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# BALLAARAT GATEWAY

Hotel + Mixed-Use Office Development

116-122 Lydiard Street + 8 Mair Street, Ballarat

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Project Code	P0029358
Report Number	V2

**This project – ‘Ballaarat Gateway’ - is located on Wadawurrung Country.**

**Urbis acknowledges and respects the Wadawurrung people as the original custodians of its land and waters, their unique ability to care for country and deep spiritual connection to it.**

**We honour Elders past, present and emerging whose knowledge and wisdom has, and will, ensure the continuation of cultures and traditional practices.**

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# EXECUTIVE SUMMARY

Situated in Ballarat's CBD adjacent to the transportation hub, the site is a unique privately held asset of significant scale that provides a noteworthy opportunity to deliver an exemplar land use and development outcome at an important gateway to Ballarat.

Nigro Group's 'Ballarat Gateway' regeneration project will be a mixed use civic space that celebrates coming together. It will inject hospitality, retail, hotel, leisure and workplace uses into the precinct, creating its own gravity to compel people to visit, stay, engage with and enjoy what past, present and future Ballarat has to offer.

The Ballarat Gateway will revitalize the Renaissance Revival bluestone building at 122 Lydiard Street North, formerly Robert Dunn's Warehouse, as well as a triple fronted commercial terrace row adjacent at 116-120, refurbishing it into a compelling hospitality and wellness destination.

A contemporary residential hotel will be positioned behind the Heritage fabric with access provided via Lydiard Street North, Coffee Palace Lane, an arcade running North to South from Mair St, and a proposed pedestrian bridge spanning from the Station South Plaza over Coffee Palace Lane.

South of the residential hotel and addressing the 8-10 Mair St interface, a premium, state of the art workplace is proposed that will drive a new era of innovation and commerce in Ballarat, a platform for the shifting modes of work and collaboration spaces and interactions. The site will feature office, retail, childcare and food and beverage offerings supported by a public realm crafted through a collaboration of expertise. A workplace built on the traditions of equity and entrepreneurialism reminiscent of Ballarat's history.

The proposal has been designed by Plus Architecture, incorporating design elements of the industrial mining structures, the proportion, whimsy and wayfinding cues of Victorian era development, and the hues, reflections and storytelling of the native landscape and Traditional Owners, weaving these together to produce an Architecture that is complementary yet receding to the context, as well as engaging and inspiring for a place befitting of the shared future of Ballarat; a welcoming place of integrity, progress, and warmth.

The Ballarat Gateway improves links from Ballarat Station to the CBD beyond via Lydiard Street North, Mair Street and Coffee Palace Lane, stitching together a previously disconnected section of the CBD.

The proposed development will contribute greatly to the economic opportunities within Ballarat and the ongoing viability of the surrounding area.

This report has been prepared by Urbis on behalf of the applicant (Nigro Group) in support of the development of the Gateway site. The report introduces the proposal, provides a strategic analysis of the Site and its context, provides a summary of the applicable planning framework and assesses the proposal against the relevant sections of the Ballarat Planning Scheme.



# 1. INTRODUCTION

This report has been prepared on behalf of the landowner Nigro Group Pty Ltd in support of the development of No. 8 Mair Street, No. 116-122 Lydiard Street, Ballarat.

The site is located within the Commercial 1 Zone and is subject to the Heritage Overlay (HO82 – 118-122 Lydiard Street and HO171 – 8 Mair Street and 116 Lydiard Street). The site is also within an area of Aboriginal Cultural Sensitivity.

## Planning triggers

A planning permit is required subject to the following provisions of the Ballarat Planning Scheme:

- Use the land for the purpose of a residential hotel (accommodation) with a frontage greater than 2m pursuant to Clause 34.01-1 (Commercial 1 Zone).
- Construct a building or construct or carry out works pursuant to Clause 34.01-4 (Commercial 1 Zone).
- Pursuant to Clause 43.01-1 (Heritage Overlay) planning permission is required to:
  - Demolish a building.
  - Construct a building or construct or carry out works.
  - Externally alter a building by structural work, rendering, sandblasting or in any other way.
  - Construct or display a sign.
  - Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply (HO82 and HO171).
  - Externally paint an unpainted surface.
- Reduce the amount of car parking required pursuant to Clause 52.06-03 (Car Parking).
- Create or alter access to a road in a Road Zone, Category 1 pursuant to (52.29-2 Land Adjacent to a road in a Transport Zone 2).

Planning permission is not required to use the land for an office, childcare centre (with less than 2m of ground floor frontage) and food and drink premises.

The Ballarat Central Conservation Area was on the National Estate Register (NER) as noted in (HO171) but was not included in the National or Commonwealth Heritage Lists when the NER was superseded in 2003. Therefore, the protection of the heritage place is the responsibility of the local authority.

A future heritage permit will be required for the future construction of the proposed pedestrian bridge connecting the site with the Ballarat Station Complex, which will form part of a future application process.

## Planning Merit

The proposed development has been designed cognisant of the relevant planning controls as well as the existing character of the surrounding area. We consider the proposal to be a development of architectural merit, providing a suitable response to the site's conditions and making a noteworthy contribution to the Ballarat CBD and transport hub context. Specifically, the report demonstrates:

- The proposed built form is supported by the key directions of the State and Local Planning Policy frameworks through its integration into the activity centre (Mair Street Precinct of Ballarat CBD) and with respect to the heritage elements of the district.
- The proposal represents a contemporary form which is respectful of the existing heritage buildings within the Lydiard Street Heritage Precinct whilst maintaining the heritage façades of Lydiard Street buildings.
- The proposal will provide a high level of internal amenity for future occupants and an improved public realm.
- No unreasonable amenity impacts will occur to any of the surrounding properties.
- The commercial offering of the development will contribute to the vitality of the Ballarat area.

## Supporting Documentation

This proposal has been informed by a wide range of specialist property and development disciplines. This report should be read in conjunction with the following documentation enclosed:

- Completed Planning Permit Application Form (online)
- Certificate of Titles (Appendix A)
- Architectural Plans prepared by Plus Architecture, dated 19 December 2022
- Site Survey prepared by Larki, dated 8 February 2021
- Traffic Impact Assessment prepared by ESR Transport Planning, reference K0120, dated 9 May 2022
- Waste Management Plan prepared by Leigh Design, dated 4 May 2022
- Heritage Assessment Report prepared by Bryce Raworth, dated 29 April 2022
- Sustainable Management Plan prepared by Ark Resources, dated 28 November 2022
- Landscape Plan prepared by Urbis, dated 22 December 2022

The project team has worked collaboratively to inform the design response. The proponent team engaged with Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) in early design concept phases. A letter of acknowledgement from WTOAC is enclosed with this application.

In addition to specialist expertise the project has also been informed by preliminary advice provided by the City of Ballarat's Design Review Panel (session held 20 May 2022). A separate response to the DRP comments is enclosed.

## 2. SITE AND SURROUNDS

### 2.1. SUBJECT SITE

The subject site (the Site) comprises multiple parcels, known as No. 8 Mair Street, No. 116 Lydiard Street and No.118-122 Lydiard Street, Ballarat. The Site is located on the Eastern side of Lydiard Street and Northern side of Mair Street, approximately 40 metres South of the Ballarat Train Station Building. The Site covers an area of approximately 3,662sqm and includes frontages to both Mair (approximately 82 metres) and Lydiard Streets (approximately 26 metres). The Site slopes downhill from the Northwest corner to the Southeast by up to 5.2m.

The land is currently occupied by 5 Buildings, 4 of which face Lydiard Street, and 1 fronting Mair Street. The land also contains 38 designated car parking spaces with 2 Vehicle crossovers for access. The site slopes down towards the east with the highest elevation at the Northwest edge. There is no vegetation present.

This proposal also includes street alterations to Coffee Palace Lane to provide for vehicle circulation and turning adjacent to the hotel entrance. Coffee Palace Lane currently allows vehicles to travel in both directions and provides access the rear of Lydiard Street properties including the Site. There is marked angle street parking provided on the west side of the lane and to the east side there is a large tree and a steep grassed embankment rising up towards Ballarat Station.

The Site is currently used for retail premises, carparking, and leasable commercial space.

The Site consists of the following parcels of land:

#### **8 Mair Street titles:**

- CA 6A~F\PP5030
- CA 6B~1A\PP5030
- CA 6D~1A\PP5030
- Lot 2 on Land Parcel LP66673
- Lot 3 on Land Parcel LP204707

#### **116 Lydiard Street North titles:**

- Lot 1 on Land Parcel LP203378

#### **118-122 Lydiard Street North:**

- Plan of Consolidation 167510V

#### **Coffee Palace Lane:**

- CA 2012/PP5030

Easements and restrictions:

The Site is affected by various easements typically towards the outer edges of the site, for drainage, sewerage and party wall purposes.

A Section 173 Agreement AK448104F (registered on Plan of Consolidation 167510V) requires waste to be collected by a private contractor for the hotel use at 118-122 Lydiard Street North. The applicant requests that this agreement is officially terminated in due course.

Please refer to Appendix A for the Certificates of Titles.



Figure 1. Aerial Image of the Site and surrounds



## 8 MAIR STREET & 166-122 LYDIARD STREET, BALLARAT CENTRAL SITE LOCATION

Figure 2. Title parcels (the Site)



Figure 3. No. 8 Mair Street, Ballarat (the Site)



Figure 4. No.116 & 118-122 Lydiard Street North, Ballarat (the Site)



Picture 1 No. 118-122 Lydiard Street North



Picture 2 No. 116-118 Lydiard Street North

Figure 5: The Site from Ballarat Station



Figure 6: The Site from pedestrian path to the east



## 2.2. INTERFACES

The adjoining interfaces of the Site are as follows.

### 2.2.1. Northern Interface

The immediate common boundary to the North of the Site (No. 120 Lydiard Street North) is shared with No. 126 Lydiard Street North, Ballarat. This is a heritage listed building as part of the Heritage Overlay HO84 (and HO171 Lydiard Street Heritage Precinct), known as the former Reid's Coffee Palace. This is a two-storey brick building from the 1880s (built in 2 stages) with an Edwardian character and is identified as individually significant. The street frontage consists of a verandah which was an addition added in the 1890s. There is no vegetation on this site.

Figure 7. No. 126 Lydiard Street, Ballarat



### 2.2.2. Southern Interface

Adjoining to the south of No. 116 Lydiard Street North is No. 114 Lydiard Street North is an individually significant heritage building within the Heritage Overlay HO81 (and HO171 Lydiard Street Heritage Precinct). The structure is a two storey Bluestone Warehouse which was constructed in 1862. The interface to the rear is the vehicle access to this site which contains 3 parking spaces.

Further to the south, the Site has a wide frontage to Mair Street, which is an arterial road providing 2 vehicle lanes in both east and west directions towards the intersection with Lydiard Street North with restricted parallel parking provided on the north side of Mair Street. Towards the east side of the frontage, Mair Street narrows to 1 lane with restricted angled parking on both sides of the street. Opposite the Site is the intersection of Mair Street and Champ Street.

Figure 8. No.114 Lydiard Street North, Ballarat



Figure 9: Mair Street looking west



### 2.2.3. Eastern Interface

To the immediate East of the common boundary is Coffee Palace Lane, which provides two-way vehicle access to the properties to the West including the Site. Further East of Coffee Palace Lane is the Ballarat Station Complex, which is historically, architecturally, socially, and technologically significant at a state level. The Ballarat Railway Station clock tower is a well-preserved example of Victorian style building and British construction standards. On the opposite side of Coffee Palace Lane there is a pedestrian path ramping up towards Ballarat Station. There are several mature trees on the embankment.

Figure 10. Coffee Palace Lane



## 2.2.4. Western Interface

Directly abutting the western boundary of the Site is the service laneway access, linking Mair Street from the South to Coffee Palace Lane to the East. This laneway provides service access to the rears of No. 104-110 Lydiard Street South, and No. 114 -116 Lydiard Street North. Parking spaces and loading dock areas are included within this rear set back to the west of the Site. No. 104-110 Lydiard Street South, and No. 114 -116 Lydiard Street North are within the Heritage Overlay encompassing the Lydiard Street Heritage Precinct.

Figure 11. No. 104-110 Lydiard Street South, and No. 114 -116 Lydiard Street North (rear from Mair Street)



Figure 12. Lydiard Street North looking North



## 2.3. WIDER CONTEXT

The Site is located in the central Ballarat Central Business District, directly South of the Ballarat Station.

## 2.4. ACCESS & MOVEMENT

The Site is in close proximity to significant transport assets including train and bus routes, providing a highly accessible location. Key transport routes near to the Site include:

- Ballarat Central Station is located approximately 85 metres to the north of the site. Train services connect to Melbourne, Maryborough, and Ararat.
- Bus Services.
- Arterial roads.

The Site is at an important gateway location into the Ballarat CBD, that affords a high level of connectivity to regional Melbourne and Melbourne's Central Business District. This locational advantage makes it highly suitable for increased development and tourism activities.

## 2.5. RECENT APPROVALS

The heritage context within Lydiard Street in particular has kept building heights relatively modest, ranging between one to three storeys. However, within the broader context of Ballarat Central there have been several recent permit approvals that provide for significant intensification of residential, commercial and hotel floor space within the Activity Centre, and increased built form heights. The following table sets out examples of recent surrounding development approvals:

Table 1. Surrounding Developments

Permit No.	Address	Storeys/use	Status
PLP/2021/432	4-6 Lyons Street, North Ballarat, Vic 3350	7 / residential and cafe	Permit approved 22/11/2021
PLP/2019/409	11 Davey Street, Ballarat, Vic 3350	5 / residential and cafe	VCAT Permit Issued 24/03/2020 Under construction
PLP/2014/829/D	29 St Pauls Way, Bakery Hill VIC 3350	2 / residential	Permit Amended 16/03/2020 Under construction
PLP/2018/819	906 Lydiard Street North, Ballarat North, Vic 3350	2 / residential	Permit Amended 10/09/2019 Under construction
PLP/2015/119/B	33 Peel Street North, Ballarat, Vic 3350	2 / hotel	Permit Amended 24/03/2020
Ballarat Gov Hub Incorporated Document	300-304 Mair Street & 190 Doveton Street North, Ballarat Central	5 / office and retail	Approved 2018 Completed
Ballarat Station Redevelopment	Ballarat Station Precinct	5 / hotel	Approved 2017 Completed



### 3. PERMIT HISTORY

The Site has been subject to various planning permits for the individual premises on the site, which are outlined in the table below.

Table 2. Permit History of the Site

Planning Permit No.	Application Description	Status
<b>8 Mair Street</b>		
PLP/2020/552	Display Business Identification Signage	Approved 29/10/2020
PLP/2018/754	Use of an indoor recreation facility and display of business identification signage including illuminated signage.	Approved 11/02/2019
PLP/2018/520	Alterations and additions to the building façade and display business identification signage.	VCAT permit issued 28/08/2018
PLP/2005/944/A	Demolition of existing buildings and construction of a new office and showroom building and erection of business identification signage.	Approved 16/09/2009
PLP/2005/944	Demolition of existing buildings and construction of a new office and showroom building and erection of business identification signage.	Approved 13/07/2006
<b>116 Lydiard Street North</b>		
PLP/2018/207	Partial demolition, external alterations to commercial premises, externally paint a building and development of a verandah.	Approved 21/05/2018
<b>118-122 Lydiard Street North</b>		
PLP/2013/295	Erection of business identification signage.	Approved 30/07/2013
PLP/2011/700	Use of existing premises as a hotel, dispensation of car and bicycle parking, use and installation of 30 electronic gaming machines, and late night (general) liquor licence.	Approved 16/03/2012
PLP/2010/66	Erection of business identification signage.	Approved - 24/03/2010

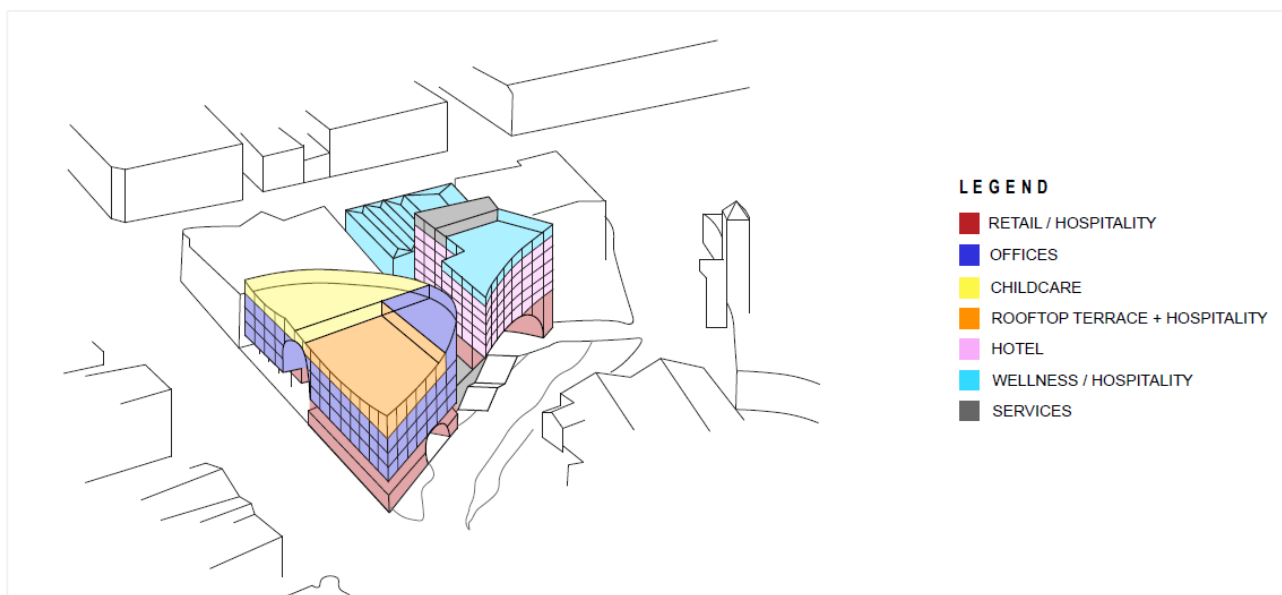
## 4. PROPOSAL

The proposal has evolved through an extensive design process. The vision for the Gateway site is to create a highly permeable site that establishes a new hospitality and wellness centre as well as a commercial and retail offering for the area. The goal is to revitalise this landmark site by providing an innovative, contemporary design that respects and enhances the heritage context and improves the public realm. The buildings have been designed to activate the street frontages and provide high quality public and private spaces. Coffee Palace Lane will be upgraded to include an improved pedestrian path and a turning circle at its end, supporting access and egress to the car park and hotel loading bay.

The design makes provision for a future pedestrian bridge to connect the Site A building to the Ballarat Station South Plaza, supporting improved pedestrian connectivity to the station. The proposed bridge connection will be subject to a future approvals process and further engagement with relevant authorities including V Line, VicTrack, Heritage Victoria and Council.

The plans prepared by Plus Architecture provide for retention of heritage buildings on the Lydiard Street North frontage and demolition of existing buildings at 8 Mair Street and to the rear of Lydiard Street North. The plans show the proposed construction of a mixed-use development containing a 7-storey residential hotel and wellness centre (Site A), and a 5-storey mixed use building including office, childcare and retail (Site B). The proposal will be an important employment generator for Ballarat.

Figure 13: Proposed building program



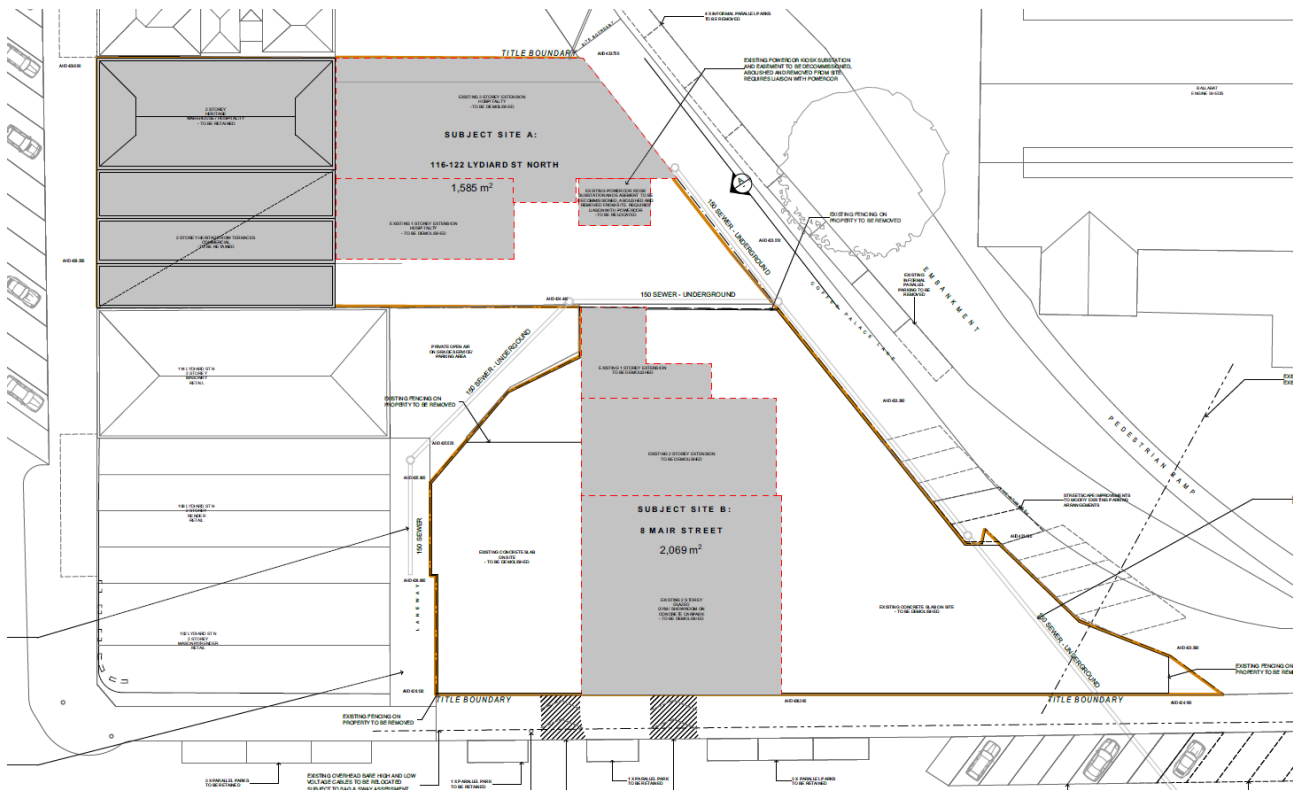
More specifically, the proposal will consist of the following:

### 1. Demolition

Some existing buildings on the Site will be demolished or altered including:

- 8 Mair Street – Demolition of commercial building and associated car parking structures
- 116-122 Lydiard Street North – External alterations and demolition of rear additions.
- 116-122 Lydiard Street North – External alterations to the front of the original buildings.

Figure 14: Demolition Plan

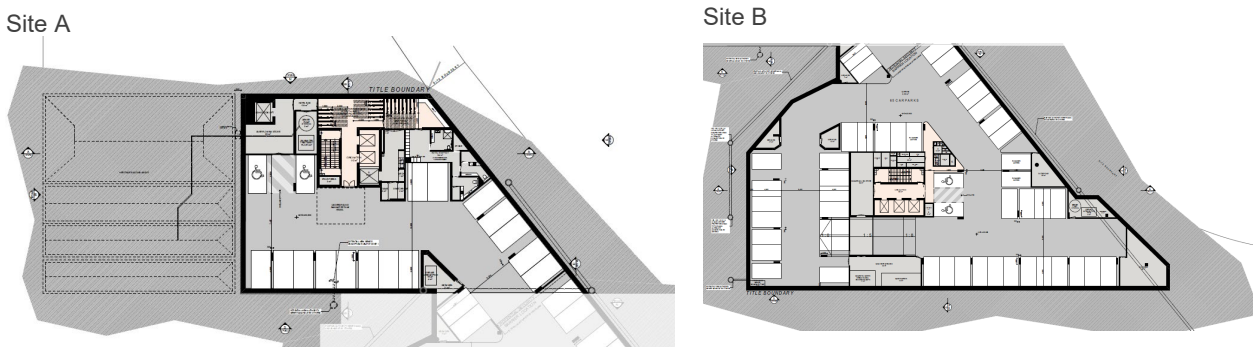


## 2. Proposed basement level

The proposed development provides vehicle accommodation in a basement level that is accessed from Coffee Palace Lane. The basement level is proposed below ground level to ensure that opportunities for publicly beneficial land use and development are maximised. The proposed basement level will accommodate:

- 65 car spaces.
- 42 bicycle spaces for the residential hotel, including 24 visitor and 18 staff spaces.
- End of trip facilities for the residential hotel.
- Service plant area.

Figure 15: Proposed basement level



## 3. Proposed ground plane

The proposal has been designed over three ground levels: lower, mezzanine and upper, in response to the sloped topography of the Site. Pedestrian access is proposed from each interface including Lydiard Street North, Mair Street and Coffee Palace Lane, with provision for a future connection to Ballarat Station.

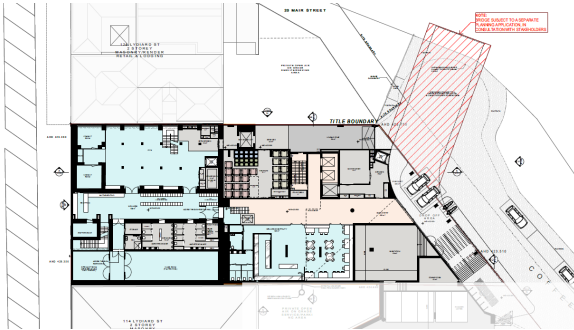
The lower ground level will accommodate:

- Entries from Coffee Palace Lane.

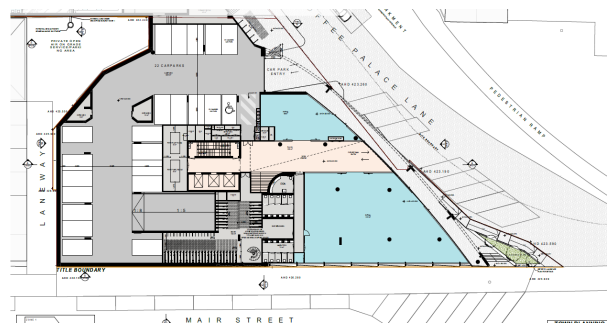
- Wellness centre inclusive of gym and hospitality areas.
- Waste storage for the residential hotel.
- Two retail tenancies.
- 22 car spaces.
- Service plant area.
- 104 bicycle spaces for office and retail staff.
- Amenities.

Figure 16: Proposed Lower Ground Level Floor Plan

Site A



Site B

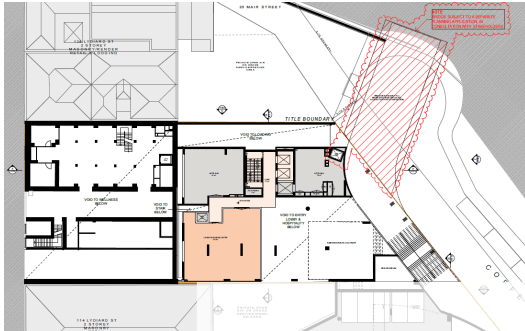


The mezzanine level will accommodate:

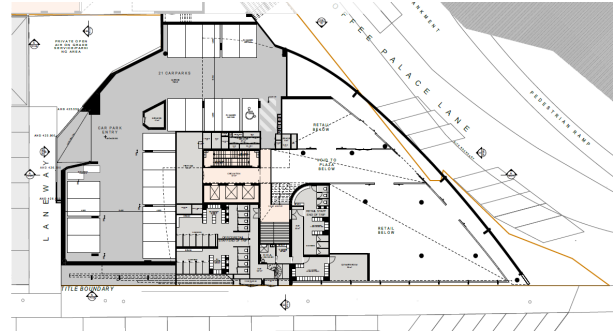
- A library/business centre for the residential hotel.
- Back of house facilities for the residential hotel.
- 21 car spaces accessed from west side via the lane.
- Service plant area.
- End of trip facilities for retail and office staff.

Figure 17: Proposed Mezzanine Level Floor Plan

Site A



Site B



The upper ground floor will accommodate:

- Three entrances from Lydiard Street North.
- Entrance from Mair Street
- Meeting space and internal pedestrian link
- Hospitality areas associated with the residential hotel including a bar/bistro and a café.
- Residential hotel rooms.
- Five commercial tenancies.

- Amenities.
- Service plant area.

Figure 18: Proposed Upper Ground Level Floor Plan



#### 4. External public realm

The proposal includes works to the public realm to improve access and upgrade surfaces. This includes:

- Coffee Palace Lane will be revitalised to include an upgraded pedestrian path incorporating ramps and stairs to provide access from Mair Street to the ground floor premises and to the proposed future pedestrian bridge to the station. A new turning circle will be added to the end of Coffee Palace Lane, while on street parking will also be revised and formalised.
- The design makes provision for a future pedestrian bridge over Coffee Palace Lane to the Ballarat Station South Plaza, which will be subject to agreement by relevant authorities and a future approvals process.

#### 5. Level 1 Site A

This level includes function and hospitality facilities associated with the residential hotel as well as three hotel rooms.

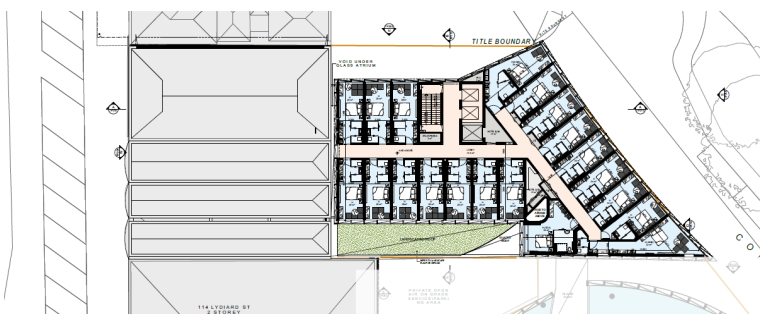
Figure 19: Proposed Site A Level 1 Floor Plan



#### 6. Middle levels

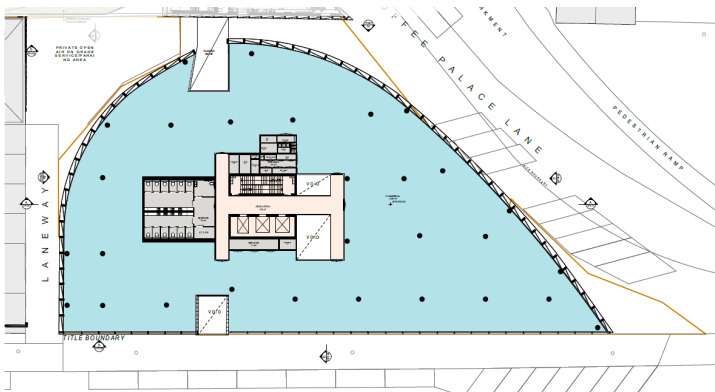
Levels 2 to 6 of the residential hotel at Site A accommodate hotel rooms. The floor plan of level 2 is shown as an example below.

Figure 20: Proposed Site A Level 2 Floor Plan



Levels 1 to 3 of Site B accommodates commercial office floor space. These levels have been designed so that they can be used by one major tenant, or multiple smaller tenancies. All levels include a series of voids clear to the sky to provide access to natural sunlight throughout the day. The floor plan of level 1 has been shown below as an example.

Figure 21: Proposed Site B Level 1 Floor Plan



## 7. Top levels

Floor space within the top levels of both buildings is located centrally which are linked to open air terraces towards the outer edges.

The top levels will accommodate:

- Hospitality area associated with the residential hotel including food and drink and a mineral pool.
- Meeting and breakout area associated with the offices.
- Childcare centre.
- Retail premises.
- Amenities.
- Service plant area.

Figure 22: Proposed top level plans



## 4.1. BUILT FORM

The built form has been designed to respond to the heritage streetscape, providing a building at human scale that is inviting to the public and that supports pedestrian permeability through the site. The facades of the original buildings at Nos. 116-122 Lydiard Street North will be enhanced by removing non-original fabric such as awnings and lights and refreshing the façades. At Site A, the new 7 storey residential hotel building to the rear of the original Lydiard Street North buildings is designed to avoid interruption of the streetscape. The proposed commercial building at Site B provides a well resolved architectural response to Mair Street and Coffee Palace Lane that establishes improved street presence and activation. The design takes cues from the heritage and cultural values of the precinct and has been informed by expert heritage advice from Bryce Raworth to ensure it delivers an appropriate integration with the heritage context.

The built form incorporates permeable walkways leading through the Site to encourage pedestrians to walk through the Site rather than around it. This concept is further encouraged through a meeting place, located in the centre of the development and the potential for a new pedestrian bridge connection to Ballarat Station as part of a future stage. These spaces will deliver improved accessibility and amenity for occupants of the Site and the broader community. The following diagram illustrates the permeability and connections proposed through the site.

Figure 23: Diagram of proposed pedestrian entrances and routes

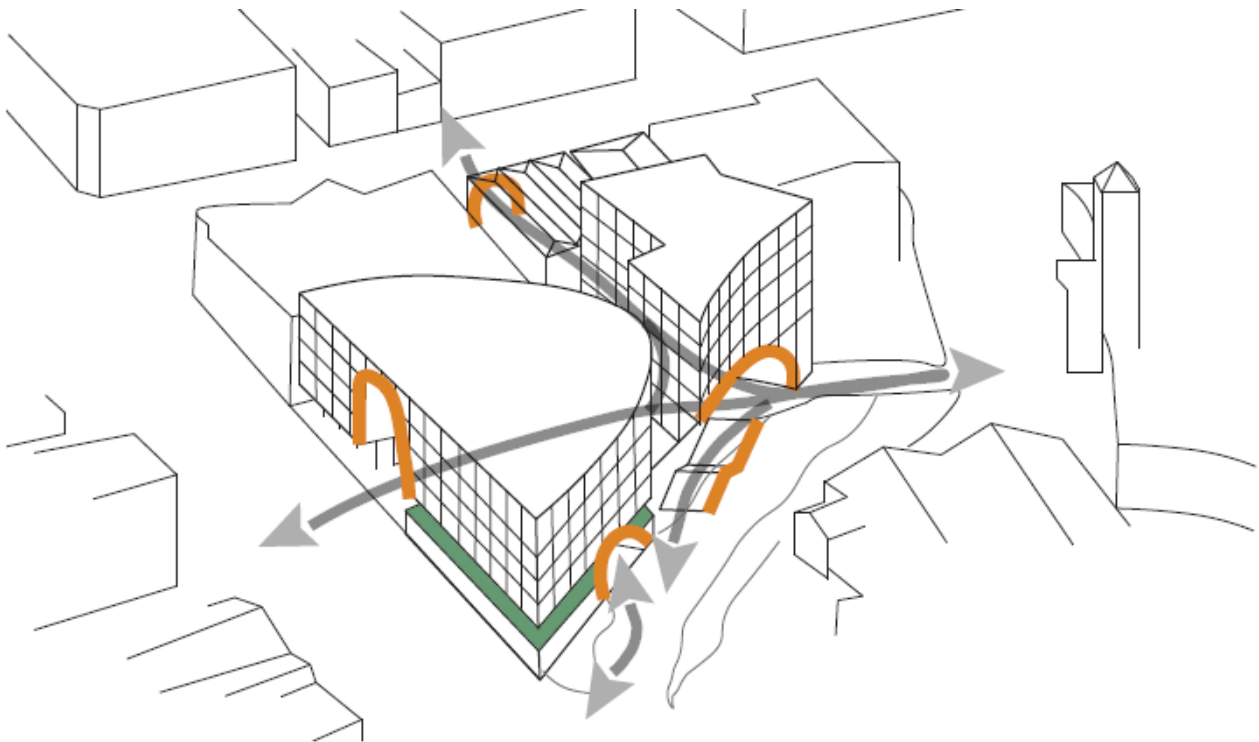


Table 3: Project summary

<b>Development Summary</b>	
<b>Site A</b>	
Residential Hotel Area	Hotel: 2,803m <sup>2</sup> Circulation and services: 2,800m <sup>2</sup> Hospitality/retail: 835m <sup>2</sup> Wellness/conference: 1,276m <sup>2</sup> Terraces: 572m <sup>2</sup>
Residential Hotel Rooms	104 rooms
Car park:	59m <sup>2</sup>
Building Height	31.2m (7 storeys)
<b>Site B</b>	
Circulation and Services	4,100m <sup>2</sup>
Retail Space Floor Area	541m <sup>2</sup>

<b>Development Summary</b>	
Office Area	5,661m <sup>2</sup>
Childcare	819m <sup>2</sup>
Car Park	3,752m <sup>2</sup>
Terrace	312m <sup>2</sup>
Building Height	25.504m
<b>Amenities/parking</b>	
End of Trip	280sqm
Car Parking Spaces	108 parking spaces
Bicycle Parking Spaces	153 parking spaces

## 4.2. LANDSCAPING

Landscape greening will be provided on roofed areas and terraces of the proposed development as follows:

- Landscaped terraces at upper ground level of the residential hotel at Site A will help soften the appearance of the ground level plane when viewed from the public realm to the north of the site.
- Another terrace is proposed on the south side of the residential hotel to provide further amenity to the hotel rooms.
- Vegetation is proposed on the roof of the Site B building, providing green spaces linked to the childcare centre and rooftop terrace, with proposed native food garden subject to collaboration with WTOAC.

## 4.3. VEHICLE ACCESS AND PARKING

On-site parking will be provided at mezzanine, lower ground and basement levels, accommodating 108 car spaces. A total of 153 secure bicycle spaces are also proposed on site, furthering sustainable transport initiatives. Vehicle access to the Site will be via a new double crossover from Coffee Palace Lane and via the laneway on the west side of Site B.

For further detail in relation to car parking arrangements and access, please refer to the Traffic Impact Assessment Report prepared by ESR.

## 4.4. DISCONTINUE S173 AGREEMENT

The Section 173 Agreement AK448104F (registered on Plan of Consolidation 167510V) requiring waste associated with the existing hotel to be collected by a private contractor will be redundant post commencement, should planning permission be granted. An agreement with Council to end the S173 Agreement will be sought in due course.



## 5. PLANNING CONSIDERATIONS

The following section of this report contains an overview of the relevant planning policies and controls, noting a more detailed outline is contained at **Appendix B**.

### 5.1. ZONING

The Site is located within the **Commercial 1 Zone**

The relevant purposes of the C1Z 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.*

Pursuant to Clause 34.01-1 (Table of uses) a permit is required to use land for accommodation if a ground level frontage exceeds 2m.

The proposed uses of 'office', 'retail premises' and 'food and drink premises' are 'Section 1 – Permit Not Required' uses under Clause 34.01-1.

Pursuant to Clause 34.01-4 (Buildings and works) a permit is required to construct a building or construct or carry out works. A permit is also required to subdivide land pursuant to Clause 34.01-3.

### 5.2. OVERLAYS

The Site is affected by the **Heritage Overlay**

- No. 8 Mair Street is 'not of heritage significance', within the Lydiard Street Heritage Precinct (HO171)
- No. 116 Lydiard Street is contributory to the Lydiard Street Heritage Precinct (HO171).
- The Former Warehouse at 118-122 Lydiard Street North is Individually Significant (HO82).
- Note: The adjacent Ballarat Railway Complex is listed on the Victorian Heritage Register (HO59).

Permit triggers

- Demolish or removal of a building pursuant to clause 43.01-1
- Construct a building or construct or carry out works pursuant to clause 43.01-1
- Externally alter a building by structural work, rendering, sandblasting or in any other way, pursuant to Clause 43.01-1

### 5.3. STATE PLANNING POLICY FRAMEWORK

- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Central Highlands
- Clause 11.03-6S – Regional and local policies
- Clause 15.01 – Built Environment
- Clause 15.03 – Heritage
- Clause 17.01-1R – Diversified Economy – Central Highlands
- Clause 17.02-1S – Business
- Clause 17.04 – Tourism
- Clause 18.02-1S – Walking

## **5.4. LOCAL PLANNING POLICY FRAMEWORK**

- Clause 21.01 – Municipal Overview
- Clause 21.02 – Settlement and Housing
- Clause 21.04 – Environmental Resilience
- Clause 21.05 – Natural Resource Management
- Clause 21.06 – Built Form, Heritage and Design
- Clause 21.07 – Economic Development
- Clause 21.08 – Transport and Infrastructure
- Clause 21.09 – Local Areas
- Clause 22.05 – Heritage Conservation and Heritage Precincts

## **5.5. GENERAL AND PARTICULAR PROVISIONS**

- Clause 52.05 – Signs
- Clause 52.06 – Car Parking
- Clause 52.29 – Land Adjacent to The Principal Road Network
- Clause 52.34 – Bicycle Facilities
- Clause 53.18 – Storm Water Management in Urban Development

## **5.6. STRATEGIC POLICY**

Relevant strategic documents include the following:

- Making Ballarat Central – The CBD Strategy (2010)
- Ballarat Activity Centres Strategy (2012)
- Today, Tomorrow, Together: The Ballarat Strategy (2015)
- Plan Melbourne (2017)
- Making Ballarat Central Action Plan – The CBD Strategy (2017)
- City of Ballarat Creative City Strategy & Precinct Master Plan (2019)
- Ballarat Prosperity Framework (2020)
- Visitor Economy Strategy (2021)
- Council Plan & Community Vision (2021)
- Ballarat Station Southside Masterplan (draft)
- Council's Draft Skyline Study (draft)

## **5.7. OTHER CONSIDERATIONS**

### **5.7.1. Incorporated Documents**

#### **Ballarat Heritage Precincts Statements of Significance 2006 (Revised August 2014)**

The Lydiard Street precinct (including 116 Lydiard Street) is of State Significance, and the following distinctions of significance apply:

- Architecturally and aesthetically significant at a state level.
- Historically significant at a local level.

- Scientifically significant at a local level.
- Socially significant at a local level.

8 Mair Street is not of heritage significance. The citation states that the existing bluestone retaining wall at the southeast corner of the property abutting Mair Street is significant. However, the retaining wall referenced has not been located and appears to no longer exist. The remainder of the structures are not deemed as contributory to the heritage significance of the precinct.

#### **Ballarat Planning Scheme Heritage Control 2004 – Incorporated Plan (revised October 2015)**

This Incorporated Document includes permit exemptions for land affected by heritage precincts, including HO171 of the Heritage Overlay. In accordance with this Incorporated Document, planning permission is not required to:

- Demolish a building identified as 'not of heritage significance'.
- Construct a front fence 1.2m high or less.
- Construct a side and rear fence.
- Remove lop or prune a tree.
- Some alterations and additions to 'not significant places'.

#### **5.7.2. Area of Cultural Heritage Sensitivity**

The western portion of the Site is within an Area of Aboriginal Cultural Heritage Sensitivity.

## 6. PLANNING ASSESSMENT

This application presents an exciting opportunity to enhance the Site and contribute to the surrounding area through the delivery of a high-quality mixed-use development.

The following matters are key for the planning assessment of the proposed development:

- Strategic Support for the Proposal
- Heritage
- Appropriateness of Uses
- Built Form
- Amenity Considerations
- Traffic, Access and Car Parking
- Other Considerations

Details of the planning controls and permit triggers are included within Appendix A.

### 6.1. STRATEGIC POLICY SUPPORT

The proposal enjoys considerable support from both state and local policy in terms of the outcomes it will deliver in accommodating mixed use development, enhancing tourism facilities in the CBD and improving the public realm. The proposed mix of uses are appropriate to the Site having regard to:

- The site's excellent proximity to Ballarat's premium transport hub and interchange for visitors to the city;
- The concentration of restaurants, bars, retail and other amenity within the immediate context of the site, all of which will benefit from a new worker and visitor population being accommodated on the site;
- The zoning of the Site (C1Z) which encourages mixed use development, including office, retail and residential uses with densities complementary to the commercial centre.

For these reasons, the proposed uses at the Site are highly consistent with the purpose of the zoning.

#### State Planning Policy Framework (SPPF)

The SPPF seeks to develop the objectives for planning in Victoria (as set out in the Planning and Environment Act 1987) to foster appropriate land-use and development planning policies and practices that encompass relevant environmental, social and economic factors. The SPPF includes key policy objectives for future development within Ballarat including supporting the municipality as the main centre for regional growth, services and employment within the Central Highlands region.

State Planning Policy supports the growth of Ballarat's CBD as the primary focus for commercial, retail and service activity in the city and region. It further recognises that development should achieve high quality urban design and architectural outcomes that contribute positively to urban character, enhance liveability, diversity, amenity and safety within the public realm, and promote the attractiveness of the city.

Having reviewed the relevant State Planning Policies, it is considered that the development is strongly supported by the key policy thrusts:

- The proposal aligns with Clause 11.02-1 and Clause 11.07-1, which seek to plan for urban growth taking into consideration opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- The redevelopment of the Site will provide a range of uses that contribute to diversity within the area and provide the community with quality working and recreational environments that are safe and accessible, as desired by Clause 15.01.
- The proposed scheme exhibits merit with sound urban design attributes and a well resolved design response, consistent with the objectives of Clause 15 that seek to create quality urban environments.

- The proposal aligns with Clause 11.08, which seeks to support Ballarat as the main centre for regional growth within the Central Highlands region. The addition of more employment generating uses will further strengthen the Central Highlands regional economy contributing to its diversification and resilience.
- The proposal seeks to unlock the potential of an underutilised site located close to Ballarat CBD that is serviced by public transport, providing connectivity within the CBD and the wider Ballarat area. In this respect, it meets aspects of State Policy that direct future development to areas that are currently serviced by public transport.
- The proposal presents a high quality architectural and urban design outcome which respects the prevailing character and identity of the local area, including the heritage values of the existing heritage buildings on site and surrounding precinct. This responds to the strategies identified within Clause 11.07.
- The proposal will further the vision for increased provision of commercial development within the City, showing consistency with the objectives at Clause 17 which encourage development which 'meets the communities' needs for retail and commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

### **Local Planning Policy Framework (LPPF)**

The LPPF builds on State policies and local strategic planning studies and applies them to a local context. Key themes throughout the City of Ballarat's LPPF relate to, amongst other things, the management of population growth whilst accommodating diversity, maximising employment opportunities, responding appropriately to neighbourhood character and heritage values, and ensuring environmental resilience.

The proposal complies with the key policies of the LPPF for the following reasons:

- Clause 21.01 illustrates the Strategic Framework Plan for Ballarat, and identifies the Ballarat CBD as being an area in which an ongoing focus for mixed use housing; entertainment and employment growth is encouraged. This Clause, and Clause 21.02 recognise and support development within the CBD that contributes to the adaptation, redevelopment and economic growth of the central city.
- Local Policy indicates support within Clause 21.02 for knowledge sector and retail employment opportunities, more inner city living and out of hours activation within the Ballarat CBD. The proposal will contribute to this aspiration in providing a variety of uses, including Office, Food and Beverage and retail uses which support the activation of the site across daytime and evening periods.
- The proposal demonstrates design excellence as supported by Clause 21.06 and will support a safe and attractive public realm environment. Specifically, the principles that underpin the design are inspired by the context of Victorian era development, incorporating whimsy and wayfinding cues. The proposal incorporates new public accessways between Mair Street and Lydiard Street North, bringing new permeability to the precinct. The architectural design has considered the built form and design requirements of local policy to ensure it will make a positive contribution to the streetscape while respecting the existing site context.
- As detailed below, the proposal's response to the heritage context has been carefully considered to protect and enhance the heritage façade of the key heritage fabric on buildings at 116-120 and 122 Lydiard Street North, in accordance with Clause 21.06 and 22.05. The structures proposed to be demolished are either modern or secondary in origin and are not contributory to the significance of the heritage place. The proposed hotel and commercial buildings are designed to be recessive to the Lydiard Street North streetscape while the frontage to Mair Street will present as an appropriate transition between the old and the new.
- The location of the Site within the Ballarat CBD and its direct accessibility to public transport aligns with the objectives of Clause 21.08, which seek to integrate transport and urban growth. The proposal will enhance the pedestrian network, stitching together a relatively disconnected part of the CBD.
- The proposal is aligned with Clause 21.07 (Economic Development) and Clause 21.09-1 (CBD) which aim to direct significant new mixed use development and employment generating uses to the Ballarat CBD. A strong emphasis is placed on the delivery of a high quality public realm, pedestrian amenity and a people first approach to managing space, as this proposal has done, through the provision of an architectural response which demonstrates design excellence to the streetscapes and internal plazas.
- Clause 21.07 builds on this theme, seeking to encourage significant new mixed use development within the Ballarat CBD that supports knowledge sector and retail employment opportunities.

- The proposed ground level retail tenancies and upper office space will provide passive surveillance of the surrounding public realm, consistent with Clause 21.09 which seeks to encourage street level and out of hours' activation.
- Exceptional sustainable design practices have been considered from the outset to ensure an environmentally sustainable urban environment is achieved, addressing the requirements of Clause 21.04 and Clause 21.05.

### Local Strategy

Strategic work prepared for the City of Ballarat anticipates substantial development on the Site, particularly land at 8 Mair Street. It is also envisaged to improve pedestrian links between Mair Street and Ballarat Station via the Site and Coffee Palace Lane. Strategic documents which include designations for development on the Site include:

- *Making Ballarat Central – The CBD Strategy (2010)* – identifies the site for 'Potential site redevelopment' within the Mair Street Corridor precinct.
- *City of Ballarat Creative City Strategy & Precinct Master Plan (2019)* – designates the site as a 'gateway/landmark site' with an indicative future pedestrian connection. It is also designated for future development of a 'high-quality office and residential building with basement car parking'.

There are also two relevant draft strategic planning projects *Ballarat Station Southside Masterplan* and the *Skyline and Views Study*.

In 2020, the VPA commenced the *Ballarat Station Southside Masterplan* project, that sought to provide a framework for the area south of the Station (including this Site), with a focus on public realm. The project has been on hold since January 2022 pending resolution of various transport matters. The public engagement process elicited many responses supporting improved pedestrian connection between Mair Street and the railway station.

The preliminary urban framework contemplated a pedestrian bridge connection from the station forecourt to this Site, demonstrating synergy with this proposal. The objectives of VPA's strategic plan for the Ballarat Station Southside Precinct include:

- Preserve and celebrate the important heritage of the area
- Establish better and safer connection between the station and its surrounds for the community and visitors
- Redesign public spaces to be more accessible, comfortable, safe and inviting for all people
- Support the precinct as it becomes a commercial, civic and tourism destination
- Provide certainty for the community about potential future development opportunities and give developers the confidence to continue to invest in the Ballarat CBD
- Transform the precinct into a new destination for Ballarat, that will attract investment, jobs and new commercial opportunities into the city.

The City of Ballarat's draft *Skyline and Views Study* seeks to designate, protect and provide management guidance upon key historic views within the city. This project has been in draft since an initial round of consultation in 2021. Plus Architecture have prepared renders from the key view lines LV5 (Lydiard Street at Ballarat Railway Station) and PV5 (Mair Street toward Bakery Hill), to demonstrate how the proposal sits within those views. We do not consider FV1 to be a historically significant view line.

On balance, the State and Local Policy Framework seek to facilitate land use outcomes that support the ongoing and future vitality of the Ballarat CBD as a place to live, work, play and visit. The proposal achieves the broad objectives of these guiding policy documents.

## 6.2. CONSISTENCY WITH THE COMMERCIAL 1 ZONE

The scheme is compliant with the purposes of the Commercial 1 Zone (Clause 34.01) and has been assessed against the decision guidelines of Clause 34.01-8 below.

Table 4: Commercial 1 Zone Decision Guideline assessment

Decision Guideline	Response
<b>Use</b>	
The effect that existing uses may have on the proposed use.	Existing surrounding commercial uses will support the proposed retail, childcare, hotel and wellness centre with their patronage. The Ballarat Station adjacent to the north of the Site will provide convenient access for tourists and customers visiting the residential hotel or commuting to the offices.
The drainage of the land.	Drainage is considered to be appropriately responded to as part of the design proposal.
The availability of and connection to services.	The Site has access to all relevant services.
The effect of traffic to be generated on roads.	Traffic generated by the proposal is expected to have negligible impact on the surrounding road network (refer to TIA for further discussion of potential impacts). The proposal seeks to encourage sustainable transport use, leveraging the site's strong access to public transport and proximity to the Ballarat CBD.
The interim use of those parts of the land not required for the proposed use	NA
<b>Buildings and Works</b>	
The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.	Pedestrian access is afforded through clear building entrances from Lydiard Street North, Mair Street and Coffee Palace Lane. Off street vehicle access is proposed to the eastern elevation adjoining Coffee Palace Lane and another lane off Mair Street on the west side of the site. The access points have been designed to prevent disruption to Mair Street and Lydiard Street. Emergency services have clear access via three abutting streets. Refer to the Waste Management Plan and Traffic engineering assessment for further details.
The provision of car parking.	The proposal seeks a reduction in the car parking requirement based on the site's access to public transport. Refer to TIA for further assessment of car parking provision.
The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.	The scheme supports an activated streetscape, enhancing the public realm of the surrounding streets relative to existing conditions. The ground level built form will continue to provide human scale articulation within lower levels and varied materiality to break up massing. The building proposes illumination for additional visual interest. The upper level terraces provide opportunity for increased landscaping and passive surveillance of the public realm.
The storage of rubbish and materials for recycling.	The supporting Waste Management Plan prepared for the proposed development details the proposed storage arrangement. Rubbish and recyclable waste will be stored away from public view and access.
Defining the responsibility for the maintenance of buildings, landscaping and paved areas	The development will be managed by a building manager to ensure ongoing maintenance of the building and its amenities.
Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a	N/A

Decision Guideline	Response
General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.	
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone. The availability of and connection to services.	N/A
The design of buildings to provide for solar access.	The proposal has been designed to provide adequate solar access for internal occupants of the spaces, with the primary light access taken from the North, West and south.

### 6.3. USES

The following uses are proposed at the Site:

- Residential hotel
- Retail (Shop)
- Retail (Food and Drinks Premises)
- Office
- Childcare

The Commercial 1 Zone (C1Z) encourages vibrant mixed use commercial centres for retail, office, business, community uses and residential uses at suitable scales. The proposed commercial uses are intended to serve the local community's needs, and are considered appropriate given the location of the Site in a prominent commercial area of Ballarat, and the close proximity of other commercial uses surrounding the site.

The office, shop, and food and drink premises proposed in this application do not require a permit for use under the C1Z in the Ballarat Planning Scheme. The proposed residential hotel requires a permit for use under the C1Z given the frontage to Lydiard Street is more than 2m wide.

The proposed residential hotel at Site A incorporates food and drink areas and a wellness centre allowing guests of the hotel to benefit from the leisure activities afforded by the various offerings. The building has been appropriately designed with ground level receptions to manage both hotel guests and visitors to the wellness centre.

The proposal has been designed to enable a single operator to manage the hotel, food and drink and wellness amenities as part of an integrated tourism/hospitality offer. This integration of tourism/leisure activities will directly further key strategic studies that Council has undertaken to drive growth in the visitor economy, including: *City of Ballarat Creative City Strategy & Precinct Master Plan (2019)*, *Ballarat Prosperity Framework (2020)*, *Visitor Economy Strategy (2021)* and *Council Plan (2021) & Community Vision (2021)*.

The Ballarat CBD is encouraged for continued investment so supporting its function as an attractive business hub, while retaining its heritage. The proposed mixed use office building at Site B will provide generously sized office space to support a range of business sizes that will contribute to the Ballarat economy.

Childcare centres provide a valuable service that supports the community. Childcare centres not only support children through early education, but also support the economy by allowing their parents or carers to continue working, in addition to providing local jobs. Strategically, the Site is located within proximity to a number of amenities and services, and the childcare centre use is well positioned in terms of complimenting the nearby commercial uses with working parents likely to utilise the child care centre given the convenience of location.

Overall, the uses proposed will further enhance the economic vitality of the Ballarat CBD.



## 6.4. HERITAGE

A comprehensive Heritage Impact Statement (HIS) has been prepared for the project by Bryce Raworth and Associates, that provides a heritage appraisal of the proposed development. The HIS concludes that the proposal is consistent with the heritage considerations contained in Ballarat's local heritage policy at Clause 21.06 and 22.05 as well as the provisions of the Heritage Overlay at Clause 43.01. These conclusions have been reached based on the following grounds:

### 6.4.1. Proposed Demolition

The existing commercial building and car park at 8 Mair Street is not of heritage significance and the demolition of the building is exempt from requiring a planning permit, pursuant to Incorporated Document - 'Ballarat Planning Scheme Heritage Control 2004 – Incorporated Plan (revised October 2015)'.

The existing buildings to be demolished at the rear of Nos. 116-120 and 122 Lydiard Street North, were constructed later than the original buildings. The Heritage Impact Statement by Bryce Raworth supports the proposed demolition as follows:

*The rear extension to 122 Lydiard Street is an early twentieth century addition to the original main part of the building addressing Lydiard Street. This wing is concealed from view from Lydiard Street and has limited visibility from the railway station forecourt, Coffee Palace Lane and Mair Street. It is not of particular architectural note and is not identified as a significant element in Council's citation for the property. A key consideration in relation to demolition provided in The Heritage Overlay – Guidelines for Assessing Planning Permit Applications is whether the fabric makes a contribution to the significance of the Heritage Place. The significant fabric of the former warehouse is the original double and triple storey envelope of the building addressing Lydiard Street, and is retained. The rear wing is secondary fabric that is not considered to contribute to the significance of the precinct to any appreciable extent and on this basis its demolition is supported.*

*Demolition to the modern extension to 118-120 Lydiard Street is acceptable given this fabric is modern in origin. Demolition to the non-heritage Powercor kiosk substation is also supported under these guidelines.*

*As the site at 8-10 Mair Street only contains modern buildings, all demolition on the site is supported. This is in keeping with Council policies that support the demolition of buildings that are 'not of heritage significance' in a heritage precinct. Internal renovations to the heritage buildings are acceptable and consistent with Council policy given there are no internal controls under the provisions of the Heritage Overlay.*

### 6.4.2. Proposed Additions

The proposed development is designed to retain the full depth of the original buildings at 116-122 Lydiard Street North which will appear as standalone structures. In accordance with Clauses 21.06 and 22.05 the new buildings will present as a neutral addition that respects the heritage streetscape. The HIS carefully considers the scale, form, siting and setbacks of the proposal, and concludes that it will respectfully integrate with the existing heritage buildings at 116-122 Lydiard Street North.

On the whole the HIS finds that the redevelopment of the Site is sympathetic to the adjacent heritage buildings. It positively supports the area's cultural heritage significance through a respectful interface that does not interrupt the form of the Lydiard Street North buildings, while incorporating materials and form to acknowledge the cultural and built form heritage of the area. The following excerpt from the HIS provides further support:

*The proposed new hotel and commercial building respond to their heritage contexts through their considered location and external treatment. While of a substantial scale, the new envelopes will achieve a high degree of concealment from Lydiard Street directly to the east and provide an appropriately contextual interface to Mair Street. South of Ballarat Railway Station, the development will provide enhanced definition to the south side of the station forecourt and to Coffee Palace Lane. The scheme will result in a change to the setting of the adjacent heritage places but will not have an unacceptable impact upon their key significant qualities as identified by the relevant Heritage Overlays. The scheme will result in the more intensive use of a prominent central portion of land that has historically been underutilised and poorly presented and will provide a substantial net community benefit.*

*The treatment of the upper levels to both buildings utilises a modern interpretation of the industrial language of early rail design; the robust steel framework is in dialogue with the language of the nearby railway complex. It has a high degree of articulation, via the layout of the steel framework and floor-to-ceiling windows that define each bay, that are reminiscent of the vertically oriented, evenly spaced window layouts to surrounding heritage buildings. The buildings reference some evocative and contextual historical motifs, whilst remaining robustly contemporary. This follows the Policy within Clause 22.05 which advises that new development interprets the cultural significance of the place.*

The HIS goes on to recommend the provision of more detail on the conservation works to the façade of 116-122 Lydiard Street, to be addressed via condition of permit:

*The proposed restoration and conservation works to the facades of 116-120 and 122 Lydiard Street are a positive heritage outcome. They are not outlined in any detail in the present documentation, and it is recommended that a full suite of conservation works be prepared with reference to historical and physical evidence as a condition of permit.*

*The proposed changes to the ground floor door and window openings to 116-120 Lydiard Street are acceptable as the existing shopfront configurations are modern in origin and the new openings will be compatible in character. The proposed changes to the configuration of windows to the rear elevations of 116-120 and 122 Lydiard Street are considered acceptable as they will be located on the rear elevations of the former warehouse and shops which have already undergone some alterations and where they will be of limited visibility. The primary significant frontage to these buildings is their western elevations to Lydiard Street and these changes will not be visible in views from that location.*

The Ballarat Rail Station to the north of the Site features a clock tower which is a widely visible landmark. The proposal will conceal views towards the clock tower from Mair Street, but as discussed in the HIS, views from Mair Street are incidental, while the key view lines are from Lydiard Street North. In terms of height, the roofline of the proposal will be at a lower AHD than the clocktower.

Figure 24: Proposed Lydiard Street North facade



### 6.4.3. Cultural Heritage

The Site is located within an area of cultural heritage sensitivity. The preparation of a CHMP is currently underway by GML Heritage and close to completion.

### 6.4.4. Archaeological Heritage

GML Heritage are also preparing an Archaeological Heritage assessment, to provide a framework for construction activity in the event of uncovering any archaeological heritage material.

## 6.5. DESIGN AND BUILT FORM RESPONSE TO CONTEXT

The proposed built form incorporates two distinct building envelopes that break down the breadth of the development, incorporating public spaces that are weather protected for the enjoyment of future occupants of the buildings and the wider area. The overall design is considered to provide an exemplary response to the site, for the reasons set out below.

### 6.5.1. Built Form

The proposal provides two engaging buildings incorporating a residential hotel at Site A and a commercial building at Site B. The development seeks to provide an office building at human scale, that is inviting to the public, and encourages pedestrian permeability through the site. The proposal has been directed to the road frontages of the site, as well as the interface with the Ballarat Station, to enable a clear street presence, activation and mitigate impacts on the surrounding heritage precinct. The design, fine grain articulation and materiality of the proposal has been inspired by the local context of Ballarat.

The Site A and Site B buildings are predominantly built to the boundaries abutting street and lane frontages. The ground level form along Mair Street and Coffee Palace Lane feature a brick podium that provides fine grain articulation and promotes activation of the site.

The materiality helps to break the development into different elements. As shown in the perspective image below, the upper levels appear to float above the podium while the legibility of ground level premises and pedestrian paths are emphasised.

Figure 25: Proposal from Mair Street and Coffee Palaces Lane intersection



### 6.5.2. Permeability and Public Access

The proposed development provide opportunities for improved connections to the station precinct, with the integration of a potential future pedestrian link over Coffee Palace Lane to the station forming an integral part of the long term design vision for the precinct. The intent of the link is to provide a safer, high quality connection between the station and the ground floor retail, hospitality and office lobby, to enhance the arrival experience for visitors to Ballarat.

At the base of the hotel will be a new area of public realm incorporating seating and landscaping, forming a natural meeting point at the intersection of the key pedestrian access routes through the site.

The perspective below illustrates the design vision for the pedestrian link when viewed from Ballarat Station.

Figure 26: Proposal from Ballarat Station



## 6.6. OFFSITE AMENITY IMPACTS

The proposed uses are considered to have a negligible impact on surrounding properties, and indeed it is considered that the new amenities provided within the Site will directly benefit adjacent uses by bringing increased vitality and foot traffic to the precinct. The proposed uses will largely operate within standard business hours, therefore the anticipated traffic, noise and potential disturbances to nearby uses will be limited.

## 6.7. TRAFFIC AND CAR PARKING

ERS Transport Planning have reviewed the proposed development to determine the suitability of the proposed development from a traffic engineering perspective. Their key findings are outlined below.

### 6.7.1. Car Parking and Traffic Generation

Three vehicle access points to the proposed development will be provided, with two on the eastern boundary from Coffee Palace Lane and the other accessed via an existing lane on the west side of the Mair Street frontage. Other vehicle crossovers will be removed and reinstated as footpath, allowing for improved pedestrian amenity and additional on-street car parking to be provided.

One of the vehicle access points from Coffee Palace Lane will lead to two levels (basement and lower ground floor) of car parking which will be shared by occupants and visitors to the development. The other access point from Coffee Palace Lane will lead to a loading bay area for the residential hotel.

The access from the western lane will lead to 1 level of parking (mezzanine).

A Swept Path Analysis has been carried out by ESR Transport Planning, which has determined that vehicles will be able to safely and efficiently enter and exit the development and the respective car parks.

A total of 108 car parking spaces are proposed as part of the development, at four levels of the development:

- Mezzanine – 21 Car Parking Spaces
- Lower Ground Floor – 22 Car Parking Spaces
- Basement – 65 Car Parking Spaces

When assessed against the requirements of Clause 52.06 of the Ballarat Planning Scheme, the proposal has a shortfall in the provision of statutory car parking. A Car Parking Demand Assessment has been prepared by ESR Transport Planning Group which provides justification for the proposed reduction.

Based on their assessment, a permit to reduce the car parking requirement is sought and is considered acceptable in this instance having regard to:

- The site's location within the Ballarat CBD.
- The availability of on street parking in the vicinity of the Site.
- The availability of public transport.
- Previous approval for a car parking reduction on the Site for approximately 400 spaces.

The proposed development is designed to minimise its impact on the environment and maximise its sustainability credentials by providing less car parking and encouraging more sustainable modes of transportation.

As set out in the Traffic Engineering Assessment, traffic generation from the proposed uses will be relatively minor in comparison to the current vehicle movements along Lydiard Street North and Mair Street. It is expected that the traffic from the proposed development can be absorbed by the local road network without significant impact to the efficient flow of traffic.

Please refer to the Traffic Engineering Assessment prepared by ESR Transport Planning for further detail.

## **6.7.2. Bicycle Parking**

Bicycle parking will be located at the lower levels of the development. The proposal exceeds the statutory requirement for bicycle spaces with 122 staff spaces and 30 visitor spaces which are supported by employee end of trip facilities.

10 visitor spaces are provided towards Coffee Palace Lane and 20 visitor spaces provided in the hotel basement for guests, including 10 rent-a-bikes.

At Site A, hotel staff and visitors have access to bicycle spaces at Basement Level of the residential hotel, while office and retail staff will share a bicycle storage and end of trip area at Lower Ground Level of Site B.

Please refer to the Traffic Engineering Assessment prepared by ESR Transport Planning for further detail.

## **6.8. ADDITIONAL CONSIDERATIONS**

### **6.8.1. Waste Management**

A Waste Management Plan has been prepared by Leigh Designs supporting the proposal. The plan details the anticipated waste generation, waste storage area size, design and location, bins and collection, and ongoing management.

It is proposed that waste be collected by a private contractor within the Basement Level, where the bin storage area is located. Accessibility for staff is provided via nearby stairwells and lifts.

In summary, the proposal provides sufficient space for on-site bin storage that can be appropriately managed through on-site private collection.

Please refer to the included Waste Management Plan by Leigh Designs for further detail.

## 6.8.2. Environmentally Sustainable Design

A Sustainability Management Plan and Water Sensitive Urban Design Response has been prepared by Ark Resources. This meets the requirements of Clause 21.04 (Environmental Resilience) of the Ballarat Planning Scheme.

A Green Star Design and As-built tool has been used to benchmark the performance of the overall Sustainable Design strategy for the building. The building has been designed to achieve a 4-star Green Star rating, and is also targeting a 5.5 Star NABERS Base Building Energy rating in operation. Initiatives related to the following areas have been incorporated into the design to achieve this rating: rainwater harvesting, stormwater management, photovoltaic systems, high performance glazing and energy efficient services, appliances and fixtures, building materials and encouraging sustainable transport.

The report addresses the City of Ballarat's commitment to promoting good ESD outcomes in the built environment and demonstrates how this is being achieved within the project.

Please refer to the Sustainability Management Plan and Water Sensitive Urban Design Response prepared by Ark Resources for further detail.

## 7. CONCLUSION

The Ballarat Gateway project will deliver an exemplary architectural outcome at one of the city's most important arrival points. It will realise significant public realm improvements and establish a new commercial and hospitality anchor that lifts the economic vitality and vibrancy of the area.

The proposed development responds to the commercial zoning of the land, introducing a genuinely mixed use development that supports tourism, leisure, retail and commercial uses on a site that is entirely underutilised. The architectural response has been conceived with careful regard to the heritage values of the site and broader precinct, and while the scheme will result in a change to the setting of the adjacent heritage places, we do not believe it will have an unacceptable impact upon their key significant qualities as identified by the relevant Heritage Overlays.

The scheme will result in the more intensive use of a prominent central portion of land that has historically been underutilised and poorly presented and will provide a substantial net community benefit.

The proposal warrants favourable consideration for the following reasons:

- It optimises the potential of a strategic development site close to the Ballarat CBD for commercial development and employment generation.
- It delivers transit oriented urban renewal on a significant site.
- It delivers a landmark development of a scale that responds to the location of the Site and its position within the CBD.
- It presents a considered and balanced outcome having regard for the objectives and design guidelines of the Heritage Overlay as set out under Clause 43.01, as well as the associated heritage policies provided within Clause 22.05 of the Ballarat Planning Scheme.
- It provides a new public space and permeability throughout the site.
- It improves pedestrian, access and amenity conditions at an important arrival point into Ballarat
- It does not adversely impact existing traffic conditions and provide adequate level of car and bicycle parking.
- It delivers a landmark building that exhibits design excellence.

We consider that the proposed development presents a key opportunity to catalyse the renewal of the station precinct environs and establish a new landmark development within the Ballarat CBD, and is therefore worthy of a planning permit.

# DISCLAIMER

This report is dated 23 December 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Nigro Group (**Instructing Party**) for the purpose of Planning Permit Application (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



# APPENDIX A

# TITLES

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09707 FOLIO 731

Security no : 124102903509N  
Produced 23/12/2022 02:55 PM

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 204707K.  
PARENT TITLE Volume 09683 Folio 648

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
ELMARS NIGRO PTY LTD of [REDACTED]  
AM705654U 14/04/2016



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ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM705655S 14/04/2016  
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP204707K FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 8 MAIR STREET BALLARAT CENTRAL VIC 3350

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 22/10/2016

DOCUMENT END

Delivered from the LANDATA® System by GlobalX Pty Ltd

1	2	3	4	5	6	7	8
<p><b>204707K</b></p> <p><b>LYDIARD STREET NORTH</b></p> <p><b>MAIR STREET</b></p> <p><b>STREET</b></p>							
<p><b>OFFICE USE ONLY</b></p> <p><b>CERTIFICATE OF MUNICIPAL CLERK</b></p> <p><b>MUNICIPALITY</b></p> <p><b>COUNCIL REF.</b></p> <p><b>CERTIFICATE A</b></p> <p>THIS PLAN ACCORDS WITH A PLAN</p> <ul style="list-style-type: none"> <li>SEALED BY THE COUNCIL UNDER SECTION 569B OF THE LOCAL GOVERNMENT ACT 1958 ON</li> <li>CONFIRMED BY THE PLANNING APPEALS BOARD ON</li> <li>AND A REQUIREMENT/NO REQUIREMENT PURSUANT TO SECTION 569E OF THE LOCAL GOVERNMENT ACT 1958 HAS BEEN MADE</li> </ul> <p><b>DATE</b></p> <p><b>MUNICIPAL CLERK</b></p>							
<p><b>CERTIFICATION BY SURVEYOR</b></p> <p>I, <b>ARTHUR ALBERT JEFFREYS</b> of 33 LYDIARD STREET SOUTH BALLARAT 3350 certify that this plan has been prepared from a survey made under my immediate direction and supervision, in accordance with the Survey Act 1978 and completed on <b>14TH MARCH 1986</b> that this plan is accurate and correctly represents the adopted boundaries and the classification of the survey is D.1</p> <p>Date: <b>14TH MARCH 1986</b></p> <p>Licensed Surveyor, Surveyors Act 1978.</p>							
<p><b>AMENDMENTS</b></p> <p><b>SURVEYORS REF.</b></p> <p><b>I. G. BISHOP &amp; A. A. JEFFREYS PTY. LTD.</b> 33 LYDIARD STREET SOUTH, BALLARAT, 3360</p> <p>S.B. 3764A</p>							
<p><b>PLAN APPROVED</b></p> <p>AT <b>24.10.86</b></p> <p>ON</p> <p><b>(ASSISTANT) REGISTRAR OF TITLES</b></p>							
<p><b>OFFICE USE ONLY</b></p> <p><b>PLAN OF SUBDIVISION</b></p> <p><b>COUNTY</b> GRENVILLE</p> <p><b>PARISH</b> BALLARAT</p> <p><b>TOWNSHIP</b> BALLARAT</p> <p><b>SECTION</b> 1A (PART)</p> <p><b>NUMBER OF SHEETS IN PLAN</b> 1</p> <p><b>NUMBER OF THIS SHEET</b> 1</p> <p><b>SCALE</b></p> <p>8 4 0 8 16</p> <p><b>ORIGINAL SHEET SIZE</b> A3</p> <p><b>LENGTHS ARE IN METRES</b> 1:400</p> <p><b>OFFICE USE ONLY</b></p> <p><b>LP 204707K</b></p> <p>VICTORIA</p>							
<p><b>OFFICE</b></p> <p><b>LP204707K</b></p> <p><b>EDITION 1</b></p> <p><b>PARISH / TOWNSHIP / CHART</b> 2</p> <p><b>CHART NR 2</b></p> <p><b>NOTATIONS</b></p> <p><b>LAND SUBJECT TO EASEMENT</b></p> <p>E-1 PARTY WALL WIDE L.P. 203378H</p> <p>E-2 WAY DRAINAGE &amp; SEWERAGE WIDE L.P. 203378H</p> <p>E-3 DRAINAGE AND SEWERAGE WIDE L.P. 66673</p> <p>AND WAY, DRAINAGE &amp; SEWERAGE WIDE L.P. 203378H</p> <p>E-4 SEWERAGE WIDE L.P. 203378H</p> <p><b>LOTS 1 AND 2 HAVE BEEN OMITTED FROM THIS PLAN</b></p> <p><b>TO BE COMPLETED WHERE APPLICABLE</b></p> <p><b>THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS NOS. 604 &amp; 1033</b></p> <p><b>IN PROCLAIMED SURVEY AREA NO. 14</b></p> <p><b>THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED BY THICK LINES</b></p> <p><b>TITLE REF. VOL 9683 FOL 648</b></p> <p><b>LAST PLAN REF. L.P. 203378H (LOT 2)</b></p>							
<p><b>ONLY CERTIFICATE A OR CERTIFICATE B TO BE COMPLETED</b></p> <p><b>DELETE WORDS NOT APPLICABLE</b></p>							

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 02665 FOLIO 822

Security no : 124102903655E  
Produced 23/12/2022 03:01 PM

LAND DESCRIPTION

Crown Allotment 6A Section F Township of Ballarat Parish of Ballarat.  
PARENT TITLE Volume 00756 Folio 077  
Created by instrument 0387045 07/10/1897

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
ELMARS NIGRO PTY LTD of [REDACTED]  
AM705654U 14/04/2016



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ENCUMBRANCES, CAVEATS AND NOTICES

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For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP916969D FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 8 MAIR STREET BALLARAT CENTRAL VIC 3350

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 22/10/2016

DOCUMENT END

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<b>TITLE PLAN</b>	<b>EDITION 1</b>	<b>TP 916969D</b>
<b>LOCATION OF LAND</b> Parish: BALLARAT Township: BALLARAT Section: F Crown Allotment: 6A Crown Portion: -  Last Plan Reference:- Derived From: VOL. 2665 FOL. 822 Depth Limitation: NIL	Notations          ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	

Description of Land/Easement Information

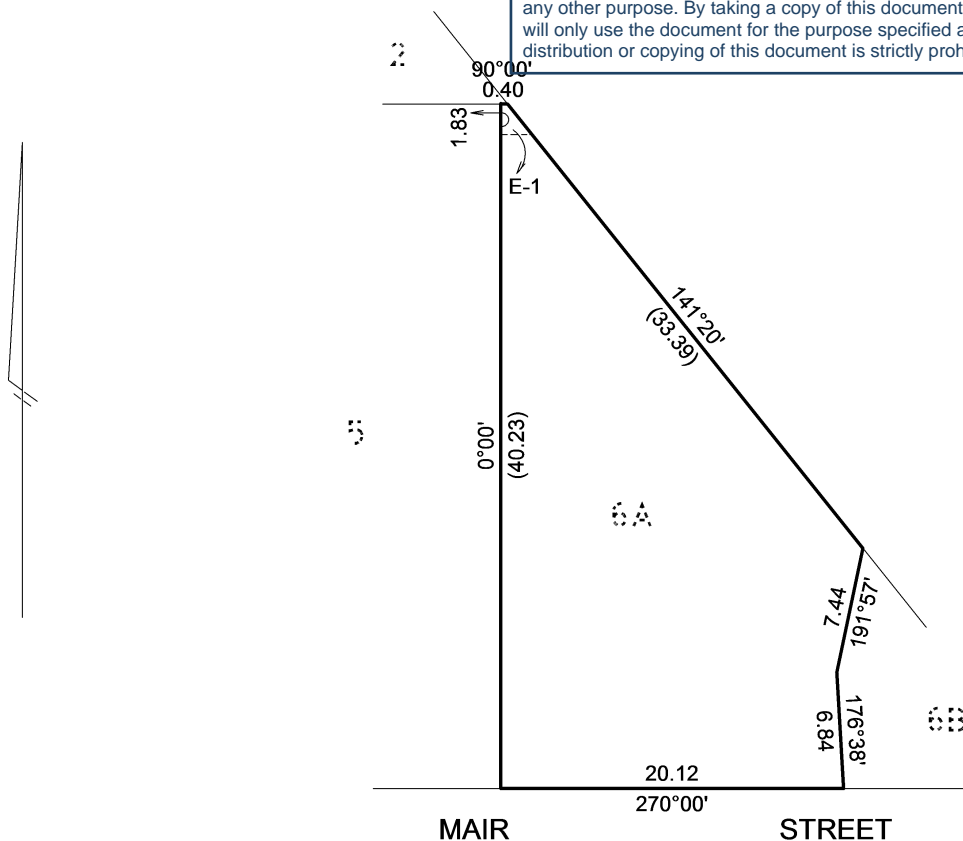
**ENCUMBRANCES**

AS TO THE LAND MARKED E -1  
 ANY EASEMENTS AFFECTING THE SAME

THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES  
 COMPILED: Date: 06/06/2008  
 VERIFIED: A. DALLAS  
*Assistant Registrar of Titles*

**CITY OF BALLARAT**

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 03746 FOLIO 051

Security no : 124102902872F  
Produced 23/12/2022 02:36 PM

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 6B Section 1A Township of Ballarat Parish of Ballarat.

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

ELMARS NIGRO PTY LTD of [REDACTED]  
AM705654U 14/04/2016



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MORTGAGE AM705655S 14/04/2016  
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For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP705962V FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 8 MAIR STREET BALLARAT CENTRAL VIC 3350

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 22/10/2016

DOCUMENT END

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<b>TITLE PLAN</b>		<b>EDITION 1</b>	<b>TP 705962V</b>
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**Location of Land**

Parish: CITY OF BALLARAT PARISH OF BALLARAT  
 Township:  
 Section: F  
 Crown Allotment: 6B  
 Crown Portion:


Last Plan Reference:  
 Derived From: VOL 3746 FOL 051  
 Depth Limitation: 50 FEET

**Notations**

SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 3746 FOL. 051 AND NOTED ON SHEET 2 OF THIS PLAN

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

**Description of Land / Easement Information**

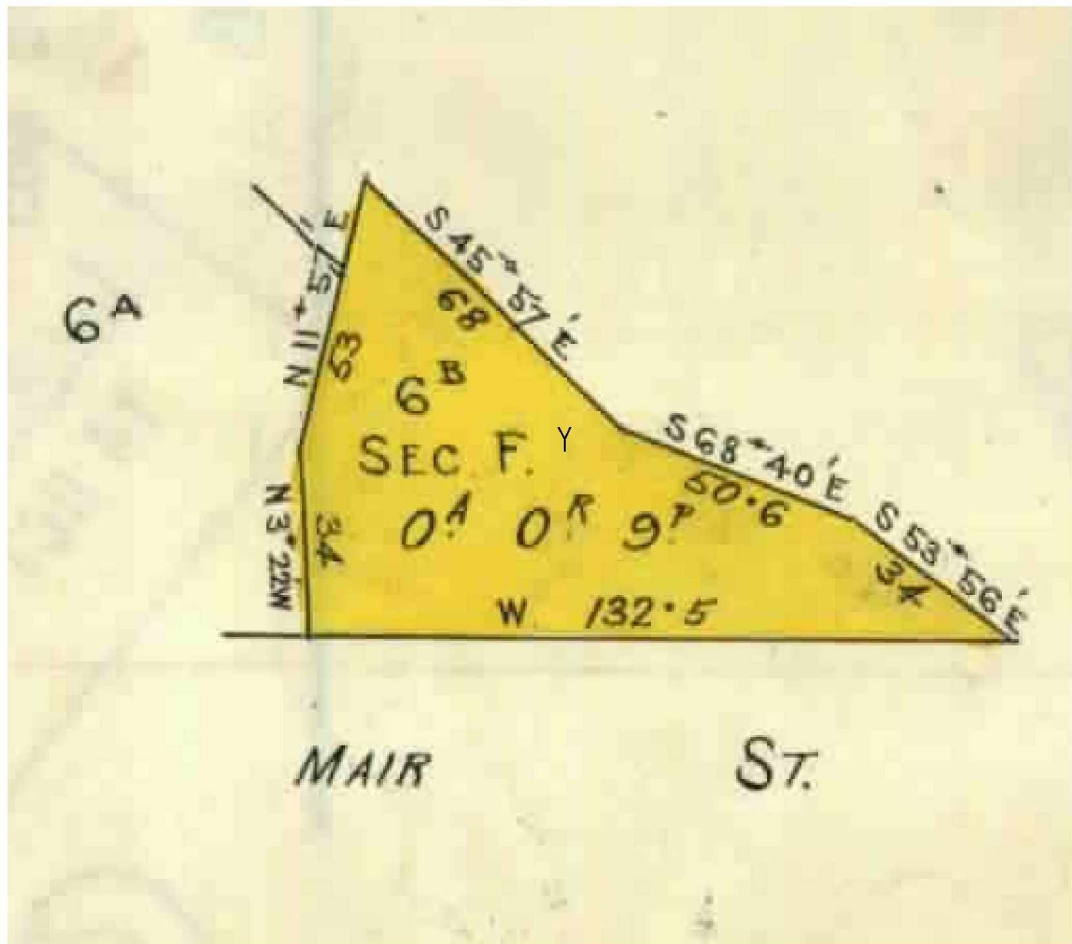
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THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT

COMPILED: 30/11/2000  
 VERIFIED: M.P

**COLOUR CODE**  
 Y = YELLOW



TITLE PLAN

TP 705962V

LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS  
 CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

containing *nine perches more or less being allotment six B of Yechon in the City of Ballarat* *County of Grenville* All THAT PIECE OF LAND in the said State of Victoria

delimited with the measurements and abutments thereof in the map drawn in the margin of these presents and therein coloured yellow PROVIDED nevertheless that the grantee shall be entitled to sink wells for water and to the use and enjoyment of any spring or springs of water upon or within the boundaries of the said land for any and for all purposes as though he held the land without limitation as to depth EXCEPTING nevertheless unto us our heirs and successors all gold and silver and auriferous and argentiferous earth and stone and all mines seams lodes and deposits containing gold silver copper tin antimony coal and other metals and minerals and mineral ores in upon and under and within the boundaries of the land hereby granted AND ALSO reserving to us our heirs and successors free liberty and authority for us our heirs and successors and our and their licensees agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver copper tin antimony coal and all other metals and minerals and mineral ores and to extract and remove therefrom any gold silver and any auriferous and argentiferous earth or stone copper tin antimony coal and other metals and minerals and mineral ores and to search for and work dispose of and carry away the gold silver copper tin antimony coal metals minerals and their ores and the mines metals and minerals in the land lying in upon and under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver copper tin antimony coal and other metals and minerals and mineral ores and the working of all mines seams lodes and deposits containing gold silver copper tin antimony coal and other metals and minerals and mineral ores in upon or under the land hereby granted

PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under Section 180 of the Land Act 1901 AND PROVIDED also that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a licence to search for metals or minerals or of a mining or mineral lease to enter therein and to mine for gold silver copper tin antimony coal and other metals and minerals and mineral ores and to erect and to occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those on which the holder of a miner's right or of a mining or mineral lease had at the date of these presents the right to mine for gold and silver in and upon Crown lands PROVIDED that compensation shall be paid to the said GRANTEE

his heirs executors administrators assigns and transferees by such person for surface damage to be done to such lands by reason of mining thereon such compensation to be determined as provided for the time being by law for the case of land resumed for mining purposes and the payment thereof to be a condition precedent to such right of entry.



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LENGTHS ARE IN  
LINKS

Metres = 0.3048 x Feet  
 Metres = 0.201168 x Links

Sheet 2 of 2 sheets



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08821 FOLIO 325

Security no : 124102903621R  
Produced 23/12/2022 02:59 PM

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 6D Section 1A Township of Ballarat Parish of Ballarat.

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

ELMARS NIGRO PTY LTD of [REDACTED]  
AM705654U 14/04/2016

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM705655S 14/04/2016  
NATIONAL AUSTRALIA BANK LTD

**CITY OF  
BALLARAT** 

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For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP425819L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 8 MAIR STREET BALLARAT CENTRAL VIC 3350

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 22/10/2016

DOCUMENT END

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<b>TITLE PLAN</b>	<b>EDITION 1</b>	<b>TP 425819L</b>
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**Location of Land**

Parish: BALLARAT  
 Township: BALLARAT  
 Section: 1A  
 Crown Allotment: 6D  
 Crown Portion:


Last Plan Reference:  
 Derived From: VOL 8821 FOL 325  
 Depth Limitation: 50 FEET

**Notations**

SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 8821 FOL. 325 AND NOTED ON SHEET 2 OF THIS PLAN

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

**Description of Land / Easement Information**

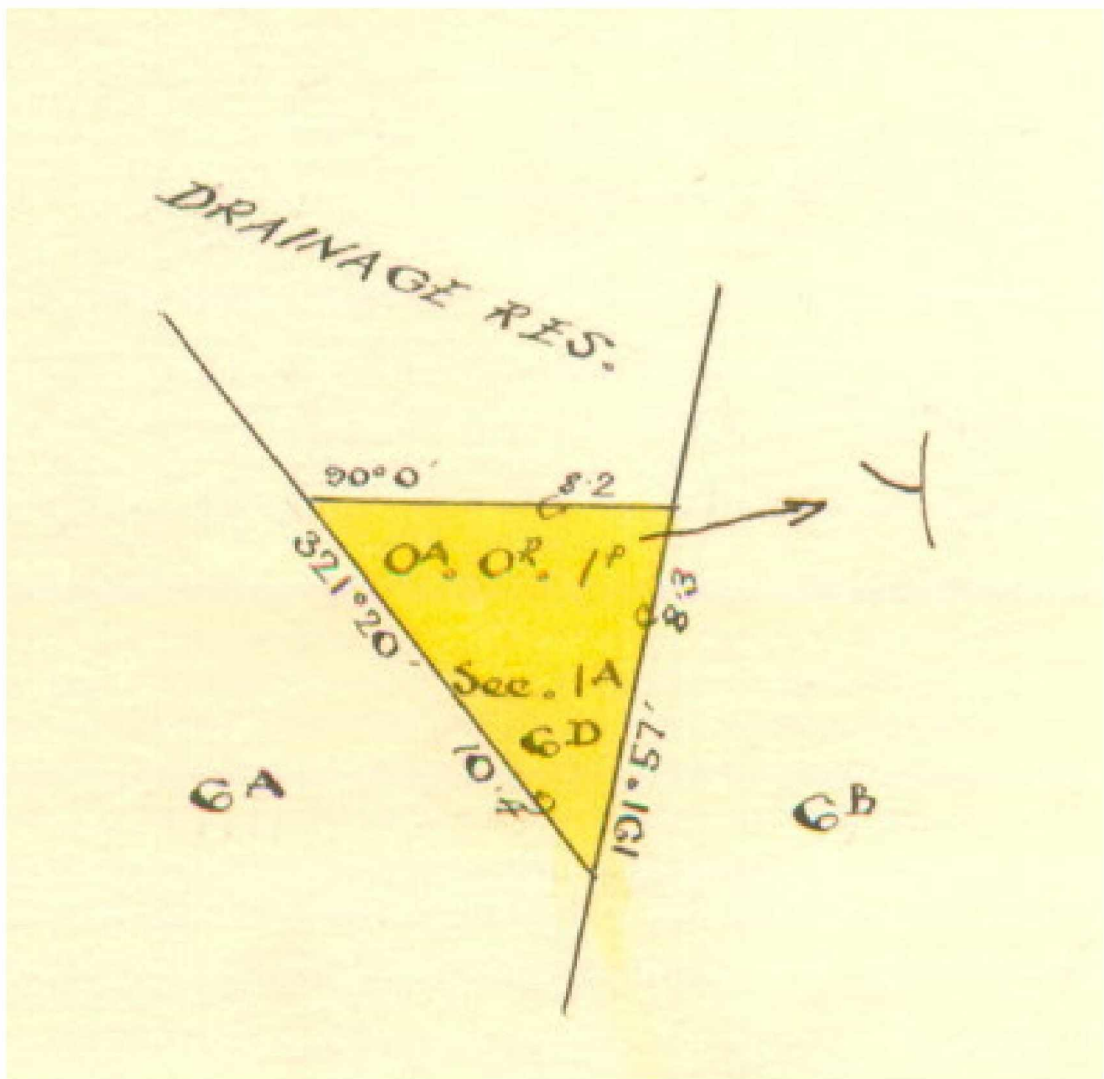


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THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT

COMPILED: 03/05/2000  
 VERIFIED: GB

**COLOUR CODE**  
 Y = YELLOW



LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS  
CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

All THAT PIECE OF LAND in the said

State containing **one perch more or less being Allotment six<sup>D</sup> of Section one<sup>A</sup> in the Township of Ballarat Parish of Ballarat County of Grenville**

delineated and colored yellow in the map in the margin hereof TOGETHER with the right to sink wells for water and to the use for all purposes of any wells and springs now or hereafter upon the said land as though this Grant had been made without any limitation as to depth PROVIDED that this Grant is made subject to—

(a) the reservation to Us Our heirs and successors of—

- (i) all gold silver uranium thorium and minerals within the meaning of the *Mines Act* 1958 and petroleum within the meaning of the *Petroleum Act* 1958 (hereinafter called “ the reserved minerals ”);
- (ii) rights of access for the purpose of searching for and obtaining the reserved minerals in any part of the said land ;
- (iii) rights for access and for pipe-lines works and other purposes necessary for obtaining and conveying on and from the said land any of the reserved minerals which is obtained in any part of the said land ;

(b) the right to resume the said land for mining purposes pursuant to section 205 of the *Land Act* 1958 ;

(c) the right of any person being the holder of a miner’s right or of a mining lease or mineral lease under the *Mines Act* 1958 or any corresponding previous enactment to enter on the said land and to mine for gold or minerals within the meaning of that Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those under which such a person has now the right to mine for gold and silver in and upon Crown lands provided that compensation as prescribed by Part II. of that Act is paid for surface damage to be done to the said land by reason of mining thereon.

**(d) the condition that the grantee and its successors in title shall take the said land notwithstanding the impediment that no legal road access thereto has been provided or implied by these presents and the grantee and its successors in title agree to indemnify Us Our heirs and successors against the expenses of acquiring or providing an easement of way to the land hereby granted or any part thereof.**



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08538 FOLIO 094

Security no : 124102902670A  
Produced 23/12/2022 02:31 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 066673.

PARENT TITLES :

Volume 02277 Folio 282      Volume 02665 Folio 822      Volume 06554 Folio 691  
Created by instrument LP066673 03/03/1965

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
ELMARS NIGRO PTY LTD of [REDACTED]  
AM705654U 14/04/2016



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ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM705655S 14/04/2016  
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP066673 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 8 MAIR STREET BALLARAT CENTRAL VIC 3350

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 22/10/2016

DOCUMENT END

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Document Identification	<b>LP066673</b>
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Document Assembled	<b>20/08/2021 11:57</b>

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LP66673  
EDITION 3  
APPROVED 24/12/64

# PLAN OF SUBDIVISION

## PART OF CROWN SECTION F

### TOWNSHIP OF BALLAARAT

### PARISH OF BALLAARAT

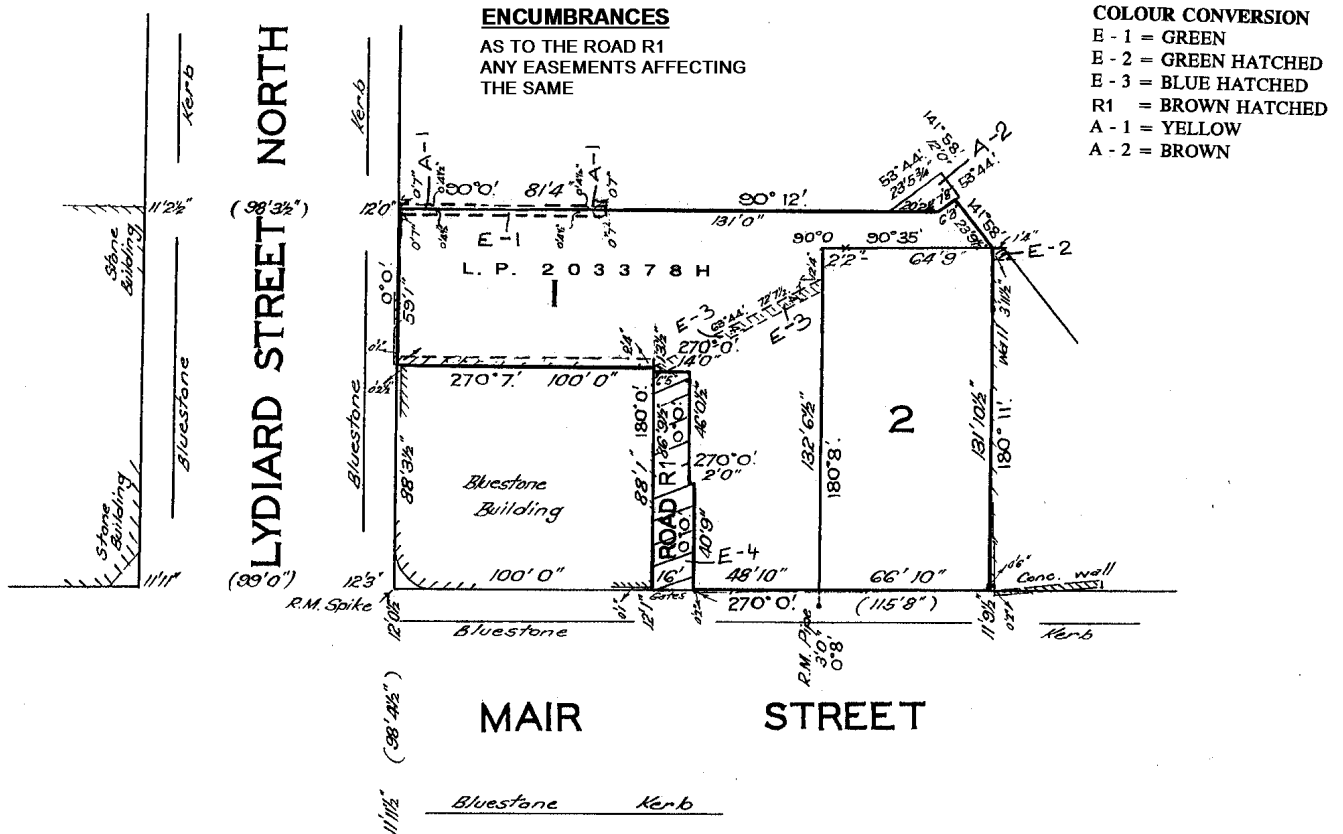
Measurements are in Feet & Inches  
Conversion Factor  
FEET X 0.3048 = METRES

Note: The land coloured Green is encumbered as an existing Party-wall easement  
(Vide C/T Vol. 655A Fol. 691.)  
The land colored yellow is an appurtenant party wall easement to part only

The land coloured Green <sup>hatched</sup> is appropriated as a Drainage easement

The land coloured Blue hatched is appropriated or set apart as a Drainage and Sewerage easement.

The land coloured Brown is an appurtenant Carriage-way easement to part only  
(Vide C/T. Vol 655A Fol. 691.)



**ENCUMBRANCES**  
AS TO THE ROAD R1  
ANY EASEMENTS AFFECTING  
THE SAME

**COLOUR CONVERSION**  
 E - 1 = GREEN  
 E - 2 = GREEN HATCHED  
 E - 3 = BLUE HATCHED  
 R1 = BROWN HATCHED  
 A - 1 = YELLOW  
 A - 2 = BROWN

**CITY OF BALLARAT**

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Plan amended vide APPN 527 SEC. 73  
12 7 1966

CERTIFICATE OF TITLE V. 2277 F. 282  
2980 697 822  
697 897

LODGED BY CUTHBERT, MORROW & CO

DEALING No. \_\_\_\_\_ DATE 28-10-64

DECLARED BY M.A. OISSING 17-9-64

CONSENT OF COUNCIL CITY OF BALLAARAT  
12-10-64

APPROVED \_\_\_\_\_  
 PLAN MAY BE LODGED - DATE 24-12-64 TIME 12-31

LP ...66673.....  
 BACK OF SHEET ...1.....

THE LAND COLOURED BLUE HATCHED  
 IS APPROPRIATED  
 OR SET APART FOR  
 EASEMENTS OF DRAINAGE AND SEWERAGE

THE LAND COLOURED BROWN HATCHED  
 IS APPROPRIATED  
 OR SET APART FOR  
 EASEMENTS OF WAY AND DRAINAGE

THE LAND COLOURED GREEN HATCHED  
 IS APPROPRIATED  
 OR SET APART FOR  
 EASEMENTS OF DRAINAGE

THE LAND COLOURED GREEN  
 IS ENCUMBERED SEE  
 VOL. 6554 FOL. 691

THE LAND COLOURED YELLOW  
 IS AN APPURTENANT EASEMENT TO PART ONLY  
 SEE VOL. 6554 FOL. 691

THE LAND COLOURED BROWN  
 IS AN APPURTENANT EASEMENT TO PART ONLY  
 SEE VOL. 6554 FOL. 691

LIST OF MODIFICATIONS					
LAND	I.D.	MODIFICATION	DEALING No:	A.R.T.	NEW EDN.
LOT 2		Removal of Easement	APPN 527 Sec 73	<i>AM</i>	2
ROAD	R1	EASEMENT ENHANCED		AD	3



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09683 FOLIO 647


Security no : 124102903026N  
Produced 23/12/2022 02:40 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 203378H.  
PARENT TITLE Volume 08538 Folio 093  
Created by instrument LP203378H 13/06/1986

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
ELMARS NIGRO PTY LTD of [REDACTED]  
AU345074Y 14/05/2021



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ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AU345075W 14/05/2021  
NATIONAL AUSTRALIA BANK LTD

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DIAGRAM LOCATION

SEE LP203378H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 116 LYDIARD STREET NORTH BALLARAT CENTRAL VIC 3350

ADMINISTRATIVE NOTICES

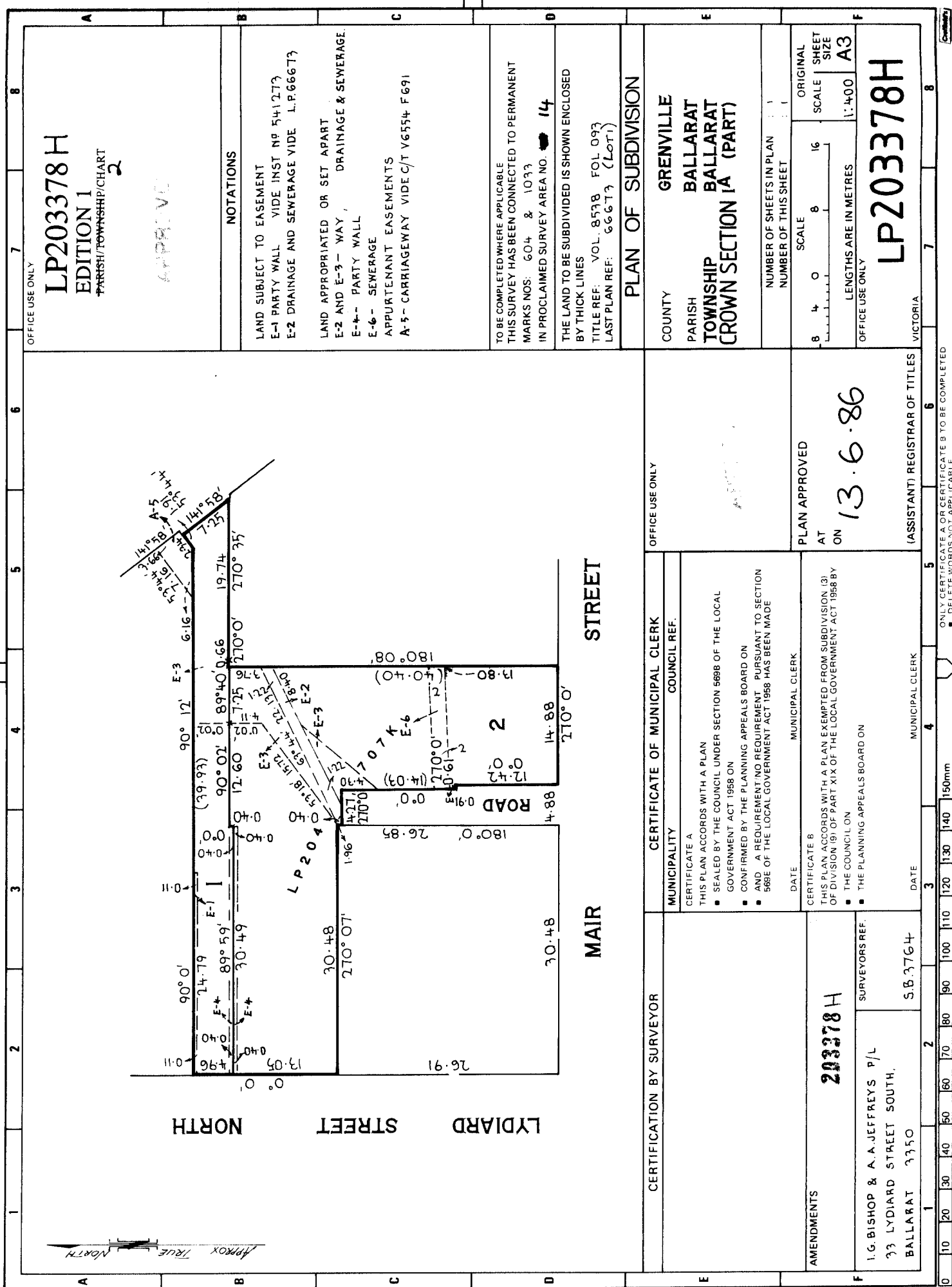
NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 14/05/2021

DOCUMENT END

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OFFICE USE ONLY  
**LP203378H**  
 EDITION 1  
 PARISH/TOWNSHIP/CHART  
 BALLARAT

NOTATIONS  
 LAND SUBJECT TO EASEMENT  
 E-1 PARTY WALL VIDE INST N° 541273  
 E-2 DRAINAGE AND SEWERAGE VIDE L.P.66673  
 LAND APPROPRIATED OR SET APART  
 E-2 AND E-3 - WAY DRAINAGE & SEWERAGE  
 E-4 - PARTY WALL  
 E-6 - SEWERAGE  
 APPURTENANT EASEMENTS  
 A-5 - CARRIAGEWAY VIDE C/T V6554 F691

TO BE COMPLETED WHERE APPLICABLE  
 THIS SURVEY HAS BEEN CONNECTED TO PERMANENT  
 MARKS NOS: 604 & 1033  
 IN PROCLAIMED SURVEY AREA NO. 14  
 THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED  
 BY THICK LINES  
 TITLE REF: VOL. 8538 FOL 093  
 LAST PLAN REF: 66673 (Lot 1)

PLAN OF SUBDIVISION  
 COUNTY **GRENVILLE**  
 PARISH **BALLARAT**  
 TOWNSHIP **BALLARAT**  
 CROWN SECTION **1A (PART)**

NUMBER OF SHEETS IN PLAN 1  
 NUMBER OF THIS SHEET 1  
 SCALE 1:400  
 ORIGINAL SHEET SIZE A3  
 LENGTHS ARE IN METRES  
 OFFICE USE ONLY  
**LP203378H**  
 VICTORIA

OFFICE USE ONLY

CERTIFICATE OF MUNICIPAL CLERK  
 MUNICIPALITY **COUNCIL REF.**

CERTIFICATE A  
 THIS PLAN ACCORDS WITH A PLAN  
 SEALED BY THE COUNCIL UNDER SECTION 569B OF THE LOCAL  
 GOVERNMENT ACT 1958 ON  
 CONFIRMED BY THE PLANNING APPEALS BOARD ON  
 AND A REQUIREMENT/NO REQUIREMENT PURSUANT TO SECTION  
 568E OF THE LOCAL GOVERNMENT ACT 1958 HAS BEEN MADE

DATE  
 MUNICIPAL CLERK  
 CERTIFICATE B  
 THIS PLAN ACCORDS WITH A PLAN EXEMPTED FROM SUBDIVISION (3)  
 OF DIVISION 191 OF PART XIX OF THE LOCAL GOVERNMENT ACT 1958 BY  
 THE COUNCIL ON  
 THE PLANNING APPEALS BOARD ON

CERTIFICATION BY SURVEYOR

AMENDMENTS  
**203378H**  
 SURVEYORS REF.  
**A. A. JEFFREYS P/L**  
**33 LYDIARD STREET SOUTH,**  
**BALLARAT 3350**  
**S.B.3764**

PLAN APPROVED  
 AT  
 ON

**13.6.86**

(ASSISTANT) REGISTRAR OF TITLES

ONLY CERTIFICATE A OR CERTIFICATE B TO BE COMPLETED  
 ■ DELETE WORDS NOT APPLICABLE

1	2	3	4	5	6	7	8
A	B	C	D	E	F		

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09817 FOLIO 486

Security no : 124102902712E  
Produced 23/12/2022 02:32 PM

LAND DESCRIPTION

Land in Plan of Consolidation 167510V.

PARENT TITLES :

Volume 02597 Folio 375      Volume 03180 Folio 901      Volume 04415 Folio 818  
Created by instrument CP167510V 24/06/1988

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

ELMARS NIGRO PTY LTD of [REDACTED]  
AT732656B 29/10/2020

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AT732657Y 29/10/2020  
NATIONAL AUSTRALIA BANK LTD



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AGREEMENT Section 173 Planning and Environment Act 1987  
AK448104F 05/07/2013

DIAGRAM LOCATION

SEE TP458182X FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: "THE GRAND HOTEL" 118-122 LYDIARD STREET NORTH BALLARAT CENTRAL VIC 3350

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 29/10/2020

DOCUMENT END

**AK448104F**



FORM 18 Section 181

**APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE  
MAKING OF A RECORDING OF AN AGREEMENT**

**Planning and Environment Act 1987**

Lodged by: *Bazzani scully piddle*

Name: [REDACTED]

Phone: *(03) 9670 0722*

Address: *Level 15, 200 Queen Street, Melbourne, Vic 3000*

Ref:

Customer Code: *11825*

The Authority having made an agreement referred to in section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register for the land.

Land: Certificate of Title Volume 9817 Folio 486

Applicant: *City of Ballarat*  
*25 Armstrong Street, Ballarat, Victoria 3350*

Section and Act under which agreement made:  
*S 173 of Planning and Environment Act 1987*

A copy of the Agreement is attached to this Application.

Signature for the Authority:

[REDACTED]  
*Director Growth & Development*

Name of Officer: \_\_\_\_\_

Date: *12/6/13*

CITY OF  
**BALLARAT** 

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**AK448104F**

05/07/2013 \$113 173



**CITY OF BALLARAT**  
(COUNCIL)

**AND**

**BALLAR PROPERTY CO PTY LTD**  
(OWNER)

**AGREEMENT UNDER SECTION 173 OF THE  
Planning and Environment Act 1987**

118-122 Lydiard Street North, Ballarat

**PLANNING AND ENVIRONMENT ACT 1987**

**SECTION 173 AGREEMENT**



**THIS AGREEMENT** is made the \_\_\_\_\_ day of \_\_\_\_\_

**BETWEEN:**

**CITY OF BALLARAT**  
of 25 Armstrong Street, Ballarat, in the State of Victoria

**(Council)**

**BALLAR PROPERTY CO PTY LTD (ACN 116 593 527)**  
of 801 Glenferrie Road, Hawthorn, in the State of Victoria

**(Owner)**

**INTRODUCTION**

- A) The Council is the Responsible Authority for the Planning Scheme under the Act.
- B) The Owner is the registered proprietor of the Subject Land.
- C) The Council has issued planning permit No. PLP/2011/700 (**Planning Permit**) for use of the existing premises as an hotel, dispensation of car and bicycle parking, the use and installation of 30 electronic gaming machines and late night (general) liquor licence. A copy of the Planning Permit is attached to this Agreement and marked 'A'.
- D) Condition 17 of the Planning Permit requires the Owner to enter into this Agreement prior to the use authorised under the Planning Permit commencing.
- E) As at the date of this Agreement, the Subject Land is encumbered by Mortgage No. AF053941J in favour of the Mortgagee. The Mortgagee has consented to the Owner entering into this Agreement.
- F) The parties enter into this Agreement -
  - (a) to give effect to the requirements of the Planning Permit; and
  - (b) to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

**IT IS AGREED:**

**1. DEFINITIONS**

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise.

- (a) "the Act" means the Planning and Environment Act 1987.
- (b) "this Agreement" means this agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.

- (c) "the Endorsed Plan" means the plan, endorsed with the stamp of the Council, that forms part of the Development Parfait. A copy of the plan, as at the date of this Agreement, is attached to this Agreement and marked with the letter 'C'.
- (d) "Owner" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land and or any part of it and includes a Mortgage-in-possession.
- (e) "Planning Permit" means the Planning Permit referred to in Recital C of this Agreement.
- (f) "Planning Scheme" means the Ballarat Planning Scheme and any other Planning Scheme which applies to the Subject Land.
- (g) "Subject Land" means the land situated at 118-122 Lydiard Street North, Ballarat being the land referred to in Certificate of Title Volume 9817 Folio 486 and any reference to the Subject Land in this Agreement will include a reference to any lot created by the subdivision of the Subject Land or any part of it.
- (h) "Mortgagee" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- (a) The singular includes the plural and vice versa.
- (b) A reference to a gender includes a reference to each other gender.
- (c) A reference to a person Includes a reference to a firm, corporation or other corporate body and that person's successors. in law.
- (d) If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- (e) A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- (f) The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- (g) The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land PROVIDED THAT if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

**AK448104F**



3. SPECIFIC OBLIGATIONS OF THE OWNER

The Owner covenants and agrees that:

- (a) Due to limited street frontage in Lydiard Street North, the Subject Land will not be able to be serviced with Council refuse, recycle or green waste collection services.
- (b) Refuse must be appropriately stored and removed from the site every two weeks as a minimum by a recognised waste removal contractor to the satisfaction of the Council.

#### 4. COUNCIL'S COSTS TO BE PAID

The Owner must pay to the Council the Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution, registration, enforcement, amendment and ending of this Agreement and until those costs are paid they will remain a debt of the Owner to the Council.

#### 5. ACKNOWLEDGEMENT FROM THE COUNCIL

- (a) The Council acknowledges that condition 17 of the planning permit indicates that the Council may resolve to release the Owner from the obligations contained in this Agreement if the Council is satisfied that an appropriate alternative arrangement can be made and, on this basis, the Council will agree to end the Agreement pursuant to clause 12 of this Agreement.

#### 6. FURTHER OBLIGATIONS OF THE OWNER

The Owner further covenants and agrees

- (a) Notice and Registration

the Owner will bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns.

- (b) Further actions

- (i) the Owner will do all things necessary, including signing any further agreements, undertakings, covenants and consents, approvals or other documents necessary for the purpose of ensuring that the Owner carries out the Owner's covenants under this Agreement and to enable the Council to enforce the performance by the Owner of such covenants and undertakings;
- (ii) the Owner will consent to the Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act and do all things necessary to enable the Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that Section.

- (c) Exemption

the Owner will exempt the Council, its employees, contractors and agents from and against all costs, expenses, losses or damages whatsoever which they or any of them may sustain incur or suffer, or become liable for or in respect of any



suit, action, proceeding, judgement or claim brought by any person whatsoever arising from or referable to this Agreement or any compliance thereof.

7. AGREEMENT UNDER SECTION 173 OF THE ACT

The Council and the Owner agree that without limiting or restricting their respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

8. OWNERS WARRANTIES

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

9. SUCCESSORS IN TITLE

Without limiting the operation or effect which this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

- (a) give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- (b) execute a deed agreeing to be bound by the terms of this Agreement.

10. GENERAL MATTERS

(a) Notices

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

- (i) by delivering it personally to that party;
- (ii) by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- (iii) by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party hand delivery or prepaid post.

(b) A notice or other communicate is deemed served:

- (i) if delivered, on the next following business day;
- (ii) if posted, on the expiration of two business days after the date of posting; or
- (iii) if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

(c) No Waiver





Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or any judgement or other obtained by the Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement.

(d) Severability

If a court, arbitrator, tribunal or other competent authority determines that a work, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

(e) No Fettering of the Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

11. COMMENCEMENT OF AGREEMENT

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

12. ENDING OF AGREEMENT

This Agreement may be ended by agreement between Council and the Owner.

EXECUTED by the parties on the date set out at the commencement of this Agreement



**EXECUTED** by CITY OF BALLARAT )  
by authorised signatory [redacted] )  
(Director Growth & Development) in the )  
presence of: )

[redacted]

Signature of Witness

[redacted]

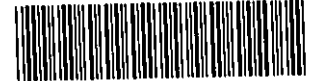
Signature of Eric Braslis

[redacted]

Name of Witness (please print)

**AK448104F**

05/07/2013 \$113 173



**EXECUTED** by BALLAR PROPERTY )  
CO PTY LTD (ACN 116 593 527) in )  
accordance with Section 127 of the )  
*Corporations Act 2001*: )

[redacted]

Signature of Director

[redacted]

Signature of Director/Company Secretary  
(delete which is not applicable)

[redacted]

Name of Director (please print)

[redacted]

Name of Director/Company Secretary  
(please print)

## Mortgagee's Consent

The Commonwealth Bank of Australia as Mortgagee of registered mortgage No. AF053941J consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes Mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.



---

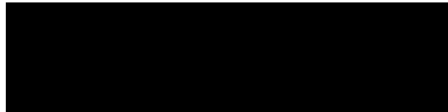
For and on behalf of the Mortgagee.

**AK448104F**

05/07/2013 \$113 173  


Signed for and on behalf of  
COMMONWEALTH BANK of AUSTRALIA  
ABN 48 123 123 124 by its Attorney  
Tamara Squires under Power Dated 9 July 2008  
A certified copy of which is filed in Permanent  
Order Book 277 Page 027 Item 29 who certifies  
that she is an Analyst of COMMONWEALTH BANK  
of AUSTRALIA in the presence of:

)  
)  
) COMMONWEALTH  
) BANK of AUSTRALIA  
)  
)  
)  
)  
)



Signature of Witness

Name of Witness



TITLE PLAN	EDITION 2	TP 458182X
<p>Location of Land</p> <p>Parish: BALLARAT                      Township: BALLARAT                      Section: 1A                      Crown Allotment: 2 (PT), 3 (PT)                      Crown Portion:</p> <p>Last Plan Reference: CP 167510V                      Derived From: VOL 9817 FOL 486                      Depth Limitation: NIL</p>	<p>Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>	
<p>Description of Land / Easement Information</p> <p>ALL THAT PIECE OF LAND IN THE TOWNSHIP AND PARISH OF - - -                      BALLARAT BEING THE LAND IN PLAN OF CONSOLIDATION NO.167510V AND BEING --                      PART OF CROWN ALLOTMENTS 2 AND 3 SECTION ONE<sup>A</sup> WHICH LAND IS SHOWN - - --                      ENCLOSED BY CONTINUOUS LINES ON THE MAP HEREON - AS TO THE LAND SHOWN --                      MARKED "B", "E-1","E-2" AND "E-4" TOGETHER WITH A RIGHT TO USE THE LAND                      MARKED "A-1" FOR PARTY WALL PURPOSES - - - - -</p>		<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 22/08/2002                      VERIFIED: DA</p>
<p><b>ENCUMBRANCES</b></p> <p>AS TO THE LAND SHOWN MARKED E-1                      THE PARTY WALL EASEMENT RESERVED BY                      TRANSFER 541273 -</p> <p>AS TO THE LAND SHOWN MARKED E-2                      THE CARRIAGE WAY EASEMENT RESERVED                      BY TRANSFER 541273 -</p> <p>AS TO THE LAND MARKED E-3 &amp; E-4 POWERLINE PURPOSES IN FAVOUR OF POWERCOR AUSTRALIA LTD                      CREATED IN AF110061B.</p>		
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="width: 45%;"> </div> <div style="width: 45%; text-align: center;"> </div> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> </div>		
<p>LENGTHS ARE IN METRES</p>	<p>Metres = 0.3048 x Feet                      Metres = 0.201168 x Links</p>	<p>Sheet 1 of 1 sheets</p>



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09817 FOLIO 486

Security no : 124102902712E  
Produced 23/12/2022 02:32 PM

LAND DESCRIPTION

Land in Plan of Consolidation 167510V.

PARENT TITLES :

Volume 02597 Folio 375      Volume 03180 Folio 901      Volume 04415 Folio 818

Created by instrument CP167510V 24/06/1988

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

ELMARS NIGRO PTY LTD  
AT732656B 29/10/2020



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ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AT732657Y 29/10/2020  
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987  
AK448104F 05/07/2013

DIAGRAM LOCATION

SEE TP458182X FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: "THE GRAND HOTEL" 118-122 LYDIARD STREET NORTH BALLARAT CENTRAL VIC 3350

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 29/10/2020

DOCUMENT END



# Imaged Document Cover Sheet

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Document Identification	<b>TP458182X</b>
Number of Pages (excluding this cover sheet)	<b>2</b>
Document Assembled	<b>19/08/2021 14:45</b>

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<b>TITLE PLAN</b>	<b>EDITION 2</b>	<b>TP 458182X</b>
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<p><b>Location of Land</b></p> <p>Parish: BALLARAT          Township: BALLARAT          Section: 1A          Crown Allotment: 2 (PT), 3 (PT)          Crown Portion:</p> <p>Last Plan Reference: CP 167510V          Derived From: VOL 9817 FOL 486          Depth Limitation: NIL</p>	<p style="text-align: center;"><b>Notations</b></p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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<p style="text-align: center;"><b>Description of Land / Easement Information</b></p> <p style="text-align: center;">ALL THAT PIECE OF LAND IN THE TOWNSHIP AND PARISH OF - - - -          BALLARAT BEING THE LAND IN PLAN OF CONSOLIDATION NO.167510V AND BEING - - - -          PART OF CROWN ALLOTMENTS 2 AND 3 SECTION ONE<sup>A</sup> WHICH LAND IS SHOWN - - - -          ENCLOSED BY CONTINUOUS LINES ON THE MAP HEREON - AS TO THE LAND SHOWN - - - -          MARKED "B", "E-1","E-2" AND "E-4" TOGETHER WITH A RIGHT TO USE THE LAND - - - -          MARKED "A-1" FOR PARTY WALL PURPOSES -</p>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 22/08/2002          VERIFIED: DA</p>
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**ENCUMBRANCES**

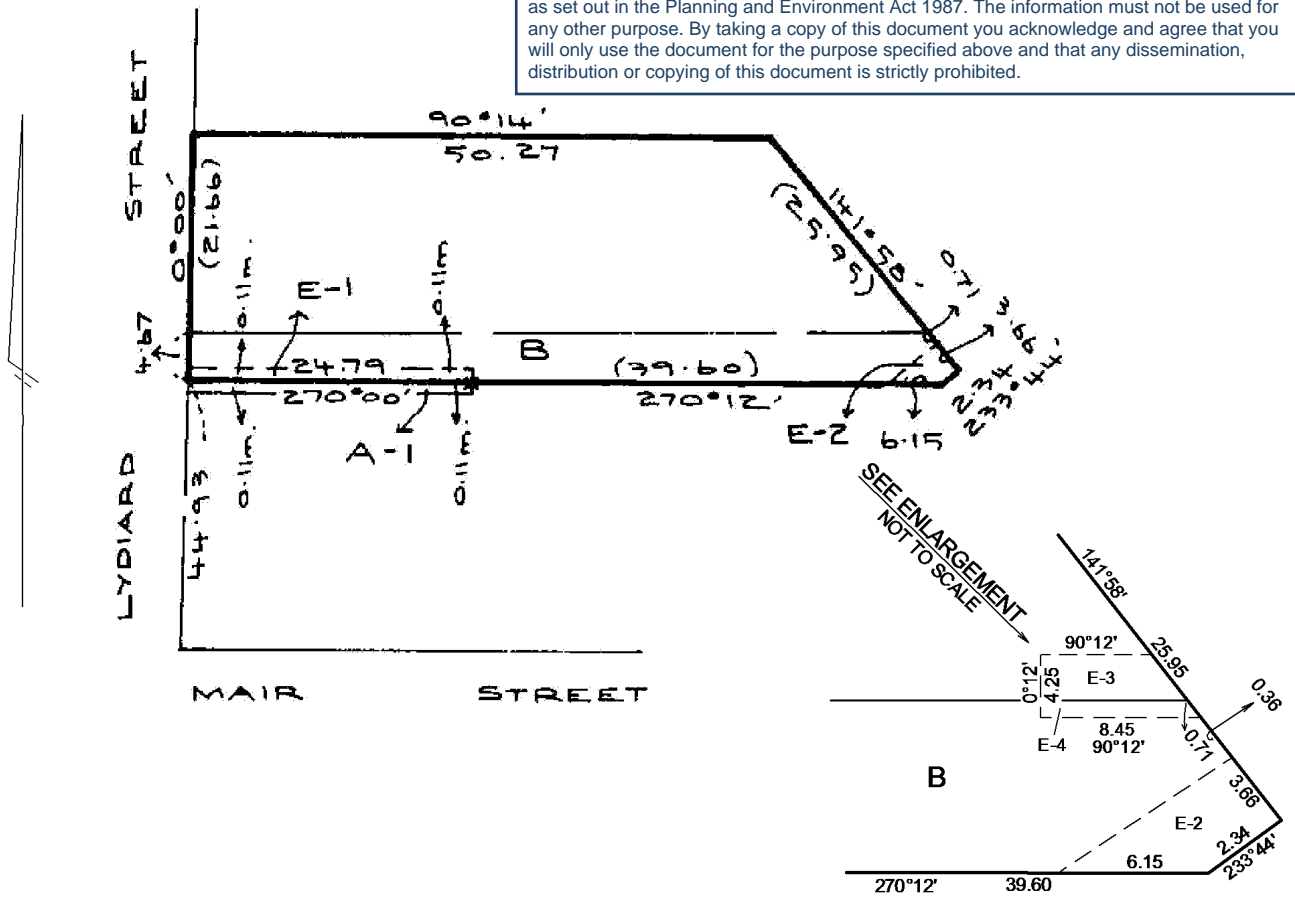
AS TO THE LAND SHOWN MARKED E-1  
 THE PARTY WALL EASEMENT RESERVED BY  
 TRANSFER 541273 -

AS TO THE LAND SHOWN MARKED E-2  
 THE CARRIAGE WAY EASEMENT RESERVED  
 BY TRANSFER 541273 -

AS TO THE LAND MARKED E-3 & E-4 POWERLINE  
 PURPOSES IN FAVOUR OF POWERCOR AUSTRALIA LTD  
 CREATED IN AF110061B.



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LENGTHS ARE IN METRES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	
		Sheet 1 of 1 sheets

# MODIFICATION TABLE


RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

## PLAN NUMBER

### TP458182X

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NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.**

AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
	E-4	CREATION OF EASEMENT	AF110061B	22/8/07	2	IT



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CROWN FOLIO STATEMENT

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VOLUME 11789 FOLIO 959  
No Coft exists

Security no : 124102902701R  
Produced 23/12/2022 02:32 PM

CROWN FOLIO

LAND DESCRIPTION

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Crown Allotment 2012 Township of Ballarat Parish of Ballarat.

PARENT TITLES :

Volume 11708 Folio 055      Volume 11790 Folio 044  
Created by instrument MI244727D 06/08/2016

CROWN LAND ADMINISTRATOR

---

BALLARAT CITY COUNCIL  
MI244727D 06/08/2016



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STATUS, ENCUMBRANCES AND NOTICES

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GOVERNMENT ROAD MI244729Y 06/08/2016

DIAGRAM LOCATION

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SEE CD094022T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS


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NIL

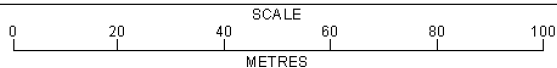
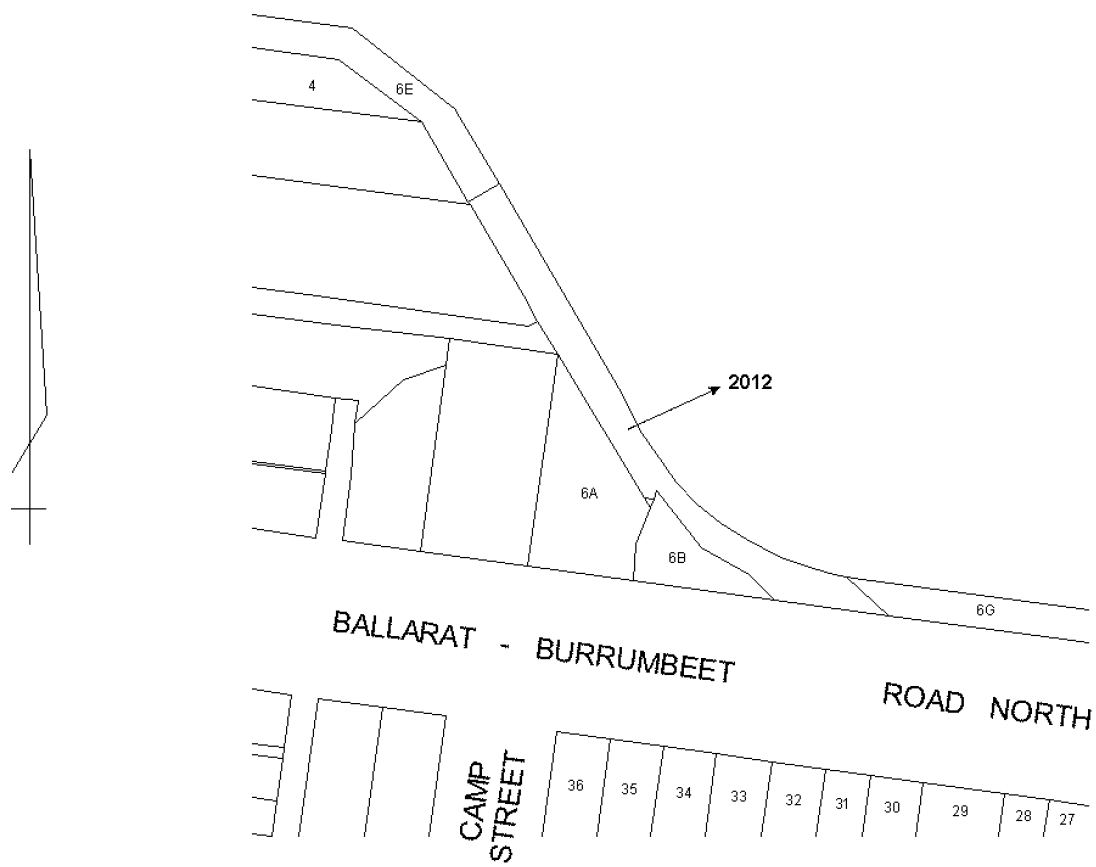
DOCUMENT END

<b>CROWN DIAGRAM</b>	<b>CD094022T</b>
<b>Location of Land</b> Parish : BALLARAT Township : BALLARAT Allotment : 2012	This plan has been created to assist in locating a Crown Land parcel Warning - No warranty is given as to the accuracy or completeness of this plan Any derived dimensions are approximate
Standard Parcel Identifier (SPI) : 2012\PP5030 Vicmap Parcel PFI : 130989382	Coordinate Position MGA : 752570, 5839220 (54) Vicroads Directory Reference : 566 D8 (ed. 7)

Compiled from VICMAP cadastral mapping data  
 Date: 21/05/2010



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# **APPENDIX B**

# **PLANNING POLICY FRAMEWORK**

## B.1 ZONE

The Site is located within the **Commercial 1 Zone**

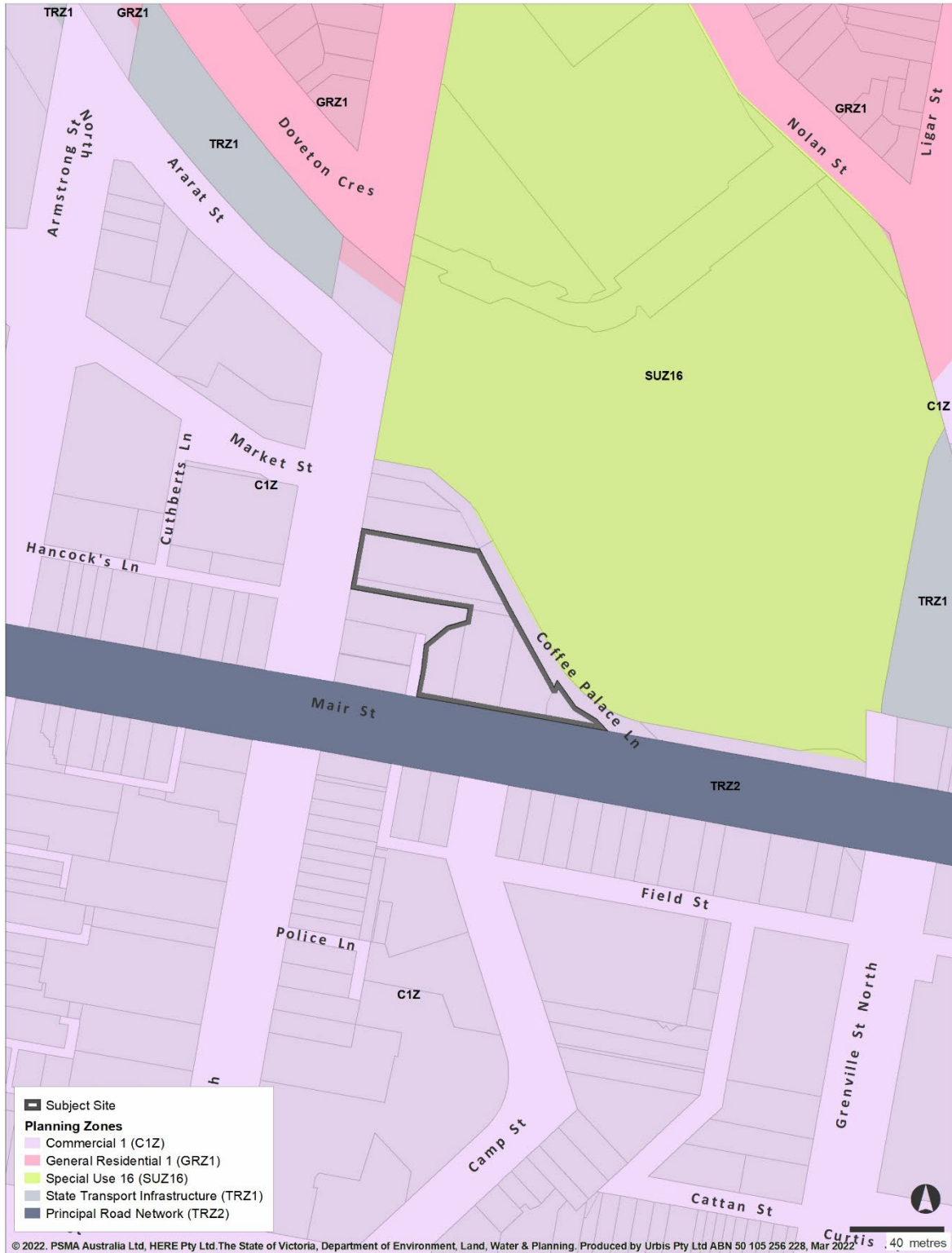
The relevant purposes of the C1Z are:

- *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.*

Pursuant to Clause 34.01-1 (Table of uses) a permit is required to use land for accommodation if a ground level frontage exceeding 2m.

The proposed uses of 'office', 'retail premises' and 'food and drink premises' are 'Section 1 – Permit Not Required' uses under Clause 34.01-1.

Pursuant to Clause 34.01-4 (Buildings and works) a permit is required to construct a building or construct or carry out works. A permit is also required to subdivide land pursuant to Clause 34.01-3.



## 8 MAIR STREET & 166-122 LYDIARD STREET, BALLARAT CENTRAL PLANNING ZONES

## B.2 OVERLAYS

The Site is affected by the **Heritage Overlay**

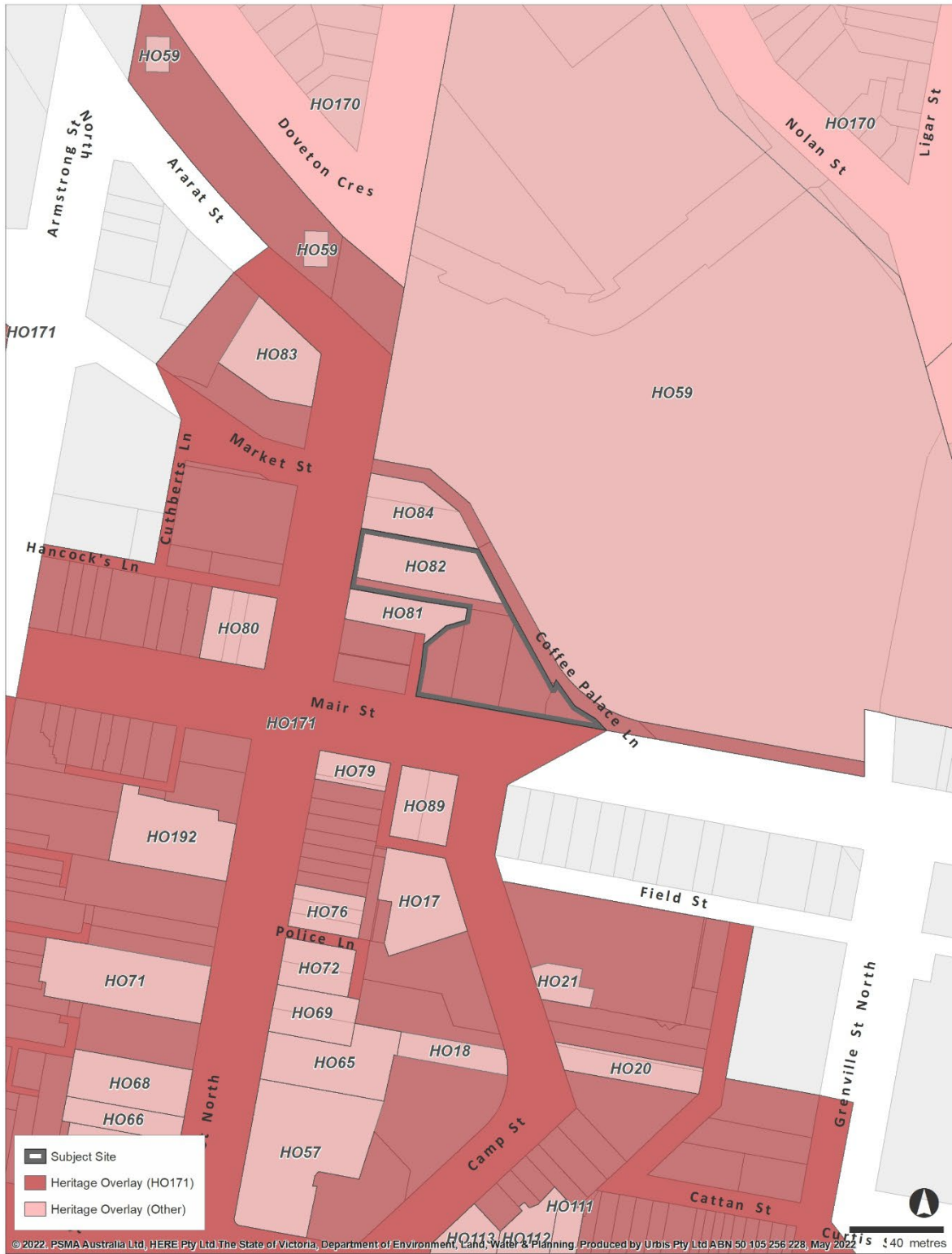
No. 8 Mair Street and No. 116 Lydiard Street are located within the Lydiard Street Heritage Precinct (HO171).

No.118-122 Lydiard Street HO82 Heritage Overlay.

Permit triggers:

- Demolish or removal of a building pursuant to clause 43.01-1
- Construct a building or construct or carry out works pursuant to clause 43.01-1
- Externally alter a building by structural work, rendering, sandblasting or in any other way, pursuant to Clause 43.01-1



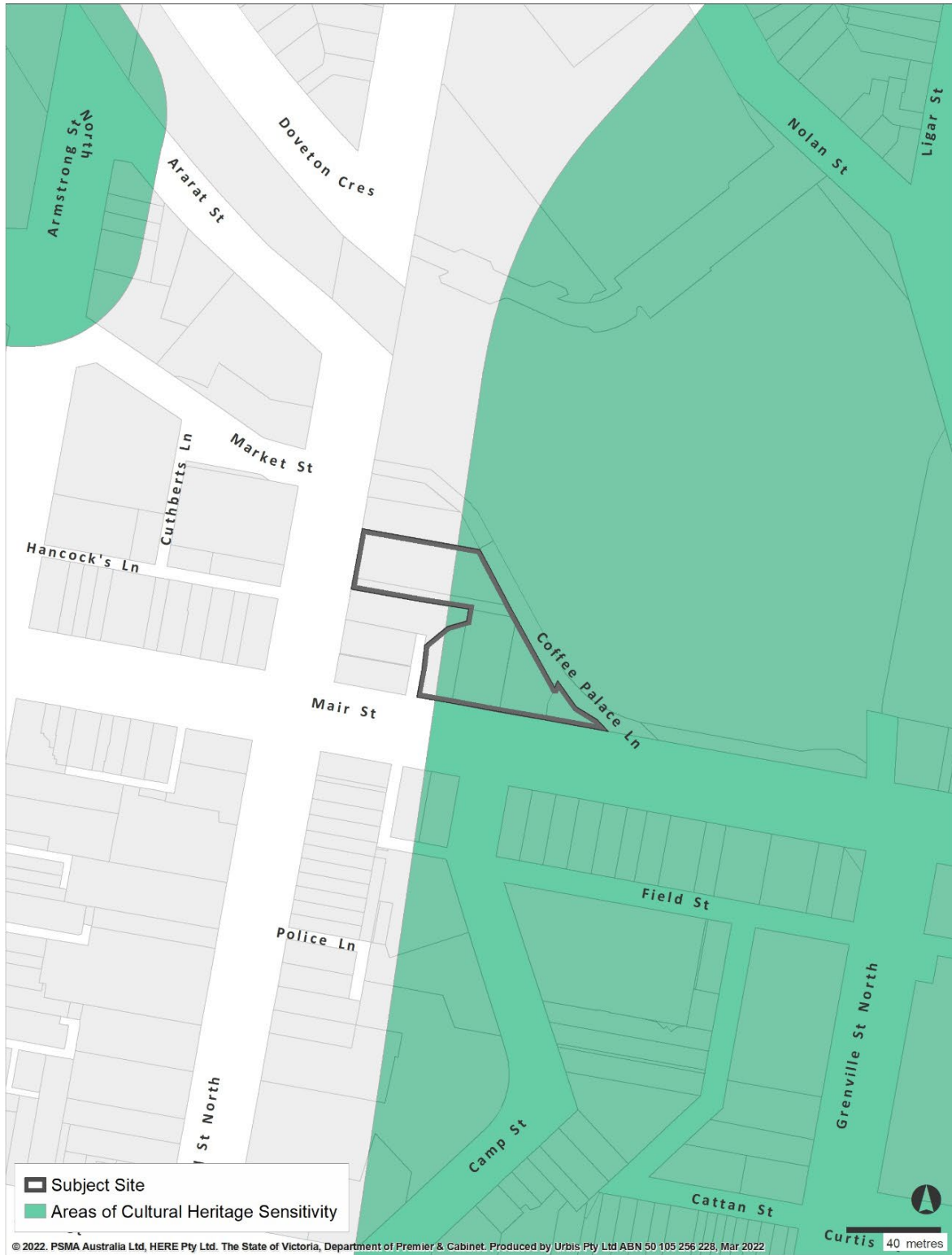


## 8 MAIR STREET & 166-122 LYDIARD STREET, BALLARAT CENTRAL HERITAGE OVERLAY

### **B.3 AREA OF CULTURAL HERITAGE SENSITIVITY**

The western portion of the Site is within an Area of Aboriginal Cultural Heritage Sensitivity where high impact activity is regulated by the *Aboriginal Heritage Act 2006*. The proposal to construct of the mixed used development is a high impact activity as defined under the *Aboriginal Heritage Regulations 2018*.

Pursuant to Section 52 of the *Aboriginal Heritage Act 2006*, the responsible authority must not grant a development approval under the *Planning and Environment Act 1987* or other legislations unless a cultural heritage management plan is approved in respect of the activity.



**8 MAIR STREET & 166-122 LYDIARD STREET, BALLARAT CENTRAL**  
**AREA OF CULTURAL HERITAGE SENSITIVITY**

## B.4 STATE PLANNING POLICY FRAMEWORK

The Planning Policy Framework (PPF) seeks to foster the objectives of planning in Victoria (as set out in the Planning and Environment Act 1987) through appropriate planning policies and practices that encompass relevant environmental, social and economic factors.

Ballarat is an economic powerhouse for growth in the Central Highlands region, as well as closely linked to Victoria's national and international gateway, the city of Melbourne. Strengthening the Ballarat Central Business District (CBD) and its continued growth and development is strongly encouraged.

An overarching theme of the Planning Policy Framework (PPF) is for Ballarat to continue its role as the largest regional city in the Central Highlands to provide higher order health, education, retail and government services. Planning Policy recognises the importance of strategic policies in relation to urban consolidation and the need to balance competing land use and development considerations to provide the best outcome for Ballarat and deliver a net community benefit through sustainable development. It is considered the proposal will directly implement several key directions and policies of the PPF, which are summarised below.

**Clause 11.01-1S – Settlement** seeks to promote growth and investment in Ballarat. This clause seeks to encourage development which will build on strengths and capabilities of the region.

**Clause 11.01-1R – Central Highlands** seeks to maintain Ballarat's CBD as the primary focus for commercial, retail and service activity in the city and region.

**Clause 11.03-6S – Regional and local policies** seeks integration of planning considerations, characteristics and needs of regional places to provide a specific direction for land use and development.

**Clause 15.01 – Built Environment** highlights the importance of ensuring urban environments are designed to respond to their landscape, valued built form and cultural context. This policy prescribes several urban design outcomes that contribute positively to the local urban character and enhance the public realm.

**Clause 15.03 – Heritage** seeks conservation of heritage places including Aboriginal cultural heritage significant places while encouraging development that responds appropriately to the heritage context.

**Clause 17.01-1R – Diversified Economy – Central Highlands** seeks to support great self-sufficiency in the region including supporting growth in the Ballarat CBD.

**Clause 17.02-1S – Business** encourages development that meets the community's needs for retail, entertainment, office and other commercial services.

**Clause 17.04 – Tourism** encourages development of a range of well design tourism facilities including accommodation.

**Clause 18.02-1S – Walking** seeks to facilitate efficient and safe walking network and increase the proportion of trips made by walking.

## B.5 LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework (LPPF) consists of the Municipal Strategic Statement (MSS) and Local Planning Policies and provides localised direction in relation to land use and development objectives within Ballarat Central Business District.

**Clause 21.01 – Municipal Overview** emphasises the importance of the role of the Ballarat CBD in and encouraging development along transport corridors while designing to enhance the cultural significance and character of the area.

Key objectives as relevant to the proposal relate to managing the complex mix of land uses in Ballarat, encouraging development which complements the existing built form and character of the area, improving amenity and access to public resources and promoting environmentally sustainable development.

The clause identifies the shared community vision for a greener, more vibrant and connected Ballarat as envisioned within the *Ballarat Strategy 2015*. This Clause recognises the two key concepts described within this document – the '10 Minute City' concept and the 'City of the Landscape' concept.

**Clause 21.02 – Settlement and Housing** identifies the Ballarat CBD as an urban renewal area, which recognises that Ballarat is forecast to grow significantly towards 160,000 people by 2040 and the need to maintain and develop a compact, efficient and productive form of settlement. This Clause seeks to support a

pattern of growth, which reinforces the “10 Minute City” principle via encouraging significant new mixed use development in the Ballarat CBD which supports knowledge sector and retail employment opportunities

**Clause 21.04 – Environmental Resilience** seeks to reduce energy consumption and greenhouse emissions, by supporting on-site renewable and low emission energy generation, such as solar hot water, photovoltaic cells, wind powered turbines or combined heat and power generation systems.

**Clause 21.05 – Natural Resource Management** seeks to plan for Ballarat’s long-term water sustainability, through managing the quality and quantity of water entering its numerous catchments. New development is encouraged to incorporate water use efficiency methods and whole-of-water cycle management.

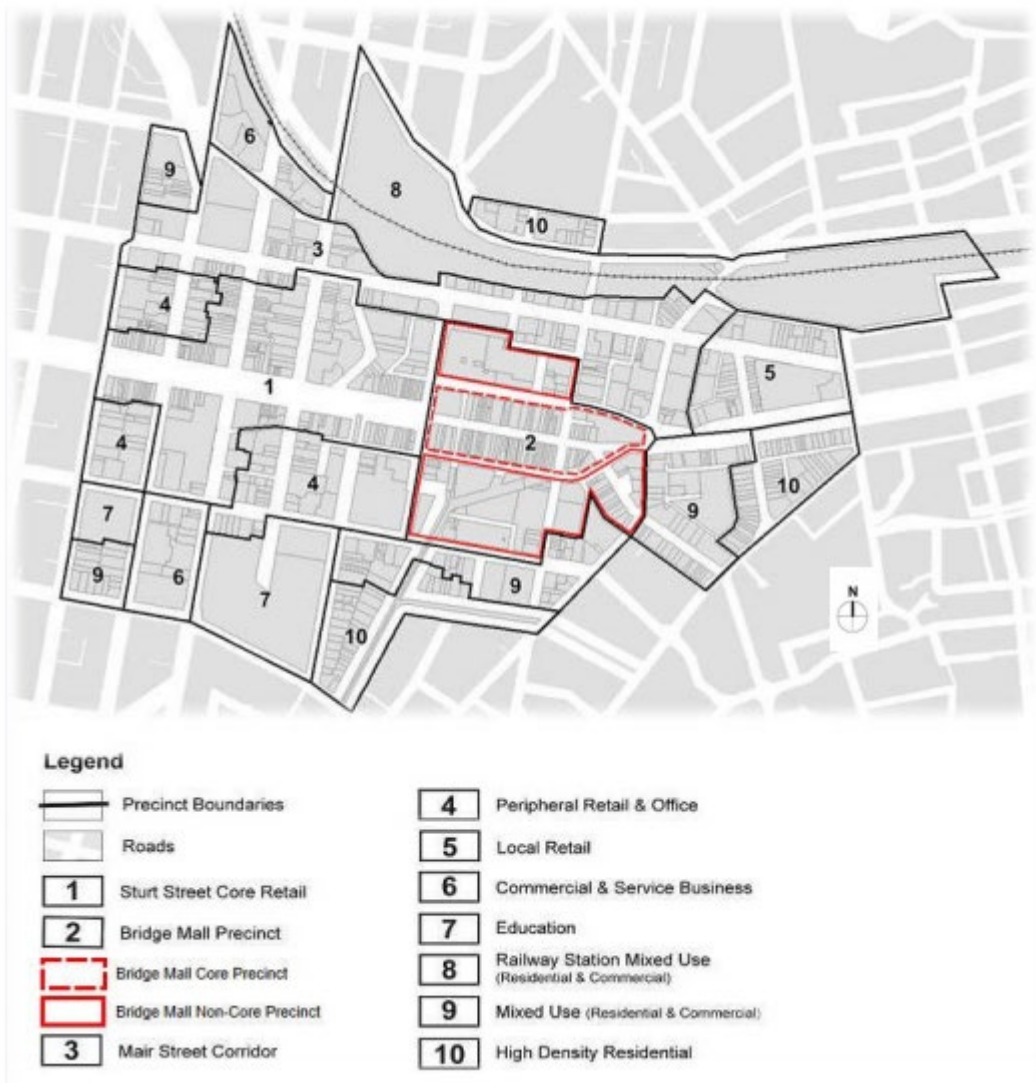
**Clause 21.06 – Built Form, Heritage and Design** seeks to protect and enhance the quality of built areas and protect, conserve and enhance historical, aboriginal, natural and cultural significance. Also relevant to the proposal, it is policy to facilitate street and laneway activation in the CBD, ensure the design of new development supports a high quality public realm. Ballarat’s heritage resources are to be protected and enhances for their contribution conservation, cultural and tourism potential as well as ensuring that what makes Ballarat distinctive isn’t lost. It is sought to encourage sympathetic forms of development adjacent to heritage sites, discourage demolition of significant buildings and require new development to interpret culturally significant places and respect s heritage and cultural boundaries.

**Clause 21.07 – Economic Development.** The Ballarat CBD is identified as a Regional Activity Centre in this clause. New mixed use development is encouraged which supports the knowledge sector, retail, employment, and street level after hours activity.

**Clause 21.08 – Transport and Infrastructure** seeks to integrate transport and urban growth by supporting land use and development decisions which integrate and add value to major transport infrastructure.

**Clause 21.09 – Local Areas** supports significant new mixed use development within the Ballarat CBD. The city is to 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”. The Site is identified as being within Precinct 3: Mair Street Corridor.

Figure 27: Ballarat CBD Precinct Boundaries (Clause 21-09)



## Clause 22.05 – Heritage Conservation and Heritage Precincts

This Clause seeks to support the demolition of buildings that are ‘not of heritage significance’ as specified in the following:

- *Ballarat Heritage Precincts – Statements of Significance (2006)’ incorporated document.*
- *‘Ballarat Heritage Precincts Study Part A 2006 – Statements of Significance’ incorporated document.*

It is also sought to ensure that new development is consistent with the Statement of Significance of the relevant heritage precinct set out in the documents above.

## B.6 GENERAL AND PARTICULAR PROVISIONS

### B.6.1 CLAUSE 52.05 – SIGNAGE

Advertising signage identifies the purpose for signage within ‘Category 1- Commercial Areas’ which is ‘to provide for identification and promotion signs and signs that add vitality and colour to commercial areas’.

The Table to Clause 52.05-11 identifies the following signs as ‘Section 1 – no permit required’, subject to meeting the following conditions:

Business identification:

- *The total advertisement area to each premises must not exceed 8sqm. This does not include a sign with a display area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.*

## B.6.2 CLAUSE 52.06 – CAR PARKING

Pursuant to Clause 52.06-1, before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the Responsible Authority. Column A rates apply as follows:

- Residential hotel: no rate – to the satisfaction of the Responsible Authority
- Retail (restaurant): 4 spaces to each 100sqm LFA.
- Retail (shop): 4 spaces to each 100sqm LFA.
- Office: 3.5 car spaces to each 100sqm of NFA.
- Child Care: 0.22 spaces per child.
- The following table from the Traffic Impact Assessment by ESR Transport Planning shows the Clause 52.06-5 requirement and the development provision.

Statutory Carparking Assessment – Clause 52.06 (Column A):

LAND USE	SIZE (M <sup>2</sup> NFA) / QUANTITY	PROVISION RATE	PROVISION REQUIREMENT
residential hotel	104 rooms	not specified	to satisfaction of RA
retail ( <i>restaurant rate applied</i> )	405m <sup>2</sup> , 244 patrons	4 spaces / 100m <sup>2</sup> LFA	97 spaces
commercial ( <i>shop rate applied</i> )	1,221m <sup>2</sup>	4 spaces / 100m <sup>2</sup> LFA	48 spaces
commercial ( <i>office</i> )	4,440m <sup>2</sup>	3.5 spaces / 100m <sup>2</sup> NFA	155 spaces
childcare centre	64 children	0.22 spaces / child	14 spaces
retail ( <i>restaurant rate applied</i> )	136m <sup>2</sup> , 76 patrons	4 spaces / 100m <sup>2</sup> LFA	30 spaces
<b>Total</b>			<b>344 spaces + to satisfaction of RA</b>

RA = Responsible Authority

## B.6.3 CLAUSE 52.29 – LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK

Pursuant to clause 52.29-2, a permit is required to create or alter access to a road in a Transport Zone 2.

## B.6.4 CLAUSE 52.34 – BICYCLE FACILITIES

Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The following table shows the Clause 52.34-3 requirement and the development provision:

LAND USE & SIZE (M <sup>2</sup> NFA) / QUANTITY	EMPLOYEE PARKING RATE	VISITOR / SHOPPER PARKING RATE	EMPLOYEE REQUIREMENT		VISITOR PARKING REQUIREMENT
			PARKING	SHOWERS	
residential building, 104 lodging rooms	1 / 10 lodging rooms	1 / 10 lodging rooms	10 spaces	1	10 spaces
hospitality (retail rate applied), 405m <sup>2</sup>	1 / 300m <sup>2</sup> LFA	1 / 500m <sup>2</sup> LFA	1 space	-	1 space
commercial (retail rate applied) 1,221m <sup>2</sup>	1 / 300m <sup>2</sup> LFA	1 / 500m <sup>2</sup> LFA	4 spaces	-	2 spaces
commercial office, 4,440m <sup>2</sup>	1 / 300m <sup>2</sup> NFA	1 / 1000m <sup>2</sup> NFA	15 spaces	2	4 spaces
childcare ,64 children	none	none	-	-	-
hospitality (retail rate applied), 136m <sup>2</sup>	1 / 300m <sup>2</sup> LFA	1 / 500m <sup>2</sup> LFA	-	-	-
<b>Total</b>			<b>30 spaces</b>	<b>3</b>	<b>17 spaces</b>

# Shower / change room rate = If at least 5 employee spaces are required, 1 shower with direct access to a change room is required, plus 1 shower to each 10 spaces thereafter.

# Employee parking must be within a locker or lockable compound.

# Visitor parking must be at a bicycle rail.

## B.6.5 **CLAUSE 53.18 – STORMWATER MANAGEMENT IN URBAN DEVELOPMENT**

This clause applies to an application under a provision of a zone to construct a building, or construct or carry out works. The purpose of the clause is:

- *To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

An application to construct a building or construct or carry out works must meet all the objectives and should meet all the standard of Clause 53.18-5 and Clause 53.18-6.

## B.7 **STRATEGIC PLANS & DOCUMENTS**

### B.7.6 **MAKING BALLARAT CENTRAL – THE CBD STRATEGY (2010)**

Ballarat City Council developed the CBD strategy as a long-term plan to help guide the development of the Ballarat CBD over the 25 years of growth and expansion. This document outlines specific steps and actions to be undertaken by council and other stakeholders to accommodate the growth of this precinct. This document is in alignment with Clause 22.03 suggests that a key opportunity for the land in the CBD area is to provide for “*expansion of retail and commercial uses ...and development encouraged.*” As well as suggesting that “*More could be done to fully recognise and reflect Ballarat’s rich history and use it to add strength to the City’s tourism industry and to enhance the image of the CBD.*”

### B.7.7 **BALLARAT ACTIVITY CENTRES STRATEGY (2012)**

The Ballarat Activity Centres Strategy is the document which explore the strategic intentions of Council for each study area. The Site is located within the Ballarat CBD centre which plays the role of the Principal Activity Centre (PAC). This has the highest hierarchy in the Ballarat area and plays a significant role in the economic success of the region. This document also provides the indicative amounts of floorspace and housing needed to accommodate the expected growth in Ballarat.

**Table 2 - Proposed Future Centre Hierarchy and Growth for the City of Ballarat to 2030**

Centre	Previous Hierarchy	New Hierarchy	Current Zone	Future Zone	Indicative Net Additional Floorspace to 2030 (sqm NLA)				Centre Characteristics
					Retail *	Commercial **	Special Use***	Total	
Ballarat CBD	Principal Activity Centre	Principal Activity Centre	B1Z, R1Z, PUZ ACZ		16,500	55,000	66,000	137,500	Department stores, discount department stores, regional and sub regional office functions, peripheral sales, convenience retailing, supermarkets and a wide range of other retail, commercial, entertainment and tourism functions.

### B.7.8 **TODAY, TOMORROW, TOGETHER: THE BALLARAT STRATEGY (2015)**



The *Ballarat Strategy* (2015) outlines the long-term plan for Ballarat to 2040 and guides the development, infrastructure, planning and growth of the regional centre. It further aims to provide certainty on development areas and forms. The strategy is centred around five (5) main aspirations, being as follows:

- (a) Productive Ballarat
- (b) Settlement for a Highly Liveable Ballarat
- (c) Housing Ballarat
- (d) Connected Ballarat
- (e) Sustainable Ballarat

### **B.7.9 PLAN MELBOURNE (2017)**

Plan Melbourne is the primary strategic plan applicable across metropolitan Melbourne that will deliver and guide growth to 2050. While the Site is not located within metropolitan Melbourne, Plan Melbourne refers to the importance of delivering and enhancing the connections between Melbourne and key regional locations.

By 2051, the population of Victoria's regions is expected to grow from 1.5 million to 2.2 million. With growth expected in regional cities of Victoria, Policy 7.1.1 seeks to stimulate employment and economic growth in regional cities including Ballarat.

This plan also emphasises the importance for Melbourne's productive employment centres to be located around an enhanced transport network. This strategy will link and expand the central city, various national employment clusters and industrial precincts important to the state of Victoria's prosperity.

### **B.7.10 MAKING BALLARAT CENTRAL ACTION PLAN – THE CBD STRATEGY (2017)**

This Strategic document supersedes the 2010 CBD Strategy. It has similar strategic outcomes however as it highlights some key aims including:

- Increase the range of quality tourist accommodation establishments in the CBD.
- Increase the number of visitors to the Ballarat CBD and the opportunities for additional visitor expenditure in accord with the Tourism Strategy and an Economic Development Strategy.

This Strategy acknowledges that Tourism is a key economic driver for Ballarat CBD and state that *“Events, festivals, regular promotions and marketing are important methods of encouraging tourism, however the infrastructure to support and accommodate large numbers of tourists needs to be developed in conjunction with growth in this sector.”* It is also suggested that the CBD lacks some aspects of tourism infrastructure especially crucial accommodation and dining options.

Action A9 of the strategic document aims to *“Continue to facilitate the development of business tourism facilities such as accommodation, a convention centre and fine dining opportunities”*.

### **B.7.11 CITY OF BALLARAT CREATIVE CITY STRATEGY & PRECINCT MASTER PLAN (2019)**

The Ballarat Creative City Framework sets out Council's approach to encouraging creativity and innovation within the Central Area of Ballarat. This strategy includes the goals to strengthen Ballarat's Visitor economy and suggests that private tenancy owners should consider supporting the Creative Industry by allowing for creatives to use their land and create temporary events/retail opportunities. This would be achieved through actions such as curating *“an iconic creative visitor experience for the CBD, acting as a catalyst for the CBD tourism industry, and leveraging overnight stays (e.g., Paris Catacombs).”* This document also identifies the Site as being within the Civic Hall Neighbourhood and suitable for future development as seen in the Illustrative Plan below.

Note: any additional tree planting within the Creative Precinct needs to be individually considered and place-based to consider major architectural/built features and the location of pedestrian and cycle paths and on-street car parking.



### B.7.12 BALLARAT PROSPERITY FRAMEWORK (2020)

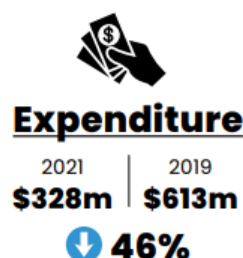
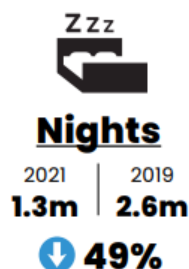
The Ballarat Prosperity Framework was the strategic work that was developed during the Ballarat is Open Project in 2019. This is a Co-design document with over 650 residents contributing their vision for the City. Within the strategic framework sits alongside the Ballarat 2050 City Vision, and informs other Actions Plans, including Economic Plans and Traveller Experience Plan.

This document identified that Heritage in Ballarat City has cultural significance for tourism, arts, recreation and liveability. This document proposes The Story of Ballarat as a City of Possibilities with the goal of making the city an internationally recognised place to visit.

### B.7.13 VISITOR ECONOMY STRATEGY (2021)

The development of the Visitor Economy Strategy (2021-2024) aims to increase the market share Ballarat has of regional Victoria visitations. This document is a short-term reactivation plan to strategically ignite action after the impact of Covid-19 on the tourism industry in Victoria. The strategy is in alignment with the Traveller Experience Plan 2021-2030 which is a more long-term document.

Retail and Accommodation are some of the key attributes that are focused on in this document. According to the data presented in this Strategy the expenditure in Ballarat from tourism has dropped by 46%, from \$613 to \$328 million.



(Source: page 11 of the Visitor Economy Strategy)

#### **B.7.14 COUNCIL PLAN (2021) & COMMUNITY VISION (2021)**

The City of Ballarat Council Plan is the 4-year plan that outlines Council's commitments the key objectives and steps required to meet these objectives. One of the key aims is to create a strong and innovative economy and City. Council committed to delivering on “*co-investment opportunities in built form such as heritage restorations and product offerings such as visitor experiences, working with traders, building owners and other businesses in the CBD*”. They also seek to facilitate the “*growth of Ballarat's Visitor market share and Visitor spend.*”

The Community Vision as presented by Council in alignment with the Council Plan to provide an overview of the general strategic intentions Council has for the next 4-year period. This document tourism is identified as a long-standing industry in Ballarat which required ongoing and continued investment. Council states that this is vital to creating a diverse and agile economy and allowing for more business and employment opportunities within the local community.

#### **B.7.15 BALLARAT STATION SOUTHSIDE MASTERPLAN**

The Master plan will provide a long-term vision and framework for the urban growth and future development of the Ballarat Station and surrounding areas. It will inform land use and development, transport, and parking, building and urban design, heritage, character, employment, and open space. The finalised Strategic Plan will be incorporated in the Ballarat planning scheme.

The objectives of this strategic plan for the Ballarat Station Southside Precinct include:

- Preserve and celebrate the important heritage of the area
- Establish better and safer connection between the station and its surrounds for the community and visitors
- Redesign public spaces to be more accessible, comfortable, safe and inviting for all people
- Support the precinct as it becomes a commercial, civic and tourism destination
- Provide certainty for the community about potential future development opportunities and give developers the confidence to continue to invest in the Ballarat CBD
- Transform the precinct into a new destination for Ballarat, that will attract investment, jobs and new commercial opportunities into the city.

#### **B.7.16 COUNCIL'S DRAFT SKYLINE STUDY**

In 2021, Council released a draft *Skyline and Views Study* that sought to designate, protect and provide management guidance upon key historic views within the city. The Skylines and Views Study aligns strategically with the Urban Design Framework and Ballarat Strategy 2040, aimed at achieving a central city district which has enhanced green space, connectivity, and vibrancy.

