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— P L A N N I N G —
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102-108 Humffray Street South, Bakery Hill

Wadawurrung Country

Permit application for development of two buildings, a residential mixed use building and a commercial building with associated open space areas, waiver in carparking requirements, and a liquor license

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Figure 1: View to north-east of site

EXECUTIVE SUMMARY

This planning report outlines the proposed development of two mixed use buildings at 102-108 Humffray Street South, Bakery Hill, Wadawurrung Country ('the site').

The Bakery Hill Urban Renewal Plan ('BHURP') intends Bakery Hill to 'be the new destination for Ballarat...setting a standard for urban renewal which fully embraces the unique heritage canvas.' The BHURP sets a clear target for the renewal area to house 5,000 new residents (with 5% affordable housing), host an additional 600 new jobs, create a diverse community and operate on zero net emissions with 100% renewal energy. Hygge Property, the developer has engaged a consultant team who is capable and ready to implement the BHURP vision and targets at the site.

The project is aligned with the targets of the BHURP through its high quality offering of new office and retail spaces, the creation of public realm focused on the historical brick chimney and apartment living within close proximity to the Bridge Mall, supermarkets and the Ballarat CBD. The office building will target a 6 star NABERS rating and the apartments will target a minimum 7 star NatHERS rating whilst both buildings will be fossil fuel free and carbon neutral in operation. The project is a design led response to the City of Ballarat's aspiration to regenerate the city's historical commercial centre land will act as an eastern book-end to Bakery Hill and the broader CBD.

This report supports the development of the site for two buildings, a residential mixed use building and a commercial building with associated open space areas, waiver in carparking requirements, and a liquor license. A planning analysis and justification supports the proposal which is compliant with the objectives of the Ballarat Planning Scheme and is therefore recommended for approval.

A multi layered public realm offering in addition to a communal multifunction room will ensure ground plane activation of the project. The proposal also retains the existing chimney, a distinctive landmark which is not currently protected under the requirements of the scheme. The chimney and surrounding fine grain heritage architecture has played a large role in the project's material palette.

The development has been designed to minimise its ongoing environmental footprint by through the following initiatives:

- No gas
- All electric
- Green power
- Onsite stormwater management and reuse for irrigation and amenities purposes
- Minimal car use
- Plentiful bike parking
- High proportion of landscaped area.

- Potential car share program

Features of the development include:

- Cohesive and considered public realm response integrating the site with surrounding commercial sites and potential future renewal sites as part of the broader Bakery Hill Urban Renewal Plan
- Small footprint, low-maintenance living, along with a diverse range of housing typologies
- Six affordable housing units to be owned by a registered community housing agency
- Open space that can be utilised by the public better integration and links to surrounding area
- Improved design response compared to the Bakery Hill Urban Renewal Plan, with reduced building footprint and expanded open space
- Retention of the historic chimney, creating a link to the site's historic function and anchoring proposed publicly accessible communal spaces
- Appropriate building scale and design that does not detract from important heritage view lines across Ballarat
- A true mixed use outcome including inner city residential living, and employment focused uses, significantly contributing to vitality of inner Ballarat in accordance with the Bakery Hill Urban Renewal Plan
- Pedestrian and cyclist-oriented design

The project is proposed to be landmark development acting as a catalyst for urban renewal and exciting commercial opportunities for the area, while also providing for modern and central living in the centre of Ballarat.

1. INTRODUCTION

Niche Planning Studio and Hygge Property acknowledge the Traditional Owners of Country which includes Ballarat today, the Wadawurrung and Dja Dja Wurrung peoples and pays respect to all Elders, past, present, and emerging, as well as Elders from other communities who reside here today. They hold the memories, traditions, culture and hope of Aboriginal and Torres Strait Islander people around Australia.

Niche Planning Studio has prepared this report on behalf of the applicant, Hygge Property. This report supports the staged development of land at 102-108 Humffray Street South, Bakery Hill within the City of Ballarat, herein referred to as the site.

This application supports a staged development comprising buildings and works associated with a mixed-use precinct comprising a 7 storey apartment building and a 7 storey (plus 2 basement levels) office building separated by a generous open space area.

The apartment building is proposed to include 74 apartments, ground level and first level parking, ground level secure bike parking, a large communal room opening to outdoor communal space and a food and drinks premises. The office building is proposed to include one and a half levels of basement car parking, ground level bike and end of trip facilities, ground level food and drinks premises, and 7190.3sqm of net leasable area office space from ground floor to the seventh floor. The office building will have convenient access to communal spaces at ground, fourth and sixth levels.

Council's assessment and approval of this application will facilitate the development of a sustainable and vibrant community within the Bakery Hill Urban Renewal area.

The report's purpose is to provide an analysis of the development area and a strategic justification for the proposed development. It also provides an assessment for planning approval for the site's development.

Specifically, the report covers the following:

- Identifies the development area within the context of the Ballarat CBD and Bakery Hill Renewal area and other key planning policies
- Information about the design
- Provides planning support for approving a planning permit to allow residential development of the site.

This report will have regard to the following documents:

- Ballarat Planning Scheme
- Bakery Hill Urban Renewal Plan (Parts 1-5)
- Site-specific background studies and reports supporting this application (appendices)

This report focuses on the Zone, Overlays, and particular provisions applicable to the land, the proposal, and the relevant Planning Policy Framework.

2. APPLICATION SUMMARY

- Site Address:	- 102-108 Humffray Street South, Bakery Hill, Wadawurrung Country
- Title Details:	- Plan CP163090
- Zoning:	- Commercial 1 Zone - Schedule (C1Z)
- Overlays:	- None
- Proposal:	Planning permit for staged building and works associated with construction of a residential building and a commercial building, use of the land for dwellings (apartments), use of the land to sell and consume liquor, and reduction in car parking
- Permit Triggers:	<ul style="list-style-type: none"> - C1Z: <ul style="list-style-type: none"> - To use the land for accommodation (as the frontage at ground level exceeds 2m)To construct a building or construct or carry out works associated with a mixed-use residential building (section 2 use), office and retail mixed use building, including food and drinks premises. - C152.06 – Car parking: <ul style="list-style-type: none"> - To reduce the number of car parking spaces required under Clause 52.06-5 - C152.27 – Licensed premises: <ul style="list-style-type: none"> - To use land to sell or consume liquor.



Figure 2: Site location

3. PROPOSAL

3.1 Overview

The proposal seeks to demolish the existing building, built boundary to boundary on the site, with the exception of the existing chimney, which is proposed to be retained and incorporated into publicly accessible open space to create a distinctive landmark within the Bakery Hill Urban Renewal area. Development

The Building B comprises 74 dwellings across 8 levels ranging from 1 -3 bedrooms ranging from 50.8sqm to 132.2sqm in size, 109.3sqm of retail area intended for café use and 79.4m of communal indoor space. Outdoor communal space is accessed at ground level, with the majority intended for public access, in particular for shared access from Building A within the subject site . The building includes 76 bike parking spaces, more than one per apartment, including 7 visitors bikes spaces on the northern side of the building. In addition,30 car parking spaces are provided and to be allocated to apartments, with potential for more than one space to be allocated to 3-bedroom apartments.

The design concept has been informed by solar access across the site, integration with open space areas, the office building and retention of the historic chimney on site as well as improving the street interface on 3 sides of the site at Humffray Street S, Bradby's Lane and Porter Street.

Building A comprises 218.3smq retail space at ground floor intended for use as a café (food and drinks premises), as well as 485.1sqm office space at ground floor, 1326.8sqm on level one, 368.9sqm on the mezzanine level, 1250.9sqm on level two, 1092.5sqm on level three, 946.6sqm on level four, 953.8sqm on level five and 765.6sqm on level six, totalling 7190.3sqm. Outdoor communal space is accessed at ground level, with additional outdoor terraces on level four and six. Employees will have access to 50 secure bike spaces, with three end of trip showers and changing rooms, and 10 visitor bike spaces. Two basement levels will provide 76 car parking spaces and 3 motorcycle spaces to be shared by all commercial tenancies.

The design concept for the Building A has been informed by creation of open, sunlit spaces with intentional relationships with the residential building through orientation and pathways through shared open space within the precinct.

It is proposed to develop:

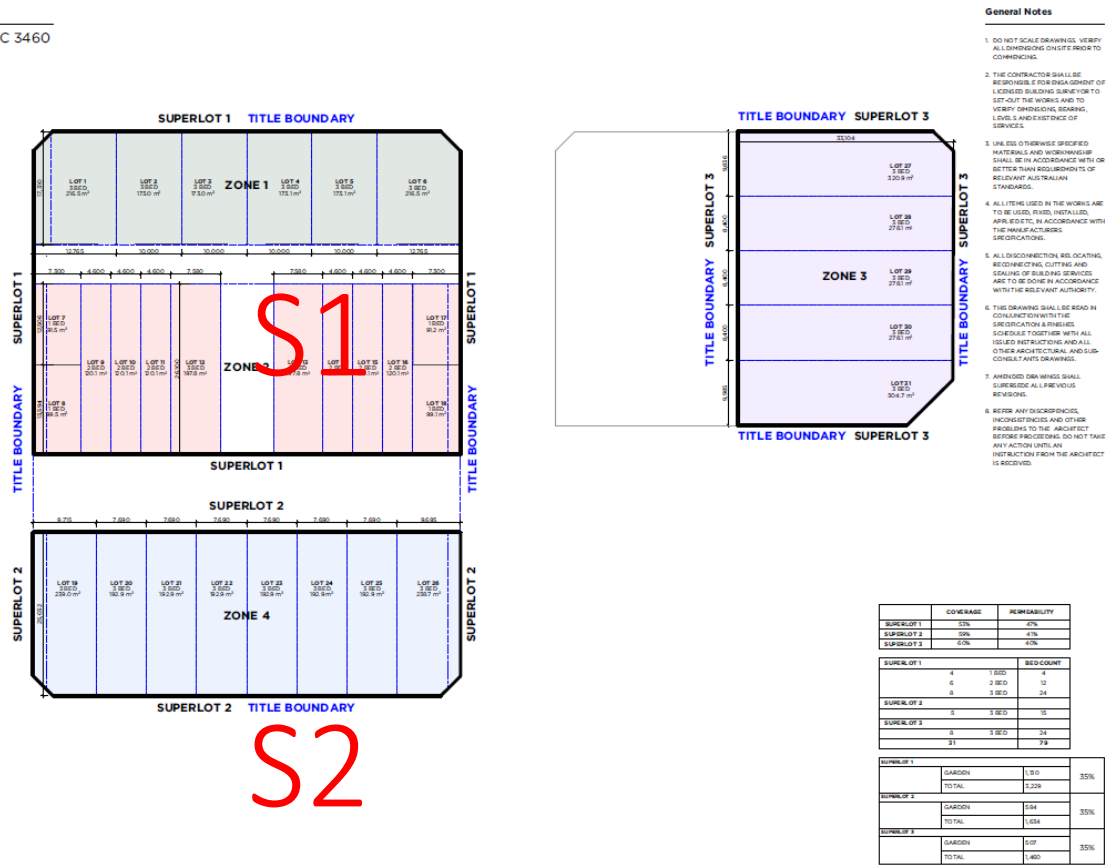
- Staged development of an office building (Building A) and a residential building (Building B)
- The buildings are proposed to be delivered across two stages, with the Building B and some open space within the first stage, and the balance of the development in the second stage.

3.2 Development Staging

Development is proposed to occur in two stages, with Building B and some communal outdoor space to commence prior to Building A and balance of outdoor open space. See below staging plan outlining the proposed development stages.

Subdivision Plan

17 Smith Street Daylesford VIC 3460



S3

S2

Figure 3: Staging Plan

3.3 Design Response

The zoning of the land supports medium density living given its location within the CBD and within a designated mixed-use precinct. Surrounding zones reflect the diversity of the area creating opportunity for a creative design response that has regard to the local context, respecting surrounding commercial and residential areas. This section of the report provides additional detail on the design response stemming from the site context across the development.

The area has convenient access to the local street network, bus services and walkable distance to the train station. The area also has excellent access to employment opportunities and other community amenities.

Please refer to the Urban Context and Design Response report (Appendix 03) which provides detailed analysis of the subject site and key interface considerations.

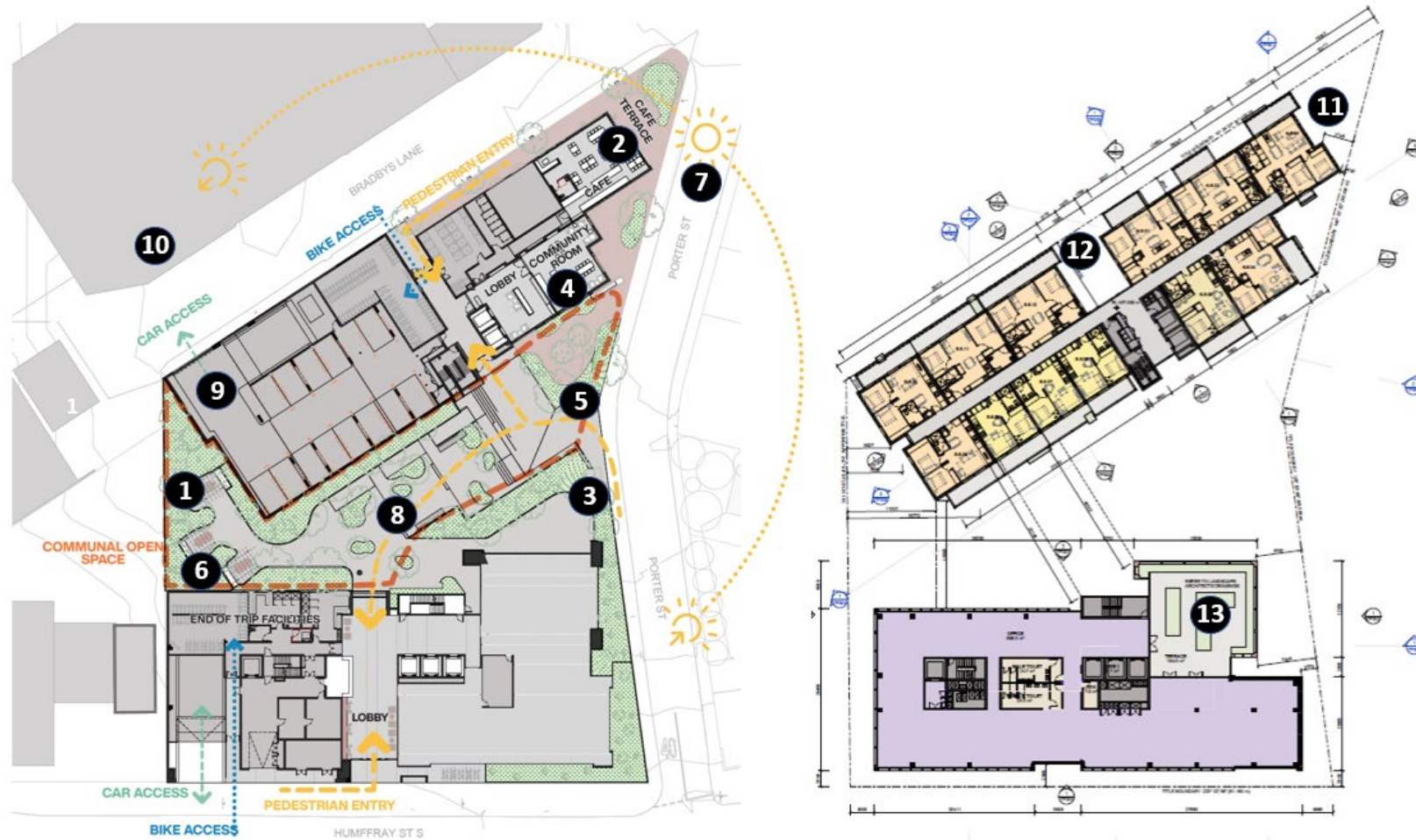


Figure 4: Design Response

MAP ITEM / LEGEND	ANALYSIS
1 Landscaping	<p>Generous landscaping areas have been proposed and are to comprise a mix of native and exotic species.</p> <p>Incorporating native and exotic trees and using the land's natural slope will tie the development to its existing topography, maintaining connection to landscape.</p>
2 Indoor/outdoor retail spaces	<p>The retail spaces are both connected to outdoor areas, creating an attractive atmosphere while providing surveillance of the surrounding area.</p>
3 Retention of chimney as a landmark	<p>The retention and enhancement of the chimney creates space around the structure to enable the chimney to act as the development's focal point and develop a sense of place. In doing so, the use of the chimney as a landmark will be enhanced.</p>
4 Communal Room	<p>A large communal room opening to an outdoor area is proposed and will include a kitchen area. This allows residents to use the space for multiple purposes and extends use of recreation spaces through the colder seasons.</p>
5 Permeability	<p>The site has been designed to enable people to filter through it via high permeability of the site, through multiple building entrances and precinct entrance points. This will promote cycling and walking by providing a more</p>

	<p>appealing environment free of traffic as well as a time and convenience advantage over driving a car. Users of the development will also be able to pass through the proposed development towards the commercial establishments to the east and Bridge Mall to the northwest.</p>
6 Publicly accessible and secluded communal space	<p>The design of the communal space in and around the buildings intentionally blurs the line between private space for residents and commercial tenants, and the general public. This has been achieved through lack of physical barriers, with privacy and a sense of change of space managed with different levels and planting. The BBQ area adjacent to the residential building has been designed with nooks and more vegetation to provide a sense of seclusion to ensure maximum utilisation of different spaces within the communal area.</p>
7 Solar Access	<p>Buildings on the site have been oriented to allow for maximum northern solar access to the majority of the communal area to extend outdoor use in cooler months.</p> <p>In addition, the orientation of the buildings has allowed for design to minimise south facing windows, improving light access and energy efficiency across the development.</p>

-
- 8 Pedestrian Precinct** The emphasis of the pedestrian experience in and around the site will increase retail and other commercial activity in the neighbourhood, enhance the built form character of the area, air quality, and reduce noise levels.

 - 9 Car entrance ways hidden** The development's layout provides car entranceways at the rear of the site. This reduces the visual impact of functional aspects of the development and improves pedestrian links. can only be seen from outside the construction site to further improve the public areas. This gives pedestrians the impression that they are in a car-free area.

 - 10 Integration with surrounding business** The outward facing development resulting from the proposal provides opportunity for the activation and reutilisation of the rear of the Main Road businesses to the north of the site.

Businesses, especially food and drinks-based ones could take advantage of the fine grain laneway atmosphere and develop the rear of the
-

historic properties to create a vibrant laneway, as done successfully elsewhere in Ballarat.

-
- 11 Solar access to dwellings** The residential building has been oriented north south to provide north, east, and west facing dwellings, with minimal southern interface. This improves energy performance and amenity through various seasons.

 - 12 Flexible dwelling spaces** Some apartments have been designed to include a sliding wall between the living room and bedroom, allowing for flexible use of space through different times of day and with different layouts. This allows residents to potentially change their layout to suit different needs.

 - 13 Commercial building upper terrace** The location of the upper terrace allows for increased interaction between the ground floor communal areas and also open up the skyline to create additional space around the retained chimney.

The upper terraces have been designed to allow for a variety of plantings and layouts to suit events as well as quiet moments for users.
-

CONTEXT

3.4 Strategic context

One of the largest regional cities in Australia, Ballarat offers key services to Victoria's western region. Strong population growth is anticipated to reach a 32% increase by 2031.

Ballarat is in a prime position to take advantage of the many advantages of regional cities thanks to its quality access opportunities, projected population increase, highly valued historical and cultural identity, and excellent quality of life.

The backdrop for which additional housing and housing options can be delivered to support growth and investment is provided by federal and state investment in regional areas, such as Ballarat, through effective employment-based initiatives like GovHub and other infrastructure investment.

The site specifically applies to Council policy purposes as part of *Today Tomorrow Together: The Ballarat Strategy, our vision 2040*. With rapid population growth and investment from all levels of government and the private sector, there is a need to provide a range of housing types and opportunities to support the development of diverse communities. These goals are underpinned by the city's strategic positioning, which outlines the city's vision to create a comprehensive network of neighbourhoods centred on two key concepts:

- The '10 Minute City'; and
- The 'City in the Landscape'

Given the size of the subject site and the potential for multiple building footprints, it is one of a select few places with the ability to enable redevelopment on a "micro-precinct scale". The site has therefore been designed for to provide updated, relevant, and higher density options for both infill residential and employment developments to align with Council's 2040 vision.

circumstance needs to be altered.

3.5 Subject Site

The subject site is situated on Bakery Hill's western side of Humffray Street South and is bounded by Humffray Street South to the east, Porter Street to the north, and Bradbys Lane to the west. The immediate area forms an eclectic mix of commercial uses and low-scale commercial built form that is distinct from the primarily residential character of land on the opposite side of Humffray Street South and shares a single private realm interface with land at 35 Eastwood Street and 110 Humffray Street South (the "Caltex" building).

The site, which is now being used as a timber yard, is substantial relative to the area. More specifically, the land is currently home to a number of Colorbond semi-open buildings. In addition, the site is totally gated off to the public and covered in an impermeable concrete hardstand. The subject property, an expansive allotment, has a total site size of about 4,215 square metres. With three street frontages and a single private realm contact to land on Eastwood Street to the south, it is a "peninsula site." It has a roughly 61-meter frontage to Humffray Street South, an approximately 79-meter frontage to Porter Street that is "kinked," and an approximately 80-meter frontage to Bradbys Lane. Between Humffray Street South and the subject site's centre, there is an approximately 3 m east-to-west drop.

In summary, the site is surrounded by the following:

- To the immediate **north** of the site are several smaller, commercial hospitality-focused lots. To the northwest of the lots is Bridge Mall, which is one of the main shopping districts that services Ballarat
- To the **east** is small scale commercial lots and beyond that is general residential lots
- To the **south** of the lot is general residential lots, and to the south-east is the Ballarat Skate Park and the Llanberris Athletic reserves
- To the **west** of the lot is where the development is proposed is a Cheap as Chips Warehouse store and beyond that is a Coles Supermarket and the Ballarat Magistrates Court



Figure 5: Site Analysis

4. PLANNING POLICY FRAMEWORK

4.1 Planning Policy Framework

The Planning Policy Framework sets the high-order strategic guidance for planning and land-use outcomes across Victoria.

The regional Planning Policy Framework sets out strategic guidance for planning and land-use outcomes across the regional context of City of Ballarat. Relevant to the subject site, these regional policies aim to ensure that services and sub-services be provided in regional towns, including Ballarat.

The proposed residential development is consistent with the policy framework for the 'Today Tomorrow Together; The Ballarat Strategy Our Vision for 2040' providing accommodation and business opportunities to promote growth within the Ballarat CBD.

4.2 Settlement, Growth and Distinctive Places

Clause 11.01-1S Settlement

This clause identifies the site within the Victorian Settlement Framework. The proposed development presents a special opportunity by granting improved access to current infrastructure, services, jobs, and community facilities. It will produce a result that will help the Ballarat region grow in the future and change to meet the region's evolving needs. Additionally, it will allow for the integration of residential and commercial uses in accordance with the Central Highland Growth Plan. The development location maximises accessibility to existing facilities and services.



Figure 6: Victorian Settlement Framework

Clause 11.01-1R Settlement – Central Highlands

This clause identifies the site within the Central Highlands Regional Growth Plan. By offering access to jobs and services, the Humffray Street Development will assist Ballarat as a major hub for regional growth. It will aid in the Ballarat CDB's urban consolidation, revitalise Bakery Hill and Bridge Mall, and emphasise the importance of the mall as a commercial, retail, and service hub for the city and, more specifically, the region. The project will control the city's outward expansion by ensuring that development stays localised within Ballarat.



Figure 7: Regional Growth Plan

Clause 11.03-6S Regional and local places

By utilising elements of the existing lot and considering existing and preferred characteristics of the surrounding area, the proposal centres place-based planning within the Ballarat context. For example, keeping the brick chimney that connects the location to earlier periods has been proposed. As a result, the development will be connected to Ballarat's rich legacy through a special site feature. More significantly, the development will keep its connections to current services and business prospects. Residents, visitors, and employees from the development will be able to use the existing retail and hospitality establishments to the north and east of the site.

Clause 16.01-1S Housing Supply and Clause 21.02-7 Housing diversity

The development of a multi-level residential building alongside a commercial building delivers the best and most efficient site utilisation. The proposal supports higher density living in an area close to amenities, employment opportunities, and public transportation. Apartment types with different configurations, like those with 1-3 bedrooms, are being planned to accommodate Ballarat's expanding population and diversity. From young professionals and the desperately required yet underutilised family-friendly apartments will be accommodated by the new development. The development will offer an alternative to the low-density that is situated adjacent to the lot.

Clause 21.02-1 Urban Growth

The proposed development supports the consolidated growth of Ballarat, with higher density living proposed in inner Ballarat, in accordance with the 10 Minute City concept. Located in an identified urban renewal precinct (Bakery Hill), the site provides housing and employment opportunities in the CBD. Further detail regarding how the site achieve key 10 Minute City strategies is provided below, throughout this report and within the Urban Context Report (Appendix 03).

Clause 21.02-2 Areas of convenience living

The site is located within the 'areas of convenience living' corridor outlined in the Ballarat Planning Scheme (as identified in the *Housing Framework Plan* below). Specifically, the site is located approximately 500m from the Ballarat train station, and within close proximity to various bus and cycling routes. These characteristics support the development of the site as a higher density residential infill site (in combination with appropriate commercial uses). Facilitating the addition of 74 addition dwellings will support the implementation of higher frequency public transport within the corridor in the suture.

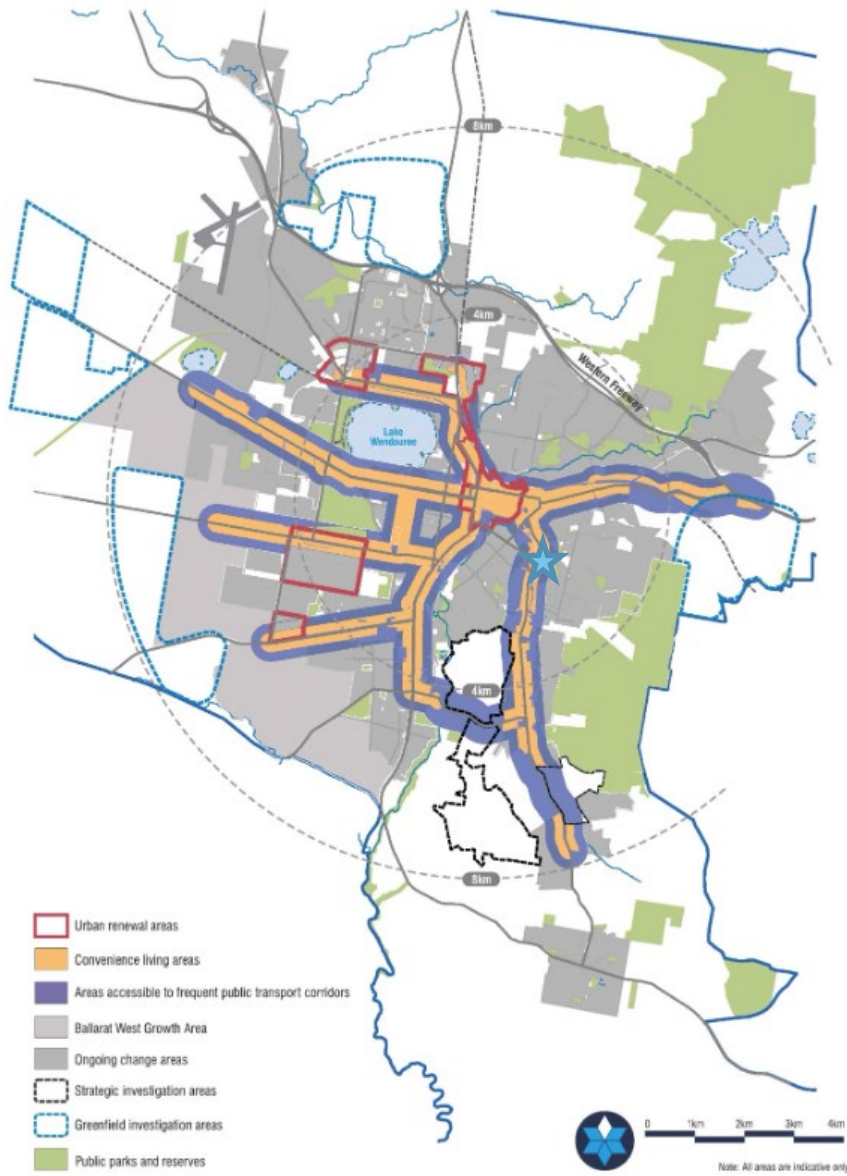


Figure 8: Housing Framework Plan

21.07-2 Regionally significant precincts and Clause 21.07-3 Activity Centres

Regionally significant precincts are considered key contributors to Ballarat as 'Capital of Western Victoria' and require strategic direction in accordance with specific categories. The site is located within the Ballarat CBD, categorised as a Regional Activity Centre in clauses 21.07-2 and 21.07-3. Therefore, the strategic direction applying to the site is to 'encourage significant new mixed-use development which supports knowledge sector and retail employment opportunities, more inner city living and street level and out of hours activation.' The proposal incorporates all of these strategies including provision of high quality office, retail and residential uses with high public realm integration.

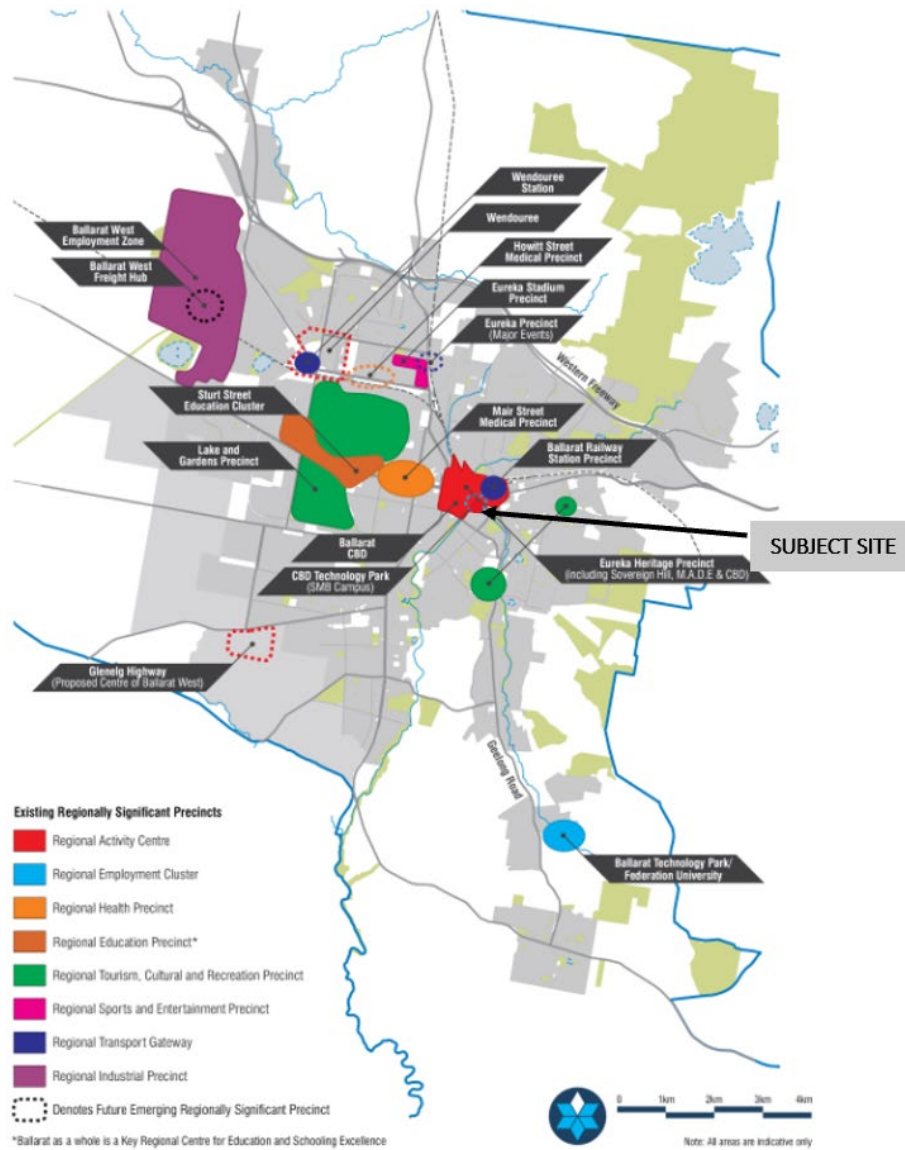


Figure 9: Regionally Significant Precinct Plan

Clause 21.09-1 CBD (Precinct 9)

The site is located within Precinct 9 (Mixed Use – Residential & Commercial) in the Ballarat CBD, pursuant to *Making Ballarat Central – The CBD Strategy 2011*.

The Strategy has been updated through the work undertaken for the Bakery Hill Renewal Plan. Further detail on this is provided throughout this report and within the Urban Context Report (Appendix 03).

Table 1: Precinct 9 objectives and strategies response

Decision Guideline	Response
<i>Encourage higher density residential development and other appropriate uses within close proximity to the CBD.</i>	The proposed development will deliver high density living within 200m of the Bridge Mall with a mix of 1-3 bedroom apartments in a seven story apartment building
<i>Improve the architectural quality and streetscape environment of these precincts that form entry points to the CBD</i>	The proposed development will provide high-quality buildings designed by leading architects that will improve the Bakery Hill neighbourhood's streetscape and provide an outstanding gateway to Ballarat's CBD. In addition, the development represents the first of a process of urban renewal as part of the Bakery Hill Urban Renewal Plan.
<i>Consider the opportunity for higher density residential with ground level commercial in the area.</i>	The proposal incorporates two seven storey buildings, one residential and the other commercial. Both buildings include retail uses at ground floor and therefore provide mixed use higher density living within inner Ballarat.
<i>Encourage activities that support but do not compete with CBD core retail and office uses including community services and facilities, service business and retail, as well as residential</i>	The anticipated uses proposed as part of the development will enhance them CBD's current activities. What is being offered is chance to accommodate the growing need for commercial spaces in close proximity to the Ballarat CBD.
<i>Revegetate Yarrowee River channel embankment with indigenous species.</i>	N/A

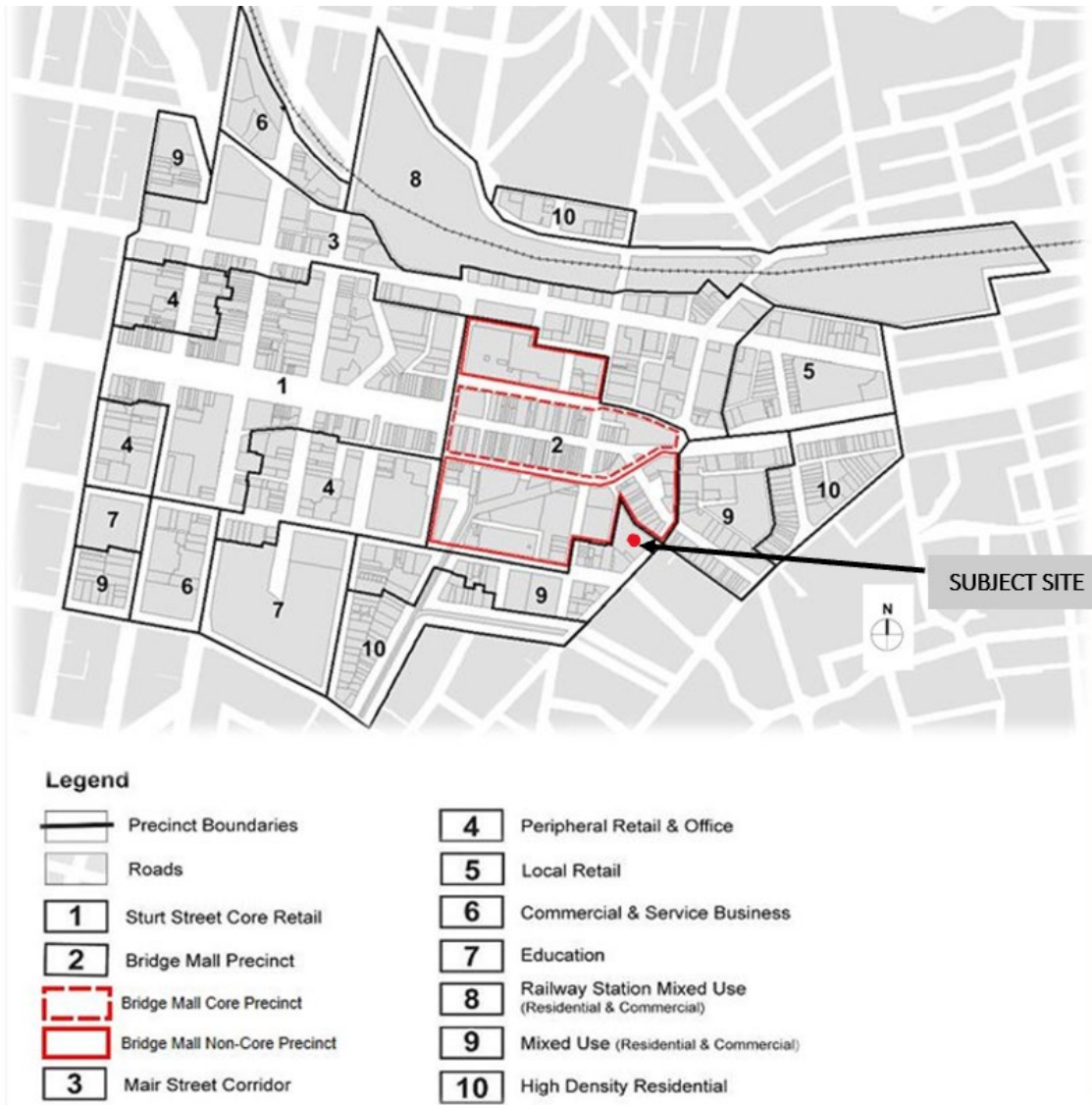


Figure 10: CBD Strategy

4.3 Economic Development

Clause 17.01-1R Diversified economy – Central Highlands

The development will support growth by creating employment opportunities in the CBD, including office and retail uses close to Ballarat train station and GovHub. The provision of large and flexible office uses will support Ballarat as a key regional employment area and contribute to greater economic self-sufficiency within the region.

Clause 17.02-1S Business

The proposed Building A comprises multiple levels of open plan office space, able to be used by one or several tenants in a range of layouts, with multiple possibilities ensuring viable, accessible office space. The location of the site in the CBD will contribute to the efficient use of existing infrastructure, including existing and future active and public transport uses.

4.4 Environmental Risks and Climate Change Mitigation

Clause 13.01-1S – Natural Hazards and Climate Change

The proposed development complies with Clause 13.01-1S and will take place in an area that is already established and is a lower-risk location, reducing risk from extreme weather events such as bushfire. Moreover, climate change mitigation measures have been implemented, such as provision of green power, no reticulated gas, and other tools to reduce the carbon impact of the precinct and adapt to a changing climate.

Clause 18.02-1S Walking

The development's proximity to necessary services, including supermarkets, schools, a train station and recreation centres all within a 10-minute walk, is a key contribution to the walkability of the site. Furthermore, the proposal includes minimal car provision and prioritises walking and cycling through active frontages, ground level bike parking and entrances and permeability through the site to link to the surrounding movement network. The location has a Walk Score of 84/100, making it very walkable and ideal for running most errands. Please refer Traffic Report for further information.

Clause 18.02-2S Cycling

To increase the proportion of cycling trips, the proposal incorporates provision of bike parks over and above the statutory requirement in each building, in addition to ground floor level end of trip facilities. The site is close to key cycling routes and bike mobility is possible via each of the site's

interfaces, helping to facilitate an efficient and safe bike network in the surrounding site. See figure 11 for the bicycle routes that are located in close proximity to the proposed subject site.

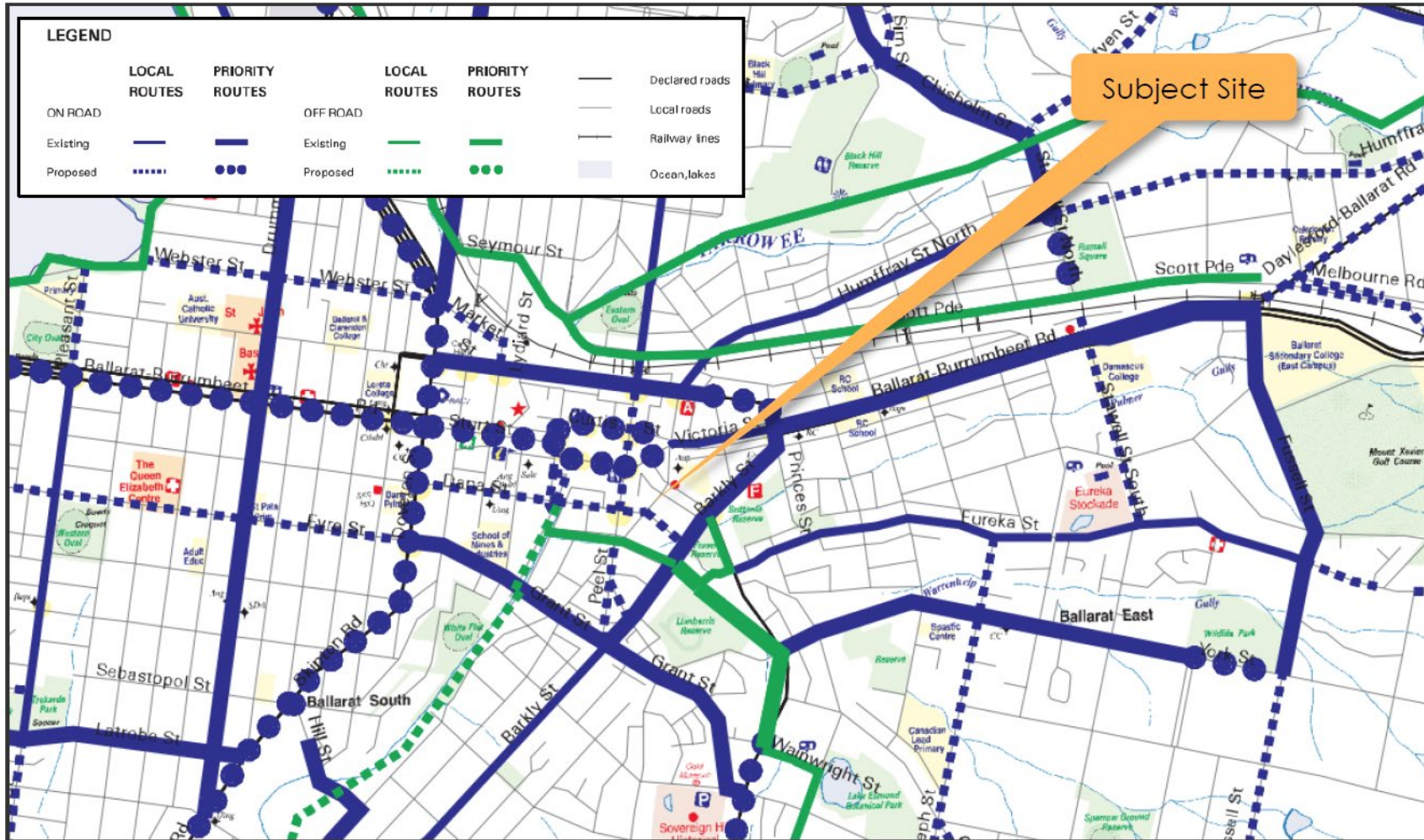


Figure 11: Bicycle routes

Clause 21.04-1 Sustainability and a changing climate

The development of the subject site, a large brownfill site in a key location in the Ballarat CBD will contribute to the consolidation and densification of the area. Benefits include reducing the need for transportation, increasing access to services, boosting social inclusion and connections, improving recreation options, education, and career opportunities, and lessening environmental impact.

The Building B is proposed to reach an average of at least 7 NatHERS* and Building A a NABERS minimum rating of 6. In addition, stormwater retention and reuse has been designed for and integrated into the precinct, along with buildings oriented to enhance the movement of the sun through different seasons. These techniques will reduce overall energy consumption and ensure the precinct is more resilient to weather extremes and a changing climate.

4.5 Built Environment

Clause 15.01-1S and Clause 21.06-1 Urban design

The proposal has been treated as a micro-precinct and as such, both buildings and landscaping have been integrated to present as a cohesive and functional whole. Please find further detail in the Urban Context Report (Appendix 03).

Clause 15.01-2S Building Design

The buildings have been intentionally located to improve an active streetscape, provide appropriate solar access to dwellings commercial spaces as well as to communal areas and revitalise the urban character of the area. More information about the built form, response to public realm and sustainability measures can be found in section 3.3, Architect Plans (Appendix 02), Urban Context Report (Appendix 03) and ESD report (Appendix 05).



Figure 12: View to site from east

5. ZONING

5.1 Clause 34.01 – Commercial 1 Zone (C1Z)

The site is zoned Commercial 1 Zone (see Figure 13).

The Commercial 1 Zone aims to provide for true mixed use areas including retail, office, business, entertainment, community with at-scale residential uses.

The permit triggers under the C1Z relevant to this proposal are as follows:

- Clause 34.01-1 – use of the land for accommodation where frontage at ground level exceeds 2 metres
- Clause 34.01-4 – construction of a building and associated works

In addition to the permit triggers, Clause 34.01-4 specifies that an apartment development must meet the requirements of Clause 58.

Clause 34.01 - Discussion

The proposal reflects the purpose of the C1Z, as it proposes two mixed use buildings that comprise residential, café, and office uses. The buildings are designed to encourage passive surveillance and human scale street level interest, contributing to a vibrant multi-use area. The proposal will deliver diverse dwelling typologies (compared to the broader area) and a range of commercial offerings ensuring flexibility for future occupants. Overall, the proposal will serve to meet Ballarat's housing and commercial needs within the Bakery Hill renewal area.

5.2 Decision Guidelines

Pursuant to Cl34.01 a permit is required for use and buildings and works. Clause 34.01-4 of the C1Z sets out the decision guidelines to be considered part of a development application. A response to the decision guidelines is provided below:

Decision Guideline	Response
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	See Section 5.1 of this report.
<i>The interface with adjoining zones, especially the relationship with residential areas.</i>	See Section 6 of this report.
<i>The effect that existing uses may have on the proposed use.</i>	The development integrates residential uses with existing residential areas and commercial uses with existing commercial areas.
<i>The drainage of the land.</i>	See Stormwater Report (appendix 08)
<i>The availability of and connection to services.</i>	See Servicing Report (appendix 07)
<i>The effect of traffic to be generated on roads.</i>	The development is not proposed to generate as much traffic as allowable under the car parking standards in the Scheme, with a focus on sustainable transport options. For further detail refer Traffic Report (appendix 05).
<i>The interim use of those parts of the land not required for the proposed use.</i>	N/A
<i>The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.</i>	Refer Traffic Report (appendix 05)
<i>The provision of car parking</i>	Refer Traffic Report (appendix 05)
<i>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</i>	Refer Architect Plans (Appendix 01) and Urban Context Report (appendix 02).

<i>backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.</i>	
<i>The storage of rubbish and materials for recycling.</i>	Waste facilities are located in the basement or ground floor of each building. Refer Architect Plans (appendix 01) and Waste Report (appendix 06).
<i>Defining the responsibility for the maintenance of buildings, landscaping, and paved areas.</i>	The responsibility for maintenance and open space upkeep will be the Owners Corporations associated with the precinct.
<i>Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</i>	The site does not directly abut residential land, however General Residential Zoned land occurs on the eastern side of Humffray Street South. Overlooking is not considered to be a major issue due to the distance between the residential building and nearby houses on the eastern side of Humffray Street S. Overshadowing to some of the houses on the eastern side of Humffray Street S will occur for part of the day at the equinox . Refer Architect Plans for further detail.
<i>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.</i>	No existing solar panels are known at the houses from 101-113 Humffray Street S.
<i>The availability of and connection to services.</i>	The development will be connected to all relevant services (except gas, being a carbon neutral development).
<i>The design of buildings to provide for solar access</i>	Each building has been designed to maximise northern light where possible within the constraints of the irregular-shaped site. Refer Architect Plans (appendix 02).
<i>For an apartment development, the objectives, standards, and decision guidelines of Clause 58.</i>	Refer the Urban Context Report, which includes an assessment against clause 58.

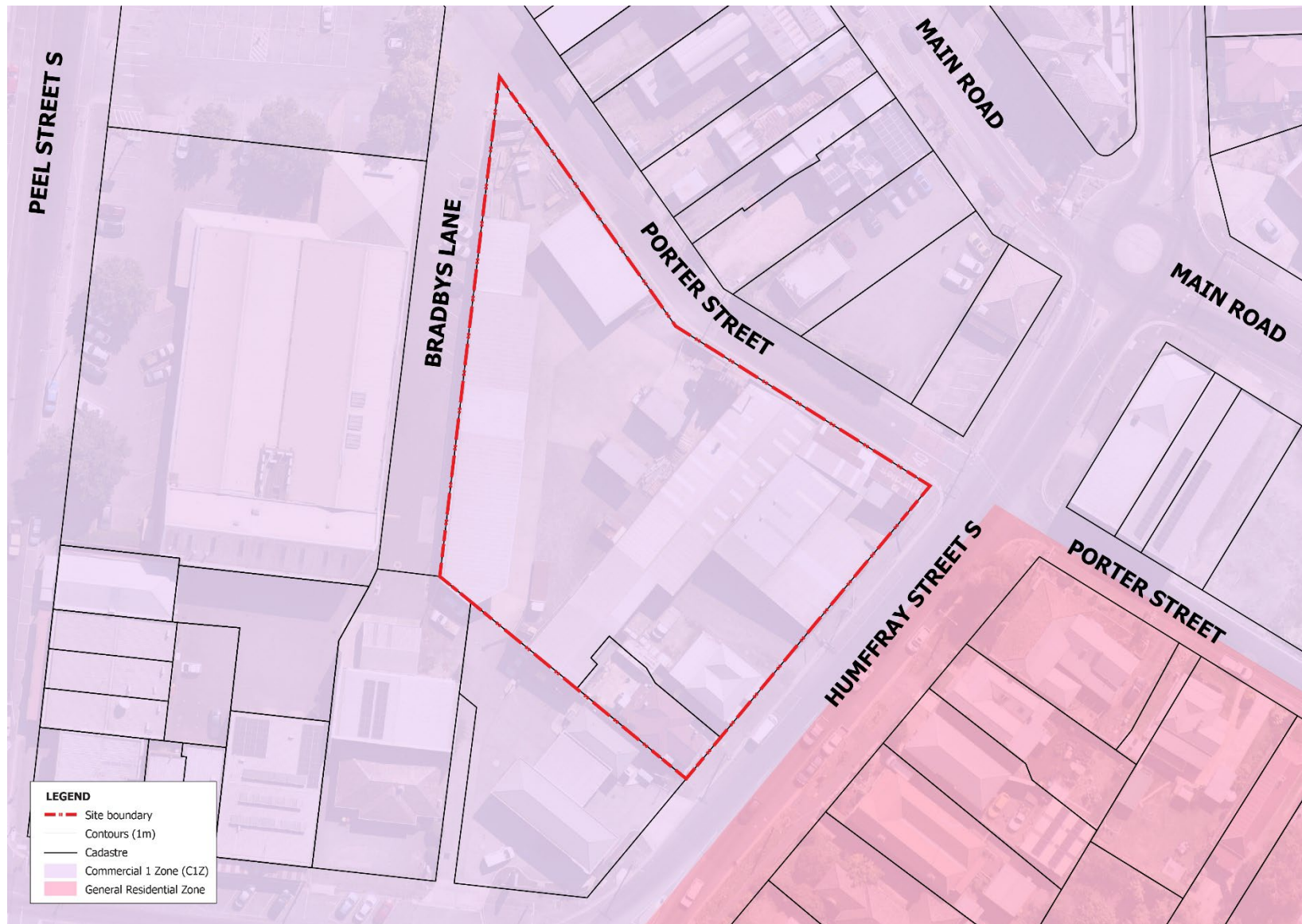


Figure 13: Zoning

6. PARTICULAR PROVISIONS

Clause 52.06 – Car Parking

The purpose of the Clause is to support sustainable transport options and manage car parking to suit the location and activities on site. The proposed development has been designed to support Council's '10 minute City' principle through an emphasis on bicycle use and storage and minimising car spaces. An assessment of the required car parking spaces is as follows:

Table 2: Car parking requirements

USE	TIMES OF USE	CAR PARKING REQUIREMENT	RATE	RELEVANT FLOOR AREA (sqm)	REQUIRED CAR PARKING
Residential building (Building B)					
1–2-bedroom dwellings (72)		1 to each dwelling		N/A	72
3+ bedroom dwellings (2)		2 to each dwelling		N/A	4
Visitor		1 to each 5 dwellings			15
Food and Drink Premises	7am-11pm daily	4 to each 100m ² of leasable floor area		109.3sqm	4
TOTAL					95
Commercial building (Building A)					
Food and drinks premises	7am-11pm daily	4 to each 100m ² of leasable floor area		218.3m ²	8
Office		3.5 to each 100m ² of net floor area		7190.3m ²	251
TOTAL					259

The subject site includes 30 spaces in the carpark in the Building B, while the Building A includes 74 car parking space, 2 disabled parks and 3 motorcycle bays. In addition a loading bay is to be located near the car park entry. Car spaces in the Building B are to be allocated based on purchaser upgrades and will not be tied to specific apartments for planning purposes. Car spaces in the Building A are not proposed to be tied to tenancies. In addition, the development will include plentiful bicycle parking (see below assessment). Therefore, it is considered that the proposed car space allocation is appropriate, noting the proximity to employment areas, public and active transport options and the vision of the site as a highly efficient and sustainable development that responds to climate change policy and best practice.

Clause 52.27 – Licensed Premises

The purpose of the Clause is to support sustainable transport options and manage car parking to suit the location and activities on site. The proposed development has been designed to support Council's '10 minute City' principle through an emphasis on bicycle use and storage and minimising car spaces. An assessment of the required car parking spaces is as follows:

	Retail 1 (Residential Building; Building B)	Retail 2 (Commercial Building: Building A)
Proposed licensed hours	7am-11pm 7 days per week	7am-11pm 7 days per week
Type of liquor license sought	Café	Café
Number of staff employed	Approx. 10	Approx. 10
Number of tables and chairs	Seating for 40	Seating for 40
Number of patrons	Up to 80	Up to 80
Proposed music	No music events proposed	No music events proposed
Consideration of cumulative impact	<p>The closest nearby venues with liquor licenses are a minimum of 50m away, as the site is within the eastern boundary of the Ballarat CBD area.</p> <p>A desktop survey showed the following venues that serve alcohol within 400m of the subject site:</p> <ul style="list-style-type: none"> - Mr. Jones Dining 	See response for Retail 1

- Goldmine Restaurant and Bar
- Crazy Asian Ballarat
- Dyers Steak Stable
- Ballarat Curry House
- Golden Crown Chinese Restaurant
- The Munster Arms Hotel
- Maple Palace Restaurant

The site is not considered to contribute to a negative cumulative impact in the surrounding area, providing additional choice on the eastern edge of the CBD.

Clause 52.34 – Bicycle Facilities

The purpose of Clause 52.34 is to support cycling as an active transport alternative.

Pursuant to Clause 52.34-2 a permit is required to vary, reduce or waive bicycle facility requirements.

The proposed development incorporates a vision for easily accessed and plentiful bicycle parking for resident use in this strategically located location in the CBD and within close proximity to public transport routes. The development proposes 69 bike park spaces in the residential building, 7 external spaces. and 50 bike spaces in the commercial building, with 10 external visitor spaces, at ground floor level in both instances, over and above the required amount.

The required amount of bicycle parking is calculated for developments of four or more dwellings, for retail premises and for office uses.

Table 3: Bicycle parking requirement

USE	EMPLOYEE/RESIDENT REQUIREMENT	VISITOR REQUIREMENT	RELEVANT FLOOR AREA (sqm)
Building B			
Dwellings (76)	15	7	N/A
Retail premises	0	0	109.3

TOTAL			22
Building A			
Office	23	7	7190.3
Retail premises	0	0	218.3
TOTAL			30

Clause 53.18 – Stormwater Management in Urban Development

The purpose of this 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.

The proposed development aims to ensure that stormwater management maximises the retention and reuse of stormwater. Please refer to Appendix 08 for additional detail on stormwater management within the development.

Clause 58 – Apartment Developments

The apartment building component of the development is required to be assessed against the objectives and standards of Clause 58: Please refer to Appendix 02.

7. CONCLUSION

The proposal development is considered to align with relevant planning controls and Council strategic directions, in particular the Bakery Hill Urban Renewal Plan. The built form will contribute a high quality and diverse offering comprising a range of dwelling from 1-3 bedrooms, commercial floor area and retail spaces, supported by considered landscaping and facilities that facilitate sustainable lifestyles and viable commercial opportunities.

The project is a design led response to the City of Ballarat's aspiration to regenerate the city's historical commercial centre and will act as an eastern book-end to Bakery Hill and the broader CBD.

This report supports the development of the site for two buildings, a residential mixed use building and a commercial building with associated open space areas, waiver in carparking requirements, and a liquor license. A planning analysis and justification supports the proposal which is compliant with the objectives of the Ballarat Planning Scheme and is therefore recommended for approval.

Appendix 1 – Title Documents

Appendix 2 – Architect Plans

Appendix 3 – Urban Context Report

Appendix 4 – Landscape Concept

Appendix 5 – ESD Report

Appendix 6 – Traffic Report

Appendix 7 – Waste Management Plan

Appendix 8 – Servicing Report

Appendix 9 – Stormwater Management Strategy

Appendix 10 – Wind Assessment

Appendix 11 – CHMP Process List

Appendix 12 – Survey Plan
