



CONSULTATION REPORT

103 Lyons Street South, Ballarat Central

1. Introduction

CEHL is a registered Housing Association and a provider and developer of affordable housing in Victoria. CEHL partners with independent co-operatives to provide the CEHL Housing Program. The CEHL Housing Program is an alternative to private rental and home-ownership. It provides long-term tenancies along with co-operative management of housing.

Our vision is to provide our co-operatives with better housing solutions which in return will empower our members resulting in thriving co-operatives and communities.

People in the CEHL Housing Program enjoy:

- Secure long-term housing
- Affordable rent
- Contributing to decisions that shape the Program and their housing
- Building supportive communities

CEHL is seeking to utilise Clause 52.20 (Victoria's Big Housing Build) to support the development of 103 Lyons Street South, Ballarat Central for 4, three bedroom dwellings. The purpose of Clause 52.20 is;

- To facilitate the use and development of land for housing projects funded by Victoria's Big Housing Build program.
- To ensure that development does not unreasonably impact on the amenity of adjoining dwellings or small second dwellings.
- To facilitate the delivery of this project funded by Victoria's Big Housing Build, through Homes Victoria.

The provisions of Clause 52.20 can be used to consider and support this development and this consultation report is prepared to satisfy the requirements of Clause 52.20-4 and to summarise:

- the scope of consultation undertaken by CEHL;
- the feedback received on this proposal;
- how CEHL has responded to community and council feedback;



2. Consultation process

The proposed development has involved consultation with Council and the community undertaken in 2023 and re-consultation in 2024.

The following stakeholders were engaged between 28 April 2023 and 19 May 2023 in accordance with the requirements of Clause 52.20-4.

- Ballarat City Council
- Community – owners/occupiers residing within 60 m radius of the subject site

Consultation with Council

CEHL notified Ballarat City Council of the application by email on 24 April 2023. All documentation was accessible via an online link.

Consultation with the Community

Five community submissions and a submission from Council was received. In response to the submissions received during the first round of consultation, CEHL undertook substantial redesign of the proposal (detailed more fully in section 3 of this report). To support the re-design a second round of consultation was undertaken with Council and the community.

The second round of formal consultation commenced on 19 March 2024 with submissions requested to be supplied by 5 April 2024.

The following surrounding properties were again notified:





CEHL has engaged with Central Highlands Water (CHW) in relation to drains that are combined with the neighbouring property and currently traverse the proposal site. Whilst CEHL consulted with CHW in relation to the previous design, the redesign has made provision for re-siting of the drains in line with CHW's advice.

3. Consultation feedback and any design changes

During the first round of consultation in 2023, five submissions were received from neighbours and a submission was also received from the City of Ballarat. Submissions from surrounding neighbours can be broadly grouped into the following themes;

- Visual bulk, yield and siting
- Street presentation, design and character
- Impact on heritage
- Overlooking and other neighbouring amenity concerns
- Car parking and traffic management
- Former mineshaft located on site
- Impact on vegetation
- Central Highlands Water Combined onsite sewer drains
- Potential tenant behaviour and noise
- Impact on property values
- Errors in documentation



Council raised the following matters;

- Process involving the demolition of original building
- Streetscape presentation and building massing
- Materials schedule
- Vehicle access
- Former mineshaft located on site

Overall, the City of Ballarat supported the proposed concept and the broad design, accepting a single storey dwelling to the front of the site and two storey development to the rear. Council also noted that the height and form of the proposed buildings are generally respectful of the adjoining properties. However, Council recommended a reconsideration of the spacing between the rear dwellings, lighter exterior finish materials and further detail on vehicle access and potential mine shafts on site).

CEHL has taken onboard feedback from the community in relation to the visual bulk and siting of the original design (shown in images below) and substantially redesigned the proposal. The current proposal is respectful of the area, resolves key amenity impacts and provides development of the site for four homes that will provide much needed affordable housing within the community.

The additional round of consultation was undertaken in March 2024, with the revised drawings provided to neighbours. Five submissions were received during this period. Four of the submissions were from previous submitters.

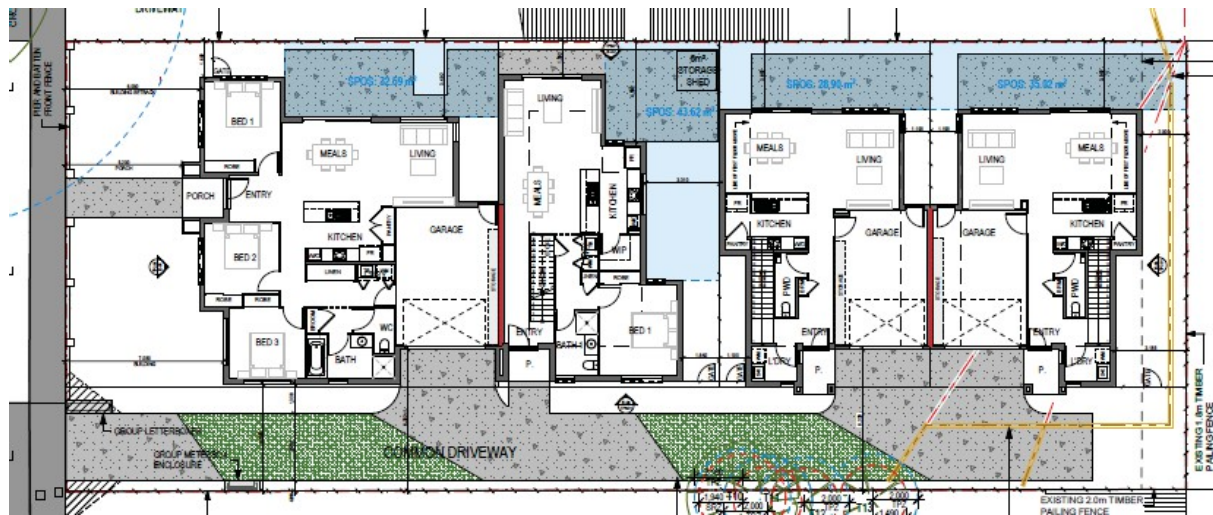
Issues raised in the other four submissions were generally similar to previous issues raised in the 2023 submissions, which have been substantially addressed in the revised drawings. Comments included not receiving all information, development not being appropriate for its heritage context, overdevelopment of site, amenity impacts, car parking, noise and impacts on fencing.

The new submission requested a 3 metre high boundary fence be erected.

The feedback received during both rounds of consultation are responded to below, noting that concerns were also raised with respect to the process and time provided to the community to make submissions during the consultation process. CEHL has consulted with Council and the community on two separate occasions to obtain feedback on the project. CEHL considers that extent of consultation is appropriate and has adequately informed CEHL of the views of these stakeholders.

Visual bulk, yield and siting

In response to the submission received, the three rear dwellings have been redesigned to address the concerns raised over visual bulk and siting. The ground floor has been redesigned, with a physical break between Units 2 and 3. The ground floor layout has also been reviewed and building articulation increased when viewed from the north and south. The upper levels has also been redesigned, with physical breaks between all upper levels. The ground floor roof area between Units 3 and 4 has also been redesigned to flat roof structure. Upper levels are set back a minimum of 6.42m from the property to the south.

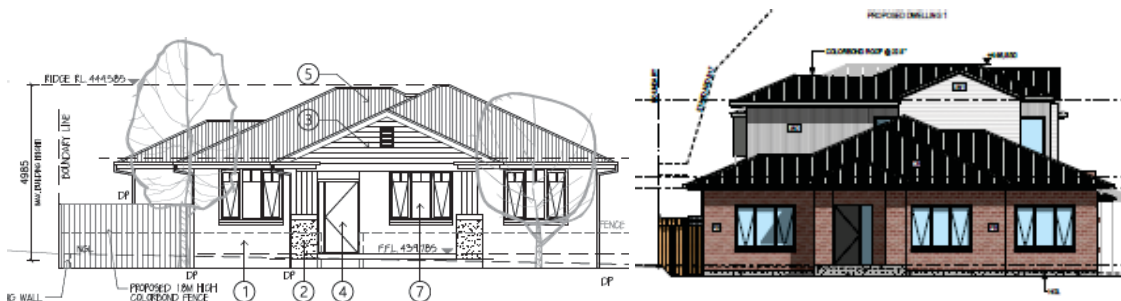


REVISED SITE PLAN

Street presentation, heritage design and character

The presentation to the street has been altered to address concerns raised. The dominant front gable has been removed and replaced with a hipped roof less than 3.6m in height. This reduces visual impact and is more in keeping with the pattern of development in the locality and the heritage citation. With regards to the choice of external façade bricks, it is noted that the abutting property to the north at 515 Dana Street is fully clad in a similar style brick along its Lyons Street South frontage. A wall on the street frontage immediately opposite the site is of a similar brick, as is a significant exposed wall on its northern boundary of 104 Lyons Street South. There are other examples of brick dwellings along Lyons Street South and nearby Dana Street in the immediate locality. The Heritage Citation of Ballarat Heritage Precincts Statements of Significance 2006 notes in the South Ballarat Precinct (HO168) that dwellings ‘were generally constructed from horizontal weatherboard or brick’. As such, we consider that the use of brickwork as proposed is in keeping with the character of the locality and the heritage citation for the Precinct, and is a suitable building element at the site.

With regards to external cladding materials, the roof will be Colorbond Shale Grey, which is defined as a soft, neutral grey colour. This colour seeks to balance the need for dark recessive colours to reduce visual impact and lighter colours to avoid glare. The proposed neutral roof colour also seeks to balance the negative impact of dark colours associated with adverse climate impacts.



ORIGINAL PROPOSAL
WESTERN (FRONT) ELEVATION
(WITH UPPER LEVEL NOT INCLUDED)

REVISED PROPOSAL
WESTERN (FRONT) ELEVATION



Overlooking and other neighbouring amenity concerns

All upper level windows will use opaque glass up to 1.7m in height in order to remove the opportunity for overlooking. Concerning the potential for noise and other amenity issues, we note that any plant equipment will be suitably baffled. All windows will be double glazed to reduce the impact of noise from within the units.

Car parking and traffic management

Clause 52.20-6.7 requires 0.6 car parking spaces per residential unit. A total of 2 car parking spaces are required on site (rounded down from 2.4). As three car parking spaces are to be provided on site, the proposed car parking numbers on site exceed the planning scheme requirements. Also, it is noted that the site is located in a walkable neighbourhood in the inner area of Ballarat, close to all goods and services as well as public transport.

Regarding car access, the proposed driveway will be a mixture of sealed concrete and permeable concrete, landscaped and compliant with Australian Standards for vehicle access and manoeuvring. Swept path analysis diagrams are included in the application materials. The driveway has also been extended to 3.0m in width. The size and design of the three garages have been modified to ensure compliance with the relevant Standards.

Former mineshaft located on site and contamination on-site

In identifying the location of the former mineshaft onsite, CEHL has engaged suitably qualified professionals to identify whether the site has contamination due to former mining activities.

CEHL has engaged environmental professionals to conduct:

- Preliminary Site Investigation Report (carried out by Provisional Geotechnical)
- Detailed Site Investigation Report (carried out by Peter J Ramsay & Associates)

Contained within the Detailed Site Investigation Report are recommendations in order to ensure that the site is 'development ready'. CEHL then engaged Landserv to provide suggestions in relation to these recommendations, which Peter J Ramsay have signed off on.

CEHL is committed to appropriate remediation of the site and will continue to undertake the required site assessments and engagement of professionals to conduct this and remediation actions. CEHL will undertake remediation of the site as recommended by the environmental professionals. At the time of writing this report, this may occur ahead of construction of the dwellings proposed onsite, pending approval from the relevant authority.

CEHL commits to informing Council and all adjoining neighbours of any intended remediation of the site before this work commences.

Redevelopment and on-site combined sewer drains

CEHL has worked with Central Highlands Water (CHW) to relocate the private sewer line across the subject site. A new sewer line will be located along the rear boundary of the subject site, in keeping with the typical placement of sewer lines. An easement will be surrendered to the water authority as required. The neighbour to the south will be advised by CHW when the existing sewer line is disconnected and a new line connected.



Impact on vegetation

It is noted that all vegetation was cleared from the site in 2023. There are several small trees located along the boundary of the neighbouring property to the south. A Tree Management Plan has been prepared for these trees to ensure that the proposed development on the subject site and the replacement of the sewer line does not negatively impact on these trees.

Fencing

An additional submission was received from an immediate neighbour concerning proposed fencing. The neighbour requested a three metre high fence on their common boundary. This fence would be on the northern boundary of the development site and cast extensive shadows and visual bulk into the immediately abutting private open space of the proposed development site. Given this potential negative impact on residential amenity, the fence was not considered appropriate. A 2.1m high fence has been proposed in this section instead.

Potential tenant behaviour

The behaviour of future tenants is difficult to quantify. There is often discrimination against tenants in affordable housing. We note that affordable housing is a vital component of the housing mix in Victoria, and legislation does not allow any discrimination regarding the provision of such housing typology.

Nevertheless, it is noted that the dwelling will be owned by Common Equity Housing Limited (CEHL). As discussed, CEHL is a registered Housing Association and a provider and developer of affordable housing in Victoria. As such, the dwellings will not be directly managed by Homes Victoria but rather a local, non-profit housing co-operative. Therefore, the CEHL model considers that there is a greater oversight and management of activities on the site and building maintenance and landscaping than the more traditional public housing model.

Impact on property values

The impact on property values is not a relevant consideration in determining whether a proposed development should be supported.

Other changes made to the proposal through the redesign include:

- Improve entry to Dwellings 2-4 and activation of building frontages onto driveway, with the provision of floor to ceiling windows adjacent to the entry door
- Inclusion of bedroom on ground floor of Dwelling 2 to improve accessibility
- Changes to building articulation to address building bulk
- Increase setback of proposed built form at rear (east) of site
- Revised documentation addressing previous errors
- Preparation of landscape plan referring to the redesign

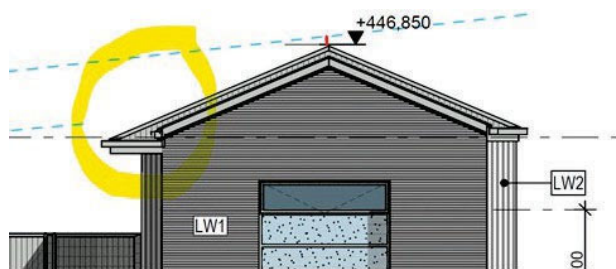
The City of Ballarat also lodged further comments in response to the second consultation period. Council considered that the revised drawings to be an improvement, and that the revised plans address many of the issues previously raised. Council submitted that:

- Front dwelling has been slightly reconfigured, but is broadly in line with the abutting dwelling to the south
- Notes that the proposed dwellings generally comply with the applicable metrics of Clause 52.20.
- Appropriate screening and overshadowing to neighbouring lots must be considered

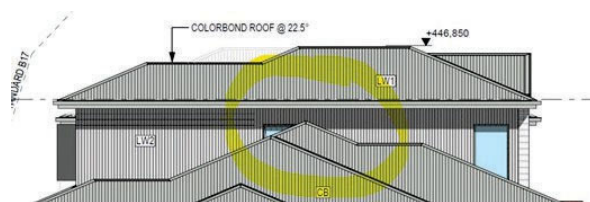
- An alternative hipped roof design to Dwelling 2 and revised colours and materials could improve the heritage impact of the rear units
- The proposed accessway does not comply and that issues concerning the soil conditions and abutting vegetation, including the Council street tree, should be resolved.
- Noise attenuation should be considered.
- More succinct and respectful service enclosure and letterbox design is recommended along the streetscape
- The management of waste to be considered.

CEHL has responded to Council’s feedback as follows:

- Noting that overshadowing does not impact the abutting dwellings, and therefore does not require any design adjustments;
- Council raised concerns in relation to the gabled roof presentation at Dwelling 2. Below is a section of the relevant area (highlighted) showing the design without the feature gable. As can be seen in the images below, if the feature gable was removed, the result would be bland in appearance. On the Western Elevation, the proposed gable protrudes minimally and will not impact on distant



GABLE VIEWED FROM SOUTH



GABLE VIEW FROM WEST

views or cause significant overshadowing. The current design contributes to the heritage context of the locality and provides a design feature.

- Soil conditions will be further investigated as noted, any Council works permits will be sought before construction commences, and tree protection measures will be incorporated.
- East section of north fence replaced and increased to 2.1m, west section of north fence replaced with 1.8m
- Group meterbox separated from letterbox enclosure, moved to south side of driveway and located further east (council recommendation)
- Bin enclosure removed and area landscaped, with individual bins shown to each dwelling yard
- Permeable concrete strips added to driveway to assist water reaching neighbouring trees (arborist requirement)
- Dwelling 3 & 4 porches extended (for visual identification) with laundry's rearranged and windows added to driveway side for security (previous change, HV request)
- Dwelling 1 porch changed to hip roof (from gable) with dimension added to keep under 3.6m encroachment (previous change, HV request)
- Garage doors widened due to Amber Traffic Report and storage areas reduced in width to assist with vehicle movements



- Garage roofs over Dwellings 3 & 4 changed to skillion behind a small parapet to reduce overall roof height (HV request)
- Colorbond material colours changed to 'shale grey' to lighten overall colour scheme, changed former timber cladding to weatherboard (council recommendation)
- Screens removed from windows and replaced with obscure glazing to 1700mm height above FFL (neighbours requests, approved by HV)
- Dwelling 2 small gable section retained to reference neighbouring heritage features and provide elevation articulation, cladding changed from timber to weatherboard though.

Conclusion

The proponent has consulted with surrounding landowners and occupiers, Central Highlands Water and the City of Ballarat.

Several issues raised in submissions addressed and have informed the redesign of the project.

Many submissions detail a fundamental lack of support for the proposed concept. It is considered that these concerns cannot be resolved without total redesign and dropping the dwelling yield.

Council has considered the proposal and is supportive of the proposal. It suggests several design changes which generally incorporated into CEHL's final design.

Submissions received from the community have been integral in CEHL's redesign of the proposal which has resulted in a response that substantially changed the building envelope and siting of dwellings 2, 3 and 4, particularly at the upper levels. CEHL is confident that the redesign strikes an appropriate balance between an increase in dwellings at the site, to provide much needed affordable housing whilst responding appropriately to the character of the area and amenity impacts to adjoining properties.

In summary, the proposed development has undergone two periods of consultation process with relevant parties since early 2023. In response to submissions received, the design has been amended. It meets the provisions of Clause 52.20 and relevant guidelines of the Ballarat Planning Scheme and should be supported.



**APPENDIX A: ORIGINAL CONSULTATION-NOTICE OF COMMUNITY CONSULTATION
SIGN & LETTER**



Common Equity Housing Limited (CEHL)

Dear Sir/Madam,

Common Equity Housing Limited (CEHL) is planning for a multi-unit development at **103 Lyons Street South, Ballarat Central**.

We are proposing to build four (4) new dwellings, with one (1) single storey dwelling to face the street and three (3) double storey dwellings toward the rear. Each dwelling will have one (1) allocated car parking space within the allotment.

We are now undertaking consultation with council, relevant service providers and with community. We are also writing to all neighbours to notify you of the project, the planning process and of how you can provide feedback on our proposal.

Who are we?

Common Equity Housing Limited (CEHL) is a registered Housing Association, provider and developer of affordable housing. Our Housing Program is an alternative to private rental and home-ownership, and provides long-term tenancies along with co-operative management of housing.

Our vision is to provide our co-operatives with better housing solutions which in return will empower our members resulting in thriving co-operatives and communities.

The planning process

This project is part of the Victorian Government's investment in social and affordable housing known as "Victoria's Big Housing Build" program. This program is seeking to deliver thousands of new homes for Victorians in need whilst creating tens of thousands of new jobs to support Victorians economic recovery.

In December 2020, the Victorian government introduced clause 52.20 (Big Housing Build) and clause 53.20 (Housing on behalf of the director of housing), into the *Ballarat Planning Scheme*. These planning provisions assist in streamlining the planning approval process for social and affordable housing, ensuring that homes are available to people who are most in need. CEHL will be seeking planning approval of this project through clause 52.20 planning pathway.

This planning process differs from the conventional process. The usual notice (also known as advertising) and review rights (such as the Victorian Civil and Administrative Tribunal [VCAT]) of the planning scheme do not apply to applications seeking planning approval under Clause 52.20.

Instead, applicants must consult with community residents, service providers and the local council prior to applying for planning permission. Applicants must also consider their feedback and document this in a consultation report as part of the consultation process. CEHL will then provide a planning application to the Department of Transport and Planning (DTP) for consideration by the Minister for Energy, Environment and Climate Change.



Common Equity Housing Limited (CEHL)

Information about the project

The proposed development plans and supporting documentation can be accessed via the below link:

<https://www.dropbox.com/sh/aqnifgi0eivcmql/AAAnnwXRzhukoXAaL56N-nDAa?dl=0>

Documentation can also be requested via the below contact details.

Have your say

CEHL welcomes any feedback you might have and kindly requests it to be provided by **19/05/2023** when the community consultation period will close.

Your feedback will be considered and inform the final proposal that will be submitted to the Minister.

Please provide your feedback by:

- Sending us an **email** addressed to Clement-Stone Town Planners (info@townplanners.com.au)
- Discussing the proposal with us via **telephone** on (03) 9334 2060

Following the consultation period, CEHL will be considering all feedback related to the design and impacts of the proposal including impacts to the surrounding neighbourhood. This will be summarised in a report that outlines how we have taken the consultation feedback into account and any design changes CEHL have made in response to the feedback.

This report will accompany the documents submitted to DTP in seeking planning permission. The consultation report will also be available on the Homes Victoria Website.

For more information

Should you have any questions about the proposal or the consultation process, please contact Clement-Stone Town Planners at info@townplanners.com.au or on (03) 9334 2060 and we will seek to get back to you within 48 hours.

For further information on “Victoria’s Big Housing Build” program, please refer to <https://www.vic.gov.au/homes-victoria-big-housing-build>

Yours Faithfully,

Killian Slattery
Development Officer
Common Equity Housing Limited (CEHL)

OFFICIAL

Community Consultation Notice

Proposed planning application to develop social housing project

Common Equity Housing Limited (CEHL) is a registered Housing Association, provider and developer of affordable housing. Our Housing Program is an alternative to private rental and home-ownership, and provides long-term tenancies along with co-operative management of housing.

Common Equity Housing Limited must consider community and council feedback and prepare a report detailing consultation on how this feedback has been considered. The consultation report must be provided to the Minister for Energy, Environment and Climate change for consideration when applying for planning permission, noting that Council is not the decision maker. Homes Victoria will publish consultation reports after the minister has made a decision on the application at <https://www.vic.gov.au/consultation-reports>.

The land affected by the application is located at:

103 LYONS STREET SOUTH BALLARAT CENTRAL VIC 3350

The application is for permission to

The construction of four (4) new dwellings

The applicant is

Common Equity Housing Limited (CEHL)

PO Box 504, Carlton South, VIC 3053

You can request digital or hard copies of the plans and direct any comments and questions to

Clement-Stone Town Planners

E: info@townplanners.com.au

T: (03) 9334 2060

You will find digital copies of the plans and any supporting documents on the following link/website

Link to documentation:

<https://www.dropbox.com/sh/aqnjfgj0ejvcmql/AAAnnwXRzhukoXAaL56N-nDAa?dl=0>

Please email info@townplanners.com.au for more information

We welcome your feedback and request it be provided by the following date
when community consultation will close by

19/05/2023





APPENDIX B: SECOND CONSULTATION-NOTICE OF COMMUNITY CONSULTATION SIGN & LETTER



Dear Sir/Madam,

Common Equity Housing Limited (CEHL) is planning for a multi-unit development at **103 Lyons Street South, Ballarat Central**.

We are proposing to build four (4) new dwellings, with one (1) single storey dwelling to face the street and three (3) double storey dwellings toward the rear.

We are now undertaking consultation with council, relevant service providers and with community. We are also writing to all neighbours to notify you of the project, the planning process and of how you can provide feedback on our proposal.

Who are we?

Common Equity Housing Limited (CEHL) is a registered Housing Association, provider and developer of affordable housing. Our Housing Program is an alternative to private rental and home-ownership, and provides long-term tenancies along with co-operative management of housing.

Our vision is to provide our co-operatives with better housing solutions which in return will empower our members resulting in thriving co-operatives and communities.

The planning process

This project is part of the Victorian Government's investment in social and affordable housing known as "Victoria's Big Housing Build" program. This program is seeking to deliver thousands of new homes for Victorians in need whilst creating tens of thousands of new jobs to support Victorians economic recovery.

In December 2020, the Victorian government introduced clause 52.20 (Big Housing Build) and clause 53.20 (Housing on behalf of the director of housing), into the *Ballarat Planning Scheme*. These planning provisions assist in streamlining the planning approval process for social and affordable housing, ensuring that homes are available to people who are most in need. CEHL will be seeking planning approval of this project through clause 52.20 planning pathway.

This planning process differs from the conventional process. The usual notice (also known as advertising) and review rights (such as the Victorian Civil and Administrative Tribunal [VCAT]) of the planning scheme do not apply to applications seeking planning approval under Clause 52.20.

Instead, applicants must consult with community residents, service providers and the local council prior to applying for planning permission. Applicants must also consider their feedback and document this in a consultation report as part of the consultation process. CEHL will then provide a planning application to the Department of Transport and Planning (DTP) for consideration by the Minister for Energy, Environment and Climate Change.



Information about the project

The proposed development plans and supporting documentation can be accessed via the below link:

<https://www.dropbox.com/scl/fo/6bjouf5kfs12t6g6pw5hc/h?rlkey=ko8bmlsy179yq4zcdudz5odeua&dl=0>

Documentation can also be requested via the below contact details.

Have your say

CEHL welcomes any feedback you might have and kindly requests it to be provided by **5/04/2024** when the community consultation period will close.

Your feedback will be considered and inform the final proposal that will be submitted to the Minister.

Please provide your feedback by:

- Sending us an **email** addressed to CEHL (realestate@cehl.com.au)
- Discussing the proposal with us via **telephone** on 0406 246 820

Following the consultation period, CEHL will be considering all feedback related to the design and impacts of the proposal including impacts to the surrounding neighbourhood. This will be summarised in a report that outlines how we have taken the consultation feedback into account and any design changes CEHL have made in response to the feedback.

This report will accompany the documents submitted to DTP in seeking planning permission. The consultation report will also be available on the Homes Victoria Website.

For more information

Should you have any questions about the proposal or the consultation process, please contact Common Equity Housing at realestate@cehl.com.au or on 0406 246 820 and we will seek to get back to you within 48 hours.

For further information on "Victoria's Big Housing Build" program, please refer to <https://www.vic.gov.au/homes-victoria-big-housing-build>

Yours Faithfully,

Killian Slattery
Development Officer
Common Equity Housing Limited (CEHL)

Community Consultation Notice

Proposed planning application to develop a social housing project
under Clause 52.20 of the Ballarat Planning Scheme (Victoria's Big Housing Build)



Common Equity Housing Limited (CEHL) is a registered Housing Association, provider and developer of affordable housing. Our Housing Program is an alternative to private rental and home-ownership, and provides long-term tenancies along with co-operative management of housing.

This notice describes how to view a development proposal on this land and how to provide feedback to the applicant

Common Equity Housing (CEHL) must consider community and council feedback and prepare a report detailing consultation and how this feedback has been considered. The consultation report must be provided to the Minister for Planning for consideration when applying for planning permission, noting that council is not the decision maker. Common Equity Housing (CEHL) publish a link to the consultation reports after the Minister has made a decision on the application.

The land affected by the application is located at:	<i>103 Lyons Street South, Ballarat Central</i>
The application is for planning approval to:	<i>Construction of four dwellings with one single storey and three double storey dwellings with three car parking spaces</i>
The applicant is:	<i>Common Equity Housing (CEHL)</i>
You can request digital or hard copies of the plans from and direct any comments and questions to:	<i>Common Equity Housing (CEHL) Killian Slattery 11-15 Argyle Place South, Carlton, VIC 3053 Email: realestate@cehl.com.au</i>
You will find digital copies of plans and any supporting documents on the following website:	<i>https://www.dropbox.com/scl/fo/6bjouf5kfs12t6g6pw5hc/h?rlkey=ko8bmisyl79yq4zcdudz5odeua&dl=0</i>

We welcome your feedback and request it be provided by the following date when community consultation will close:

5th April 2024

