooms will directly interface with the street.

11. Liquor Licence

- Sale and consumption of liquor will be carried out under a Restaurant and Café Liquor Licence.
- The proposed licensed space is limited to the café use and no liquor will be served within the proposed residential hotel.
- Background music may be played within the café premises during business hours.

12. Materials and Finishes

- The proposed development adopts a contemporary design response and incorporates brick tile cladding, Colorbond cladding with standing seam profile, applied render finish, cement render finish, weathered steel and perforated metal screens.



SITE AND SURROUNDS

13. The subject site forms part of the Ballarat CBD Major 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 in the form of multi-level residential and mixed-used developments. It has excellent access to established social services, urban infrastructure and public transport.





14. The subject site is located on the eastern side of Doveton Street South approximately 144m north of the intersection with Eyre Street and 290m south of the intersection with Sturt Street. It has the following significant characteristics:

- It is rectangular in shape and has a total area of approximately 890 square metres.
- It provides a frontage of 21 metres to Doveton Street South and has a depth of 43 metres.
- It is privately owned and currently used as a concreted open car park. Vehicle access is gained via an existing crossover from Doveton Street South.
- It is generally flat and has a gentle fall of 1 metre from northwest to southeast.
- It does not contain any significant vegetation.

15. Surrounding land uses and characteristics are outlined as follows:

16. *West*

- To the immediate west, the land fronts Doveton Street South. On the opposite side of the street is *Ballarat Primary School* with street frontages addressed to Dana Street and Doveton Street South.



17. *North*

- To the immediate north, the land abuts Alleyway (right of way). Beyond the lane, from west to east, is the land at 309, 307A and 305 Dana Street. The land at 309 Dana Street is improved by a heritage building currently used as a Vaccination Clinic. Each of the other two lots is also improved by a single storey commercial building.

Additionally, it is noted that vehicle access to the land at 305 Dana Street is gained via Alleyway.



18. East

- To the immediate east is the land at 112A Armstrong Street South, which is improved by a single storey commercial building. It is noted that the eastern abutting land has little street presentation when viewed from Doveton Street South or Armstrong Street South; and vehicle access is gained via Alleyway. Further to the east are commercial buildings oriented to Armstrong Street South.



19. South

- To the immediate south is the land at 113 Doveton Street South, which is improved by an office building currently used for *Ballarat Telephone Exchange*.



PREVIOUS PLANNING APPLICATIONS

20. A search of Council records indicates that no other planning applications / permits are relevant to the subject site.

THE TITLE

21. The subject site is described as Volume 11610 Folio 100 and Lot 2 on Plan of Subdivision 728979L.
22. A Covenant (Instrument No. PS728979L) is registered on the Certificate of Title and stipulates that the burdened land shall not erect any building or structure above RL 453.00 AHD. The proposed maximum building height is measured to the parapet (R.L. 452.85) and therefore will not result in a breach of the Covenant.
23. Additionally, it is noted that an easement (E-2) for pipelines or ancillary purposes in favour of *Central Highlands Region Water Authority* runs across the rear section of the site.

PLANNING CONTROLS

24. The following controls/permit triggers are considerations for this application:

Zone

25. Clause 34.01 – Commercial 1 Zone

Pursuant to Clause 34.01-1, a permit is required to use the land as a residential hotel.

Pursuant to Clause 34.01-1, a permit is not required to use the land as a café.

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

Overlays

26. N/A

The subject site is not affected by any overlays.

Particular Provisions

27. Clause 52.02 – Easements, restrictions and reserves

Pursuant to Clause 52.02, a permit is required before a person proceeds:

- *Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.*
- *Under Section 24A of the Subdivision Act 1988.*
- *Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way.*

28. 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 to the commencement of a new use.

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.

29. *Café*

Pursuant to Table 1 at Clause 52.06-5, the statutory rate associated with the use as a café is 0.4 to each patron permitted.

It is proposed to accommodate no more than 30 patrons within the café. A minimum of 12 car parking spaces therefore is required.

30. *Residential Hotel*

Pursuant to Clause 73.03 (Land use terms) of the Ballarat Planning Scheme, a residential hotel falls under the wider “Accommodation” land use term and is defined as “land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling”.

It is noted that use of land as a residential hotel (accommodation) is not a use specified in the Table 1 under Clause 52.06-5.

Pursuant to Clause 52.06-6, where a use of land is not specified in Table 1, before the new use commences, car parking spaces must be provided to the satisfaction of the responsible authority. As such, Council must consider whether the provision of twenty-nine (29) onsite and forty-four (44) offsite car parking spaces allocated to the proposed residential hotel and the café is acceptable.

31. Clause 52.27 – Licensed Premises

Pursuant to Clause 52.27, a permit is required to use land to sell or consume liquor if any of the following apply (**emphasis** added):

- ***A licence is required under the Liquor Control Reform Act 1998.***
- *A different licence or category of licence is required from that which is in force.*
- *The hours of trading allowed under a licence are to be extended.*
- *The number of patrons allowed under a licence is to be increased.*
- *The area that liquor is allowed to be consumed or supplied under a licence is to be increased.*

As the proposal seeks to use the land to sell or consume liquor under a Restaurant and Café Liquor Licence, this Clause is triggered and a permit is required.

32. Clause 52.29 – Land Adjacent to the Principal Road Network

Pursuant to Clause 52.29-2, a permit is required to (as relevant) to create or alter access to a road in a Transport Zone 2.

RELEVANT PLANNING POLICIES

33. The following policies are relevant to the consideration of the proposal:

Clause 11.03	Planning for Places
Clause 13.05	Noise
Clause 13.07	Amenity, Human Health and Safety
Clause 15.01	Built Environment
Clause 15.02	Sustainable Development
Clause 17.01	Economic Development
Clause 17.02	Commercial
Clause 17.04	Tourism
Clause 18.01	Land Use and Transport
Clause 21.01	Municipal Overview
Clause 21.06	Built Form, Heritage and Design
Clause 21.07	Economic Development
Clause 21.08	Transport and Infrastructure
Clause 21.10	Reference Documents
Clause 34.01	Commercial 1 Zone
Clause 52.02	Easements, Restrictions and Reserves
Clause 52.06	Car Parking
Clause 52.27	Licensed Premises

ADVERTISING

34. The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining land;
- Placing a sign on site;
- Notice in The Courier.

35. During the first round of public notification, a total of nineteen (19) objections were submitted to Council. During the second round of public notification, nine (9) further objections were lodged with Council, with five of which being new objectors. As such, objections from twenty-four (24) affected properties have been received to date.

36. The grounds of objections are summarised as follows:

- The proposal is incompatible with the surrounding developments by way of its scale, design and use of materials, and results in detrimental impacts on heritage buildings in the vicinity.
- The proposal fails to provide adequate car parking. A financial contribution should be made should any car parking dispensation be granted.
- The proposal results in inappropriate use of the laneway, resulting in adverse impacts on other users of the laneway and safety issues associated with commercial vehicles.
- The proposed undercroft car park may attract undesirable uses.
- The proposed use as a residential hotel will result in adverse impact on existing accommodation uses in Ballarat and is incompatible with the Primary School located on the opposite side of the street. It is also a concern that the proposed use will be used as a permanent boarding house.
- The proposal fails to provide any loading / unloading zone.
- The proposal results in a number of amenity issues, such as overlooking onto the properties to the rear, bin storage areas open to the laneway, long term maintenance of the laneway, adverse impact on antennae associated with a nearby security business, and visual impact on the surrounds.
- It is recommended to incorporate a physical barrier on Doveton Street South which would require hotel vehicles to use the southbound lanes only.
- The proposed residential hotel may create opportunities for hotel patrons to illicitly film school students.

REFERRALS

The Head, Transport for Victoria (S55)

37. In accordance with the Referral Response Letter dated 12 January 2022, the Head, Transport for Victoria has no in principle objection to the proposal and no conditional requirements are recommended.

Central Highlands Water (CHW, S52)

38. In accordance with the Referral Response Letter dated 16 October 2021, the CHW has no in principle objection to the proposal and no conditional requirements are recommended.

Engineering

39. Council's Engineering Department do not object to this application subject to conditions concerning drainage plans, contamination assessment, sediment on roadways and road reconstruction works.

Environmental Health

40. Council's Environmental Health do not object to this application subject to conditions.

Strategic Planning

41. Council's Strategic Planning Team reviewed the original application and recommended that a 3D study should be undertaken. In the assessed plans, 3D Perspectives are provided and will be discussed in detail in the **Assessment** below.

Urban Design

42. Council engaged an external urban design advisor to review the application. Comments are based on the original proposal and summarised as follows:

Policy and Physical Context

Based on state, regional and local policy considerations, along with the locational context, the Site is appropriate for increased density.

Overall Height

In the context of all of the above, the proposal adequately responds to the existing and preferred character of Doveton Street South and this part of the CBD. The overall height will not dominate the skyline, or overwhelm Doveton Street South; and the proposed overall height of 6 storeys will respond to the emerging built form character within Ballarat Central, which includes recent 5 storey approvals for the Quest Hotel as part of the Ballarat Train Station Redevelopment, the GOV Hub development at 300 Mair Street, and the development at 11 Grenville Street North.

Street wall

The proposal includes 6 sheer storeys to the front boundary, which is inappropriate in the current context and would create an uncomfortable future character for an edge precinct within the CBD.

Given the location, an appropriate street wall response would be achieved with a height approximately half the width of the street. It is recommended that a 4 storey street wall would be more appropriate, which should also be applied further south along Doveton Street South when the other land redevelops.

For the land to the north including 309 and 307 Dana Street, any future development will need to respond to these existing heritage buildings. Potential redevelopment of this land might include negative levels above the single storey heritage street walls, with then greater development above.

Upper level setbacks

Subject to a reduction in the street wall height to 4 storeys, the two levels above are recommended to setback a minimum of 3m from Doveton Street South.

Equitable Development

In order to provide for the equitable development of the land to the north, the proposal must be setback 4.5m from the midpoint of the laneway (approximately 3m from the

northern title boundary) from Level 2 onwards where the rooms take their primary orientation from the north. This will allow future development to the north to mirror this setback in order to provide a 9m separation.

The proposed setback to the east of 3.02m (in line with the proposed easement) is appropriate given this is not the primary orientation of the rooms and it provides for sufficient building separation from the eastern abuttal, which if redeveloped would orientate in a north and south direction.

To the south, the proposal must be setback a minimum of 3m from the southern title boundary where the rooms take their primary orientation from the south, to allow for the equitable future development of the southern abuttal. It is noted that the southern abuttal is considerably larger than the Site, and therefore could accommodate a larger side setback from its north to achieve a 9m separation.

Ground Floor

From an urban design perspective, subject to traffic advice, the car waiting area should be extended to the northern boundary, which will enable activation and surveillance for the full length of the street frontage. It is also recommended that the car park should be secured in some way or fully enclosed. Additionally, an awning should be introduced to the street frontage for weather protection.

Design detail

The top two levels should be treated as a pair to distinguish them from the street wall below. These levels are recommended to be clad in timber composite cladding so as to provide this distinction.

Officer notes

A number of the key issues as outlined above have been addressed through the Assessed Plans. A detailed discussion is included in the Assessment below.

Transport

43. Council's Transport Unit's comments are summarised as follows:

Access

- Vehicular access to the ground floor car park and waste storage bay will be via the laneway running along the north side of the site and shared by a number of other properties. A swept path analysis of vehicles demonstrates suitable movements into and out of the laneway and the rear undercroft carpark.
- Service vehicle movements can be scheduled during the daytime when the on-site car park is likely to have the least number of guest vehicles parked, allowing space for a van to load or unload. Nearby on-street loading zones also provide alternative service vehicle parking opportunities.

Waste

- The amended Waste Management Plan has been prepared for the development which specifies waste collection vehicles visiting the site twice weekly, parking in a designated waste collection zone on-street alongside the site frontage. Council

supports forward entry and exit for all vehicles and would rely upon VicRoads requirements for any variation for service vehicles. Signage for any waste collection zone in Doveton Street should be approved by Council's Regulatory Services Department.

Pedestrian access

- Pedestrian access to reception and the café areas are directly off the fronting footpath in Doveton Street and access from the undercroft carpark is internal.

Parking

Key outcomes of the applicant's submission show that:

- The anticipated peak parking demand of 80 spaces will occur between 11:00pm and 6:00am when all rooms are occupied and development parking demands between 9:30am and 5:30pm for 100%, 80%, and 60% occupancies will be 56, 45, and 34 vehicles or less, respectively.
- Given site constraints, multiple levels of carparking would be relatively inefficient due to the area required for ramps.
- Utilisation of nearby public parking opportunities to accommodate demand is consistent with many commercial properties in the vicinity.
- An inventory of on street parking spaces within 300m of the site shows that 250 spaces are available. Parking surveys show a higher demand for these sites during normal business hours but low demand outside these. Parking demand generated by the proposal is expected to be overnight rather than during daylight hours.
- The Central Square multi-level carpark is also a short walking distance (60m) from the site and arrangements had been secured with the operator for patron access as necessary in high demand periods. The applicant has proposed to provide 44 parking spaces through a lease with the Central Square car park. This is supported and shall be implemented by way of a Section 173 Agreement and a Car Parking Management Plan.

Loading or unloading

No loading or unloading is permitted off the site in any street or shared accessway unless from a designated loading zone or in accordance with an approved waste management plan. Proposed signing in Doveton Street should be designed and installed in consultation with Council's Regulatory Services Department.

Overall

The proposal, consisting of the proposed undercroft parking for 12 vehicles, 44 offsite parking spaces via a lease and 2 bicycles is supported in principle; and ongoing maintenance and due management will be enforced by way of permit conditions.

KEY MATTERS

44. Key matters arising from the proposal consist of:

- Whether the proposed uses are acceptable for the site?
- Whether the proposed built form responds to context and character appropriately?
- Whether the proposal will result in any unreasonable amenity impact?
- Whether car parking and vehicle access appropriately provided?

- Whether any other matters should be considered?

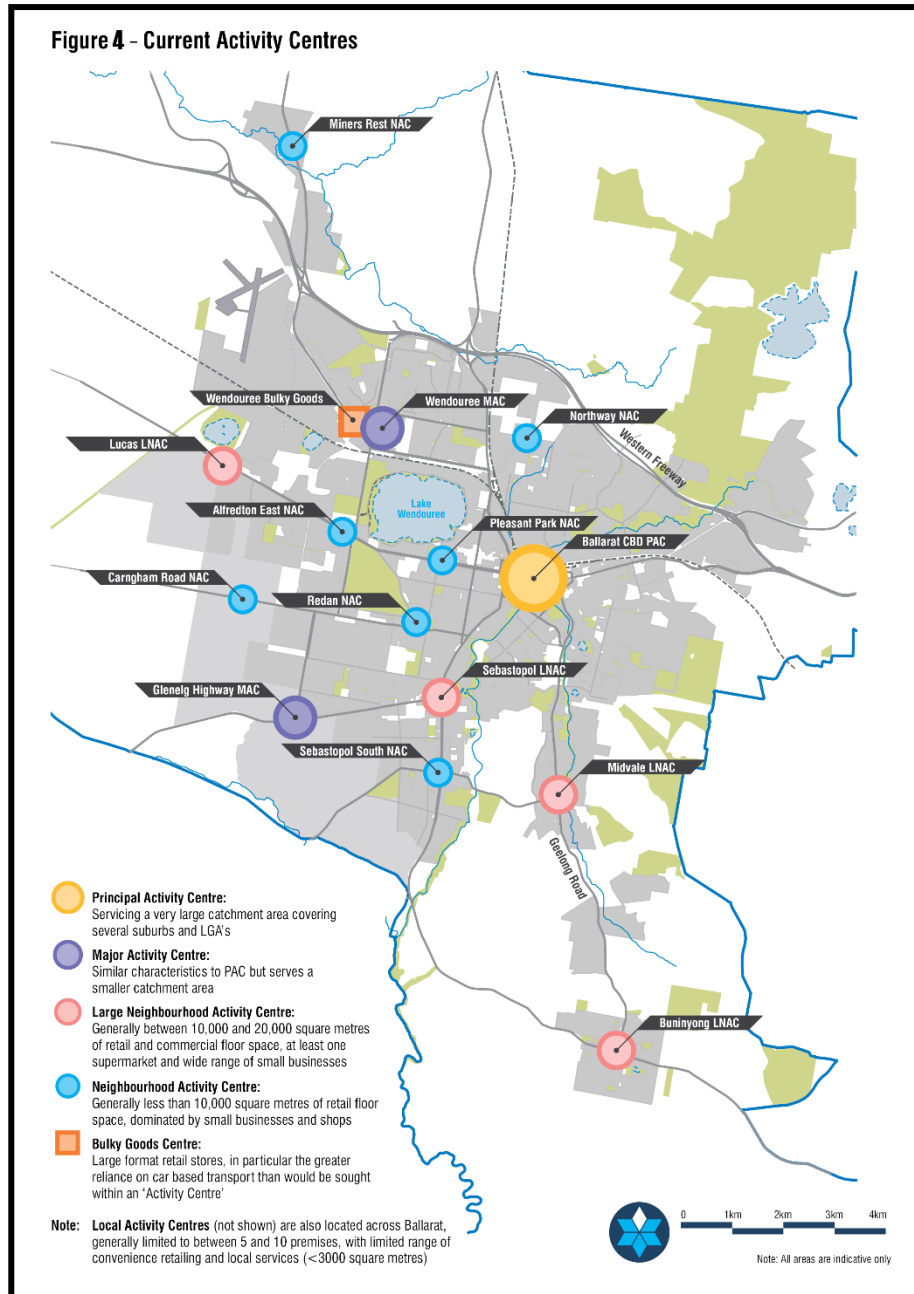
45. Key matters are discussed in turn:

46. Whether the uses are acceptable for the site?

47. Key policies

There are multiple policies in the Scheme that are relevant to the application. The key policies are summarised as follows:

- 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*” (Clause 11.03-1S – Activity centres).
- It is a key strategy to “*ensure that use or development of land is compatible with adjoining and nearby land uses*” (Clause 13.07-1S – Land use compatibility).
- It is an objective to “*strengthen and diversity the economy*” with a key strategy to “*protect and strengthen existing and planned employment areas and plan for new employment areas*” (Clause 17.01-1S – Diversified economy).
- It is an objective to “*encourage development that meets the community’s needs for retail, entertainment, office and other commercial services*” (Clause 17.02-1S – Business).
- It is objective to “*encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination*” with a key strategy to “*encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities*” (Clause 17.04-1S – Facilitating tourism).
- At local levels, relevant to the proposed uses, Clauses 21.02 to 21.09 provides the following strategic directions:
 - *Planning for sufficient land supply for economic growth.*
 - *Supporting the CBD as the primary centre in Ballarat.*
 - *Supporting growth in the tourism industry in Ballarat.*
 - *Identifying and encouraging the redevelopment of urban renewal precincts.*
- Of particular note is Clause 21.08 (Economic development), which identifies the site included in the Ballarat CBD Principal Activity Centre, where the policy encourages significant mixed-use development and vibrant commercial activities.



- The site is included in a Commercial 1 Zone. 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

48. The proposal involves use of the land as a Residential Hotel and part use of the land as a Café. It is also noted that the proposed Residential Hotel incorporates a conference room on the ground floor ancillary to the hotel use. In light of the above policies, in assessing this application, the following is noted:

- There are overarching strategic policies supporting the land use mix that will provide for increased tourism opportunities, as well as enhance commercial facilities within

the Ballarat CBD Principal Activity Centre. As the subject site is strategically positioned within the activity centre, the proposed uses are considered consistent with the strategic directions established in the Planning Policy Framework and Municipal Strategic Statement.

- The subject site is located towards the southern end of the Ballarat CBD. It 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 to land use compatibility have been considered and addressed.
- The proposed use as a Café is “as of right” in the Commercial 1 Zone and considered contributory to the mixed uses contemplated in the purpose of the zone. With regard to the proposed Residential Hotel, a permit is required under the zone. As depicted on the Plans, the proposed hotel will provide adequate accommodation and complementary facilities for hotel guests and is considered consistent with the purpose of the zone. As such, the relevant provisions and purposes under the Commercial 1 Zone enable an application to be sought for the proposed uses.
- The proposed uses will have an economic role to play within the local and wider community setting, particularly operating within the tourism and local employment, as contemplated in the policy.
- Objections raised by residents are acknowledged. The objections are primarily concerned that the proposal is incompatible with primary school use to the east and may have potential impacts on existing accommodation uses. In terms of land use compatibility, as outlined above, the site is situated within a principal activity centre, where a range of uses are encouraged in order to add vitality and provide for the business, service and entertainment needs of the community. Furthermore, it is worth noting that most schools throughout the state are located in residential settings accommodation-based neighbours and interfaces with multiple storey developments are not uncommon. It is therefore considered that an accommodation use is compatible with the primary use provided that any amenity issues (such as noise, waste management and car parking) are adequately addressed. With regard to its potential impact on existing accommodation uses, the proposal will positively contribute to the diversity of accommodation options within the activity centre and is considered consistent with relevant policies that encourage tourism development and seek to lengthen the time of visitors stay in the region.

49. Overall, it is considered that the proposed uses accord with relevant planning policies and will positively contribute to the ongoing viability of the Ballarat CBD Principal Activity Centre. Subject to a design that responds appropriately to context, the proposed development is considered strategically appropriate. This is to be addressed next.

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

51. Policy and Physical Context

As outlined above, there is a strong policy support for a vibrant and mixed-use development at the subject site. In terms of the context, broadly, the site is well serviced by public transportation, located in the vicinity of established urban infrastructure, and most importantly identified within an “urban renewal area” where redevelopment at densities complementary to the role and the scale of the Ballarat CBD is encouraged.

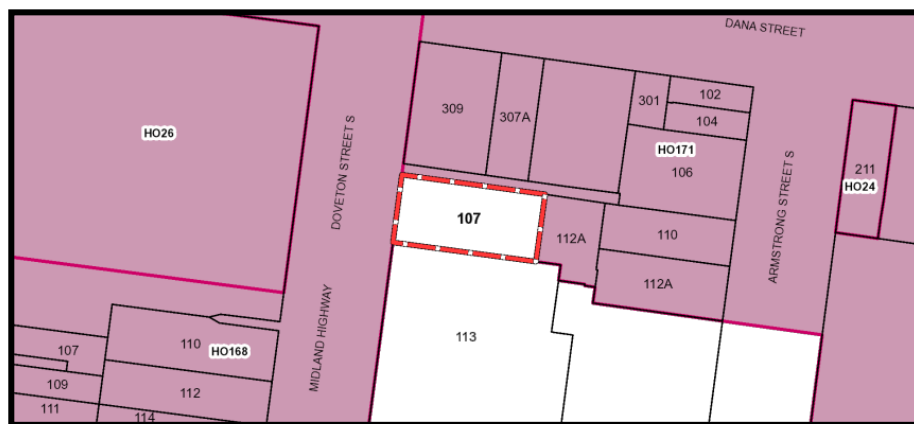
However, any redevelopment opportunity needs to be tempered in relation to the following contextual and policy considerations:

52. Policy considerations

At state level, there is a consistent objective seeking a design response that positively contributes 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).

At local level, Clause 21.06 (Built form, heritage and design) encourages sympathetic forms of development which contribute to the surrounding character, including identified heritage places and precincts.

53. Interfaces with heritage buildings



As shown on the Heritage Overlay Map, the site has direct interfaces with heritage buildings. Specifically, it is noted that:

- To the north and east, the surrounding land is contained within a Heritage Overlay (Schedule 171 – Lydiard Street Heritage Precinct). This precinct is architecturally and aesthetically significant at a state level as an outstanding example representing the development of modern urbanism initiated. It is also evidenced by the remarkable collection of landmark neo-classical building styles which collectively contribute to a visually unified streetscape.
- Opposite Doveton Street South, the land is improved by the Dana Street Primary School and contained within a Heritage Overlay (Schedule 26 – Primary School No. 33). The complex of buildings demonstrates a changing sequence and usage in materials and forms and is individually protected in the Victorian Heritage Register (Ref No H1714).
- Other surrounding land to the west is contained within Heritage Overlay (Schedule 168 – South Ballarat Heritage Precinct). This precinct is architecturally and aesthetically significant at a local level. Not only has it demonstrated the diversity in architectural styles over time, but also depicted the consistency of residential properties in terms of orientation, scale, and design details.

54. Considerations of residential properties

Approximately 80m to the west and 200m to the south, the scale of the residential hinterland located south of Eyre Street and east of Dawson Street South forms part of the contextual considerations.

Officer response

55. Overall Height

In the context of all of the above, the proposed overall height will not dominate the skyline or overwhelm Doveton Street South. This is demonstrated through the ratio of the building height to the street width. Given the street is approximately 30m and the proposed heights sit between 22m and 24m, the building height to the street width ratio is less than 1:1, which will ensure that unreasonable enclosure or overshadowing is avoided.

Furthermore, Council's Strategic Planning Department has advised that as per the Ballarat skyline study, the proposed height would have limited impact on the designated views and is considered responsive to the existing and the preferred character of Doveton Street South and this part of the CBD.

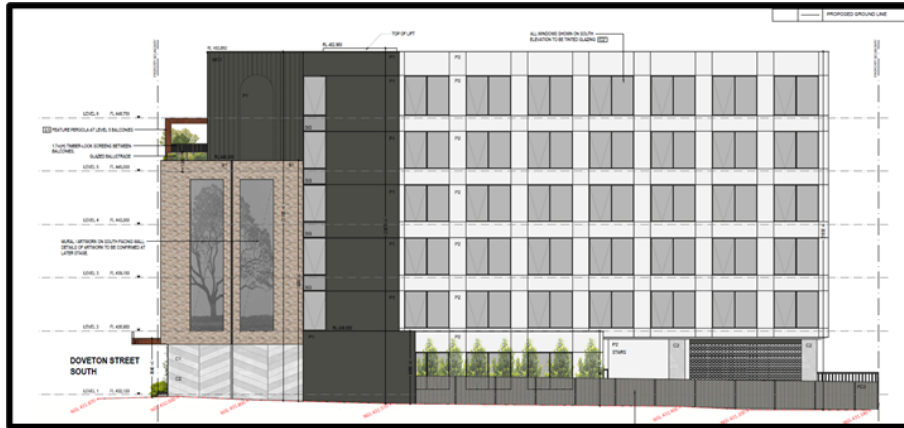
In addition, the proposed six (6) storeys will respond to the emerging built form character within the Ballarat CBD, which includes recent 5 storey approvals for the Quest Hotel as part of the Ballarat Train Station Redevelopment, the GOV Hub development at 300 Mair Street, and the development at 11 Grenville Street North.

Based on the above, it is considered that the proposed overall height of 6 storeys to be appropriate in this location.

56. Doveton Street South streetscape

To Doveton Street South, the proposal presents with a mix of materials including highly glazed façade treatment, render finishes at ground level, brick tile cladding to the street wall and cladding with standing seam profile at the top two levels. The proposed glazing and associated front entries will activate the street frontage creating an inviting architectural language at the street level; and the proposed façade treatment by way of alternative materials will bring visual interest to the streetscape elevation thereby enhancing the emerging character of redeveloped sites in this area.





In terms of street setbacks, the proposal presents a 4-storey street wall and the two upper levels with a setback of 3m from the street frontage. It is also noted that fully opened balconies are tucked in on Level 5 creating outdoor recreational spaces as well as landscaping opportunities without contributing to the height of the street wall. Overall, the height of the street wall and the upper level setbacks are generally consistent with the Urban Design advice sought by Council and therefore considered acceptable.

In addition, the proposal allows for landscaping opportunities within the street setbacks at ground level and Level 5. This will provide a level of visual separation thereby preventing a dominating façade. The details of the proposed landscaping will be addressed by way of permit conditions.

57. *Western interface*

In addition to the streetscape response, the western interface is also featured by the individually protected complex of heritage buildings contained within the Dana Street Primary School and other heritage buildings contributing to the local significance.



The 30m wide street and the car park within the primary school site create a distance of approximately 50m from the subject site, which will allow for adequate physical separation from the proposed development thereby preventing unreasonable visual intrusion. With regard to other heritage buildings to the west, the proposal responds appropriately to the diversity in architectural styles by way of incorporation of glazing and open pergolas as well as a mix of materials and finishes.

58. Eastern interface

To the east, the adjacent properties are constructed to the adjoining boundary. As shown below, the proposal allows for an undercroft car park at ground level and hotel rooms above. It is also noted that the hotel rooms provide for a consistent setback of 3m from the title boundary. This is considered acceptable for the following reasons:

- As this interface is fully concealed from street views, a lessened setback will not result in any unreasonable visual impact on the streetscapes.
- The rooms with east facing windows are also provided south or north facing windows, meaning that this is not the primary orientation of the rooms in question. As such, the proposed setback is considered acceptable.
- As the adjacent properties are orientated to Armstrong Street South, future development would likely orientate in a north-south direction. As such, the proposed setback provides sufficient building separation as it stands.

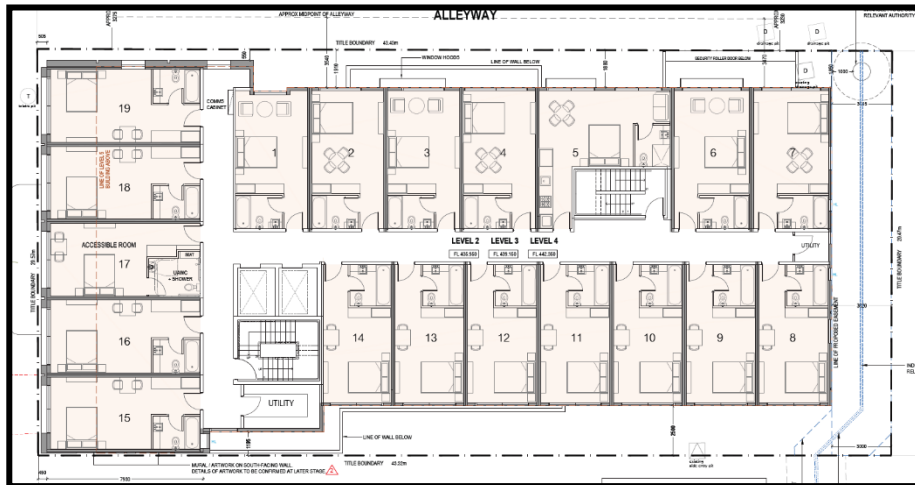


59. Southern interface

To the south, the site abuts a car park that serves the office building at the southern abutting allotment. In terms of façade treatment, the incorporated landscaping and variations to materials at all levels create visual interest and are considered acceptable.



In terms of boundary setbacks, the proposal generally allows for a setback of 2.5m from level 2 and above. The primary concern is related to natural daylight. As most rooms take their primary orientation from the south, reasonable setbacks would be required to ensure adequate daylight access. The other main concern is related to equitable development. Whilst noting that the southern abuttal is considerably larger than the site and therefore could accommodate a larger side setback from its north, it is considered that the context would call for a balanced design response demonstrated through reasonable boundary setbacks. With all taken into consideration and in conjunction with the Urban Design advice sought by Council, a 3m setback is recommended from Level 2 and above excluding the most westerly located rooms as these rooms are provided with west facing windows. This will be addressed by way of permit conditions.



60. Northern interface

The aerial photography below shows that adjacent properties are constructed on the boundary and physical separation is achieved through a 3m wide laneway (Alleyway). As recommended in the Urban Design advice sought by Council, the proposal should setback 4.5m from the midpoint of the laneway (approximately 3m from the northern boundary) from Level 2 onwards.



On the ground level, the proposal is partially setback from the boundary in order to allow for a passing bay, the bin storage area and landscaping. This is considered practical and can be supported.

From Level 2 and onwards, the most westerly located rooms and the adjacent communal cabinets are setback 0.5m from the boundary. As the primary orientation is to the street, any visual impact from the northwest section of the proposed development may be mitigated through the recessed upper-level street setbacks and variations to materials and finishes.

The remainder of the development between Level 2 and Level 6 will be setback approximately 1.9m from the northern boundary, or 3.5m if measured to the midpoint of the laneway (Alleyway). A key consideration in this interface is that the properties to the north are contained in a Heritage Overlay and exhibit highly intact heritage fabrics (see the street photo below). As required by Council's heritage policies, the existing heritage fabrics should be largely retained and any additions above will provide adequate setbacks from the street and the laneway thereby minimising any unreasonable visual impacts on the heritage buildings. More specifically, due to the placement of heritage controls, any future development to the north will be recommended to provide a minimum setback of 3-4m from the boundary, or 4.5-5.5m from the midpoint of the laneway. This would allow a reasonably lessened setback afforded by the subject site. While noting that the Urban Design advice recommends a setback of 4.5m, it is considered that a balanced outcome should be pursued in this context. Taking all into consideration, it is recommended that the northern setback should be increased to 4m thereby creating opportunities for building separation and equitable development. This will be addressed by way of permit conditions.



61. *Overall presentation*

The proposed overall layout and built form may result in a significant change to the immediate context but subject to the recommended changes, the proposed built form will respond to the context and character appropriately.

62. ***Whether the proposal will result in any unreasonable amenity impact?***

63. Operational matters

The proposed uses as a Residential Hotel and a Café will be operated concurrently whilst under separate management. To ensure that the amenity of the area is considered and adequately addressed, an Operation Management Plan is recommended outlining the uses, the permitted extent of business activities, operational matters, and protective measures. Key amenity considerations are discussed as follows.

64. Licensed premises considerations

The proposal seeks to incorporate a Restaurant and Café licence to the ground floor café, which will operate between 6.00am and 10.00pm, Monday to Sunday and accommodate up to thirty (30) patrons. It is acknowledged that concerns are raised by residents with regard to loss of amenity due to the nature of licenced premises.

In conjunction with referral comments by Council's Environment Unit, the impacts on amenity of neighbours and any cumulative impact are considered acceptably limited. This will be achieved in the following ways:

The nature of the licence to be sought

The proposed Restaurant and café licence requires that the predominant activity carried out at all times on the premises must be the preparation and serving of meals to be consumed on the licensed premises. As such, the permitted extent of liquor consumption will be limited.

A limit on patron numbers

It proposes to accommodate no more than thirty (30) patrons. This is considered moderate in scale. To ensure that the number is restricted to what is proposed, a condition is recommended.

Hours of operation

The proposed licence will be limited to between 6am and 10pm. As the site is located within an established commercial centre, the proposed hours for serving of alcohol are generally consistent with other licensed premises in the vicinity including the licensed premises to the immediate north with orientation to Dana Street.

The extent of the licensed space

As shown on the Floor Plan, the proposed licensed space will be limited to the Café space within the front section of the ground floor. Given the limited licensed space, adequate management can be addressed by way of permit conditions including noise, patron management and the responsible serving of alcohol.

Food premises considerations

While there are no specific requirements on food premises in the Planning Scheme, it is considered sufficient to incorporate the recommended conditions by Council's Environment Health Unit to ensure that the operation of the café within the subject site would comply with relevant policies and requirements.

65. Noise

Concerns are raised by residents with regard to adverse amenity impacts arising from noise generated by this proposal. Relevant considerations are outlined as follows:

Amplified music operation

Potential noise emanating from the proposed hotel (including the conference room) is a concern raised by residents. The applicant confirmed that no amplified music will be

performed within the subject site and noise attenuation measures will be undertaken as required.

Mechanical plant and equipment noise

Details of the proposed plant and equipment are not shown on the Plans. Subject to siting of the plant equipment and installation of acoustic screening, noise from mechanical plant and equipment can comply with EPA noise limits. This will be addressed by way of permit conditions.

Noise from traffic and waste collection/deliveries

Noise from increased traffic generated by the proposal in addition to noise impacts from deliveries and waste collection vehicles have been considered in this assessment. In terms of traffic noise, as the hotel and the café will be operated concurrently, traffic noise will be limited to the largely enclosed car park and the single point of vehicle access via Alleyway. With regard to deliveries and waste collection, noise can be adequately managed by way of limiting the hours and/or days. This will form part of the Operation Management Plan.

Noise from private guests around the facility/on balconies

The proposal incorporates balconies on Level 5 directly facing the street. As these balconies do not directly interface with residential properties and have a minimum distance of approximately 47m from buildings contained within the primary school site, the setback will provide adequate physical separation thereby preventing unreasonable noise impact. It is however recommended that noise from the common areas should be considered and the communication processes should be incorporated in the Operation Management Plan that allows public complaints to the management.

In terms of internal access, it is noted that access to the stairs is exclusively provided through the hallway within the development. As such, patron access between levels will not create unreasonable noise impact onto neighbouring properties.

66. Overlooking

The objective for overlooking that applies to the residential hotel is to limit views into existing secluded private open space and habitable room windows. Standards set to achieve that objective include windows or balconies setback at least 9 metres and various treatments to limit direct views.

As described above, the site does not have any direct interface with residential uses and the closest residential properties are located approximately 80m to the west. As such, the proposal will not result in any unreasonable views into existing secluded private open space or habitable room windows.

67. Light spill

Whilst noting that the nearest residential properties are located approximately 80m to the west, external lighting from the proposed six (6) storey development needs to be appropriately placed, and if necessary baffled to ensure avoidance of unreasonable light impacts on nearby residential properties. As recommended by Council's Environmental Health Unit, a permit condition will be incorporated to prevent unreasonable light emission to habitable rooms of nearby residential properties.

68. Overshadowing

As outlined above, the proposal is adequately distanced from residential properties nearby and will not result in any unreasonable shadow impacts to adjoining residential properties.

69. Conclusion on amenity issues

Overall, the proposal will not result in unacceptable amenity impacts subject to various permit conditions that would limit patron numbers, control hours of operation, regulate access to the facilities, implement noise control measures and address other management issues.

70. *Whether car parking and vehicle access appropriately provided?*

As outlined in the Referral Section above, Council's Transport Unit is in support of this application subject to the recommended conditions. Key matters are reiterated as follows:

71. Access

Vehicle access to the ground floor car park and waste storage bay is provided via Alleyway extending along the northern boundary of the subject site. This is supported by Council's Transport Unit and the Head, Transport for Victoria (VicRoads). It is also noted that the applicant has confirmed to reconstruct the road to the Council's satisfaction. This will be addressed by way of permit conditions.

72. Vehicle movement

The submitted swept path analysis of vehicles demonstrates suitable movements into and out of the laneway and the rear car park. Furthermore, service vehicle movements can be scheduled during the daytime when the on-site car park is likely to have the least number of guest vehicles parked, allowing space for a van to load or unload. Additionally, nearby on-street loading zones also provide alternative service vehicle parking opportunities.

73. Pedestrian access

Pedestrian access to reception and the café areas are directly off the fronting footpath in Doveton Street South. This is considered safe and practical.

74. Waste management

Waste bin standing areas are contained within the subject land. An amended Waste Management Plan has been prepared for the development which specifies waste collection vehicles visiting the site twice weekly, parking in a designated waste collection zone on-street alongside the site frontage. A standard condition is recommended to ensure that a Waste Management Plan will be endorsed concurrent with the development plans.

75. Parking

The submitted Transport Impact Assessment Report states that anticipated peak parking demand of 80 spaces will occur between 11:00pm and 6:00am when all rooms are occupied and development parking demands between 9:30am and 5:30pm for 100%,

80%, and 60% occupancies will be 56, 45, and 34 vehicles or less, respectively. The applicant further submitted that 12 onsite spaces and 44 spaces within the Central Square multi-level car park will be provided allowing for full demand at 56 spaces. The provision of car parking spaces is considered acceptable.

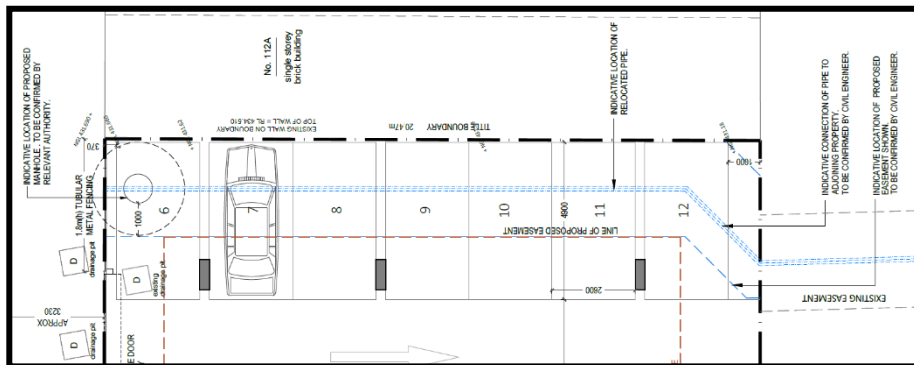
In terms of onsite car parking arrangement, the proposed 12 car parking spaces and 2 bicycle facilities, including 1 accessible space, are considered acceptable.

In terms of offsite parking arrangement, as advised by Council’s Transport Unit, utilisation of nearby public parking opportunities to accommodate demands is consistent with many commercial properties in the vicinity. In this case, as the Central Square multi-level carpark is only a short walking distance (60m) from the site, offsite parking through a lease with the Central Square carpark can be accepted. Ongoing maintenance and management will be implemented by way of a Section 173 Agreement and a Car Parking Management Plan.

76. Whether any other matters should be considered?

77. Variation of easement

The application seeks to relocate an easement created in favour of Central Highlands Water. As annotated on the Plans, separate consent must be sought from the responsible authority should the development be supported. The applicant will be reminded by way of permit conditions.



78. Objections

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

Financial contribution should be required to waive car parking

A financial contribution for the waiving of car parking may be implemented should a Parking Overlay be placed on the subject site. As the site is not affected by such an overlay and most importantly, the proposed car parking arrangement is considered satisfactory by the Council’s Transport Unit, a financial contribution is deemed unnecessary.

Impact on security business antennae

It is a concern raised by nearby business operators that the development may result in obstruction of radio signals which subsequently will adversely impact the security system.

Whilst radio signals are not particularly addressed in the Planning Scheme, it is worth noting that radio signals spread out like light waves and are subject to material reflection and medium refraction. As there is no change around the nearby properties in terms of building materials and air as medium, it is unlikely that radio signals will be unreasonably affected by this development.

Heritage overlay

The site is not affected by a Heritage Overlay. As discussed above, the proposed development is considered respectful to the surrounding heritage buildings.

79. 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; and the proposal is supported for the following reasons:

- The proposed land uses remain appropriate for the site's location within the Ballarat CBD Major Activity Centre and continue to meet strategic and local planning policy objectives to provide tourism facilities to further strengthen the role of the Activity Centre and create employment opportunities.
- The proposed built form responds to the context and the character appropriately.
- The proposal will not result in any unreasonable off-site amenity impacts whilst affording guests an acceptable level of internal amenity, subject to conditions of permit.
- The parking and traffic impacts are within reasonable limits, subject to conditions relating to the appropriate management of vehicular traffic to and from the site and parking.

OFFICER RECOMMENDATION

80. That the Planning Delegated Committee having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of the Ballarat Planning Scheme, subject to conditions.

ATTACHMENTS

1. Governance Review [6.1.1 - 2 pages]
2. PL P-2020-262 - 107 Doveton Street South Ballarat - Assessed Plans [6.1.2 - 10 pages]
3. PL P-2020-262 - 107 Doveton Street South BALLARAT CENTRAL - conditions (002) [6.1.3 - 11 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 community impacts identified for the subject of this report.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. There are no climate emergency and 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 subject of this 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 planning permit application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. Council received 29 objections.

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

OFFICIAL

OFFICIAL



REVISION SUMMARY:

- FLOOR PLANS UPDATED TO SUIT REVISED ELEVATIONS
- ADDED MURAL / ARTWORK TO SOUTH WALL
- REVISED ENTRY CANOPY / AWNING
- PASSING BAY NOTED TO BE CARRIAGEWAY EASEMENT.

**No. 113
VACANT CARPARK**

GENERAL NOTES:

All internal & external dimensions are shown to structural / timber frames and do not include cladding / plasterboard thickness.

Location of services / meters are indicative only. TBC at working drawing stage.

All levels are to AHD

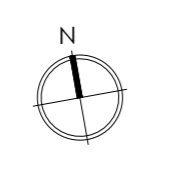
AREA SCHEDULE		Area(m ²)
LEVEL 1 (INCLUDES STAIRS)		468.1
LEVEL 2		690.1
LEVEL 3		690.1
LEVEL 4		690.1
LEVEL 5		631.7
LEVEL 6		631.7
BALCONIES (LEVEL 5)		49.1
TOTAL BUILDING AREA		3850.9
PARKING + BIN / EQUIPMENT STORAGE + BIKE PARKING + SERVICE ACCESS		388.1
TOTAL ROOMS		94

SITE AREA ANALYSIS		Area(m ²)
TOTAL SITE AREA:		890.0
TOTAL BUILDING FOOTPRINT (SITE COVERAGE 80.1%)		713.1
• EXCLUDES ENTRY AWNING		

LEGEND	
SYMBOL	DESCRIPTION
FFL	FINISHED FLOOR LEVEL
FGL	FINISHED GROUND LEVEL
NGL	NATURAL GROUND LEVEL

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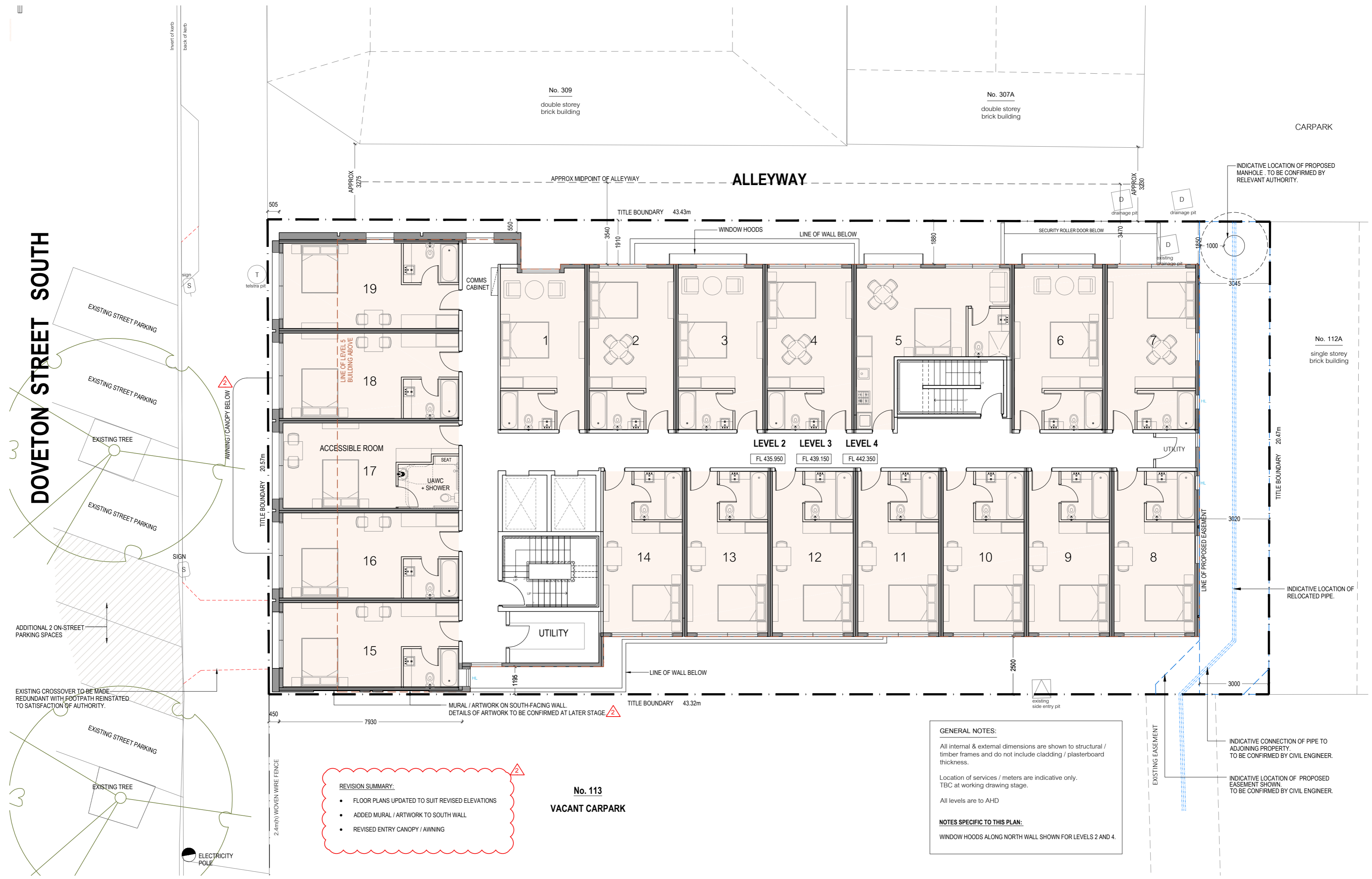


REV	DATE	DESCRIPTION	BY
1	APR 2021	FOR COUNCIL MEETING	TY
2	JULY 2021	COUNCIL COMMENTS DATED 30.4.2021. REVISED ELEVATIONS	TY

PROJECT	RESIDENTIAL HOTEL 107 DOVETON STREET SOUTH, BALLARAT
CLIENT	BALLARAT INVESTMENTS GROUP PTY LTD.
DRAWING TITLE	LEVEL 1 FLOOR PLAN

DRAWN	TY	SCALE	DRAWING NO.
CHECKED	MP	1:100 A2	TP 04
DATE	JULY 2021	PROJECT No	REV
TOWN PLANNING		17046	2
NOT FOR CONSTRUCTION			

28/07/2021 1:50:57 PM



REVISION SUMMARY:

- FLOOR PLANS UPDATED TO SUIT REVISED ELEVATIONS
- ADDED MURAL / ARTWORK TO SOUTH WALL
- REVISED ENTRY CANOPY / AWNING

**No. 113
VACANT CARPARK**

GENERAL NOTES:

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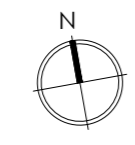
All levels are to AHD

NOTES SPECIFIC TO THIS PLAN:

WINDOW HOODS ALONG NORTH WALL SHOWN FOR LEVELS 2 AND 4.

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REV	DATE	DESCRIPTION	BY
1	APR 2021	FOR COUNCIL MEETING	TY
2	JUNE 2021	COUNCIL COMMENTS DATED 30.4.2021, REVISED ELEVATIONS	TY

PROJECT	RESIDENTIAL HOTEL 107 DOVETON STREET SOUTH, BALLARAT
CLIENT	BALLARAT INVESTMENTS GROUP PTY LTD.
DRAWING TITLE	LEVEL 2, 3, 4 TYPICAL FLOOR PLAN

DRAWN	TY	SCALE	DRAWING NO.
CHECKED	MP	1:100 A2 U.N.O.	TP 05
DATE	JUNE 2021	PROJECT No	REV
		17046	2

25/06/2021 6:24:27 PM



REVISION SUMMARY:

- FLOOR PLANS UPDATED TO SUIT REVISED ELEVATIONS
- ADDED PERGOLAS TO BALCONIES

**No. 113
VACANT CARPARK**

GENERAL NOTES:

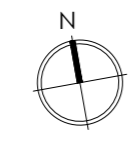
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All levels are to AHD

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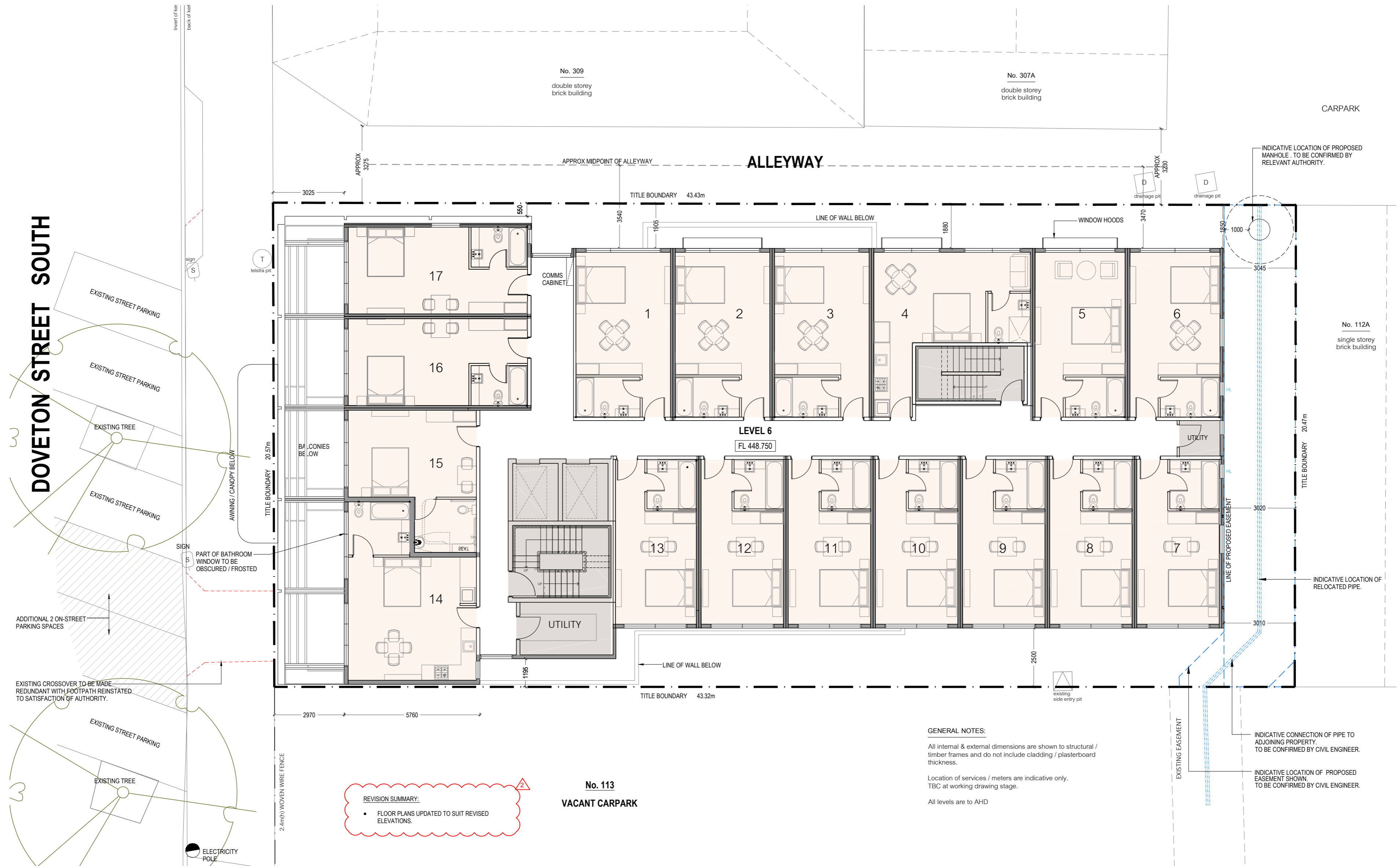


REV	DATE	DESCRIPTION	BY
1	APR 2021	FOR COUNCIL MEETING	TY
2	JUNE 2021	COUNCIL COMMENTS DATED 30.4.2021. REVISED ELEVATIONS	TY

PROJECT	RESIDENTIAL HOTEL 107 DOVETON STREET SOUTH, BALLARAT
CLIENT	BALLARAT INVESTMENTS GROUP PTY LTD.
DRAWING TITLE	LEVEL 5 FLOOR PLAN

DRAWN	TY	SCALE	DRAWING NO.
CHECKED	MP	1:100 A2	TP 06
DATE	JUNE 2021	PROJECT No	REV
TOWN PLANNING NOT FOR CONSTRUCTION		17046	2

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REVISION SUMMARY:

- FLOOR PLANS UPDATED TO SUIT REVISED ELEVATIONS.

GENERAL NOTES:

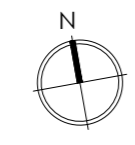
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REV	DATE	DESCRIPTION	BY
1	APR 2021	FOR COUNCIL MEETING	TY
2	JUNE 2021	COUNCIL COMMENTS DATED 30.4.2021. REVISED ELEVATIONS	TY

PROJECT	RESIDENTIAL HOTEL 107 DOVETON STREET SOUTH, BALLARAT
CLIENT	BALLARAT INVESTMENTS GROUP PTY LTD.
DRAWING TITLE	LEVEL 6 FLOOR PLAN

DRAWN	TY	SCALE	DRAWING NO.
CHECKED	MP	1:100 A2	TP 07
DATE	JUNE 2021	PROJECT No	REV
TOWN PLANNING NOT FOR CONSTRUCTION		17046	2

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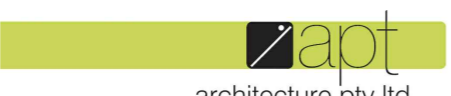


STREET ELEVATION

1:150

REVISION SUMMARY:

- ELEVATIONS DESIGN AND FINISHES UPDATED.
- ADDED PERGOLA TO BALCONIES
- REVISED ENTRY CANOPY / AWNING

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- ELEVATIONS DESIGN AND FINISHES UPDATED.
- ADDED PERGOLA TO BALCONIES
- ADDED MURAL / ARTWORK TO SOUTH WALL
- REVISED ENTRY CANOPY / AWNING

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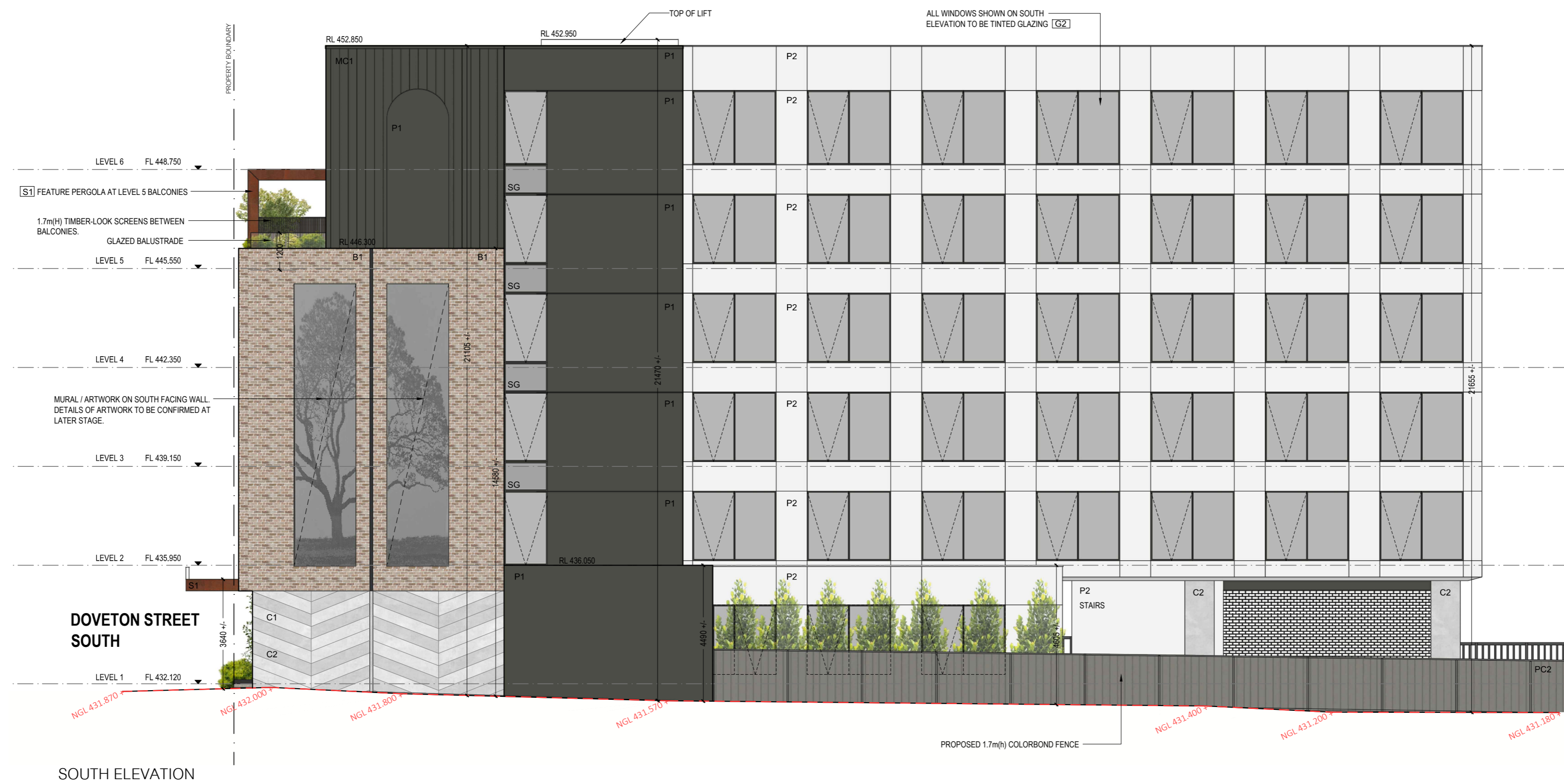
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PROJECT	RESIDENTIAL HOTEL 107 DOVETON STREET SOUTH, BALLARAT
CLIENT	BALLARAT INVESTMENTS GROUP PTY LTD.
DRAWING TITLE	ELEVATIONS

DRAWN	TY	SCALE	DRAWING NO.
CHECKED	MP	1:100 A2	TP 10
DATE	JULY 2021	PROJECT No	REV
TOWN PLANNING NOT FOR CONSTRUCTION		17046	2

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DRAWING TITLE	ELEVATIONS

DRAWN	TY	SCALE	DRAWING NO.
CHECKED	MP	1:100 A2	TP 11
DATE	JULY 2021	PROJECT No	REV
		17046	2
TOWN PLANNING NOT FOR CONSTRUCTION			

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NORTH WEST VIEW



SOUTH WEST VIEW



NORTH EAST VIEW



SOUTH EAST VIEW

- REVISION SUMMARY:**
- UPDATED EXTERNAL FINISH, WINDOW LOCATIONS
 - ADDED PERGOLA TO LEVEL 5 BALCONIES
 - ADDED MURAL / ARTWORK TO SOUTH WALL
 - REVISED ENTRY CANOPY

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CLIENT	BALLARAT INVESTMENTS GROUP PTY LTD.
DRAWING TITLE	3D VIEWS

DRAWN	TY	SCALE	DRAWING NO.
CHECKED	MP	NTS	TP 12
DATE	JULY 2021	PROJECT No	REV
TOWN PLANNING NOT FOR CONSTRUCTION		17046	2

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LEVEL 5 TERRACES



VIEW AT STREET LEVEL

REVISION SUMMARY:

- UPDATED EXTERNAL FINISH, WINDOW LOCATIONS
- ADDED PERGOLA TO LEVEL 5 BALCONIES
- ADDED MURAL / ARTWORK TO SOUTH WALL
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DRAWING TITLE	3D VIEWS

DRAWN	TY	SCALE	DRAWING NO.
CHECKED	MP	NTS	TP 13
DATE	JULY 2021	PROJECT No	REV
TOWN PLANNING NOT FOR CONSTRUCTION		17046	1

21/07/2021 4:18:56 PM

RECOMMENDATION:**Notice of Decision to Grant a Planning Permit:**

That the delegated officer having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of the Ballarat Planning Scheme, subject to the following conditions:

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and emailed to planninginfo@ballarat.vic.gov.au with the planning reference number. The plans must be generally in accordance with the Plans (described as Project No. 17046, Drawing Nos. TP04 through to TP13 and advertised in December 2021) but modified to show:

- (a) Elevations must be updated showing all levels (including floor to ceiling heights, external wall heights and overall building heights) to A.H.D. The maximum heights of all buildings and works on all elevations must not exceed R.L 453.00 A.H.D.
- (b) A Redline Plan must be provided accurately depicting the defined area where liquor can be supplied and consumed under the Restaurant and café liquor licence in association with the ground floor Café.
- (c) A Roof Plan must be provided detailing any proposed roof-top plant, equipment and associated acoustic screening. Annotations must be incorporated confirming that noise from mechanical plant and equipment must comply with relevant EPA noise limits.
- (d) The proposed 2.5m setback from the southern boundary between Level 2 and Level 6 must be increased to 3m and any associated internal reconfigurations.
- (e) The proposed northern setbacks between Level 2 and Level 6 must be increased to 4m, measured to the midpoint of the laneway (Alleyway), excluding the section containing the most westerly located rooms and the communal cabinets.
- (f) The minimum height of the proposed street canopy above the footpath must be shown on relevant Elevations with no less than 2.7m. Consent must be sought from the Responsible Authority for buildings and works encroaching (including above) the footpath.
- (g) Any amendment required by Condition 2 (Landscape Plan).
- (h) Any amendment required by Condition 3 (Operation Management Plan).
- (i) Any amendment required by Condition 4 (Waste Management Plan).
- (j) Any amendment required by Condition 5 (Parking and Transport Management Plan).

All to the satisfaction of the Responsible Authority.

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107 Doveton Street South, BALLARAT CENTRAL VIC 3350

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

2. Landscape Plan - Development

Concurrent with the endorsement of Condition 1 (Development Plans), a Landscape Plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit.

The Landscape Plan must include:

- (a) details of surface finishes of pathways and driveways
- (b) a planting schedule of all proposed trees, shrubs and ground covers at all levels, including botanical names, common names, pot sizes, size at planting, sizes at maturity, and quantities of each plant.

To the satisfaction of the Responsible Authority.

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

3. Operation Management Plan

Concurrent with the endorsement of Condition 1 (Development Plans), an Operational Management Plan (OMP) must be prepared and submitted to the satisfaction of the Responsible Authority. When approved, the OMP will be endorsed and will then form part of the permit. The OMP shall detail:

- (a) How the Residential Hotel and the Café will be operated concurrently whilst under separate management.
- (b) The maximum number of patrons on the land for the purposes of the Hotel, and the Café
- (c) The approved hours of operation with regard to the Residential Hotel, the café and the sale and consumption of liquor as required by relevant conditions of this permit.
- (d) A definition of common areas shared by hotel guests
- (e) Measures to limit access to facilities (i.e. no 'walk up' patron access) including the lounge, the conference room and any common areas by any person other than private guests of the Residential Hotel;
- (f) Any required operational measures required to ensure that the use and development hereby permitted will comply with the *EPA publication 1826.4 Noise limit assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*. Considerations should extend to noise associated with vehicle activity for deliveries and waste collection and siting, design and specifications of mechanical plant and equipment.
- (g) Measures to notify guests of their obligations to respect the amenity of adjoining properties

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107 Doveton Street South, BALLARAT CENTRAL VIC 3350

- (h) Emergency Management
- (i) Details of measures to deal with intoxicated patrons and the responsible service of alcohol.
- (j) A procedure for recording and reporting incidents, complaints and associated responses, regarding matters with potential to cause off-site impacts (such as odour, noise, pollution) including notice to the Responsible Authority, and that must:
 - i. Be made available to neighbours and/or patrons upon request;
 - ii. Specify a contact phone number for the facility manager to be made available to neighbours upon request to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the facility;
 - iii. Specify that all calls to this number will be logged and all complaints and/or issues raised by or on behalf of a local resident will be recorded and addressed efficiently; and
 - iv. Specify that evening patrons be informed of the importance of noise minimisation when leaving the site.

When approved the OMP must be complied with by the owner and business operator to the satisfaction of the Responsible Authority and must be provided to employees as part of the standard employee induction process.

4. Waste Management Plan

Concurrent with the endorsement of Condition 1 (Development Plans), a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must be generally in accordance with the Waste Management Plan, prepared by *Low Impact Development Consulting* amended on 24 July 2021 but modified to detail:

- (a) Confirmation that waste collection will satisfy Council's requirements with regard to forward entry and exit for all vehicles; and any VicRoads requirements for service vehicles.
- (b) Signage for any waste collection zone to be incorporated in Doveton Street subject to the approval of Council's Regulatory Services Department.
- (c) Any waste management considerations, including:
 - i. The location and space allocated for storage of waste and recyclable materials, bins and containers.
 - ii. The type of waste and recyclable materials, bins and containers;
 - iii. The garbage and recycling equipment (e.g. vehicles and lifting equipment) to be used;
 - iv. The frequency and timing of waste collection;
 - v. The path of access for both users and collection vehicles;
 - vi. Demonstrate how all collection vehicles can enter and exit the premises in a forward direction. Vehicles must not reverse from the site at any time; and
 - vii. Measures to manage and minimise noise, odour and litter.

To the satisfaction of the Responsible Authority.

Waste management must be undertaken in accordance with the approved Waste Management Plan to the satisfaction of the Responsible Authority. The endorsed Waste

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107 Doveton Street South, BALLARAT CENTRAL VIC 3350

Management Plan shall have ongoing force or effect unless otherwise approved in writing by the Responsible Authority.

5. Parking and Traffic Management Plan

Concurrent with the endorsement of Condition 1 (Development Plans), a Traffic and Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. Traffic and parking operations on and adjacent to the site must conform to the approved plan. The plan must be generally in accordance with the development plans but must include:

- (a) The location of all areas on- and/or off-site to be used for staff and patron parking
- (b) Owner's permission and any required planning permission for parking on other land
- (c) Specification of staff numbers adequate to enable efficient operation of car parking areas both on and off-site
- (d) Measures to discourage patron car parking along surrounding streets
- (e) Measures to preclude staff parking in designated patron car parking areas

To the satisfaction of the Responsible Authority.

6. Section 173 Agreement - Car Parking

Unless otherwise agreed in writing by the Responsible Authority, prior to the use commencing the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning & Environment Act 1987* which makes provision for the following:

- (a) A minimum of twelve (12) parking spaces including one (1) accessible space must be provided within the subject land at any one time.
- (b) A minimum of forty-four (44) car parking spaces must be provided in Central Square car park and dedicated to the Residential Hotel at all times. All spaces must be marked with signs and painted/marked bays.

Before the development commences, the agreement must be registered on the Title to the land. All costs associated with the preparation, signing, lodgement, registration, amending and ending of the Agreement must be borne by the owner of the land, including all notification costs and legal fees.

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

7. Easement Variation

The permit hereby issued does not authorise any buildings and works in association with variations to the Easement located at the rear of the subject site and created in favour of Central Highlands Region Water Corporation. Separate consent must be sought from the Responsible Authority.

8. Limit on Number of Patrons - Residential Hotel

Without the prior written consent of the Responsible Authority, not more than one hundred and eighty eight (188) hotel guests may be accommodated within the Residential Hotel

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107 Doveton Street South, BALLARAT CENTRAL VIC 3350

hereby permitted at any one time.

If a lesser number of patrons is determined acceptable by a Registered Building Surveyor, the lesser number will apply.

9. Hours of Liquor Supply and Consumption - Cafe

Without the prior written consent of the Responsible Authority, the sale and consumption of liquor under the Restaurant and café licence in association with the ground floor Café shall only occur within the licensed area between 6.00am and 10.00pm, Monday to Sunday.

10. Limit on Number of Patrons - Cafe

Without the prior written consent of the Responsible Authority, not more than thirty (30) patrons may be present within the ground floor Café at any one time.

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

11. Provision of Seating - Cafe

Tables and chairs must be placed within the ground floor Café so as to be available for at least 75% of the patrons attending the premises at any one time.

12. Internal Access Ways and Car Parking

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

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

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

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

13. Number of Car Spaces Required

No fewer than twelve (12) car spaces and two (2) bicycle spaces must be provided on the land for the use and development hereby permitted, including one (1) car parking space clearly marked for use by disabled persons and designed in accordance with Australian Standard AS 2890.6 – 2009.

14. Loading/Unloading

The loading and unloading of vehicles and the delivery of goods to and from the premises

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must at all times be conducted entirely within the site and/or the designated loading bay hereby approved and must not disrupt the circulation and parking of vehicles on the land or street network to the satisfaction of the Responsible Authority.

Any signage in Doveton Street should be designed and installed in consultation with Council's Regulatory Services Department.

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

15. Road Reconstruction Works

Practical road access via Alleyway (the laneway to the north of the subject land) and any associated road construction works shall be in consultation with the Responsible Authority, arranged by the Permit Holder and undertaken at the Permit Holder's cost to the satisfaction of the Responsible Authority.

16. Naturestrips

Prior to the occupation of the development, use commencing or the issue of Statement of Compliance (whichever occurs first) the naturestrip fronting the development shall be constructed in accordance with levels and specifications submitted to and approved by the Responsible Authority.

The works shall include:

- (a) The reshaping of the naturestrip.
- (b) Topdressing the area with a 75 millimetre rolled depth of good quality loamy topsoil free of any weed or seed.
- (c) Seeding the area with an appropriate seed mix.

All works shall be completed in accordance with Council's Landscape Design Manual to the satisfaction of the Responsible Authority prior to the use hereby approved commencing or the issue of Statement of Compliance (whichever occurs first).

17. Drainage Plans and Construction (Use)

Prior to works commencing on site, drainage, detention and stormwater treatment plans & computations must be submitted to and approved by the Responsible Authority. The drainage and stormwater treatment plans & 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 shall be completed to a standard satisfactory to the Responsible Authority prior to the occupation of the development/use hereby approved commencing.

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

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

Any raingardens and 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.

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18. Drainage Easements

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

19. Vehicle Access – Use/Development

Prior to the commencement of the use and/or development, vehicle access to the site must be constructed in accordance with plans and specifications set under an approved Vehicle Crossing Permit to the satisfaction of the Responsible Authority.

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

20. Contamination Assessment (Use)

Preliminary Site Investigation Report

Prior to works commencing on site and the issue of a Building Permit, a Preliminary Site Investigation Report prepared in accordance with AS4482.1-2005 shall be submitted to the Responsible Authority.

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

If the report is accepted by the Responsible Authority, the remediation works shall be completed by the applicant to the satisfaction of the Responsible Authority prior to the use hereby permitted commencing.

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

- (a) A certificate of environmental audit shall be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 prior to the issue of the Statement of Compliance; **OR**
- (b) An environmental auditor appointed under the Environmental Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the intended use prior to the use hereby permitted commencing on the site.

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To the satisfaction of the Responsible Authority.

Statement of Environmental Audit

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

21. Sediment on Roadways

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

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

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

22. Amenity

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

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

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

23. Accommodation Operations

- (a) All prescribed accommodation operations, as defined by the *Public Health & Wellbeing Act 2008 (Vic)*, must register with Council's Environmental Department prior to commencing operation.
- (b) The proposed accommodation facilities must be designed in accordance with the requirements of the *Public Health & Wellbeing Act 2008 (Vic)*. A detailed and to scale floor plan of the proposed prescribed accommodation in conjunction with any other requested documents must be supplied to Council's Environmental Health Unit prior to any approval of an application for registration.

24. Food Premises

- (a) All food premises, as defined by the Victorian Food Act (1984), must register with Council's Environmental Health Department prior to commencing operation.
- (b) All proposed food premises must be designed in accordance with the requirements of the FSANZ Food Standards Code and Australian Standard 4674:2004. A detailed and to scale floor plan of the proposed food premises in conjunction with any other requested documents must be supplied to Council's Environmental Health Unit prior to any approval of an application for registration.
- (c) The food premises will require the installation of a grease trap. Enquiries should be made with Central Highlands Water in order to obtain the relevant permits and approvals.

25. Light Spill

The premises must ensure that there is no light spilling into habitable rooms of nearby residential properties as a result of the development hereby permitted.

26. Noise from Premises SEPP N1 and N2

The licensee shall ensure that the level of noise emitted from the premises shall not exceed, to the satisfaction of the Responsible Authority:

- (a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 (Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area); and
- (b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

27. Noise levels – Commercial Premises

Noise must be adequately controlled. Premises must consider the Environment Protection Act 2017 and the Public Health and Well-being Act 2008. Noise levels emanating from the premises must comply with the requirements of the Environment Protection Authority's Information Bulletin No. 1411 Noise from Industry In Regional Victoria.

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28. Noise Emissions

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

29. Permit Expiry – Use and Development

Development and use of land will expire if:

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

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

Notes:

Building Approvals

The buildings & works hereby permitted shall accord with the requirements of the Building Act 1993, Building Regulations 2006, Building Code of Australia 2010 and all other relevant acts, regulations & codes.

Builders Rubbish

Under the provisions of the City of Ballarat Community Local Law No 5 (as amended to include Local Law No. 9 clauses 3.15 – 3.17) an on site facility for containment of all builders' refuse is required to be provided on any land where any building work within the meaning of the Building Act 1993 is being carried out. The local law contains specific provisions about the type and location of refuse containment facilities and the emptying and removal of such facilities. A copy of the local law can be obtained from the Council offices at, The Phoenix 25 Armstrong Street South, Ballarat.

Waste Disposal

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).

Flammable or Combustible Liquids Storage

Flammable and combustible liquids shall be stored in compliance with AS1940 which is called up by Regulation 601(1) of the Dangerous Goods (Storage & Handling) Regulations 1989.

Tobacco Act 1987

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The Tobacco Act 1987 has not been assessed as part of this application. This permit does not imply compliance with the Tobacco Act 1987. For further information and advice please contact Council's Environmental Health Department on 03 5320 5500.

Security Alarms

All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

Loudspeakers

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

Soundproofing of Plant and Equipment

All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.

NOTE: Telstra

Approval does not cover alterations to existing Telstra Network or Plant.

Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.

For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your development and apply for reticulation.

NOTE: DownerTenix (gas)

Creation of roads – Should SP AusNet (Gas) decide to reticulate gas in the subdivision it is anticipated that gas mains would be installed in accordance with alignments as specified in the Co-ordination of Streetworks Code of Practice.

It is important that the applicant(s) are aware that this letter does not serve as a confirmation of gas supply availability. The owner/developer of the land may need to enter into an agreement(s)/have a quote with a local gas retailer for the provision of gas service to each lot of the endorsed plan.

6.2. PLP/2021/566 - 17 PARK STREET WENDOUREE

Division: Development and Growth
Director: Natalie Robertson
Author/Position Peri Bowman – Senior Statutory Planner

PURPOSE

1. Having failed to reach a decision for this matter at the Planning Delegated Committee of 13 April 2021 this report is before the Committee to determine a position on Planning Permit Application PLP/2021/566, 17 Park Street, Wendouree.

BACKGROUND

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

RESPONSIBLE OFFICER	Peri Bowman
PERMIT NO.	PLP/2021/566
PROPERTY ADDRESS	17 Park Street, Wendouree
APPLICANT	Virtue Property Group
PROPOSAL	Construction of five (5) townhouses and reduction in car parking requirements
CURRENT USE	Single dwelling
SITA AREA	1012sqm
DATE RECEIVED	16 August 2021
DATE OF REPORT	13 April 2022
ZONE(S)	Residential Growth Zone – Schedule 1
OVERLAY(S)	N/A
PERMIT TRIGGERS	32.07-5 Construct two or more dwellings on a lot 52.06-3 Reduction in car parking requirements
TITLE PARTICULARS	Caveat: AU034360h 10/02/2021 Caveator: Kelly Kwan Grounds Of Claim: Agreement with the following parties and date. Parties: The Registered Proprietor(s) Date: 08/02/2021 Estate or Interest: Freehold Estate Prohibition: Absolutely Lodged By: Local Lawyers Notices To: Local Lawyers Of 23 Lobelia Drive Altona North Vic 3025

OBJECTORS	Seven (7) objections Petition signed by 67 parties
CHMP	N/A
CMA	Corangamite Catchment Management Authority
FLOOD PRONE	No
RECOMMENDATION	Notice of Decision

PROPOSAL

3. This application seeks approval to construct five (5) townhouse dwellings on the subject site. The existing dwelling will be demolished. The land is not proposed to be subdivided at this time.
4. The proposed townhouses will be two storeys and feature pitched roofs. The buildings will comprise a combination of grey brick veneer cladding and off-white Axon 400 cladding. The roofs will be finished in dark grey.
5. Dwelling 1 will have four bedrooms and two bathrooms with an open plan living, kitchen, dining area, a one-car garage and space for a tandem uncovered car space. This dwelling will be oriented to Park Street.
6. Dwelling 2 will feature a bedroom, bathroom, laundry and combined kitchen, living and dining space at ground floor alongside a single car garage. At first floor the dwelling will comprise two additional bedrooms, a living room, study, a second bathroom and a separate WC. Dwelling 2 will have 25sqm of north-oriented secluded private open space and an additional 15.2sqm of open space, equating to a total of 40.2sqm.
7. At ground floor level Dwelling 3 will feature a bedroom, bathroom, laundry and combined kitchen, living and dining space. This dwelling will also have a single car garage at ground floor level and an additional uncovered tandem car parking space. At first floor level, dwelling 3 will comprise two additional bedrooms, a living room, study, a second bathroom and a separate WC. Dwelling 3 will have 25sqm of north-oriented secluded private open space plus a further 17.7sqm of open space, equating to a total of 42.7sqm.
8. Dwelling 4 will comprise a bedroom, bathroom, laundry and combined kitchen, living and dining space at ground floor. This dwelling will also have a single car garage and an additional uncovered car parking space. At first floor level, dwelling 4 will comprise two additional bedrooms, a living room, study, a second bathroom and a separate WC. Dwelling 4 will have 25sqm of north-oriented secluded private open space with an additional 15.3sqm of open space, equating to a total of 40.3sqm.
9. Dwelling 5 will be a four-bedroom townhouse. At ground floor level, this dwelling will comprise one bedroom, one bathroom, a laundry and a combined kitchen, living, dining space. At first floor level, this dwelling will comprise three bedrooms, a second bathroom, a separate WC and a living room. This dwelling will also have a single car garage and additional uncovered tandem car parking space. Dwelling 5 will have 25sqm of north-oriented secluded private open space with an additional 20.1sqm of open space, equating to a total of 45.1sqm.