

OFFICIAL

# **Planning Delegated Committee Meeting**

## **Agenda**

**10 April 2024 at 6:30pm**

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



## PUBLIC SUBMISSIONS

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

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## 1. ACKNOWLEDGEMENT OF COUNTRY



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

## 2. APOLOGIES FOR ABSENCE

## 3. DECLARATION OF CONFLICT OF INTERESTS

## 4. CONFIRMATION OF MINUTES

## 5. OFFICER BRIEFING

## 6. PLANNING DELEGATED COMMITTEE REPORTS

### 6.1. 102-108 HUMFFRAY STREET

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Sam Jiang – Principal Planner

#### PURPOSE

- The purpose of this report is to advise Council of Planning Permit Application PLP/2022/818 for the use and development of 102 - 108 Humffray Street for two buildings (a residential mixed-use building and a commercial building) with associated open space areas, reduction of carparking requirements and a liquor license.

#### SUMMARY

- A summary of the application has been provided below:

Application Number:	PLP/2022/818	
Applicant:	Niche Planning Studio	
Application Preamble:	Use and development of the land for two buildings (a residential mixed-use building and a commercial building) with associated open space areas, reduction of carparking requirements and a liquor license	
Subject Site:	102 – 108 Humffray Street, Bakery Hill VIC 3350	
Restrictions on Title:	No restrictions on title	
Zoning:	Commercial 1 Zone (C1Z)	
Overlays:	N/A	
Aboriginal Cultural Heritage Sensitivity:	The site is partly subject to an Area of Cultural Heritage Sensitivity.	
Permit Triggers:	Clause 34.01 – 1	Use of the land for accommodation (dwellings)
	Clause 34.01 – 4	Construct a building and carry out works.
	Clause 52.06 – 3	Reduce the number of car parking spaces required under Clause 52.06-5.
	Clause 52.27	Sale and consumption of liquor
Number of Objections:	56 objections, 11 letters of support	
Consultation Meeting:	A consultation meeting was held on 21 March 2023 (drop-in session). 31 parties attended.	
Application history:	<p>The original application was submitted on 7 November 2022 and was advertised on 7 February 2023. 56 objections and 11 letters of support were received.</p> <p>Without prejudice plans/renderings of an alternative built form design were circulated to submitters on 7 February 2024. This alternate built form response forms the basis of this assessment.</p>	
Current use:	102 Humffray Street is currently used for a restricted retail premises (building supplies).	

	108 Humffray Street is currently being used for residential purposes.
Officer Recommendation:	Notice of Decision to Grant a Planning Permit subject to conditions

### Subject Site and Surrounds

3. The subject site forms part of the Ballarat Central Business District (CBD) Principal Activity Centre, where a diverse range of land uses and higher density mixed-use developments are encouraged. This commercial precinct has been undergoing a moderate level of change in recent years and multi-level mixed-used developments are beginning to emerge and/or have previously been approved. The centre has excellent access to established services, infrastructure and public transport.
4. The site is located on the south-western corner of the Humffray Street South and Porter Street intersection and has the following notable characteristics:
  - Irregular in shape with a total area of approximately 4213.3 square metres;
  - Three street frontages, measuring 61.16 metres to Humffray Street South, 97.5 metres to Porter Street and 81 metres to Bradby's Lane;
  - Generally flat with a gentle slope/fall of approximately 0.65 metres from south-east to north-west.
5. Surrounding land uses and characteristics are outlined as follows:

North-east	<p>Immediately to the north-east of the site is Porter Street. Porter Street is a 9.5 metre wide, sealed primary access road.</p> <p>Directly opposite the site across Porter Street are the rear yards/parking areas of a number of commercial properties fronting Main Street (approximately 28 – 50 Main Street)</p>
North-west	<p>Immediately to the north-west of site is Bradby's Lane. Bradby's Lane is also a 9.5 metre wide, sealed primary access road. 45 degrees angled car parking is provided along the eastern half of the lane.</p> <p>Directly opposite the site across Bradby's Lane is 13-25 Peel St South, a single storey retail outlet with an associated car park.</p> <p>Further to the west is Peel Street South, which features low-scale commercial buildings.</p>
South-west	<p>The lot to the south/south-west of the site is 110 Humffray St South, a service station with vehicles entering the site from Eastwood Street and exiting onto Humffray Street South.</p> <p>The lot to the west of the service station is 35 Eastwood Street. This lot accommodates a single storey commercial/office building which shares a small section (6.41 metres) of its rear boundary with 102 Humffray Street.</p> <p>Further to the south is Eastwood Street, which is a wider link road with low scale commercial and residential properties on both sides.</p>
South-east	<p>Immediately to the south-east of the site is Humffray Street South. This street is a 17 metre wide link road and provides access to a number of low scale residential properties opposite the site. Further south-east are low scale (primarily single storey) residential properties located along Eastwood Street South and Porter Street.</p>



Figure 1: Street view from the Humffray Street South and Porter Street intersection. Source: Google Maps



Figure 2 – Aerial view. Source: IntraMaps



Figure 3: Locality aerial with subject site in red. Source: Intramaps

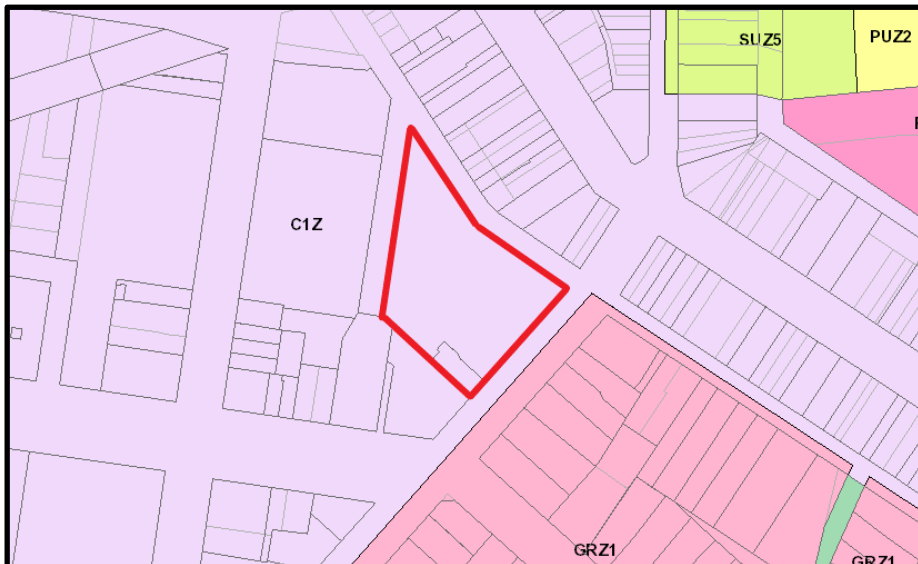


Figure 4: Zoning map with subject site in red. Source: Vicplan



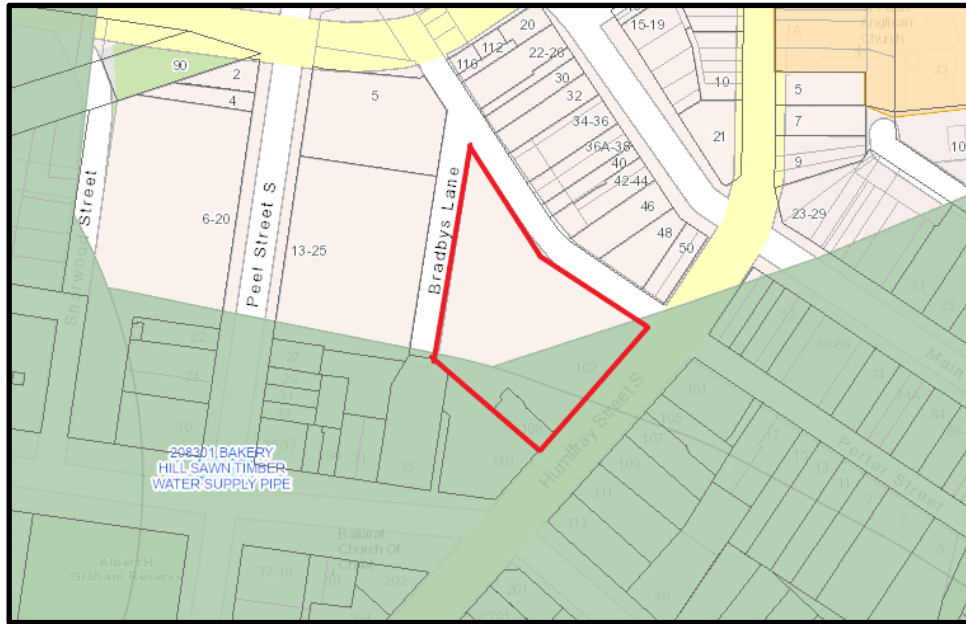


Figure 5: Areas of Cultural Heritage Sensitivity with subject site in red. Source: VicPlan

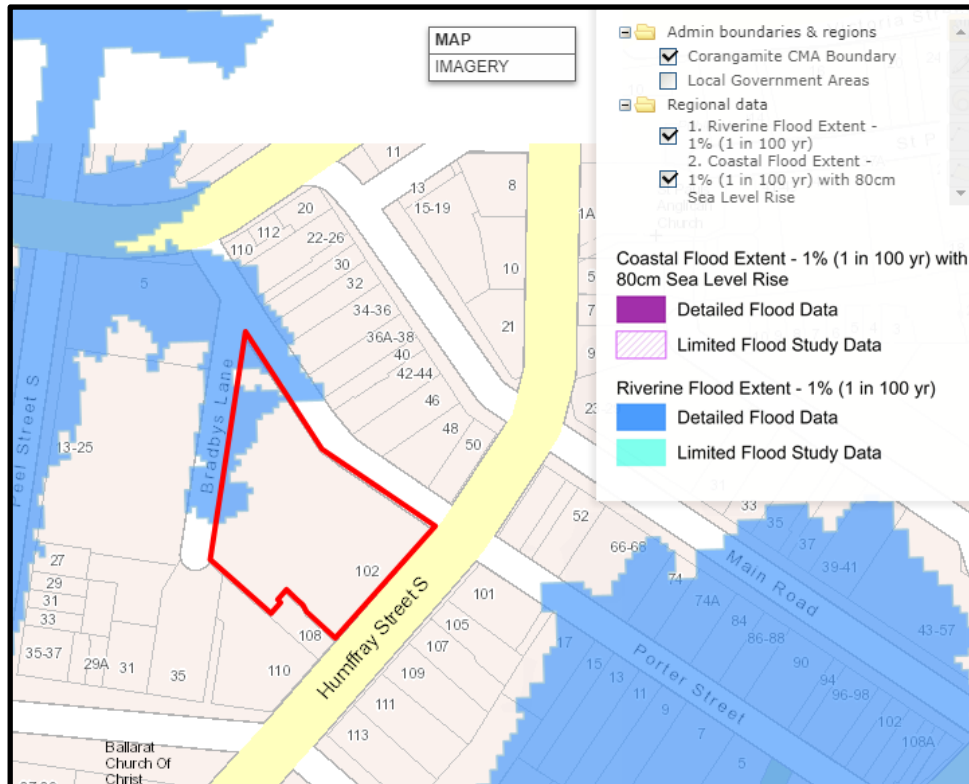


Figure 6: Areas subject to inundation (1% chance of flood occurring in any given year), Source: CCMA Flood portal

Proposal

6. The plans that form the basis of Council’s consideration are known as the development plans prepared by Six Degrees Architects dated 4/10/2022.
7. Importantly, amended plans responding to the concerns of officers and objectors were submitted on 7/2/2024. These plans are referenced below within the description of the proposed development.

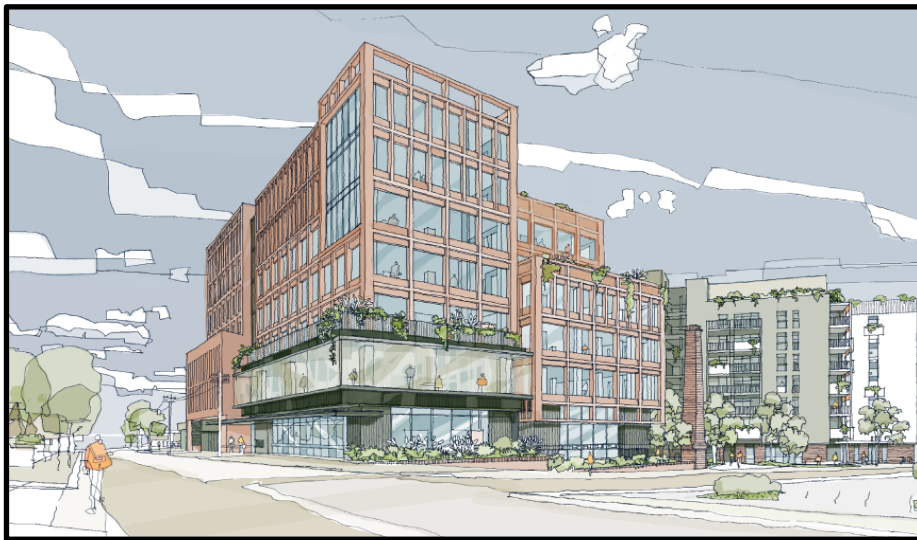
## 8. Key features of the proposal are:

## General:

- The demolition of existing buildings on the site, excluding an existing chimney stack;
- The construction of a ten (10) storey office building to the south-eastern half of the site with a maximum height of 32 metres. The bottom two (2) storeys consist of underground basement car parking (total of 77 spaces);
- The construction of an eight (8) storey apartment building (74 dwellings) to the north-western half of the site. The bottom storey consists of car spaces and non-residential uses (including a food and drinks premises with the sale and consumption of liquor). The rear part of the first floor is also used for car parking. The building has a total of 30 car spaces;
- A new crossover is proposed at the southern end of Bradby's Lane to provide access to the car parking areas of the apartment building and a new crossover is proposed at the south-western end of the Humffray Street South frontage.

## Use:

- The building to the north-western half of the site is proposed to be used for accommodation (dwellings). This is a permit required use in the Commercial 1 Zone (as the ground floor frontage exceeds 2 metres);
- A shop and food and drinks premise (with the sale and consumption of liquor) are proposed on the ground floor of this residential building. The use of a shop and food and drinks premises are 'as-of-right' in the Commercial 1 Zone. A permit is required under Clause 52.27 (Licensed Premises) for the sale and consumption of liquor;
- The proposed use of office for the building to the south-eastern half of the site is also 'as-of-right' in the Commercial 1 Zone.



**Figure 7: Rendering of the proposed office building. View taken from the Humffray Street South and Porter Street intersection.**



Figure 8: Alternate concept model circulated to submitters on 7 February 2024. This shows a reduced height south-eastern element of the building



Figure 9: Rendering of the apartment building. View taken from Porter Street. Source: application documents

9. The materials and colours schedules of the buildings are shown below.

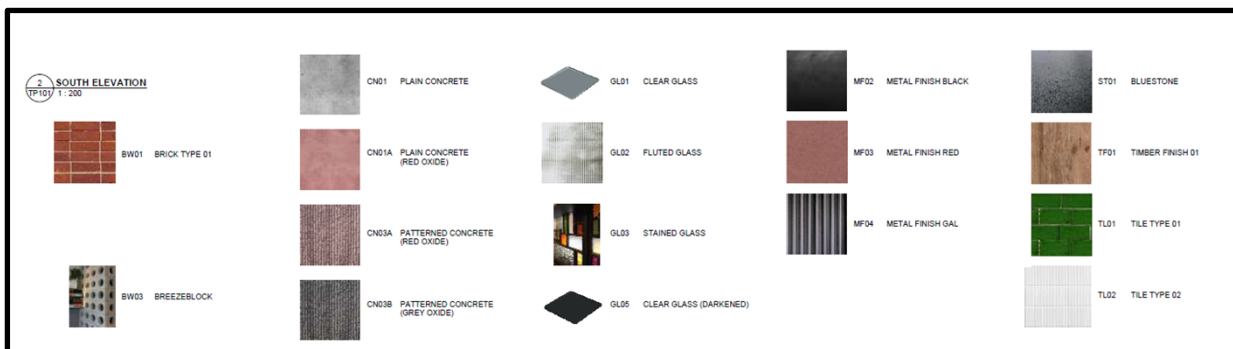
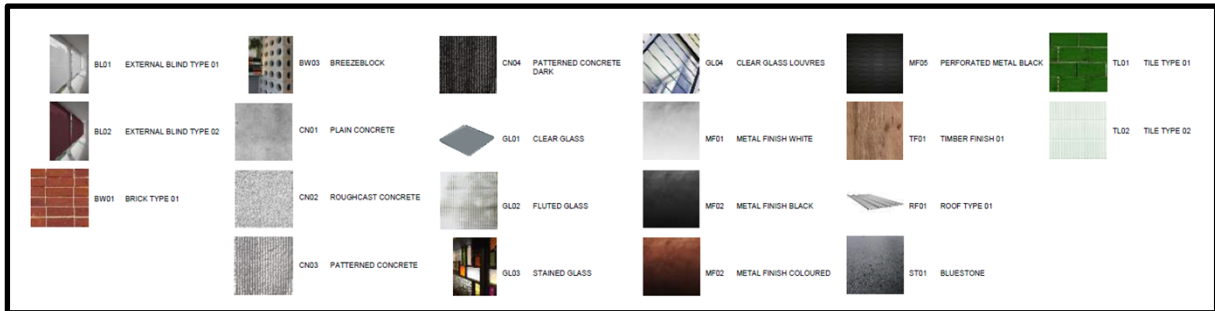


Figure 10: Materials and colours schedule for the office building

10. The exterior of the office building will primarily consist of red oxide plain concrete. The bottom two storeys will have grey oxide concrete exteriors and the building will feature a large section of darkened glass around its centre on the north-west and south-east elevations.



**Figure 11: Materials and colours schedule for the apartment building.**

11. The exterior of the residential building will primarily consist of white ‘roughcast’ and grey concrete for half of the building and red metal cladding for the other half. The bottom two storeys will consist largely of brickwork and breezeblock finished in a mix of grey and white tones and white tiles.

Planning Permit History

12. No planning permits have been issued for this site in the last 15 years.

**PLANNING CONTROLS – BALLARAT PLANNING SCHEME**

13. The following controls/permit triggers apply:

*Zone*

Clause 34.01 – Commercial 1 Zone

- 14. Pursuant to Clause 34.01-1, a permit is required for the use of land for accommodation (dwellings).
- 15. Pursuant to Clause 34.01-1, a permit is not required for the use of land for an office less than 8,000 square metres or for food and drink premises or for a shop less than 28,000 square metres (measured as a whole across the activity centre).
- 16. Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.

*Particular Provisions*

Clause 52.06 – Car Parking

- 17. 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.
- 18. 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.

*Dwellings*

- 19. Pursuant to Table 1 at Clause 52.06-5, the statutory rate associated with a ‘dwelling’ is 1 to each one- or two-bedroom dwelling, plus 2 to each three- or more-bedroom dwelling, plus 1 for visitors to every 5 dwellings for developments of 5 or more dwellings.
- 20. A total of 72 one- and two-bedroom dwellings are proposed, and two dwellings with three or more bedrooms are proposed. A total of 90 spaces are required on site in association with the proposed dwellings.

*Office*

- 21. Pursuant to Table 1 at Clause 52.06-5, the statutory rate associated with an ‘office’ is 3.5 to each 100 square metres of net floor area.
- 22. 6,801.9 square metres of office space will be provided, which requires 238 car parking spaces on site.

*Food and drinks premise/shop*

- 23. Pursuant to Table 1 at Clause 52.06-5, the statutory rate associated with a ‘shop’ is 4 to each 100 square metres of leasable floor area. 183 square metres of shop space will be provided, and this requires 7 car parking spaces.
- 24. A minimum of 342 car parking spaces is therefore required.

Clause 52.27 – Licensed Premises

- 25. Pursuant to Clause 52.27, a permit is required for the sale and consumption of liquor.

Clause 52.34 – Bicycle facilities

- 26. The table below summarises the bicycle parking requirements associated with the development.

<b>Component</b>	<b>No/Area</b>	<b>Requirement</b>	<b>Total</b>
<b>Building A (Commercial)</b>			
Office	6,801.9 m <sup>2</sup>	1 space per 300m <sup>2</sup> for employees 1 space per 1000m <sup>2</sup> for visitors	23 spaces 7 spaces
Café	183.0 m <sup>2</sup>	1 space per 300 m <sup>2</sup> for employees 1 space per 500 m <sup>2</sup> for visitors	1 space -
		<b>Employees</b>	<b>24 spaces</b>
		<b>Visitors</b>	<b>7 spaces</b>
<b>Total</b>			<b>31 spaces</b>
<b>Building B (Residential)</b>			
Dwelling (four or more storeys)	74 dwellings	1 space per 5 dwellings for residents 1 space per 10 dwellings for visitors	15 spaces 7 spaces
Retail premises other than specified in this table	191.9 m <sup>2</sup>	1 space per 300m <sup>2</sup> for employees 1 space per 500m <sup>2</sup> for visitors	1 space -
		<b>Residents</b>	<b>15 spaces</b>
		<b>Employees</b>	<b>1 space</b>
		<b>Visitors</b>	<b>7 spaces</b>
<b>Total</b>			<b>23 spaces</b>

**Figure 12 – Table 8 Clause 52.34 – Bicycle parking requirements. Source: Transport Impact Assessment dated 4/11/2022 prepared by Onemilegrid**

<i>Facility</i>	<i>Employee Bicycle Spaces</i>	<i>Requirement</i>	<i>Total</i>
Showers	24 spaces	1 shower for the first 5 employee bicycle spaces; plus 1 to each 10 employee bicycle spaces thereafter	3

*Showers must have access to a communal change room, or combined shower and change room*

**Figure 13 – Table 9 Clause 52.34 – Bicycle facility requirements. Source: Transport Impact Assessment dated 4/11/2022 prepared by Onemilegrid**

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

*Planning Policy Framework*

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

*Municipal Planning Strategy*

- Clause 21.01 Municipal Overview
- Clause 21.02 Settlement and Housing
- Clause 21.06 Built Form, Heritage and Design
- Clause 21.06-1 Urban Design
- Clause 21.07 Economic Development
- Clause 21.08 Transport and Infrastructure
- Clause 21.09 Local Areas

*Other provisions*

- Clause 58 Apartment Developments
- Clause 65 Decision Guidelines

## Referrals

28. The following internal departments have been consulted.

Referral	Comments
Heritage Advisor	<p>Preliminary Comments:</p> <p><i>Not located within the HO, but a highly significant area relating to the history and development of Bakery Hill.</i></p> <p><i>HO will need to be applied to the chimney at the very least, and this will require a heritage assessment to be undertaken on the site to determine whether there are any other structures that should be recorded prior to demolition or retained as part of the heritage fabric of the site.</i></p> <p><i>Concerns exist regarding the scale and form of the proposal, which will be highly visible from key sight lines and viewpoints across the City, including from sensitive heritage areas such as Main Road which is located immediately adjacent and part of the Bakery Hill/Bridge Mall Heritage Precinct.</i></p> <p><i>It is appropriate to request modelling of the proposal looking across the City, responding to the key views across the City as set out in the skyline study, which includes the existing built form (heritage) and demonstrates how this proposal responds to it overall.</i></p>
Engineering	Development Engineering requirements have been nominated through standard conditions if this development proceeds.
Building Services	No comment
Traffic and Transport	<p><i>The design concept prioritises the movement of pedestrians at ground level, placing all cars underground and providing good end of trip facilities for cyclists. The proposal creates two separate buildings, commercial to the east and residential to the west pushing each of the buildings to its boundary, opening up a shared sunlit plaza between.</i></p> <p><b>Road Network &amp; Traffic</b></p> <p><i>A Traffic Impact Assessment Report (TIAR) has been provided in support of the application and relevant aspects are reflected in the following comments.</i></p> <p><i>All existing road frontages consist of local roads under Council management.</i></p> <p><i>Humffray Street South, a collector road, operates within a wide pavement which offers a single traffic lane and kerbside parking lane in each direction adjacent to the site. Kerbside parking is provided on both sides of the road, generally restricted to 2-hour parking between 9:00am and 5:30pm, Monday to Saturday. A 60km/h speed limit applies to Humffray Street South in the vicinity of the site.</i></p> <p><i>Porter Street, a local access road, facilitates two-way traffic movements adjacent to the site with no kerbside parking permitted on either side of the road. A 40km/h speed limit applies to Porter Street in the vicinity of the site.</i></p> <p><i>Bradby's Lane is an access laneway generally aligned north-south, running between Porter Street in the north and terminating at the southwest boundary of the subject site. It provides a single traffic lane with unrestricted angled parking provided on the eastern side of the laneway. It also provides for loading and garbage collection for the adjacent buildings to the west.</i></p> <p><i>Off-road shared paths are provided along Eureka Street and Grant Street, with informal bicycle routes provided along Humffray Street South, Eastwood Street and Main Road, all of which provide connections to a larger bicycle path network.</i></p>

	<p><i>The site has excellent public transport accessibility, with a wide variety of transport modes and services servicing the immediate vicinity of the site. Walkability is a measure of how friendly an area is to walking. The site has a Walk Score rating of 84/100 and is very walkable, with most errands able to be accomplished on foot.</i></p> <p><i>Studies indicate that in 'normal' car parking structures (typical ramped open car parks), 50% of car parking turns over during peak periods. Noting that the proposed office is provided with 76 spaces, this equates to 38 vehicle movements during the morning and afternoon peak hours.</i></p> <p><i>In relation to the residential building, it is projected that there will be an additional 38 vehicle movements to Humffray Street South. This level of traffic equates to only one additional movement every 1 and a half minutes on average during the peak periods. It is projected that a total of 14 peak hour movements will be generated to Bradbys Lane and then to Porter Street. Across the peak hour, this equates to only one additional movement every 4 minutes.</i></p> <p><i>A review of the existing traffic volumes that were recorded on Humffray Street South and at the nearby intersection with Eastwood Street identified that there is more than sufficient capacity to accommodate these movements.</i></p> <p><i>Parking &amp; Access</i></p> <p><i>Primary access to the commercial building is proposed via Humffray Street South with a wide entry foyer provided leading to the lobby and lifts. Secondary access is available from the new central landscaped walkway to the north of the building. Separate access to the retail tenancies may also be provided. A separate entry for cyclists to access the end of trip facilities is also provided.</i></p> <p><i>The residential building is proposed with primary access via the central landscaped walkway with a secondary access from Bradby's Lane also proposed. The building is setback from Bradby's Lane to provide for an improved pedestrian environment up to the pedestrian entry. Separate access to the retail tenancies is also shown.</i></p> <p><i>It is proposed to provide 76 car parking spaces including 2 accessible spaces for commercial building to service the office and commercial land uses. In addition, 3 motorcycle bays are provided. Vehicle access is proposed via a double width basement ramp to Humffray Street leading from the ground floor directly to basement level 2. It is proposed to provide 61 bicycle parking spaces comprising of 40 vertical and 21 horizontal spaces on the ground floor available for staff and visitor use. There will also be 7 end of trip facilities provided adjacent to the bicycle store to accommodate for showers and lockers. A loading bay is proposed to the east of the car park ramp for all loading activity associated with the commercial component of the development.</i></p> <p><i>It is proposed to provide 30 car parking spaces for the residential building with all spaces allocated for resident use. Vehicle access is proposed via a double width access to Bradby's Lane along the northern boundary leading to a double width ramp towards the basement car park. A secure bicycle store is proposed to provide 76 bicycle parking spaces within the ground floor comprising of 18 horizontal spaces and 58 vertical spaces. An additional seven visitor bicycle parking spaces are provided in a horizontal bicycle rack along the Bradby's Lane frontage.</i></p> <p><i>The Traffic Consultant has undertaken an assessment of the car parking layout and access for the proposed development with due consideration of the Design Standards detailed within Clause 52.06-9 of the Planning Scheme.</i></p>
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	<p><i>All car spaces on-site are proposed with a minimum width of 2.6 metres, length of 4.9 metres and are accessed from aisles of no less than 6.4 metres, with the exception of ground floor residential spaces which are provided a width of 3.0 metres and accessed from 5.2 metre aisles. Spaces adjacent to walls have been suitably widened and columns adjacent parking spaces are positioned in accordance with Design Standard 2 of the Planning Scheme. Vehicles exiting the residential building site will be travelling down a ramp with a flat area at the entrance which will allow vehicles to slow down before exiting. The proposed ramp grades at the access are considered acceptable.</i></p> <p><i>The proposed construction of the crossover to Humffray Street South will include a relocation of the existing power pole in this location. A separate crossing permit should be sought from Council to construct all new or upgraded crossings proposed. All works shall be arranged by the Applicant and be at their cost.</i></p> <p><i>The motorcycle parking bays within the basement of the commercial building have been designed with a minimum width of 1.2 metres and length of 2.5 metres in accordance with the Australian Standard.</i></p> <p><i>A swept path analysis of all typical manoeuvres within the buildings and accessways to and from have been provided. Some corrective measures are required for several hard to access parking bays but this is not unusual within such developments.</i></p> <p><i>It is noted in particular that the swept path for a garbage/service vehicle in Bradby's Lane is relying on a turning area apparently within a neighbouring property owned by others. Either a carriageway agreement should be secured over this space or alternative turning arrangements considered. It is also noted that a reversing manoeuvre is required in Humffray Street to access the loading bay. This is considered unacceptable in an inner-city collector road without a suitable traffic management plan providing for reversing manoeuvres under supervision. Alternatively, a parallel loading bay in front of the premises should be considered.</i></p> <p><i>All carpark layouts and accessways should generally conform to Clause 52.6-9 design standards and relevant Australian Standards as indicated in the TIAR.</i></p> <p><i>The bicycle parking requirements for the subject site are identified in Clause 52.34 and have been assessed accordingly. As 24 staff bicycle spaces are required for the commercial building, three end-of-trip facilities (showers) are required. End of trip facilities are to be provided to meet the Planning Scheme requirements. This building proposes to provide 61 bicycle parking spaces, which includes 10 visitor spaces along the Humffray Street South frontage.</i></p> <p><i>It is also proposed to provide a total of 76 bicycle parking spaces consisting of 69 residential bicycle parking spaces and seven visitor spaces for the residential building which exceeds the Planning Scheme requirements. It is determined that the oversupply of bicycle parking for residents and visitors will aid in off-setting the car parking required for residents and visitors whilst promoting sustainable transport modes.</i></p> <p><i>An assessment of car parking requirements for the development is outlined in the TIAR. A total 245 car parking spaces are required for the commercial building and 97 spaces are required for the residential building. An assessment of the likely parking demands and the appropriateness of reducing the car parking provision has been undertaken.</i></p> <p><i>It is noted that the proposed development, which reduces car ownership reliance, is entirely in line with the initiatives within the Ballarat Integrated Transport Strategy and that a recent VCAT decision (Ronge v Moreland CC</i></p>
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	<p><i>[2017] VCAT 550 (9 May 2017)) highlighted the value of reduced car parking provision with regard to traffic congestion. It is also noted that the basement has been maximised to provide car parking, motorcycle parking and bicycle parking. It is considered that the current layout has been suitability designed and providing more car parking would not be an efficient outcome to the development or encourage sustainable transport options.</i></p> <p><i>The provision of excellent public transport ensures that residents with no parking will have good access to alternate transportation modes. Similarly, staff and visitors to the office and retail components will also have access to a variety of public transport options for site access. Additionally, it is proposed to provide an oversupply of bicycle parking to service both buildings to ensure residents, staff and visitors have access to alternative sustainable transport modes with several roads in the surrounding provided on-road bicycle lanes. Combined with the very good accessibility of the site by public transport, it is expected that office users will have suppressed car usage and encourage a travel mode shift by future staff to non-car travel. Café uses within such areas rarely attract their own visitor/customer parking demand specific to the site, but instead trade from visitors who elect to visit the site as part of a trip to the area or generate trade from other businesses and residents within close proximity.</i></p> <p><i>Considering the location of the site and its proximity to local amenities, employment and education, it is expected that the parking demands generated by the proposed residential development will be reduced, being particularly appealing to potential residents who do not have the need to park a vehicle at their place of residence. This is particularly of note considering the proportion of one-bedroom (24) and two-bedroom (48) apartments proposed on-site. It is also proposed to provide an over-supply of bicycle parking spaces to encourage residents to change their travel behaviours to more sustainable modes.</i></p> <p><i>No visitor car parking spaces are provided on-site and as such this demand will need to be accommodated within on-street parking in the vicinity. A review of on-street car parking in the area indicates that car parking is typically restricted to 2 hours in the immediate vicinity of the site. This type of car parking for a short duration is perfectly placed to accommodate any short-term demands.</i></p> <p><i>Loading Facilities</i></p> <p><i>Each building is provided with a dedicated waste bin store to accommodate all waste generated. It is proposed to employ private waste collection services for the collection of all waste streams with bins to be collected via Humffray Street South for commercial waste and Bradby's Lane for residential waste. A Waste Management Plan has been produced in support of the application.</i></p> <p><i>It is proposed to provide a 3.5 m wide and 8.8 m long loading bay for commercial building accommodating an 8.8m medium rigid vehicle (MRV). Access to the loading bay is proposed via Humffray Street South with trucks reversing in on entry to depart in a forward direction on exit. It is acknowledged by the Traffic Consultant that it is preferable for vehicles to enter in a forward direction however noting the dimensions of the site and moreover the land use which will have limited deliveries, this provision is considered acceptable.</i></p> <p><i>Loading facilities for the residential building will only be required for occasional removalist vehicles, which may utilise the existing on-street parking available along Bradby's Lane.</i></p> <p><i>Recommendations</i></p> <p><i>1. That the use and development of a residential mixed use building and a commercial building at 102-108 Humffray Street South, Bakery Hill is supported</i></p>
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	<p><i>in principle, pending suitable responses to the following:</i></p> <ul style="list-style-type: none"> <li>- <i>that legal access over the adjoining property to the west for commercial vehicle access in Bradby's Lane is obtained/confirmed or alternate access arrangements considered.</i></li> <li>- <i>that an on-street parallel loading bay in front of the premises in Humffray Street is considered in lieu of proposed reversing manoeuvres or alternatively a traffic management plan is developed for all reversing manoeuvres into the on-site loading bay.</i></li> </ul> <ol style="list-style-type: none"> <li>2. <i>That on-site parking is provided generally in accordance with Clause 52.06-9 design standards and generally as indicated on the site plans and that the notional shortfall in on-site parking is waived.</i></li> <li>3. <i>That abutting roads/lanes/paths/parking are upgraded as necessary to the requirements of Council's Infrastructure Department.</i></li> <li>4. <i>That the internal carparks and accessways are constructed, delineated and signed to council approval.</i></li> <li>5. <i>That security lighting is provided to all carparks to Council's satisfaction.</i></li> <li>6. <i>That all vehicles enter and exit the site in a forward direction where designed to do so.</i></li> <li>7. <i>That a separate crossing permit is sought from Council to construct all new crossings proposed in fronting streets. All works shall be arranged by the Applicant and be at his/her cost.</i></li> <li>8. <i>That waste collections are undertaken in accordance with an approved WMP.</i></li> <li>9. <i>That all loading and unloading is undertaken on site unless from approved loading zones.</i></li> </ol> <p>Officer note: A Transport Impact Assessment has been prepared addressing many of the issues raised above.</p>
Environmental Health	<p>Amenity condition to be added.</p> <p>Food premises condition to be added in relation to fit-out and registration requirements with the <i>Food Act 1984</i>.</p> <p>Asbestos condition to be added.</p> <p>Central Highlands Water to be contacted regarding trade waste agreement for food premises.</p> <p>Dust suppression, odour and tobacco conditions to be added.</p>
Economic Development	<p>The plans support the intentions of the Bakery Hill Urban Renewal Plan and are aligned with the objectives as outlined in the Expression of Interest sought for the neighbouring property 5 Peel Street South.</p>

29. The following external authorities have been consulted:

Referral	Section 52 or Section 55	Comment
CFA	No objections	Noted
Powercor	Support subject to conditions	Noted and conditions added accordingly
Central Highlands water	Support subject to conditions	Noted and conditions added accordingly
Corangamite CMA	Objections	Refer following assessment, noting CCMA are not a section 55 determining authority in this case. CCMA were notified of the application only in accordance with section 52.

### Public notification

30. The application was advertised pursuant to section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining land; and
- Placing four A0 signs on site.

31. A total of 56 objections were received.

32. Objectors' concerns are summarised as follows:

- The commercial building in particular does not respond to the surrounding heritage built form in terms of scale, materials or articulation;
- Demolition of the existing buildings;
- The proposal does not clearly refer to the 'memory of the place', specifically the area as a mining area and the Eureka Stockade;
- The commercial building should present more residentially to the Humffray Street South interface;
- Front rooms being overshadowed on the opposite side of Humffray Street South;
- Blocking views/sunsets for surrounding residential areas;
- Increase of traffic;
- Overflow of car parking needs/lack of car parking on site; and
- Lack of footpaths.

33. A consultation meeting was held on 21 March 2023. 31 parties attended. The consultation meeting resulted in no objections being withdrawn.

34. Informal notice of the concept plans referred to throughout this assessment was also sent to all submitters on 7 February 2024. In response to these concept plans, no objections were withdrawn.

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

## PLANNING ASSESSMENT

36. The key matters to be considered are:

- The alignment of the development with relevant planning scheme policies;
- Whether the proposed built form responds to context and character appropriately;

- Whether the proposal will result in any unreasonable amenity impacts;
- Whether flooding concerns have been appropriately addressed; and
- Whether the reduction of car parking is appropriate.

**The alignment of the development with relevant planning scheme policies.**

37. The Ballarat Planning Scheme contains a wealth of overarching state and local strategic policies which support the enhancement of commercial facilities within the Ballarat CBD Principal Activity Centre. These policies are numerous and include:

- It is an objective to ‘facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.’ Strategies to support this objective are:
  - Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.
  - Plan for development and investment opportunities along existing and planned transport infrastructure.
  - Encourage a form and density of settlements that supports healthy, active and sustainable transport.
  - Promote and capitalise on opportunities for urban renewal and infill redevelopment.
  - Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
  - Ensure retail, office-based employment, community facilities and services are concentrated in central locations (Clause 11.01-1S Settlement)
- It is also a strategy to ‘Support urban consolidation, particularly in Ballarat’s Central Business District’ and ‘Maintain Ballarat’s Central Business District as the primary focus for commercial, retail and service activity in the city and region’ (Clause 11.01-1R Settlement – Central Highlands).
- It is an objective to ‘encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community’. This objective is supported by the following strategies:
  - Build up activity centres as a focus for high-quality development, activity and living.
  - Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.
  - Improve access by walking, cycling and public transport to services and facilities.
  - Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies (Clause 11.03-1S Activity Centres)
- It is also an objective to ‘create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.’ This is supported by strategies to ‘Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate’ and

‘Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport’ (Clause 15.01-1S Urban Design).

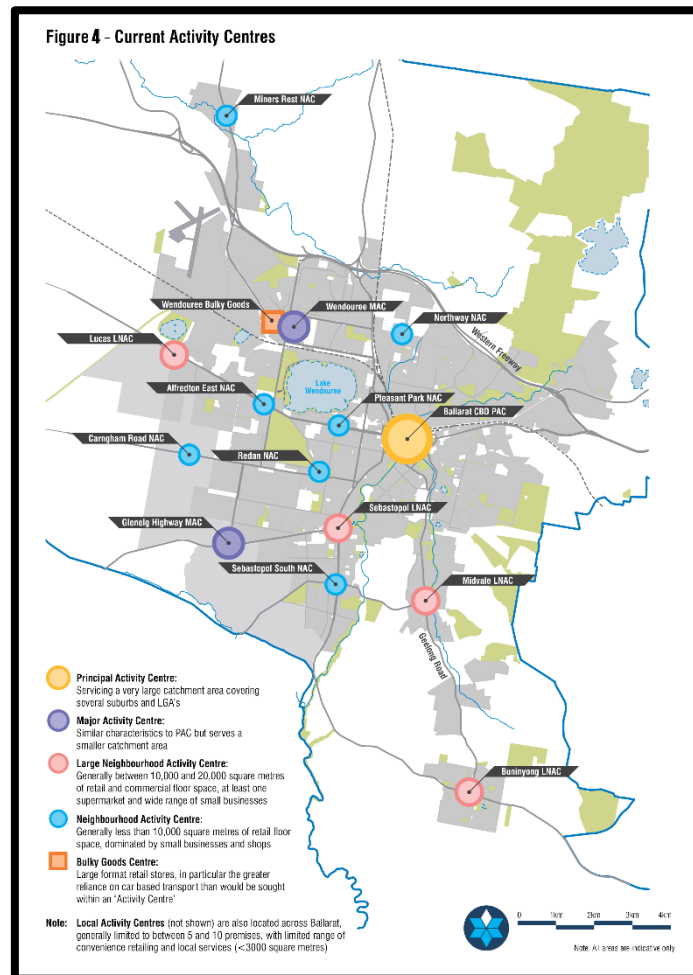
- It is also an objective ‘To facilitate well-located, integrated and diverse housing that meets community needs.’ (Clause 16.01 – 1S Housing Supply) and ‘Deliver more affordable housing closer to jobs, transport and services.’ (Clause 16.01 – 2S Housing affordability).
- Additionally, it is an objective to ‘Strengthen and diversify the economy’. This is supported by a strategy to ‘Improve access to jobs closer to where people live’. (Clause 17.01-1S Diversified economy)
- A strategy to support this is to ‘Support residential development within 400 metres of public transport services with larger scale and higher density infill located within convenience living corridors’ as identified in Figure 2 - Housing Framework Plan under Clause 21.02 (Settlement and housing).
- It is a further objective to ‘Encourage a city structure which supports growth and productivity in key economic industries’ and this is supported by a strategy to ‘Encourage the co-location of business, education and research in close proximity to the CBD to strengthen Ballarat’s competitive and innovative capacity and its role in Western Victoria as a centre of knowledge, innovation and research’ (Clause 21.07-1 Economic Growth)
- Additionally, it is an objective to ‘Facilitate the clustering and agglomeration of businesses in regionally significant precincts’ and a supporting strategy to ‘Encourage the clustering of uses within regionally significant precincts, to best utilise infrastructure and maximise the potential for agglomeration’ (Clause 21.07-2 Regionally significant precincts)
- Further, it is an objective to ‘Transition retail focused activity centres into high amenity destinations for community life’ and supporting strategies include to:
  - Encourage Activity Centres to be mixed use precincts offering retail, office, entertainment, community services and higher density residential.
  - Encourage re-development within activity centres to improve built form quality, and provide the opportunity to redesign the space as a highly accessible, people focused hub for the local community (Clause 21.07-3 Activity Centres)
- Additional objectives include to ‘Integrate transport and urban growth’, ‘Develop and maintain a comprehensive, safe, comfortable and convenient pedestrian network throughout the municipality’ and ‘Develop a comprehensive, safe and convenient cycling network’ (Clause 21.08-1 Integrated transport networks). This clause continues:

*Significant new mixed-use development will be encouraged in the CBD. The area will be managed as a key entertainment destination, a hub of knowledge sector, retail employment activities and inner-city living precinct with street level and out of hours activation. Strong emphasis will be placed on a high-quality public realm, pedestrian amenity and a people first approach to managing space.*

- Additional land use strategies include to ‘Facilitate significant new mixed-use development and redevelopment in the CBD’ and ‘Facilitate appropriate CBD development within flood prone areas’ (Clause 21.09-1 Ballarat CBD).

- The site is located in Precinct 9 of the Ballarat CBD plan at Clause 21.09-1, which is allocated for Mixed Use (Residential and Commercial).

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



**Figure 14 – Map showing Activity Centres within City of Ballarat – Source: Clause 21.07 (Economic development) of the Ballarat Planning Scheme**

39. The site is included in the Commercial Zone 1. The purposes of the C1Z, in addition to implementing the MSS and the PPF, are:

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Officer response

40. The proposal seeks to develop the land for the purposes of an office building and a residential apartment building with café and/or retail premises on the ground floor. These uses, except for accommodation, are 'as-of-right' within the Commercial 1 Zone and are considered contributory to the mix of uses contemplated by the zone and, more broadly, by local policies as set out above.

41. The consideration of accommodation/dwelling use in a Commercial 1 Zone primarily relates to whether the use complements the role and scale of the commercial centre. As an office building of similar scale is proposed in conjunction with the residential building, it is considered that the balance between the residential and commercial use of the zone continues to be maintained. Importantly, there is limited apartment-style living in the inner-city. The provision of such will assist in further supporting commercial uses and this, in turn, adds to the vibrancy and vitality of the centre during and beyond standard business hours.
42. This is consistent with local policy for the Ballarat CBD. The location of the proposal in Precinct 9 is appropriate as this precinct is designated for mixed use purposes (residential and commercial). The proposed retail/food and drink uses at street level will particularly assist with establishing more active frontages and a higher quality public realm together with the central courtyard space.
43. The proposed uses will assist with achieving the objectives of Clause 21.09-1 by activating this otherwise currently inactive and unattractive site and providing additional apartment living options to accommodate the growing population of Ballarat.
44. This will be complemented by dedicated and sizable office floor plates, which is a facility generally lacking in the Ballarat CBD. The proposed office floor space will accommodate additional workers who will, in turn, provide economic support for city retail uses. This will only further add to the vibrancy of the city centre as advocated by policy.
45. In terms of the context, the site is well serviced by public transportation and identified within a 'Principal Activity Centre' where redevelopment at densities complementary to the role and scale of the Ballarat CBD are encouraged.

#### **Whether the proposed built form responds to context and character appropriately**

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

#### *Planning Policy considerations*

47. At state level, there are consistent objectives seeking design responses that positively contribute to the local context in terms of character, cultural identity, natural features, surrounding landscape and climate (Clause 15.01-1S Urban design, Clause 15.01-2S Building design, and Clause 15.03-1S Heritage conservation). Some relevant key policies include:
  - To 'Achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development'. This is supported by strategies to:
    - Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
    - Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm (Clause 15.01-2S Building Design)
  - An additional objective includes to 'Encourage development that meets the community's needs for retail, entertainment, office and other commercial services'. This is supported by strategies to 'Ensure commercial facilities are aggregated and



provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure' (Clause 17.02-1S Business)

48. At a local level, Clause 21.06 (Built form, heritage and design) encourages sympathetic building forms which contribute to the surrounding character.

- It is an objective to 'Protect and enhance the quality and character of built areas, considering context and local values" and a supporting strategy to "ensure that the scale, bulk and quality of new development contributes to the character and amenity of the built environment'. (Clause 21.06-1 Urban Design)
- It is an additional objective to 'Increase the vitality, amenity and experience of the public realm' and supporting strategies to:
  - Ensure the scale, bulk and quality of new development supports a high-quality public realm.
  - Ensure development maximises solar access in public open spaces and creates microclimatic conditions for a high level of pedestrian comfort, including minimising the adverse effects of wind and rain. (Clause 21.06-1 Urban Design)
- Additionally it is an objective to 'Improve the permeability, legibility, safety and comfort of the public realm' and a supporting strategy to 'Ensure new developments in the CBD and Activity Centres provide active street frontages, legible pedestrian routes including minimising pedestrian disruption from car access'. (Clause 21.06-1 Urban Design)

49. In addition to the Municipal Strategic Statement and state and local policies contained within the Planning Policy Framework, the zoning of land must also be considered in any assessment of built form.

### **Commercial 1 Zone**

#### *Location within the Mixed-Use District and Commercial 1 Zone context*

50. The subject site is zoned for primarily commercial purposes. As discussed above, the subject site is considered to be a suitable location to support a more robust built form to serve commercial and residential purposes, including its location on a prominent corner site.

51. The proposed built form is considered to positively respond to the site's commercial context and functional purpose within the CBD. The scale of the building, while unprecedented in the Ballarat CBD, is considered to be consistent with medium to long-term urban growth objectives to accommodate the forecasted significant increase in population in convenience living areas. The building also responds positively to Clause 15.01-1S through the provision of an activated public realm at street level, including through the provision of retail/dining opportunities with potential outdoor activity/seating areas.

52. In addition, the proposed eight storeys (above natural ground level) will respond to the emerging built form character within the Ballarat CBD, which includes recent five-storey approvals and development of the Quest Hotel as part of the Ballarat Train Station Redevelopment, the GOV Hub development at 300 Mair Street, a residential hotel at 109 Doveton Street, a multi-storey mixed-use building at 31 Field Street and, within a

Residential Growth Zone adjacent to the city centre, a multi-storey residential building at 4-6 Lyons Street North.

53. In consideration of the low scale residential built forms to the south-east of the site, an amended built form outcome (as per Figure 7 above) has been informally proposed and was circulated to submitters on 7 February 2024. This outcome will noticeably reduce visual bulk/dominance from the Humffray Street South frontage and will assist with reducing any overshadowing to adjacent residential properties. This change to the built form will form a part of Condition 1 requirements should a permit be issued.
54. An urban context report and wind report has been submitted in response to Clause 58 (Apartment Developments). The wind report and associated breeze paths indicate that the development will be able to meet the relevant safety criteria. An assessment of the residential building against the provisions of Clause 58 appears as an attachment to this report.
55. Whilst the Council's Heritage Advisor has raised concerns regarding the impact of the proposal upon the skyline of the Ballarat CBD, it is important to note that a previous sight line study adopted by Council does not form planning controls within the Ballarat Planning Scheme.
56. Notwithstanding this, it is noted that the site sits low in the city and as such its overall impact upon more sensitive locations to the north-west within the CBD proper will therefore be reduced. Importantly, significant separation distances also exist between the subject site and the three prominent towers that characterise the central city, being the Town Hall tower, the Ballarat Railway Station tower and the Post Office tower. Given these separation distances, and the fact that the site sits lower than these three towers, it is considered that the proposed buildings will not significantly interrupt views to these landmarks.
57. Whilst these landmarks are highly valued, they should not be considered tools to sterilise the development potential of distant sites. In accordance with Clause 71.02-3 of the Ballarat Planning Scheme, integrated decision-making is required. This dictates that consideration must be given to the range of planning policies relevant to the issues to be determined. Importantly, a balance must then be struck between 'conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.'
58. Aside from the Bushfire Management Overlay designed to guard against the loss of life and property, Clause 71.02-3 does not promote any one consideration over another. To this end, when determining applications for larger scale forms within the Ballarat CBD, Council must not only consider broader heritage impacts, but also strategic location.
59. In this case and noting that the site is not located within a Heritage Overlay, the sustainability credentials of this well-located site must be given greater weight than longer-distance view line impacts when considering net community benefit.
60. The significant floor space of the proposed development will not only provide for much needed dedicated office space but will also assist in the delivery of a housing typology generally lacking in the Ballarat CBD. This additional housing will assist in addressing local housing needs and providing for a more diverse local mix of options.
61. Whilst again it is noted the site is not located within a Heritage Overlay, the applicant has opted to retain the existing feature chimney stack on site and incorporate it into the public plaza. This chimney stack could have been demolished without planning approval however

will be retained as a nod to the former use of the site. In the context of the policy that does, and more importantly does not apply to this site, the retention of the chimney is fortunate and welcome.

62. Though concerns have also been raised with regard to the impacts of the proposal upon Main Road (forming part of the adjacent Bakery Hill/Bridge Mall Heritage precinct), this heritage street should again not be used as reason to sterilise the development potential of a site outside the precinct. When viewed from Main Road, the development will appear as a rear element, not a feature of Main Road itself. Though the proposed buildings will indeed be visible from Main Road, it is typical and acceptable to view modern incursions juxtaposed with heritage assets in an inner-city context. This is how cities evolve. Cities are not caught in a single point in time. Cities require continued investment to thrive and grow and this, over time, introduces architecture or different eras, all of which contribute to the layering of a city. It is these layers which not only create vibrancy and vitality, but also visual interest.
63. The Ballarat Planning Scheme recognises this. As previously noted, the purposes of the Commercial 1 Zone include to 'Create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses' and to 'Provide for residential uses at densities complementary to the role and scale of the commercial centre.'
64. In the officers' view, these objectives combine to support a development of this scale in this location together with the wealth of state and local policy provisions supporting the continued development of the central city. This is evidenced not only on this site but also a recent Council resolution to support a multi-storey mixed-use building at 222 Mair Street. These two buildings represent the emerging built form character of the Ballarat CBD. Though similar building forms may not be appropriate in more sensitive locations, such forms are considered appropriate on sites such as this where the Ballarat Planning Scheme does not recognise on-site heritage values and where adequate separation distances and architectural responses can be provided to nearby heritage assets and streetscapes.

#### **Whether flooding concerns have been appropriately addressed**

65. Bradby's Lane is subject to risk of inundation (refer to Figure 6 above).
66. The application was previously referred to Corangamite CMA (CCMA) in 2022 and further information (a Flood Impact Assessment) was requested by CCMA on 21/12/2022.
67. Further negotiations/correspondence has occurred between the applicant and CCMA from December 2022 to September 2023 with the applicant intending to prepare a Flood Response Management Plan (FRMP) relying on evacuation as the measure to mitigate the flood risk without alterations to the design being proposed.
68. A second referral response was received from CCMA on 12/09/2023 indicating that the application would not be supported on the basis of a FRMP which solely relies on evacuation to address flood risks.
69. In order to further mitigate flooding issues, a condition of the permit will require the removal of any vehicle access and any associated car parking from Bradby's Lane. This will guard

against risks to future residents of the building by way of eliminating opportunities to exit the building into flood waters. Car parking is discussed further below.

70. A separate condition of the permit will still require a Flood Impact Assessment (FIA) including mitigation measures to address any displacement of flood waters as a result of the proposed above changes.

### **Whether the extent of car parking reduction is appropriate**

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

#### Walking

75. Ballarat Central has a well-connected pedestrian network, with all streets in the area generally having sealed footpaths and street lighting. The 'Walk Score' for the subject site is 84 (out of 100), which is defined as 'very walkable' and most errands can be accomplished on foot.

#### Cycling

76. Strategic Cycling Corridors (SCC) are important transport routes for cycling that cater for the highest, or potentially highest, cycling volumes. An overview of the network in relation to the subject site shows that the site is surrounded by a number of routes that link to destinations in all directions.

### Public Transport

77. The site is located in close proximity to a number of bus routes and is notably within 400 metres of the Little Bridge St Interchange which provides access to 14 bus routes.

### Bicycle facilities

78. The proposed on-site bicycle parking provision of 61 spaces for the office building (with 3 end of trip facilities (showers etc.)) and 76 spaces for the residential building far exceeds the statutory requirement.

### Car parking

79. A review of parking restrictions via the Traffic Impact Assessment in the area surrounding the proposed development indicates that on-street parking is restricted to 2 hours. It is acknowledged that there are unrestricted spaces located further afield along the frontage of residential dwellings which could accommodate some parking if required.

80. The Traffic Impact Assessment further indicates that *“Considering the location of the site and its proximity to local amenities, employment and education, it is expected that the parking demands generated by the proposed development will therefore be reduced, being particularly appealing to potential residents who do not have the need to park a vehicle at their place of residence. This is particularly of note considering the proportion of one-bedroom and two-bedroom apartments proposed on-site.”*

81. A reduced on-site car parking provision, in connection with other development features, responds to sustainable transport objectives set out in identified policies, not only for the subject land but for the surrounding area. This, in turn, demands a range of outcomes which support more sustainable transport behaviours. It is well recognised that one of a raft of tools or ‘levers’ available to encourage these behaviours includes a more restrictive approach to car parking provision. This technique is not unlike the car parking limitation policy applied in the Melbourne CBD where car-based travel and consequential storage is identified as having a lower planning importance.

82. Based on these observations, it is expected that a constrained or limited car parking supply will, for most staff, influence day-to-day travel habits to and from the site.

83. The subject site is located within the Ballarat CBD and there are many nearby commercial and retail uses. In this context, site users will likely visit other uses in the wider precinct as part of their typical day.

84. The subject site is connected to a well-developed pedestrian network, with footpaths and pedestrian links in the vicinity that provide connections to other destinations within the precinct.

85. Accordingly, the underlying rates of car parking contained in Clause 52.06 are considered excessive for uses located close to public transport alternatives, in areas where publicly available car parking is constrained, and that seek to deliver bicycle facilities in excess of statutory requirements.

86. The delivery of the proposed apartment building with no car parking is considered satisfactory for the following reasons:

- The subject site is accessible by public transport and active transport modes.

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

87. Whilst the further reduction of car parking below that originally advertised will exacerbate third party concerns, it is again considered that in this context, resident car parking is not required in a planning sense. This is a commercial decision of the permit applicant.

88. In this case, the applicant has verbally agreed to the removal of on-site car parking, noting not only the policy that supports this but acknowledging that flood concerns along Bradby's Lane render vehicle access off this street unviable at present, as noted by the CCMA. Future precinct drainage works may enable vehicle access off Bradby's Lane in the future. It is noted that vehicle access off Humffray Street remains unimpeded.

89. Importantly, the applicant has provided bicycle parking in excess of statutory requirements and again the site is well-located to take advantage of alternate modes of transport.

90. Equally importantly, prospective buyers will need to consider if apartment living without on-site car parking suits their individual needs. Prospective buyers will also need to appreciate that on-street parking is time restricted.

91. The site is again highly accessible within the Ballarat CBD. The site is within proximity to primary bus interchanges and routes. The site is also serviced via existing walking and bicycle networks which provide access to the broader CBD and surrounding suburbs.

#### *Alternative arrangements*

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

93. In *Sansmark Pty Ltd and Ors v Boroondara CC (1998) 22 AATR 103* (editorial comment 22 AATR 103), it was found that car parking waivers should be applied on a centre-based approach in activity centres rather than on a site-by-site basis. Further:

*"The basic approach in these decisions is that in important activity centres car parking considerations should not be determinative, instead the land use mix in a centre should arise from a combination of strategic planning and the economic forces at work in the centre, car parking issues have a part in this but should not dominate. At*

*the level of the individual site where there is a change of use or an extension to an existing building in most situations car parking shortfalls should be waived if it is consistent plan for the centre, firstly because the most equitable solution is to deal with car parking on a centre wide basis, and secondly because even in saturated car parking conditions a balance will occur between the level of activity and the car parking supply.”*

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

### **Other matters as relevant**

#### *Environmental Sustainable Design (ESD)*

95. Clause 15 of the Ballarat Planning Scheme provides policy support for high-quality design outcomes which are environmentally sustainable.
96. The application has addressed Clause 15.01 through the provision of a Sustainability Management Plan prepared by Wrap Consultants. As indicated in this Plan, the development will include a number of key ESD initiatives to ensure the building is adopting a best practice approach to design, energy performance, resource recovery and water efficiency, stormwater treatment, indoor environment quality, building materials, transport and waste management.
97. An ESD report was submitted as a part of the initial submission, which demonstrates that the residential building is capable of sustaining a NatHERS minimum 7-star rating and that the office building achieves a 5.5 NABERS Office Commitment. A condition of the permit will require an updated ESD report assessing the latest design and built form to be submitted.
98. Importantly, the applicant is to be commended for incorporating ESD features into the proposal. Whilst the City of Ballarat has now adopted an ESD policy, on the basis this application was lodged prior to the implementation of this policy it is exempt from its requirements.

### **CONCLUSION**

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

## OFFICER RECOMMENDATION

100. That the Planning Delegated Committee, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, as the Responsible Authority, issue a Notice of Decision to Grant a Planning Permit in accordance with the Ballarat Planning Scheme in respect of the land known and described as 102-108 Humffray Street, Bakery Hill VIC 3350, for the use and development of the land for two buildings (a residential mixed use building and a commercial building) with associated open space areas, reduction of carparking requirements, and a liquor license.

101. Permit conditions as follows:

### 1. Amended Plans Required

Before the use and/or development starts, amended plans must be submitted to and approved in writing 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](mailto:planninginfo@ballarat.vic.gov.au) with the planning reference number. The plans must be generally in accordance with the development plans dated 24/05/2023 prepared by 6 Degrees Architects but modified to show:

- (a) Modifications to the form of the office building generally in accordance with the letter from Niche Studio dated 25/01/2024 and accompanying concept plans and renderings.
- (b) The vehicle access point to the residential building off Bradby's Lane deleted and the north-western wall of the building finished to a standard to match the remainder of the building. This includes the use of a variety of materials and finishes and/or public artwork;
- (c) Notes included on the plans confirming no vehicle access will be provided onto Bradby's Lane from the residential building;
- (d) The deletion of all car parking spaces within the residential building and the re-use of the space for purposes ancillary to the approved dwellings.
- (e) Annotation of permanent balcony screening measures to comply with the requirements of Clause 58.04-2 (Internal views - Standard D15) of the Ballarat Planning Scheme.
- (f) Annotation of all site services and demonstration of compliance with Clause 58.06-2 (Site Services - Standard D23) of the Ballarat Planning Scheme.
- (g) Material MF03 to be correctly labelled in the Materials Schedule on Drawing No. TP201.
- (h) Any changes as required by the Flood Impact Assessment and Flood Risk Management Plan as required by Condition 15.
- (i) Landscape works in accordance with Condition 2.
- (j) Any changes required in accordance with the Sustainability Management Plan required by Condition 6.
- (k) Red line plan/s updated as necessary to be consistent with the amended plans required above.

### 2. Landscape Plan

Prior to the commencement of the development hereby permitted, a landscape plan must be submitted to and approved in writing by the Responsible Authority. When approved the plan will form part of the permit.



The landscape plan must include:

- (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- (b) details of surface finishes of pathways, driveways and public areas;
- (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at planting, sizes at maturity, and quantities of each plant.
- (d) Details in accordance with (c) above for all levels where landscaping will be provided.
- (e) Demonstration of compliance with the objectives of Clause 58.03-5 (Landscaping - Standard D10) of the Ballarat Planning Scheme.

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

### **3. Completion and Maintenance of Landscaping Works**

Prior to the first occupation of either building hereby approved all landscape works for that building must be completed to the satisfaction of the Responsible Authority. The landscape works for publicly accessible areas must be completed within three months of the completion of the final building hereby approved. All landscaping shown on the approved landscape plan must be maintained to the satisfaction of the Responsible Authority for 18 months from the practical completion of the landscape works. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

### **4. No Changes**

The use and the development hereby approved as shown on the endorsed plans and/or described in endorsed documents shall not be altered or modified without the prior written consent of the Responsible Authority, unless the alteration(s) and/or modification(s) comply with an exemption contained in the Ballarat Planning Scheme and do not result in non-compliance with any mandatory requirements.

### **5. Amenity**

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

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

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

## **6. Sustainability Management Plan**

Prior to the commencement of the development hereby approved, the applicant must submit to and have approved in writing by the Responsible Authority, an amended Sustainability Management Plan in accordance with the amended built form of the office building as per Condition 1 of this permit.

## **7. Construction Management Plan**

Prior to the commencement of the buildings and works hereby approved, a Construction Management Plan must be submitted to and approved in writing by the Responsible Authority. The Plan must detail:

- (a) Hours of demolition and construction works to accord with Local Laws;
- (b) Management of surrounding streets to ensure all are kept free of parked or standing vehicles or any other obstruction, including building materials, equipment, etc. to maintain free vehicle passage to abutting and adjacent benefitting properties at all times, unless with the written consent of the Responsible Authority;
- (c) Methods to contain asbestos, dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site waste storage construction bins and vehicle washing;
- (d) Management of parking of construction machinery and workers vehicles to prevent adverse impacts to nearby properties;
- (e) Management of heavy vehicles, site deliveries and unloading and lifting points and expected frequencies and traffic management in the vicinity of the site to ensure routes to and from the land minimise disruption to nearby residential properties;
- (f) The measures to minimise disruption to pedestrian movements along adjacent footpaths;
- (g) Measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks and construction activities, especially outside of daytime hours where this is permitted;
- (h) The provision of adequate environmental awareness training for all on-site contractors and sub-contractors; and
- (i) A liaison officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced.

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

## **8. Sale and Consumption of Liquor – Hours**

Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed area between the following hours:

- 7am – 11pm Monday – Sunday

## **9. Section 173 Agreement – OSD/WSUD (Sub)**

If for the purpose of meeting On-Site Stormwater Detention (OSD) and/or Water Sensitive Urban Design (WSUD) requirements rainwater tanks and/or rain

**gardens are proposed, and if rainwater tanks and/or rain gardens are approved for such use by the Responsible Authority, then;**

**Prior to the first occupation of the development an Agreement pursuant to Section 173 of the *Planning and Environment Act 1987* shall be entered into between the owner and the Responsible Authority. The Agreement shall be prepared and registered on the Certificate of Title of the subject lots, requiring the owner to install and maintain rainwater tanks and/or rain gardens as a designated OSD/WSUD system in a condition and to a standard that ensures its correct operation and otherwise to the satisfaction of the Responsible Authority.**

**Prior to the first occupation of the development, an application must be made to the Register of Titles to register the Section 173 agreement on the titles to the lots under Section 181 of the *Planning and Environment Act 1987*. The Responsible Authority will not allow the first occupation of the development until the agreement has been registered at the titles office and a dealing number assigned confirming that the agreement has been registered.**

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

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

#### **10. Internal Access Ways and Car Parking**

**Prior to the first 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 and properly formed to such levels that they can be used in accordance with the plans;**
- (b) Drained;**
- (c) Line-marked to indicate each car space and all access lanes;**
- (d) 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.**

#### **11. Directional Sign**

**Signage to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.**

## **12. Engineering Plans and Construction**

Prior to the commencement of works on site engineering plans and specifications must be submitted to and approved in writing by the Responsible Authority. The engineering plans must accord with the Infrastructure Design Manual and Council's Standard Cross-sections. All engineering works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the first occupation of the development hereby approved.

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

The engineering plans include, but are not limited to:

- (a) Footpaths to be constructed around the perimeter of the site; and
- (b) Infill kerb and channel (including pavement details) where required for all frontages of the subject site.

## **13. Drainage Plans and Construction (Use)**

Prior to the commencement of works on site (whichever occurs first), drainage, stormwater detention and stormwater treatment plans & computations must be submitted to and approved by the Responsible Authority. The drainage, stormwater detention and stormwater treatment plans and computations must accord with the Infrastructure Design Manual and Melbourne Water'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 first occupation of the development.

Stormwater from all roofs, gutters, downpipes and paved areas shall be drained to a legal point of discharge to the satisfaction of the Responsible Authority. The Legal Point of Discharge (LPOD) is to the existing drainage pit in Bradby's Lane.

The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the City of Ballarat as the Responsible Drainage Authority to prevent the discharge of water from the subject land across any road or footpath or onto adjoining lands.

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

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

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

#### **14. Drainage Easements**

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

#### **15. Flood Levels (Use)**

Prior to the commencement of the development hereby permitted, the following must be submitted to the Responsible Authority and the relevant Floodplain Management Authority for review and approval:

- (a) A Flood Impact Assessment Report prepared by a suitably qualified and experienced Engineer; and
- (b) A Flood Risk Management Plan informed by the submitted Flood Impact Assessment Report.

The Flood Impact Assessment Report and Flood Risk Management Plan, inclusive of contoured plans with A.H.D levels, shall detail flooding on the subject site and surrounding land for storm events up to and including the 1% Annual Exceedance Probability event. The reports shall detail both pre and post development conditions, shall demonstrate that the subject site and any access and egress paths are free from flooding, that no adjoining properties are adversely affected and that the function of overland flow paths is in accordance with the relevant flood safety criteria. The reports must also consider:

- (a) Required design intensities;
- (b) AEP of major and minor storm events;
- (c) Model selection in line with ARR2019; and
- (d) Modelling technique in line with ARR2019.

All recommendations and actions identified in the reports must be implemented to a standard satisfactory to the Responsible Authority and the relevant Floodplain Management Authority prior to any Certificate of Occupancy being issued.

#### **16. Earthwork Volumes in Flood-Liable Areas**

Prior to the commencement of the development hereby permitted, earthwork volume calculations, which are to the satisfaction of the Catchment Management Authority must be submitted to and approved in writing by the Responsible Authority. When approved, the calculations will form part of the permit. The calculations must demonstrate that the volume of filling does not exceed the volume of cutting. Earthworks carried out on site must accord with the calculations.

#### **17. Minimum Floor and Basement Entry Levels**

The applicable flood level for this property is 416.89m AHD as specified by the Corangamite CMA in its letter dated 29th June 2023 (Reference CCMA-F-2023-00625).

The finished floor levels of the occupied buildings must be a minimum of 300mm above the applicable flood level for the property, which is 417.19m AHD.

The basement entry/entries must be designed so the apex of any entry ramp is a minimum of 200mm above the applicable flood level for the property, which is 417.09m AHD.

#### **18. Vehicle Access – Use/Development**

Prior to the first occupation of the development hereby approved, 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 (i.e. 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.*

#### **19. 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 as soon as practicable.

*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.*

#### **20. Undercarriage Cleansing**

An undercarriage cleansing device shall be installed on the site and maintained until the completion of construction works to the satisfaction of the Responsible Authority to ensure that material is not deposited on any road from construction vehicles or plant associated with buildings and/or works undertaken on the site.

*Note 1: Depositing such material on Responsible Authority's roads is an offence under the Environment Protection 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.*

## **21. Sediment Control Measures**

Prior to the commencement of the development, hereby approved a Sediment Control Plan detailing sediment control measures during construction must be submitted to and approved in writing by the Responsible Authority. Control measures should be consistent with the EPA (Environment Protection Authority) publication 480 'Environment Guidelines for Major Construction Sites'. When approved the Sediment Control Plan shall form part of this permit. All sediment control measures shall be undertaken and remain in place until the completion of site works to the satisfaction of the Responsible Authority.

## **22. Disposal Plan**

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

- (a) Where all building rubble and materials including soil is to be removed to off site. Note all materials must be taken to approved waste receiving sites or recycling centres. Site soil may be contaminated and should be disposed of to an authorised facility in accordance with EPA regulations.
- (b) Provision for materials recycling and collection during site construction.

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

*Note: Section 3.13 of the Ballarat City Council Community Local Law requires the submission of a Waste Management Plan prior to the commencement of any building demolition work creating more than 2m<sup>3</sup> of waste material. Failure to provide a Waste Management Plan is a breach of the Ballarat City Council Community Local Law (10 penalty Units).*

## **23. Fees for Checking Engineering Plans**

Prior to the commencement of the development hereby approved, a fee for checking engineering plans shall be paid to the Responsible Authority, pursuant to Section 43(2)(a)(iv) of the Subdivision Act 1988 and Clause 9 of the Subdivision (Fees) Interim Regulations 2012. The fee shall be in accordance with the Infrastructure Design Manual and must be approved in writing by the Responsible Authority prior to payment.

## **24. Supervision Fee**

Prior to the commencement of the development hereby approved, a supervision fee shall be paid to the Responsible Authority pursuant to Section 17(2)(b) of the Subdivision Act 1988 and Clause 8 of the Subdivision (Fees) Interim Regulations 2012. The fee shall be in accordance with the Infrastructure Design Manual and must be approved in writing by the Responsible Authority prior to payment.

## **25. Guarantee of Works**

Prior to the commencement of the development hereby approved, or unless otherwise agreed in writing by the Responsible Authority, the landowner must

provide a Guarantee of Work (bond) to the Responsible Authority in accordance with the Infrastructure Design Manual. The guarantee should be based on the same price Bill of Quantities used to calculate the plan checking and supervision fees and must be approved in writing by the Responsible Authority prior to lodgment.

The guarantee shall be released at the termination of the Defects Liability Period, subject to the completion of all defect rectification works to the satisfaction of the Responsible Authority.

**26. Central Highlands Region Water Auth Ref:22/17863**

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

**27. Powercor Australia Ltd Ref:308653899**

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

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

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

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



**28. Land contamination**

Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the Subdivision Act 1988) the permit holder must provide:

A Preliminary Site Investigation Report that must:

- (1) Be prepared by a suitably qualified environmental professional to the satisfaction of the Planning/Responsible authority.
- (2) Be undertaken in accordance with Schedule B2 of the National Environment Protection (Assessment of Site Contamination Measure) 1999.
- (3) Not contain a disclaimer limiting the use of the report by the planning/responsible authority.
- (4) Make an unequivocal statement that either:
  - a. The site is not likely to be contaminated to a level which would pose a significant risk to the environment or human health under the proposed use/development scenario. No further assessment is required, or,
  - b. The site is contaminated, or there is likelihood of contamination, that would pose a risk to the proposed use/development scenario. There is sufficient information to derive a risk-based remediation or management strategy, or,
  - c. The site is contaminated, or there is likelihood of contamination, that would pose a risk to the proposed use/development scenario. The site requires further investigation in accordance with Part B below.

OR

An environmental auditor appointed under the Environment Protection Act 2017 must conduct a preliminary risk screen assessment in accordance with Part 8.3 of that Act, that is scoped according to the proposed use/development, and issue a preliminary risk screen assessment statement for the land in accordance with s. 205 of the Environment Protection Act 2017. Should the preliminary risk screen assessment identify the need for an environmental audit, the permit holder must provide:

- (1) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
- (2) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority.

## **29. Permit Expiry – Use and Development**

Development and use of land expires if:

- (a) The development or any stage of it does not start within two (2) years of the date of this permit; or
- (b) The development or any stage of it is not completed within five (5) years of the date of this permit; or
- (c) The permitted required uses do 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).

## **30. Notes:**

### **Tobacco Act 1887**

An application for, and assessment of, outdoor drinking and dining compliance under the Victorian *Tobacco Act 1987* must be made with Council's Environmental Health Unit prior to its construction and use. Detailed floor and elevation plans will form the basis of that assessment and must be submitted for initial approval. A schedule of fixtures fittings and materials used for the fit out is also required.

Any proposed alteration to food or liquor licensed premises for the purpose of facilitating the consumption of tobacco products must be designed in accordance with requirements of the Smoke Free Guide: Licensed Premises and Outdoor Dining or Drinking Areas.

### **Building Approvals**

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained. The works hereby approved must accord with the requirements of the Building Act 1993, Building Regulations 2018 and Building Code of Australia 2019.

### **Food Act 1984**

An application for, and assessment of, food premises construction compliance under the Victorian Food Act 1984 must be made with Council's Environmental Health Unit prior to its construction and use. Detailed floor and elevation plans will form the basis of that assessment and must be submitted for initial approval. A schedule of fixtures, fittings and materials used for the fit out is also required.

Any proposed alteration to a food premises must be designed in accordance with requirements of the FSANZ Food Standards Code and Australian Standard 4674

### Works within Road Reserve

The construction or altering of a vehicle crossing, footpath and/or any other works or alterations within a road reserve or any other Council asset may require either a Crossover Permit (which includes a driveway and new crossover), a Road Opening Permit (i.e. 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.

### Containment of Refuse and Disposal of Builders' Rubbish

Under the provisions of the Ballarat City Council Community Local Law 2017 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.

### Heritage Note

Under the terms of the *Heritage Act 2017* there is blanket protection for all historical archaeological sites in Victoria, including sites that are not included in the Victorian Heritage Register or Heritage Inventory. Section 123 of the Act stipulates that it is an offence to knowingly or negligently disturb any historical archaeological site unless Consent has been obtained from the Executive Director, Heritage Victoria. Penalties apply.

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

## ATTACHMENTS

1. Governance Review [6.1.1 - 1 page]
2. 102 108 Humffray Street Clause 58 Assessment [6.1.2 - 12 pages]

OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

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

**COMMUNITY IMPACT**

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

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**LEGAL AND RISK CONSIDERATIONS**

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

**HUMAN RIGHTS CONSIDERATIONS**

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

**COMMUNITY CONSULTATION AND ENGAGEMENT**

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

**GENDER EQUALITY ACT 2020**

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

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

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

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OFFICIAL

<b>58.02 – URBAN CONTEXT</b>	
<b>58.02-1 – URBAN CONTEXT OBJECTIVES</b>	
<i>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</i>	
<i>To ensure that development responds to the features of the site and the surrounding area.</i>	
D1	The design response must be appropriate to the urban context and the site. The proposed design must respect the existing or preferred urban context and respond to the features of the site.
	<b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/>
	<b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b>
	An urban context report has been submitted which outlines the appropriateness of the proposal in its physical and strategic location – being in the Ballarat CBD and in a mixed-use precinct and where further high-density residential buildings are envisaged.
<b>58.02-2 – RESIDENTIAL POLICY OBJECTIVE</b>	
<i>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	
<i>To support higher density residential development where development can take advantage of public and community infrastructure and services.</i>	
D2	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
	<b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/>
	<b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b>
	Further to the above, the site is located in a Convenience Living Area (figure 2 – Clause 21.02 (Settlement and Housing)) that is in the Ballarat CBD with convenient access to public transport and services.
<b>58.02-3 – DWELLING DIVERSITY OBJECTIVE</b>	
<i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings</i>	
D3	Developments of 10 or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.
	<b>Complies with Standard and meets the Objective:</b>
	<b>Variation from Standard and meets the Objective:</b> <input checked="" type="checkbox"/>
	<b>Variation from Standard and fails to meet the Objective:</b>
	Seventy-two one or two-bedroom dwellings and two three-bedroom dwellings are proposed. Whilst dwelling diversity is limited, the prevailing size of the proposed dwellings is suitable in an inner-city context such as this. These dwellings can accommodate a variety of smaller household types.
<b>58.02-4 – INFRASTRUCTURE OBJECTIVE</b>	
<i>To ensure development is provided with appropriate utility services and infrastructure.</i>	
<i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i>	
D4	Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.
	<b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/>
	<b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b>

<p>The site is connected to reticulated services. The uses of the proposed buildings will not place an unreasonable load on the capacity of utility services and infrastructure in the CBD. The developer will be responsible for any required upgrades in accordance with service authority requirements.</p>					
<p><b>58.02-5 – INTEGRATION WITH THE STREET OBJECTIVE</b>  <i>To integrate the layout of development with the street.</i></p>					
<b>D5</b>	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.</p>				
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective:</b></p> <p><b>Variation from Standard and fails to meet the Objective:</b></p>					
<p>A site linkages plan has been submitted demonstrating pedestrian linkages on all road frontages and a vehicle linkage to Humffray Street South.</p>					
<p><b>58.03 – SITE LAYOUT</b></p>					
<p><b>58.03-1 – ENERGY EFFICIENCY OBJECTIVES</b>  <i>To achieve and protect energy efficient dwellings and buildings.</i>  <i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i>  <i>To ensure dwellings achieve adequate thermal efficiency.</i></p>					
<b>D6</b>	<p>Buildings should be:</p> <ul style="list-style-type: none"> <li>Oriented to make appropriate use of solar energy.</li> <li>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> </ul> <p>Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is optimised. Dwellings located in a climate zone identified Table D1 in should not exceed the maximum NatHERS annual cooling load specified in the following table.</p> <p><b>Table D1 Cooling load</b></p> <table border="1"> <thead> <tr> <th>NatHERS climate zone</th> <th>NatHERS maximum cooling load MJ/M<sup>2</sup> per annum</th> </tr> </thead> <tbody> <tr> <td>Climate zone 66 Ballarat Aerodrome</td> <td>21</td> </tr> </tbody> </table> <p><b>Note:</b> <a href="#">Refer to NatHERS zone map</a>. Nationwide Housing Energy Rating Scheme (Commonwealth Department of Environment and Energy).</p>	NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum	Climate zone 66 Ballarat Aerodrome	21
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<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b></p>					
<p>An ESD report has been submitted demonstrating that the development will achieve maximum cooling load of 21 MJ/M2 and overall 7 Star NatHERS rating.</p>					
<p><b>58.03-2 – COMMUNAL OPEN SPACE OBJECTIVE</b>  <i>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</i></p>					

<b>D7</b>	<p>Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is the lesser.</p> <p>Communal open space should:</p> <ul style="list-style-type: none"> <li>• Be located to:                             <ul style="list-style-type: none"> <li>• Provide passive surveillance opportunities, where appropriate.</li> <li>• Provide outlook for as many dwellings as practicable.</li> <li>• Avoid overlooking into habitable rooms and private open space of new dwellings.</li> <li>• Minimise noise impacts to new and existing dwellings.</li> </ul> </li> <li>• Be designed to protect any natural features on the site.</li> <li>• Maximise landscaping opportunities.</li> <li>• Be accessible, useable and capable of efficient management.</li> </ul>
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective:</b></p> <p><b>Variation from Standard and fails to meet the Objective:</b></p>	
<p>74 dwellings are proposed, with a minimum of 30sqm outdoor open space, and an additional 155sqm outdoor or indoor communal space as required to comply with Standard D7.</p> <p>920sqm outdoor communal open space will be provided at ground level between the residential and commercial buildings.</p>	
<p><b>58.03-3 – SOLAR ACCESS TO COMMUNAL OPEN SPACE OBJECTIVE</b>  <i>To allow solar access into communal outdoor open space.</i></p>	
<b>D8</b>	<p>The communal outdoor open space should be located on the north side of a building, if appropriate.</p> <p>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</p>
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective:</b></p> <p><b>Variation from Standard and fails to meet the Objective:</b></p>	
<p>The majority of the communal outdoor open space receives at least 3 hours of sunlight between 9am and 12pm on 21 June.</p>	
<p><b>58.03-4 – SAFETY OBJECTIVE</b>  <i>To ensure the layout of development provides for the safety and security of residents and property.</i></p>	
<b>D9</b>	<p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective:</b> Variation</p> <p><b>from Standard and fails to meet the Objective:</b></p>	
<p>Ground floor entrances to dwellings and residential buildings are not obscured or isolated and the development is designed to provide good lighting, visibility and surveillance of internal accessways are public areas.</p>	
<p><b>58.03-5 – LANDSCAPING OBJECTIVES</b>  <i>To encourage development that respects the landscape character of the neighbourhood.</i>  <i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</i>  <i>To provide appropriate landscaping.</i>  <i>To encourage the retention of mature vegetation on the site.</i></p> <p><i>To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.</i></p>	

<b>D10</b>	<p>The landscape layout and design should:</p> <ul style="list-style-type: none"> <li>• Be responsive to the site context.</li> <li>• Protect any predominant landscape features of the neighbourhood.</li> <li>• Take into account the soil type and drainage patterns of the site.</li> <li>• Allow for intended vegetation growth and structural protection of buildings.</li> <li>• In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li> <li>• Provide a safe, attractive and functional environment for residents.</li> <li>• Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.</li> <li>• Maximise deep soil areas for planting of canopy trees.</li> </ul> <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting. Developments should provide the deep soil areas and canopy trees specified in Table D2.</p> <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:</p> <ul style="list-style-type: none"> <li>• Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.</li> <li>• Vegetated planters, green roofs or green facades.</li> </ul>														
	<p><b>Table D2 Deep soil areas and canopy trees</b></p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Deep soil areas</th> <th>Minimum tree provision</th> </tr> </thead> <tbody> <tr> <td>750 – 1000 Square metres</td> <td>5% of site area (minimum dimension of 3 metres)</td> <td>1 small tree (6-8 metres) per 30 square metres of deep soil</td> </tr> <tr> <td>1001 – 1500 Square metres</td> <td>7.5% of site area (minimum dimension of 3 metres)</td> <td>1 medium tree (8-12 metres) per 50 square metres of deep soil Or 1 large tree per 90 square metres of deep soil</td> </tr> <tr> <td>1501 – 2500 Square metres</td> <td>10% of site area (minimum dimension of 6 metres)</td> <td>1 large tree (at least 12 metres) per 90 square metres of deep soil Or 2 medium trees per 90 square metres of deep soil</td> </tr> <tr> <td>&gt;2500 Square metres</td> <td>15% of site area (minimum dimension of 6 metres)</td> <td>1 large tree (at least 12 metres) per 90 square metres of deep soil Or 2 medium trees per 90 square metres of deep soil</td> </tr> </tbody> </table> <p><b>Note:</b> Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.</p>	Site area	Deep soil areas	Minimum tree provision	750 – 1000 Square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil	1001 – 1500 Square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil Or 1 large tree per 90 square metres of deep soil	1501 – 2500 Square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil Or 2 medium trees per 90 square metres of deep soil	>2500 Square metres	15% of site area (minimum dimension of 6 metres)
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	<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b></p> <p>The total site area is 4214sqm. Pursuant to Table D2, 692.8sqm canopy cover and 15% of site area for deep soil is required to comply with the standard.</p> <p>A landscape concept plan has been included in the application.</p> <p>A detailed landscape plan has been required as a permit condition and it is considered that the site is capable of achieving the requirements of this standard.</p>														
<p><b>58.03-6 – ACCESS OBJECTIVE</b></p> <p><i>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</i></p>															



D11	<p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>• 33 per cent of the street frontage, or</li> <li>• If the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>
	<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b></p> <p>The proposal only includes one crossover (with another one on Bradby's Lane required to be removed on the basis car parking is not considered necessary in association with the residential building and given localised flood concerns along this laneway).</p>
<p><b>58.03-7 – PARKING LOCATION OBJECTIVE</b></p> <p><i>To provide convenient parking for resident and visitor vehicles.</i></p> <p><i>To protect residents from vehicular noise within developments.</i></p>	
D12	<p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>• Be reasonably close and convenient to dwellings and residential buildings.</li> <li>• Be secure.</li> <li>• Be well ventilated if enclosed.</li> </ul> <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>
	<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b></p> <p>The parking facilities provided are internal and satisfy the requirements of this standard.</p>
<p><b>58.03-8 – INTEGRATED WATER AND STORMWATER MANAGEMENT OBJECTIVES</b></p> <p><i>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</i></p> <p><i>To facilitate stormwater collection, utilisation and infiltration within the development.</i></p> <p><i>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</i></p>	
D13	<p>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system should be:</p> <ul style="list-style-type: none"> <li>• Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</li> <li>• Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</li> </ul>
	<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b></p> <p>The proposal incorporates water tanks for rainwater collection and reuse for irrigation.</p> <p>An ESD report has been provided with a STORM assessment demonstrating that the site is capable of achieving a 100 percent STORM rating with the use of rainwater tanks and raingardens.</p>
<p><b>58.04 – AMENITY IMPACTS</b></p>	
<p><b>58.04-1 – BUILDING SETBACK OBJECTIVE</b></p> <p><i>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</i></p>	

<p><i>To allow adequate daylight into new dwellings.</i></p> <p><i>To limit views into habitable room windows and private open space of new and existing dwellings.</i></p> <p><i>To provide a reasonable outlook from new dwellings.</i></p> <p><i>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</i></p>									
<b>D14</b>	<p>The built form of the development must respect the existing or preferred urban context and respond to the features of the site:</p> <p>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> <li>• Ensure adequate daylight into new habitable room windows.</li> <li>• Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.</li> <li>• Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</li> <li>• Ensure the dwellings are designed to meet the objectives of Clause 58.</li> </ul>								
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective:</b></p> <p><b>Variation from Standard and fails to meet the Objective:</b></p> <p>The buildings reflect the emerging built form character of the inner city. This includes in terms of height, basic appearance, finishes and building lines. It is typical in inner-city locations for buildings to be built to property boundaries..</p> <p>The office building will be setback from adjacent dwellings to the south the width of Humffray Street and this separation distance is considered sufficient to prevent technical overlooking (typically within a distance of nine metres). No opportunities to overlook within this distance will exist on site between the two buildings (refer below standard).</p>									
<p><b>58.04-2 – INTERNAL VIEWS OBJECTIVE</b></p> <p><i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</i></p>									
<b>D15</b>	<p>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>								
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b></p> <p>Screening on balconies will be conditioned to meet this requirement.</p>									
<p><b>58.04-3 – NOISE IMPACTS OBJECTIVE</b></p> <p><i>To contain noise sources in developments that may affect existing dwellings.</i></p> <p><i>To protect residents from external and internal noise sources.</i></p>									
<b>D16</b>	<p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>The layout of new dwellings and buildings should minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</p> <p>Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:</p> <ul style="list-style-type: none"> <li>• Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</li> <li>• Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</li> </ul> <p>Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.</p> <p>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</p> <p><b>Table D3 Noise influence area</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Noise source</th> <th style="text-align: left;">Noise influence area</th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>Zone interface</b></td> </tr> <tr> <td>Industry</td> <td>300 metres from the Industrial 1, 2 and 3 zone boundary</td> </tr> <tr> <td colspan="2"><b>Roads</b></td> </tr> </tbody> </table>	Noise source	Noise influence area	<b>Zone interface</b>		Industry	300 metres from the Industrial 1, 2 and 3 zone boundary	<b>Roads</b>	
Noise source	Noise influence area								
<b>Zone interface</b>									
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary								
<b>Roads</b>									

	Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane	
	<b>Railways</b>		
	Railway servicing passengers in Victoria	80 metres from the centre of the nearest track	
	Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track	
	Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track	
	<i>Note: the noise influence area should be measured from the closest part of the building to the noise source.</i>		
	<p><b>Complies with Standard and meets the Objective: Variation from Standard and meets the Objective:</b> <input checked="" type="checkbox"/> <b>Variation from Standard and fails to meet the Objective:</b></p> <p>The main sources of noise will be from the following sources which can all be addressed via appropriate insulation:</p> <ul style="list-style-type: none"> <li>• Lifts adjacent to the bedrooms of N105, N205, N306, N405, N505, N605 and N702.</li> <li>•</li> <li>• Plant servicing above S703</li> <li>• Communal areas below N104 and the bedroom windows of S209</li> <li>• A/C on the rooftop</li> </ul> <p>It is further noted that tolerance to noise for residential buildings in a commercial area is typically higher compared to a residential area.</p>		
<b>58.04-4 Wind Impacts Objective</b>			
To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.			
<b>Standard D17</b>			
N/A – due to the limited height of the building. Wind impacts are typically considered from a height of approximately 100 metres only			
<b><u>58.05 – ON-SITE AMENITY AND FACILITIES</u></b>			
<b>58.05-1 – ACCESSIBILITY OBJECTIVE</b>			
<i>To ensure the design of dwellings meets the needs of people with limited mobility.</i>			
<b>D18</b>	At least 50 per cent of dwellings should have:		
	<ul style="list-style-type: none"> <li>• A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>• A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</li> <li>• A main bedroom with access to an adaptable bathroom.</li> <li>• At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.</li> </ul>		
	<b>Table D4 Bathroom design</b>		
		<b>Design option A</b>	<b>Design option B</b>
	Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
	Door design	Either: <ul style="list-style-type: none"> <li>• A slide door, or</li> <li>• A door that opens outwards, or</li> <li>• A door that opens inwards that is clear of the circulation area and has readily removable hinges.</li> </ul>	Either: <ul style="list-style-type: none"> <li>• A slide door, or</li> <li>• A door that opens outwards, or</li> <li>• A door that opens inwards and has readily removable hinges.</li> </ul>

	Circulation area	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> <li>• A minimum area of 1.2 metres by 1.2 metres.</li> <li>• Located in front of the shower and the toilet.</li> <li>• Clear of the toilet, basin and the door swing.</li> </ul> <p>The circulation area for the toilet and shower can overlap.</p>	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> <li>• A minimum area of 1 metre.</li> <li>• The full length of the bathroom and a minimum length of 2.7 metres.</li> <li>• Clear of the toilet and basin.</li> </ul> <p>The circulation area can include a shower area.</p>
	Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
	Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
	Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective:</b> <input type="checkbox"/></p> <p><b>Variation from Standard and fails to meet the Objective:</b> <input type="checkbox"/></p> <p>Compliant apartment typologies include:</p> <ul style="list-style-type: none"> <li>• APT 1B 03 (Bathroom Design Option A)</li> <li>• APT 1B 02 (bathroom Design Option A)</li> <li>• APT 2B 04 (bathroom Design Option A)</li> <li>• APT 2B 05 (bathroom Design Option A)</li> <li>• APT 2B 03 (bathroom Design Option A)</li> </ul> <p>Therefore, the total no. compliant dwellings = 37/74 (50%)</p>			
<p><b>58.05-2 – BUILDING ENTRY AND CIRCULATION OBJECTIVES</b></p> <p><i>To provide each dwelling and building with its own sense of identity.</i></p> <p><i>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</i></p> <p><i>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</i></p>			
D19	<p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> <li>• Be visible and easily identifiable.</li> <li>• Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul> <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> <li>• Clearly distinguish entrances to residential and non-residential areas.</li> <li>• Provide windows to building entrances and lift areas.</li> <li>• Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</li> <li>• Provide common areas and corridors that:                             <ul style="list-style-type: none"> <li>• Include at least one source of natural light and natural ventilation.</li> <li>• Avoid obstruction from building services.</li> <li>• Maintain clear sight lines.</li> </ul> </li> </ul>		
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective:</b> Variation</p> <p><b>from Standard and fails to meet the Objective:</b></p> <p>The entry to the residential building is visible and easily identifiable. The entrance into the ground floor lobby adequately provides a sense of address and shelter.</p>			
<p><b>58.05-3 – PRIVATE OPEN SPACE OBJECTIVE</b></p> <p><i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i></p>			

<b>D20</b>	<p>A dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or</li> <li>A balcony with an area and dimensions specified in Table D5 and convenient access from a living room.</li> </ul> <p>If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.</p> <p><b>Table D5 Balcony size</b></p>		
	Dwelling type	Minimum area	Minimum dimension
	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres	
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b></p> <p>North oriented dwelling typologies:</p> <ul style="list-style-type: none"> <li>2B 04 (N104, N204, N304, N404, N504, N604, N701): 2 bed                             <ul style="list-style-type: none"> <li>o Min. 8sqm, 1.7m dimension</li> </ul> </li> <li>3B 01: 3 bed                             <ul style="list-style-type: none"> <li>o Min. 12sqm, 2.4m dimension</li> </ul> </li> </ul> <p>East oriented dwellings</p> <ul style="list-style-type: none"> <li>2B 02: 2 bed                             <ul style="list-style-type: none"> <li>o Min. 8sqm, 2m dimension</li> </ul> </li> <li>2B 01: 2 bed                             <ul style="list-style-type: none"> <li>o Min. 8sqm, 2m dimension</li> </ul> </li> <li>2B 06: 2 bed                             <ul style="list-style-type: none"> <li>o Min. 8sqm, 2m dimension</li> </ul> </li> <li>2B03: 2 bed                             <ul style="list-style-type: none"> <li>o Min. 8 sqm, 2m dimension</li> </ul> </li> </ul> <p>West oriented dwellings</p> <ul style="list-style-type: none"> <li>1B 01: 1 bed                             <ul style="list-style-type: none"> <li>o 8sqm, 1.8m dimension</li> </ul> </li> <li>1B 03: 1 bed                             <ul style="list-style-type: none"> <li>o 8sqm, 1.8m dimension</li> </ul> </li> <li>1B 02: 1 bed                             <ul style="list-style-type: none"> <li>o 8sqm, 1.8m dimension</li> </ul> </li> <li>2B 05: 2 bed                             <ul style="list-style-type: none"> <li>o Min. 8sqm, 2m dimension</li> </ul> </li> <li>3B 02: 3 bed                             <ul style="list-style-type: none"> <li>o Min. 12sqm, 2.4m dimension</li> </ul> </li> </ul>			
<p><b>58.05-4 – STORAGE OBJECTIVE</b>  <i>To provide adequate storage facilities for each dwelling.</i></p>			

<b>D21</b>	<p>Each dwelling should have convenient access to usable and secure storage space. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.</p> <p><b>Table D6 Storage</b></p>															
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Dwelling type</th> <th style="text-align: left;">Total minimum storage volume</th> <th style="text-align: left;">Minimum storage volume within the dwelling</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>8 cubic metres</td> <td>5 cubic metres</td> </tr> <tr> <td>1 bedroom dwelling</td> <td>10 cubic metres</td> <td>6 cubic metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>14 cubic metres</td> <td>9 cubic metres</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td>18 cubic metres</td> <td>12 cubic metres</td> </tr> </tbody> </table>	Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	1 bedroom dwelling	10 cubic metres	6 cubic metres	2 bedroom dwelling	14 cubic metres	9 cubic metres	3 or more bedroom dwelling	18 cubic metres	12 cubic metres
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<p>1 bed dwellings include minimum storage volumes ranging as follows:</p> <ul style="list-style-type: none"> <li>• Internal: 7.7m<sup>3</sup>-11.5m<sup>3</sup></li> <li>• Total: 10.2m<sup>3</sup>-11.5m<sup>3</sup></li> </ul> <p>2 bed dwellings include minimum storage volumes ranging as follows:</p> <ul style="list-style-type: none"> <li>• Internal: 11m<sup>3</sup>-14.4m<sup>3</sup></li> <li>• Total: 14m<sup>3</sup>-14.4m<sup>3</sup></li> </ul> <p>3 bed dwellings include minimum storage volumes ranging as follows:</p> <ul style="list-style-type: none"> <li>• Internal: 21.8m<sup>3</sup>-25.8m<sup>3</sup></li> <li>• Total: 21.8m<sup>3</sup>-25.8m<sup>3</sup></li> </ul>																
<p><b>58.06 – DETAILED DESIGN</b></p>																
<p><b>58.06-1 – COMMON PROPERTY OBJECTIVES</b></p> <p><i>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</i></p> <p><i>To avoid future management difficulties in areas of common ownership.</i></p>																
<b>D22</b>	<p>Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.</p>															
	<p><b>Complies with Standard and meets the Objective:</b></p> <p><b>Variation from Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and fails to meet the Objective:</b></p>															
	<p>The intent of the landscape concept for the publicly accessible open space is that there are no boundaries between communal and public areas. This is to ensure maximum utilisation of these spaces, as well as to open the development up to the public in an area identified as lacking local open space.</p> <p>This space will be common property.</p>															
<p><b>58.06-2 – SITE SERVICES OBJECTIVES</b></p> <p><i>To ensure that site services can be installed and easily maintained.</i></p> <p><i>To ensure that site facilities are accessible, adequate and attractive.</i></p>																
<b>D23</b>	<p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.</p>															
	<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective:</b> Variation</p> <p><b>Variation from Standard and fails to meet the Objective:</b></p>															
	<p>Site services can be installed in practical and well-integrated areas and will be required to be clearly annotated as a Condition 1 requirement.</p>															

<b>58.06-3 – WASTE AND RECYCLING OBJECTIVE</b> <i>To ensure dwellings are designed to encourage waste recycling.</i> <i>To ensure that waste and recycling facilities are accessible, adequate and attractive.</i> <i>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</i>																			
<b>D24</b>	<p>Developments should include dedicated areas for:</p> <ul style="list-style-type: none"> <li>• Waste and recycling enclosures which are:                             <ul style="list-style-type: none"> <li>• Adequate in size, durable, waterproof and blend in with the development.</li> <li>• Adequately ventilated.</li> <li>• Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</li> </ul> </li> <li>• Adequate facilities for bin washing. These areas should be adequately ventilated.</li> <li>• Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.</li> <li>• Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</li> <li>• Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</li> <li>• Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</li> </ul> <p>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none"> <li>• Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.</li> <li>• Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</li> </ul>																		
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective: Variation</b></p> <p><b>from Standard and fails to meet the Objective:</b></p> <p>A Waste Management Plan has been submitted. Waste will be stored internally in a designated room on the ground floor. The storage of waste will meet the above requirements.</p>																			
<p><b><u>58.07 – INTERNAL AMENITY</u></b></p>																			
<b>58.07-1 – FUNCTIONAL LAYOUT OBJECTIVE</b> <i>To ensure dwellings provide functional areas that meet the needs of residents.</i>																			
<b>D25</b>	<p>Bedrooms should:</p> <ul style="list-style-type: none"> <li>• Meet the minimum room dimensions specified in Table D7.</li> <li>• Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</li> </ul> <p><b>Table D7 Bedroom dimensions</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Bedroom type</th> <th style="text-align: center;">Minimum width</th> <th style="text-align: center;">Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Main bedroom</td> <td style="text-align: center;">3 metres</td> <td style="text-align: center;">3.4 metres</td> </tr> <tr> <td>All other bedrooms</td> <td style="text-align: center;">3 metres</td> <td style="text-align: center;">3 metres</td> </tr> </tbody> </table> <p>Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.</p> <p><b>Table D8 Living area dimensions</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Dwelling type</th> <th style="text-align: center;">Minimum width</th> <th style="text-align: center;">Minimum area</th> </tr> </thead> <tbody> <tr> <td>Studio and 1 bedroom dwelling</td> <td style="text-align: center;">3.3 metres</td> <td style="text-align: center;">10sq.m</td> </tr> <tr> <td>2 or more bedroom dwelling</td> <td style="text-align: center;">3.6 metres</td> <td style="text-align: center;">12sq.m</td> </tr> </tbody> </table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10sq.m	2 or more bedroom dwelling	3.6 metres	12sq.m
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<b>58.07-2 – ROOM DEPTH OBJECTIVE</b> <i>To allow adequate daylight into single aspect habitable rooms.</i>																			

D26	<p>Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> <li>• The room combines the living area, dining area and kitchen.</li> <li>• The kitchen is located furthest from the window.</li> <li>• The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.</li> </ul> <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b></p>	
<p>All single aspect habitable rooms do not exceed 9m in depth, where the room complies with the following standards:</p> <ul style="list-style-type: none"> <li>• Room includes living, dining and kitchen,</li> <li>• Kitchen is furthest from the window</li> <li>• All ceiling heights are a minimum of 2.7m, or more.</li> </ul>	
<p><b>58.07-3 – WINDOWS OBJECTIVE</b>  <i>To allow adequate daylight into new habitable room windows.</i></p>	
D27	<p>Habitable rooms should have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area should be:</p> <ul style="list-style-type: none"> <li>• A minimum width of 1.2 metres.</li> <li>• A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul>
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b></p>	
<p>All habitable rooms feature windows in accordance with the provisions of this standard.</p>	
<p><b>58.07-4 – NATURAL VENTILATION OBJECTIVE</b>  <i>To encourage natural ventilation of dwellings.</i>  <i>To allow occupants to effectively manage natural ventilation of dwellings.</i></p>	
D28	<p>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>At least 40 per cent of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> <li>• A maximum breeze path through the dwelling of 18 metres.</li> <li>• A minimum breeze path through the dwelling of 5 metres.</li> <li>• Ventilation openings with approximately the same area.</li> </ul> <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p>
<p><b>Complies with Standard and meets the Objective:</b> <input checked="" type="checkbox"/></p> <p><b>Variation from Standard and meets the Objective: Variation from Standard and fails to meet the Objective:</b></p>	
<p>41 of 74 (55%) dwellings have nominated breeze paths of a minimum of 5m and maximum of 18m, complying with the standard.</p> <p>Some nominated dwellings with a breeze path include ventilation openings of different areas, where a path is formed between a bedroom window and larger balcony doors. This maintains ventilation but may result in differing internal air pressure if both openings are opened to their full extent. This can easily be managed by the occupant by partly closing the larger opening (e.g. the sliding door to a balcony).</p> <p>On balance, this outcome is consistent with the objective.</p>	



**7. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA**

**8. CLOSE**