



**Planning Delegated Committee Meeting**

**9 September 2020**

Virtual Meeting

**AGENDA**

**NOTICE IS HEREBY GIVEN THAT A PLANNING DELEGATED COMMITTEE MEETING  
WILL BE HELD AS A VIRTUAL MEETING ON 9 SEPTEMBER 2020 AT 7:00PM.**

Public representations may be made on any items listed on the agenda in a Planning Delegated Committee Meeting. Submissions must be submitted in writing to [agendapreparation@ballarat.vic.gov.au](mailto:agendapreparation@ballarat.vic.gov.au) by no later than 4.30pm on the day of the meeting; and limited to no more than 200 words. Submissions will be read out by the Chief Executive Officer or nominated delegate at the meeting prior to the matter being considered by Council.

If you would prefer to dial into the Planning Committee Meeting and read your submission personally, please contact [agendapreparation@ballarat.vic.gov.au](mailto:agendapreparation@ballarat.vic.gov.au) to arrange this.

## **AGENDA**

**ORDER OF BUSINESS:**

<b>1. Opening Declaration.....</b>	<b>3</b>
<b>2. Apologies For Absence.....</b>	<b>3</b>
<b>3. Declaration Of Conflict Of Interests.....</b>	<b>3</b>
<b>4. Confirmation Of Minutes.....</b>	<b>3</b>
<b>5. Officer Briefing.....</b>	<b>3</b>
<b>6. Planning Delegated Committee Reports .....</b>	<b>4</b>
6.1. Wastewater Treatment Plant Buffer Area (ES04) Amendment .....	4
6.2. PLP2020294 114 Webster Street Lake Wendouree.....	10
<b>7. General Business - Matters Arising From The Agenda .....</b>	<b>39</b>
<b>8. Close .....</b>	<b>39</b>

## **1. OPENING DECLARATION**

**Councillors:** *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

**Mayor:** *"I respectfully acknowledge the Wadawurrung and Dja Dja Wurrung People, the traditional custodians of the land, and I would like to welcome members of the public in the gallery."*

## **2. APOLOGIES FOR ABSENCE**

## **3. DECLARATION OF CONFLICT OF INTERESTS**

## **4. CONFIRMATION OF MINUTES**

## **5. OFFICER BRIEFING**

## **6. PLANNING DELEGATED COMMITTEE REPORTS**

### **6.1. WASTEWATER TREATMENT PLANT BUFFER AREA (ES04) AMENDMENT**

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Virginia McLeod – Senior Strategic Planner

#### **RECOMMENDATION**

**The Planning Delegated Committee resolves to:**

- 1. Note the request from Central Highlands Water to amend the Environmental Significance Overlay – Schedule 4.**
- 2. Seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment, pursuant to Section 8A of the Planning and Environment Act 1987, to amend Environmental Significance Overlay – Schedule 4 in accordance with Attachments 1 and 2.**
- 3. Place the Amendment on exhibition pursuant to Section 19 of the Planning and Environment Act 1987.**

#### **EXECUTIVE SUMMARY**

Central Highlands Water (CHW) has requested that the Environmental Significance Overlay – Schedule 4 (Waste Water Treatment Plant Buffer) be updated and improved, requiring a planning scheme amendment.

The proposed amendments to Environmental Significance Overlay – Schedule 4 (ESO4) are:

1. Inclusion of an exemption for vegetation management.
2. Updating the information required to be submitted with an application for a planning permit.
3. Establishing CHW as a referral authority for applications within the ESO4.
4. Updating the decision guidelines.

City of Ballarat supports the changes proposed by CHW. The changes are largely administrative in nature and will improve the operation of the ESO4 for CHW and provide improved guidance for decision-making for the City of Ballarat and stakeholders.

City of Ballarat proposes to include the changes to the ESO4 as part of planning scheme amendment C215ball, subject to advice from the Department of Environment, Land, Water and Planning (DELWP). Amendment C215ball implements a new planning policy framework, introduces new township plans adopted by Council and fixes existing planning scheme mapping anomalies. Council resolved to seek authorisation for C215ball in October 2018. City of Ballarat has been working to prepare this amendment with DELWP and intends to lodge for authorisation in September 2020.



## RATIONALE

City of Ballarat recommends proceeding with a planning scheme amendment to make the changes requested by CHW to improve the operation of the ESO4. City of Ballarat supports the changes proposed by CHW as they are largely administrative in nature, will improve operation of the ESO4 for CHW and provide improved guidance for decision-making for the City of Ballarat and stakeholders.

In addition, City of Ballarat will be progressing C215ball through the planning scheme amendment process in the remainder of 2020 and therefore will not require a separate planning scheme amendment to action CHW's request.

The requested changes to ESO4 by CHW do not include any proposed changes to the mapping of the overlay. CHW are progressing a buffer review for the Ballarat North Water Reclamation Plant that is the subject of ESO4. CHW have advised the City of Ballarat that based on the applicable Environment Protection Authority Guidelines and the odour assessment undertaken to inform the buffer review, the existing mapping of the ESO4 in the Ballarat Planning Scheme is adequate with no changes proposed at this stage. Central Highlands Water expect to have finalised this study by the end of 2020 for inclusion in their wastewater treatment plant master plan.

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017 – 2021
- *Planning and Environment Act 1987* - the proposed amendment is consistent with Council's obligations as a planning authority under the Planning and Environment Act 1987.

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	No
<b>Social/Cultural</b>	Yes	No
<b>Environmental/Sustainability</b>	Yes	No
<b>Economic</b>	Yes	No
<b>Financial/Resources</b>	Yes	No
<b>Risk Management</b>	Yes	No
<b>Implementation and Marketing</b>	No	No
<b>Evaluation and Review</b>	No	No

**Human Rights** – the proposed amendment does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**Social/Cultural** - the amendment is not anticipated to have any direct social or cultural implications.

**Environmental/Sustainability** – the amendment is not expected to have any environmental impacts.

**Financial/Resources** – the amendment will reduce planning permit applications from CHW through the correct use of exemptions and ensures resources of both CHW and City of Ballarat are not used in the assessment of unnecessary planning permit applications.

**Economic** – the amendment is not expected to have any economic impacts.

**Risk Management** – the amendment ensures proper use of the provisions of the planning system and ensures City of Ballarat is acting in accordance with its role under legislation to keep the scheme up-to-date.

## **CONSULTATION**

City of Ballarat Statutory Planning and Central Highlands Water were consulted in the preparation of this report.

## **OFFICERS DECLARATIONS OF INTEREST**

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

## **REFERENCE DOCUMENTS**

Nil

## **ATTACHMENTS**

1. Attachment 1 42 01 s 04 ball \_ C 215 \_ Issued to Council [6.1.1 - 2 pages]
2. Attachment 2 66 04 sball \_ C 215 Issued to Council [6.1.2 - 1 page]

## BALLARAT PLANNING SCHEME

XX/XX/202X  
Proposed  
C215**SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**Shown on the planning scheme map as **ESO4**.**WASTEWATER TREATMENT PLANT BUFFER AREA****1.0 Statement of environmental significance**XX/XX/202X  
Proposed  
C215

Ballarat is a large producer of wastewater which requires effective treatment before it can be released into and/or beneficially reused in the environment without detrimental impacts. Wastewater treatment plants treat domestic wastewater and commercial and industrial trade.

The ongoing protection of these facilities is critical for maintaining public health, the protection of the environment, and the protection of valuable community assets.

This overlay seeks to provide for the ongoing operation of wastewater treatment plants. Land within the overlay should not be developed for any purpose that might compromise the continued operation or expansion of wastewater treatment facilities to service the current and future population of the municipality.

**2.0 Environmental objective to be achieved**XX/XX/202X  
Proposed  
C215

Preventing development within proximity to To protect wastewater treatment plants from encroachment by incompatible development associated with sensitive land uses which may have a detrimental impact on the ongoing operation of the plant and community amenity.

**3.0 Permit requirement**XX/XX/202X  
Proposed  
C215

A permit is not required to construct or carry out works associated with:

- ☞ Agriculture;
- ☞ An alteration or extension to an existing dwelling;
- ☞ A building ancillary to an existing dwelling;
- ☞ A utility installation;
- ☞ A railway;
- ☞ A road.

A permit is not required to remove, destroy or lop any vegetation, including dead vegetation.

**4.0 Application requirements**XX/XX/202X  
Proposed  
C215

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- ☞ Plans, prepared to scale, indicating distances of property boundaries and any proposed buildings to the property boundary of the relevant wastewater treatment plant.
- ☞ A written statement that outlines how the application responds to the environmental objective to be achieved at Clause 2.0 of this schedule.

**5.0 Decision guidelines**XX/XX/202X  
Proposed  
C215

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

BALLARAT PLANNING SCHEME

- ⊖ The impact that any proposed development within the vicinity of the wastewater treatment plant site may have on the ongoing operation of the plant. The need to protect the continued operation and expansion of the wastewater treatment plant.
- ⊖ The proximity of the site to the wastewater treatment plant.
- ⊖ The compatibility of the proposal with the wastewater treatment plant and its sensitivity to odour that may be generated from the plant.
- ⊖ Whether the location and design of the proposal is appropriate given the proximity to the wastewater treatment plant.

CONFIDENTIAL DRAFT

BALLARAT PLANNING SCHEME

XX/XX/202X  
Proposed C215

**SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS**

**1.0 Referral of permit applications under local provisions**

XX/XX/202X  
Proposed  
C215

Clause	Kind of application	Referral authority	Referral authority type
<a href="#">Clause 3.0 to Schedule 4 to Clause 42.01 (ESO)</a>	<a href="#">All applications</a>	<a href="#">Central Highlands Region Water Corporation</a>	<a href="#">Determining referral authority</a>

CONFIDENTIAL DRAFT

**6.2. PLP2020294 114 WEBSTER STREET LAKE WENDOUREE**

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Rachel Blackwell – Coordinator Statutory Planning

**RECOMMENDATION**

The Planning Delegated Committee resolves to:

Issue a Notice of Decision to Grant a Planning Permit PLP/2020/294 for the land located at 114 Webster Street, Lake Wendouree for the Partial demolition and alteration and additions to a dwelling, subject to the following Conditions:

1. **Buildings and works**

The use development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and/or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.

2. **Heritage (Demolition)**

Demolition is permitted to sections of the building as identified in the approved demolition plan to the satisfaction of the Responsible Authority.

3. **Permit Expiry (Development only)**

This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two years of the date of this permit;
- (b) The development is not completed within four years of the date of this permit.

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

Notes:

- Building Act 1993

**Building Approvals**

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

**ResCode**

ResCode has not been assessed as part of this planning application.

**Heritage Note**

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

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

**EXECUTIVE SUMMARY**

On 21 May 2020 an application was lodged for partial demolition and alteration and additions to a dwelling, on land at 114 Webster Street, Lake Wendouree. The Application was advertised, and Council has received two (2) objections.

A consultation meeting was not held due to the COVID-19 Pandemic. Objectors were contacted by the officer directly to discuss the concerns raised in their submissions and were advised that the application had been called in by Council and would be considered at a Special Planning Committee.

Massing and perspective images were submitted to Council prior to the Special Planning Committee Meeting. This information was distributed to objectors prior to the meeting to inform any submissions. A copy of these images are provided as **Attachment 2**. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit subject to conditions.

**RATIONALE****APPLICATION DETAILS**

<b>Applicant:</b>	Madin Lyons & Associates Pty Ltd
<b>Owner:</b>	LKT Amor
<b>Date Lodged:</b>	21 May 2020
<b>Subject Site:</b>	114 Webster Street, LAKE WENDOUREE VIC 3350, Lot 1 PS704972
<b>Current use:</b>	Detached Dwelling
<b>Zone:</b>	General Residential Zone, Schedule 1 (GRZ1)
<b>Overlays:</b>	Design and Development Overlay, Schedule 7 (DDO7 – Urban Character Area 11) Heritage Overlay, Schedule 166 (HO166 – Central Ballarat Heritage Precinct) Vegetation Protection Overlay, Schedule 2 (VPO2 – Urban Character Vegetation)
<b>Permit Triggers:</b>	<b>Heritage Overlay</b> <ul style="list-style-type: none"> <li>43.01-1 (HO) A planning permit is required for partial demolition and alterations and additions to the existing dwelling.</li> </ul> <b>Design and Development Overlay</b>

	<ul style="list-style-type: none"> <li>43.02-2 A planning permit is required for additions to an existing dwelling which will be visible from the street.</li> </ul>
<b>Ward:</b>	Central
<b>Number of Objections:</b>	2
<b>Mediation Meeting:</b>	No
<b>Council Referral Trigger:</b>	Councillor call-in given objections
<b>Covenant or S173:</b>	No
<b>CHMP Required:</b>	No

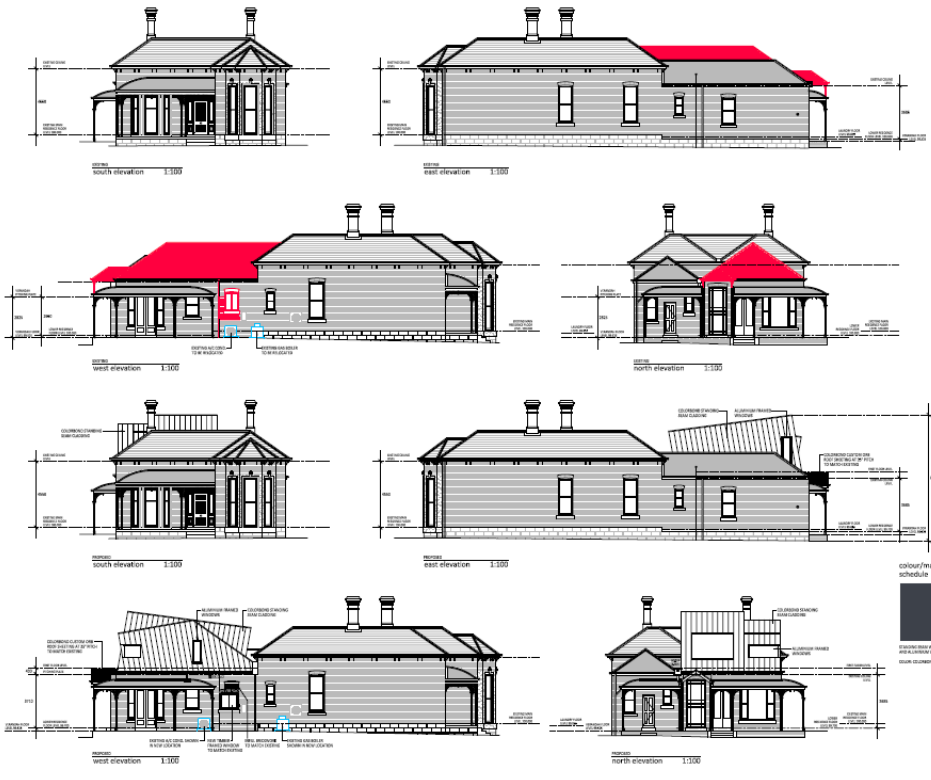
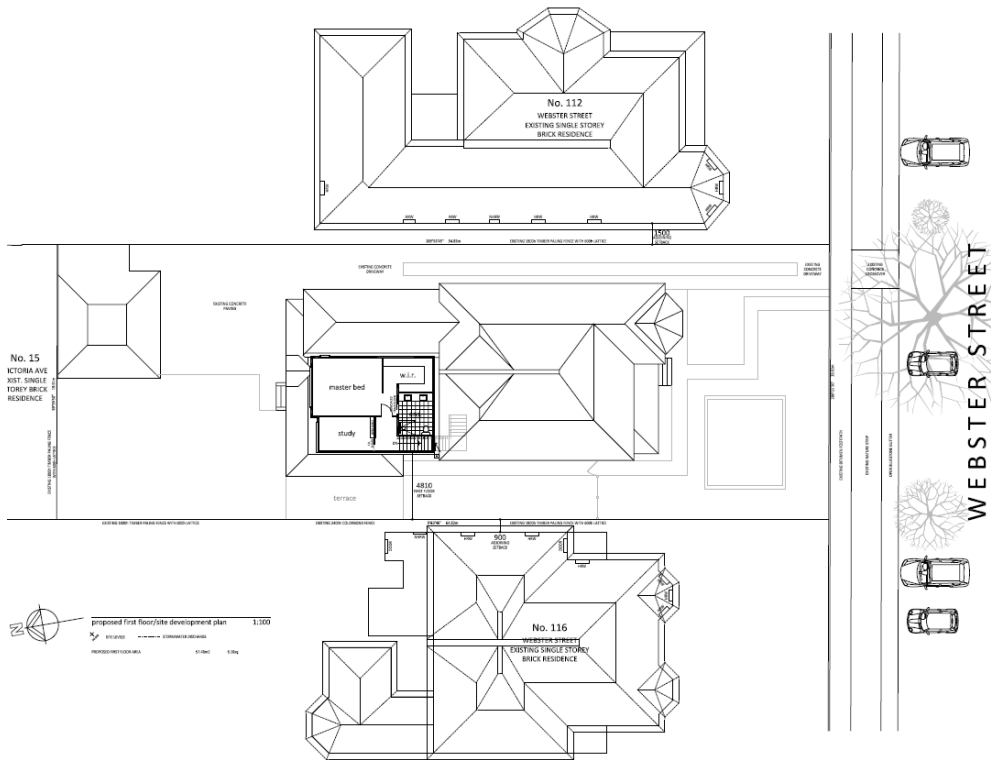
## PROPOSAL

The proposal seeks planning approval for partial demolition and alterations and additions to the existing dwelling on the land.

The key details of the proposal are as follows:

- Demolition of the existing non-contributory fabric of the dwelling, including roof form of a later addition (2002), an ensuite window, portions of wall within the ensuite, walk in robe and WC.
- The proposed alterations will comprise minor reconfiguration of the ground floor to include an additional bedroom and stair to the proposed addition. All other elements of the ground floor form will remain intact.
- The first floor addition will comprise a master bedroom with associated ensuite, walk and robe and study with an area of 57.48m<sup>2</sup>. The addition will have dimensions of 8.70 metres in width by 6.73 metres in length and sit fully within the ground floor envelope of the rear of the dwelling.
- The addition will be setback 17.24 metres from the front façade of the existing dwelling and 28.06 metres from the site frontage with Webster Street. The addition will be setback 4.8 metres from the sites western boundary, 7.9 metres from the eastern boundary and in excess of 18 metres from the sites rear (north) boundary.
- The addition will be modern in appearance and features two distinct forms which assist in providing visual interest and articulation to the building form. The addition would have an overall building height 8.65 metres.
- Materials include, colourbond standing seam cladding 'ironstone' in colour with colourbond custom orb roofing, aluminium framed windows, brick infill and timber framed windows to match the existing details of the dwelling.
- The floor plans and elevations are provided as **Attachment 1**.





## **SITE & SURROUNDS**

The subject site is located on the northern side of Webster Street, approximately 80 metres to the west of Drummond Street North.

The rectangular shaped site has a frontage of 19.51 metres to Webster Street and a depth of 54.8 metres, giving an overall area of 1070m<sup>2</sup>. The land is relatively flat.

Lot sizes in Webster Street vary from 250m<sup>2</sup> to in excess of 4000m<sup>2</sup>. The area is predominantly residential in nature with some non-residential land use.

Dwellings are typically single storey in form. Some feature first floor additions. There are a variety of dwelling styles present including substantial Victorian and Queen Anne style dwellings, federation and bungalow style dwellings and cottages, and examples of interwar dwellings and post war medium density development.

The setting of the street is enhanced by mature street trees and bluestone gutters. Dwellings generally have generous setbacks with established front gardens which contribute to the streets garden character.

The subject site at 114 Webster Street currently contains a single storey, double fronted Victorian Villa Dwelling. The dwelling is setback 10.8 metres from the site frontage and also features generous setbacks (3.2, 4.6 metres) from side boundaries. A brick garage is located in the north eastern corner of the site accessed by the driveway which runs along the eastern site boundary.

The land is located to the west of the Ballarat CBD. Surrounding properties are developed for residential purposes. The site is located in the General Residential Zone. The site is well located in relation to services, facilities, recreation and employment amenities such as the Ballarat Base and St John of God Hospitals, Ballarat Clarendon College, Australian Catholic University, the Gov Hub, Lake Wendouree and Ballarat Train Station.

On the opposite side of Webster Street, to the south is a mixture of residential and commercial development which are contained within existing dwellings. This includes medical facilities associated with St John of God Hospital.

Immediately to the north of the site on Victoria Avenue are existing dwellings including detached and attached development. The dwelling at 15 Victoria Avenue immediately to the rear of the site is a single storey dwelling which has a rear setback (adjoining the subject land) of approximately 10 metres.

Immediately to the east and west of the site is residential development fronting to Webster Street which comprises single storey detached Victorian Villas similar in form and style to the dwelling on the subject land. It is noted that all of the existing Victorian style dwellings in this section of Webster Street have undergone rear alteration and addition at some point throughout their history. The building form to the street and the streetscape character/contribution to the significant streetscape of Webster Street remain intact.

An aerial map and image of the site is below detailing the site context.



## RESPONSE TO NOTICE OF APPLICATION

The application was required to be advertised pursuant to Section 52 of the Planning and Environment Act 1987.

The following forms of advertising were undertaken:

- Notices sent to owners and occupiers of adjoining land (includes opposite);
- An A2 sign was placed on the land.

Council has received 2 objections in response to advertising. The key issues raised in the objections can be summarised as follows:

- Neighbourhood character, including building height/bulk, form and appearance.
- Impact to Heritage streetscape when viewed from Webster Street and wider implications to Central Ballarat Heritage Precinct.
- Amenity including privacy and enjoyment of outdoor living space.

A mediation meeting was not undertaken due to the COVID-19 Pandemic and associated restrictions placed on social distancing and gathering.

The applicant provided a written response and amended plans in response to objector concerns. The written response and plans were circulated to the objectors for consideration prior to the Special Planning Committee Meeting. The objectors were also contacted by Council officers to discuss their concerns in more detail and advise that the application was to be considered by the Special Planning Committee.

The issues raised in the objections will be addressed throughout the discussion on the key issues relating to the proposal.

## REFERRAL OF APPLICATION

The application was not referred externally.

### Internal Referrals

Referral	Advice/Response/Conditions
Heritage	<p><b>Heritage Status</b> HO No: HO166 HO Name: Central Ballarat Heritage Precinct</p> <p><b>Significance:</b> The Central Ballarat Heritage Precinct is <i>historically, aesthetically, architecturally, scientifically</i> and <i>socially</i> significant to the City of Ballarat. The precinct is of particular architectural significance for its high degree of integrity and condition, its important collection of Victoria, Federation, Inter-War and early Post-War buildings and for the significant numbers of quality houses that date from the 1880s.</p> <p>The existing house at 114 Webster Street is identified as contributory to the significance of the precinct.</p> <p><b>Context:</b></p>

	<p>Webster Street contains a significant number of substantially intact, single-storey double fronted brick Victorian villas, including the existing house on the subject property, reflecting its reputation as a fashionable town address during the latter part of the 19<sup>th</sup> century and reflects the prosperity of Ballarat in the 1870-1880s. The setting is enhanced by the 19th century bluestone drains, mature street trees and large allotments with generous front gardens.</p> <p>In the immediate vicinity of the subject property on the north side of Webster Street, the nearby houses are single-story brick Victorian or Edwardian/Federation buildings with reasonable side setbacks allowing views between the houses to the rear of the properties.</p> <p>Webster Street constitutes a significant architectural and aesthetic element within the Central Ballarat Heritage Precinct</p> <p><b>Proposal:</b></p> <p>It is proposed to carry out minor internal alterations to the ground floor of the existing house (for which a permit is not required), to demolish the roof of part of the rear of the house, and to construct a first floor addition to the south side of the rear part of the house.</p> <p>It is also proposed to modify an existing window towards the rear of the south elevation of the building by widening it.</p> <p>Documents referred to: Drawings 1 to 6 marked Rev A, prepared by Madin Lyons Associates Pty Ltd, and accompanying Heritage Report by the same office.</p> <p><b>Comment:</b></p> <p>Under the Decision Guidelines (Cl.43.01-8) of Cl.43.01 of the Ballarat Planning Scheme, the responsible authority must consider:</p> <ul style="list-style-type: none"><li>• <i>Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.</i></li></ul> <p>In this instance, <i>the heritage place</i> is the Central Ballarat Heritage Precinct and all the elements within it that contribute to its significance, including the existing house on the subject site.</p> <p>Assessment of the appropriateness of the proposal is undertaken with reference to Heritage Victoria's <i>The Heritage Overlay – Guidelines for Assessing Planning Permit Applications: Public Draft February 2007</i>, as specified in CL.22..05-1.1 of the Ballarat Planning Scheme, specifically <i>Cl. 6.4.3 Alterations within a Heritage Place covered by an Area HO</i>.</p> <p>Having regard for the above, I make the following comments:</p>
--	--

	<p><u>Demolition</u> With respect to the proposed demolition of the roof to the rear of the house:</p> <ul style="list-style-type: none"><li>• The Design Guidelines encourages retention of all fabric that contributes to the significance of the heritage place. Cl.3.4.6 specifically encourages the retention of the main roof, chimneys, and side walls of contributory buildings in suburban settings, as they are often visible from the public realm and therefore contribute to the significance of the precinct. While parts of the building beyond the main roof may be demolished to accommodate an appropriately designed alteration or addition, it is desirable that the significance of the fabric be established to inform the decision.</li><li>• Drawings recently provided by the applicant show that the north-west corner of the building containing the kitchen and meals area, was constructed in about 2002 (Building Permit plans prepared by Robert E Hall &amp; Associates and stamped by the City of Ballarat in March 2002).</li><li>• Demolition of the roof of that part of the building may therefore be approved, it not being part of the original fabric of the building.</li></ul> <p><u>Alterations and additions</u> With respect to the proposed first floor addition:</p> <ul style="list-style-type: none"><li>• The proposed first floor addition is located well to the rear of the existing building and is to be located behind, and not impacting directly on, the main roof of the existing building. In principle and given that the area to be altered is not an original part of the building, this is an appropriate approach.</li><li>• The Sightline Diagram (19128-tpB 6) confirms that the highest point of the proposed addition will be well below a sightline taken from the opposite footpath over the ridge of the roof at the front of the building, and will therefore not dominate the existing building when viewed from the public realm as encouraged under <i>Cl. 6.4.4 Additions within a Heritage Place covered by an Area HO</i> in the Design Guidelines.</li><li>• However, the Design Guidelines, while encouraging a distinction between the 'new' and 'old' works, also require that new works respect the form and materials of the heritage place, which in this case is the existing contributory building and its context in the immediate locality. The guidelines encourage the use of simple shapes of similar scale, proportions, and materials to those of the existing building.</li><li>• While the Design Guidelines also indicate that it may not be necessary to restrict the form of an addition where it is not visible from the public realm, this generally applies to single-storey additions that are fully concealed behind existing buildings (not vegetation). It appears from preliminary examination, that oblique views to the west elevation will result in the potential for the proposed</li></ul>
--	--

	<p>addition to be visible from the public realm, i.e. Webster Street.</p> <ul style="list-style-type: none"> <li>• If visible from the public realm, additions to buildings in the heritage overlay are required to respect the character, form and materials of the existing building or the immediate context of the precinct. As the angular shapes and cladding materials proposed for the addition do not interpret, or otherwise respond to the hipped roof forms of the original buildings, it would be useful prior to finalising my position on the appropriateness of the addition, for the applicant to provide massing models or 3D images to confirm whether the addition will be visible from Webster Street when viewed obliquely from in front of 116 Webster Street, or to what degree.</li> </ul> <p><b>RECOMMENDATION:</b> I have no objection to the proposed demolition of the roof to the north-west corner of the building, but in order to make an informed assessment of the potential visual impact on the public realm, recommended that the applicant provides 3D images to show the extent that the proposed first floor addition may be visible when viewed obliquely from Webster Street.</p>
--	--

**KEY ISSUES**

The proposal generally accords with the PPF including the LPPF of the Ballarat Planning Scheme. The principal issues are as follows:

- Strategic Justification;
- Heritage;
- Urban Character; and
- Amenity Considerations.

**Strategic Justification**

Planning policy expressly supports the role of urban and building design, and heritage in delivering sustainable communities. Development should achieve built form outcomes which respond to valued character, identity and contribute to a sense of place, as encouraged by the Planning Policy Framework (PPF), specifically:

- Clause 15 Built Environment & Heritage

Relevant objectives include:

Built Environment & Heritage

- *Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.*
- *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
- *Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*
- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*
- *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*



- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*
- *To ensure the conservation of places of heritage significance.*

Both the State and LPPF in relation to Built Environment (Clauses 15 and 21.06) require new development to respond to landscape and character values to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

The proposal is considered to support the aspirations for built environment and heritage of the planning policy framework. The proposed development will facilitate a high quality built form outcome which responds to site features, including the heritage context, which will be demonstrated.

The existing dwelling and its significant heritage elements will be retained. The proposed alterations and additions to the dwelling are considered to achieve a design outcome which allows for preservation of heritage elements while also providing for a modern addition which is respectful to the scale and form of surrounding development and the heritage and urban character context.

The form, scale and appearance of the development will have minimal interaction with the public realm and the features of this area of Lake Wendouree which is appreciated for its heritage and urban character values.

### **Heritage**

The subject site is affected by Heritage Overlay HO166, Ballarat Central Heritage Precinct. The purpose of the Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
- *To conserve and enhance heritage places of natural or cultural significance;*
- *To conserve and enhance those elements which contribute to the significance of heritage places; and*
- *To ensure that development does not adversely affect the significance of heritage places.*

The implementation of the State and Local Planning Policy require consideration of:

- Clause 15.03-1S (Heritage Conservation).
- Clause 21.01-4 (Built Form, Heritage and Design’).
- Clause 21.06-2 (Heritage under ‘Built Form, Heritage and Design’).
- Clause 22.05 (Heritage Conservation and Heritage Precincts – Local Policy).

Clause 22.05 sets out policy requirements including:

- To implement the Heritage Victoria’s ‘The Heritage Overlay – Guidelines for Assessing Planning Permit Applications; Public Draft February 2007’ (the Guidelines).
- All buildings, other than those specifically listed as ‘not of heritage significance’ within the ‘Ballarat Heritage Precincts – Statement of Significance (2006) and the ‘Ballarat Heritage Precincts – Statement of Significance Study Part A July 2006’ are prima facie contribution to the significance of the heritage place.
- To apply the ‘Ballarat Heritage Precincts – Statement of Significance (2006) and the ‘Ballarat Heritage Precincts Study Part A 2006 Statements of Significance’ when considering applications under the Heritage Overlay.

Clause 43.01-8 sets out a number of decision guidelines that must be considered and the Heritage Victoria Guidelines for Assessing Planning Permit Applications also offer assistance in determining appropriate outcomes.

---



The subject site is included within the Central Ballarat Heritage Precinct. The Precinct is described as:

*“The Precinct is architecturally important for the significant numbers of quality houses that date to 1880s. The area experienced a period of brisk development between 1861 and 1871, when a number of lucrative deep leads were mined. The reputation of the area as a fashionable town address, especially within the vicinity of Webster Street after the mid 1860s attracted a number of local mining magnates to the area. Houses along Webster Street were characterized by their large allotments and emphasis on formally designed private gardens with plantings of exotic trees. This street character, along with sections of neighbouring Drummond Street, remains largely intact and reflects the prosperity of Ballarat in the 1870s-1880s. Baileys’s Mansion’ (1883), on the corner of Mair and Drummond Streets and now part of St. John of God Hospital, is a visual reminder of the prosperity of this section of West Ballarat in the late 1870s-1880s. While it is a fairly typical example of a ‘boom-time’ mansion, complete with tower, it is a rare style for Ballarat and more common to Melbourne.”*

The Statement of Significance states that:

*“The residential architecture of the area is aesthetically significant for its high degree of integrity and condition, and forms an important collection of Victorian, Federation, Inter-War and early Post-War buildings. While there is considerable variety across the area due in part to different allotment sizes, within the same street or sections of streetscapes, groups of houses are quite similar in size, scale, set back, with a unity of materials as well as design characteristics.”*

*“Typically, residential buildings in the precinct are single storey (although some are 1 ½ to 2 and rarely 3 storey), with hipped and/or gabled roofs clad in either galvanized corrugated iron, slate or terra cotta tiles. Buildings were constructed of weatherboard, brick or bluestone and include verandahs or porches, eaves, unpainted chimneys, decorative detailing, timber framed doors and double hung or casement windows.”*

Ballarat Heritage Precincts – Statements of Significance 2006.

The subject site contains a single-storey double fronted Victorian villa dwelling which is contributory to the significance of the heritage precinct.

Within the Precinct, this section of Webster Street a majority of dwellings are of significance to the precinct and therefore there is very limited built-form change to the heritage streetscape. Any new development, including alterations and additions to an existing dwelling must therefore be sensitive to the heritage buildings and the overall significance and character of the heritage precinct.

The development is considered to be sympathetic when assessed against local policies and The Heritage Overlay – Guidelines for Assessing Planning Permit Applications.

In relation to the partial demolition to the rear portions of the dwelling the Design Guidelines encourages retention of all fabric that contributes to the significance of the heritage place. In this instance all original significant building fabric has been retained within the only partial demolition of a later rear addition to the dwelling.

The addition is sited in the location of the non-significant portion of the dwelling, will not result in any additions at ground level and is positioned to ensure that the prominence of the contributory elements of the heritage place are not impacted.

The addition is conservative in size/dimension, is of contemporary design and does not imitate, replicate or mimic the contributory elements of the existing dwelling. The development utilises asymmetrical roof forms to contrast against the symmetry of the existing heritage roof. The

---

designs form has two separate sections to provide both interest and articulation both internally and externally. Further its materiality including use of colourbond cladding enhances the contemporary design whilst respecting the style and character of the heritage dwelling.

This design approach is considered appropriate in this context and accords with the Design Guidelines as the addition will not be visible from the public realm and will not dominate the heritage place or overwhelm the form and materials of the contributory elements of the dwelling and is therefore an acceptable outcome.

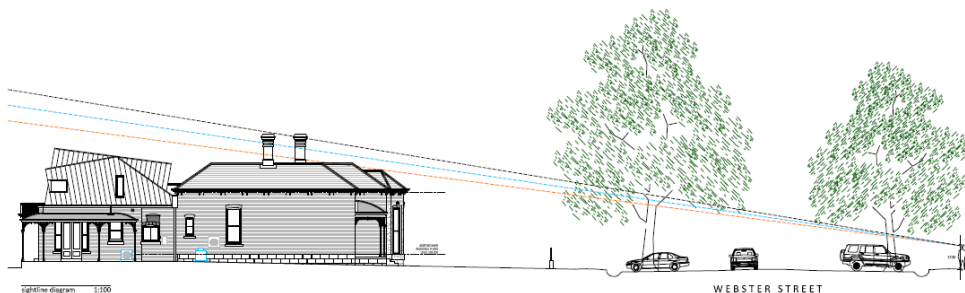
This is further reinforced by the setbacks of the addition, which is to the rear of the dwelling above the existing non-contributory elements where the original building fabric is retained. The first floor form is proposed to be setback 28 metres from the site frontage and 17.24 metres to the rear of the front building line of the dwelling. The form will also be setback within the ground floor envelope, 4.8 metres from the western boundary and 7.9 metres from the eastern boundary, thereby retaining the significant side setbacks of garden character of Victorian villa style dwellings within this section of the heritage precinct.

In relation to height it is acknowledged that the addition is a double storey form in the context of a single storey dwelling. Having said this, given the substantial height of the existing villa style dwelling on the site the first floor form is only marginally higher (1 metre) than the existing roof.

Of relevance to the assessment of this element is the level of concealment that is appropriate within the Heritage Place. The additions should not dominate the public view of retained fabric; and the overall height including the roof, should not overwhelm any adjoining contributory elements.

Where the height of proposed additions is taller than the retained fabric, the visibility of development should be assessed in relation to the retained building, from viewing points 1.7m above natural ground level on the opposite footpath, from directly in front and from a position aligned with the boundary two allotments away, on either side.

The degree of concealment has been assessed in this context to ensure that the public view of the retained fabric is retained. The addition is fully concealed behind the façade of the heritage dwelling so that it is not visible to the public view. This is demonstrated in the image below which provides an assessment against the guidelines from the southern side of Webster Street directly in front and from a position aligned with the boundary two allotments away on either side. This assessment demonstrates that the addition sits comfortably within its heritage context and will not detract from its immediate heritage streetscape or the wider precinct.



On this basis the proposal is supported by Council officers from a heritage perspective. While the proposed addition will be a contemporary form it will not impact the heritage landscape, it is a high quality architectural response and it has been demonstrated that it responds appropriately contributory elements of the existing dwelling and the wider heritage precinct.

### Urban Character

The subject site is affected by the Design and Development Overlay, Schedule 7 (DDO7) which relates to Urban Character Area 11. This Urban Character Area relates to properties in the vicinity of the subject land on Webster Street, properties to the eastern section of Webster Street and to the north (wider Lake Wendouree) extending to Mill Street, Macarthur Street and Creswick Road.

Achieving a preferred neighbourhood character is guided by Clause 21.06-3 (Neighbourhood Character) which outlines a number of considerations including maintaining a garden setting, the established rhythm and spacing between buildings and minimising the dominance of new buildings and car parking structures.

The objectives of the overlay are to:

- *To retain and enhance high quality Edwardian and inter-war residential urban character that has special significance to the City of Ballarat.*
- *To retain the existing rhythm and scale of development along the street frontage.*
- *To encourage new development that complements existing Edwardian and inter-war development in form, scale, height siting, materials and colour.*
- *To retain views of Nazareth House from Mill Street, west of Drummond Street North.*
- *To retain a visual connection between the street space and private land. To retain the existing garden character featuring exotic canopy trees.*

A planning permit is required for an addition to an existing building that is visible to the street. Where a permit is required the following requirements (as applicable) must be given consideration:

- *The height of the front section of the building should be consistent with the dominant building frontage height in the street block.*
- *Where the dominant building frontage height is one storey, two storey sections may be permitted towards the rear of the building if they are not visually intrusive to the street.*

- *Building frontage heights greater than the dominant height may be permitted where it is demonstrated that an increased height would be sympathetic with the character of the street.*
- *Roofs visible to the street are to be pitched and at an angle to match existing roof pitches in the street block.*
- *Front setbacks are to be consistent with the dominant front setback in the street block.*
- *Side setbacks within 10 metres of the building frontage are to be consistent with existing side setbacks in the street block.*
- *External construction materials are to be sympathetic with existing materials and colour tones in the street.*
- *Design details are to be sympathetic with existing building details in the street, particularly window shapes, eaves and verandahs.*

Local policy seeks to ensure that the identified elements that contribute to neighbourhood character are retained and enhanced. This is achieved by managing change and ensuring new development works towards achieving the stated streetscape and character outcomes anticipated by the overlay.

The style of dwellings in this area are a variety of high quality Edwardian and inter war housing which has a special significance to the City. The Victorian dwelling on the land is a contributory dwelling to the heritage overlay (as discussed). The development represents an appropriate response to the dwelling and the existing and preferred character as follows:

- The modest first floor addition is not out of character with other double storey built form within the street. There are many examples of double storey development and alterations and additions to existing dwellings within Webster Street and the surrounding urban character precinct.
- The height, size, bulk, massing and style of the addition is considered to respect the existing dwelling and the streetscape. The dominant frontage height of one storey is maintained via retention of the heritage significant elements of the dwelling. The two storey section of the addition is located to the rear of the building where it is not visually intrusive to the street.
- The appearance of the dwelling to the street will remain unchanged and therefore minimal impact to the urban character, including the significant garden character and the important visual connections between the street space and private land.
- The addition is located to the rear of the existing dwelling and will not impact its heritage significant elements including the building and roof form as demonstrated. The first floor form is proposed to be setback 28 metres from the site frontage and 17.24 metres to the rear of the front building line of the dwelling resulting in any impact being negligible to the streetscape.
- The addition will be sited within the building footprint of the existing dwelling and lower ground floor. The modest addition of 57m<sup>2</sup> only will result in no alteration to the side setbacks of the dwelling thereby maintaining the rhythm and scale of development to the streetscape.
- While a double storey form is proposed the roof, form is only marginally higher than the form of the existing roof (1 metre). While a contemporary roof form is proposed this is an appropriate interpretation of roof forms in the surrounding context and it is demonstrated that the form of the roof will not be visible to the street.
- Materials of construction including colourbond seam cladding, aluminum windows and custom orb roofing provide for a contrast to the existing heritage elements. There are many examples of like additions and use of materials in the surrounding context.
- Design detail including window shapes are a modern interpretation of those present in the existing building and surrounding context however still maintain appropriate scale and proportions.

- There is ample space within the front/side and rear gardens for new landscaping to complement the development.

### **Amenity Considerations**

Consideration of this application relates to the policy objectives, requirements and decision guidelines of the Heritage and Design and Development Overlay Controls only. In this instance there is no test for assessment of amenity under the planning scheme. This is reflected in many tribunal cases including *Lee N v Boroondara CC [2001] VCAT 966* where the Tribunal said:

*“Over the last 25 year period there has been a consistent ruling by the Supreme Court of Victoria that it is inappropriate for the decision maker to take into account matters that are not relevant because they are not within the scope of the matters to which it may properly have regard when arriving at its decision. The consistent line of cases commenced with National Trust of Australia (Vic) v Australian Temperance and General Mutual Life Assurance Society Limited (1976) VR 592, a case which is frequently cited for the proposition that there must be a nexus between what the permit is needed for and what is taken into account or what is to be achieved. The National Trust case was applied by Justice Balmford in Salmal Constructions Pty Ltd v Richards and City of Hobsons Bay (1998) 22 AATR 339, a case concerning objections as to privacy and amenity where the only control over the subject land involved an urban conservation overlay. Her Honour held that using the Urban Conservation controls for the purpose of addressing matters such as privacy or amenity:*

*... is to endeavour to achieve ends outside the purpose for which the power is conferred and to intrude into the exercise of discretion matters which are extraneous to it. The Tribunal could not properly refuse the permit under the planning scheme on such considerations and could not properly have regard to them in determining whether to grant a permit or not.”*

Objectors have raised concerns regarding the height/bulk and building form of the proposed addition. They are also concerned regarding their amenity including privacy and potential overlooking impacts to the rear of the site from upper level windows.

The height bulk and scale of the proposed addition to both the heritage and surrounding context have been assessed in respect to the heritage and urban character aspects of the application as expressed above.

In relation to privacy including overlooking/overshadowing impacts, particularly to properties in Victoria Avenue to the north of the site it is noted that the north facing windows of the proposed addition would not have an unreasonable impact upon privacy or amenity for the following reasons:

- The first floor habitable (master bedroom) windows of the addition would be setback - 18.05 metres from the rear boundary of the site which abuts 15 Victoria Avenue and in excess of 30 metres from the dwelling on this land.
- The distance between the proposed window and the private open space at the rear of the Victoria Avenue properties is considered satisfactory, noting the Clause 54 provisions in relation to overlooking (Standard A15) which states that:

*“A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or*

*perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.”*

- While not directly applicable this standard has been met and addresses all relevant planning and building regulation requirements in this regard.

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- *Heritage Act 2017*
- City of Ballarat Council Plan 2017 – 2021
- *Planning and Environment Act 1987*
- Ballarat Planning Scheme

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	Yes
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	Yes	Yes
<b>Economic</b>	Yes	Yes
<b>Financial/Resources</b>	No	Yes
<b>Risk Management</b>	No	Yes
<b>Implementation and Marketing</b>	No	Yes
<b>Evaluation and Review</b>	No	Yes

**Human Rights/Social/Cultural** - The application has been assessed in accordance with the requirements of the Planning and Environment Act 1987 and the Ballarat Planning Scheme. The assessment is considered to accord with the Charter of Human Rights and Responsibilities Act 2006. Specifically:

- Freedom of Expression (part 2 section 15)
- A fair hearing (part 2 section 24)
- Entitlement to participate to public life (part 2 section 18)

**Environmental/Sustainability** – The development proposed meets the environmental and sustainability standards set out in the Ballarat Planning Scheme.

**Economic** – The proposed development will positively contribute to the prosperity of the Ballarat Economy both during the construction stage and post development.

**Financial/Resources** – Council’s assessment of the application and management of the planning permit process has been partially met by the fees paid pursuant to the Planning and Environment Act 1987. In relation to the construction program, there will be incidental costs to Council in the management of the construction program and the like Risk Management – There are no significant risks associated with the issue of a planning permit for this proposal.

**Implementation and Marketing** – The advice of Council’s decision in this regard will be made public through publication of the relevant minutes following the Council meeting.

**Evaluation and Review** – The construction process will be subject to review throughout the course of the programme and the specific build form will further be reviewed upon completion.

## OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

## REFERENCE DOCUMENTS

- Ballarat Planning Scheme
- Planning and Environment Act 1987
- Ballarat Heritage Precincts Study Part A, July 2006; Dr David Rowe: Authentic Heritage Services Pty Ltd and Wendy Jacobs: Architect and Heritage Consultant Ballarat Heritage Study (Stage 2), July 2003; Hansen Partnership.
- City of Ballarat Residential Design Guidelines - Urban Character Area 1, City of Ballarat, 2000.
- Ballarat Urban Character Study, John Patrick Pty Ltd and Allom Lovell and Associates Pty Ltd, 1999.

## ATTACHMENTS

1. PL P 2020294 114 Webster Street Lake Wendouree Plans [**6.2.1** - 6 pages]
2. 19128- Street Render [**6.2.2** - 3 pages]
3. PLP 2020 294 - 114 Webster St Lake Wendouree - Heritage Referral Response [**6.2.3** - 2 pages]





Photo B No. 116A WEBSTER STREET



Photo C No. 116 WEBSTER STREET



Photo D No. 112 WEBSTER STREET



Photo E No. 110 WEBSTER STREET



Photo F No. 109 WEBSTER STREET



Photo G No. 101 DRUMMOND STREET NORTH



Photo H No. 101 DRUMMOND STREET NORTH

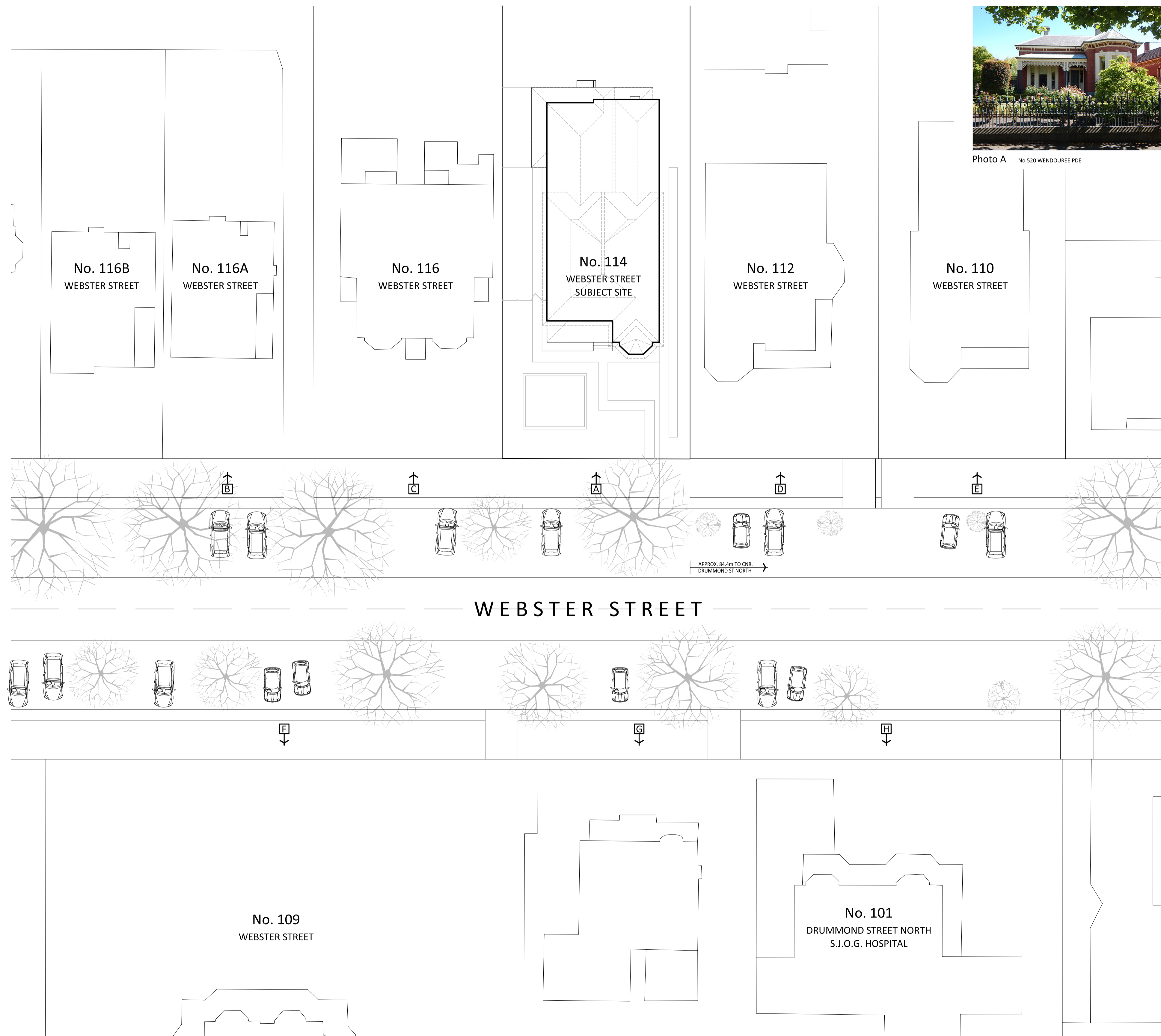


Photo A No. 520 WENDOUREE PDE

no. date revisions ▾  
 A 18 MAY 20 TOWN PLANNING APPLICATION

### madin lyons

MADIN LYONS ASSOCIATES PTY LTD  
 17 PLEASANT STREET SOUTH, BALLARAT 3350  
 T. (03) 5331 4653  
 E. admin@madinlyons.com.au  
 ACN. 005 786 621

TONY LYONS DP-AD1059  
 PHIL ROGERS DP-AD38659

project  
 Proposed Partial Demolition,  
 Proposed Alterations & Additions  
 to Existing Residence.

114 Webster Street  
 Lake Wendouree

client  
 Lyanne & Ben Amor

drawing  
 Locality Plan

date October 2019  
 drawn J.Davison  
 checked P.R.18.05.20  
 job no. 19128-tpB  
 drg no. 19128-tpB 1 of 6  
 revision A  
 scale AS INDICATED AT A1

printed

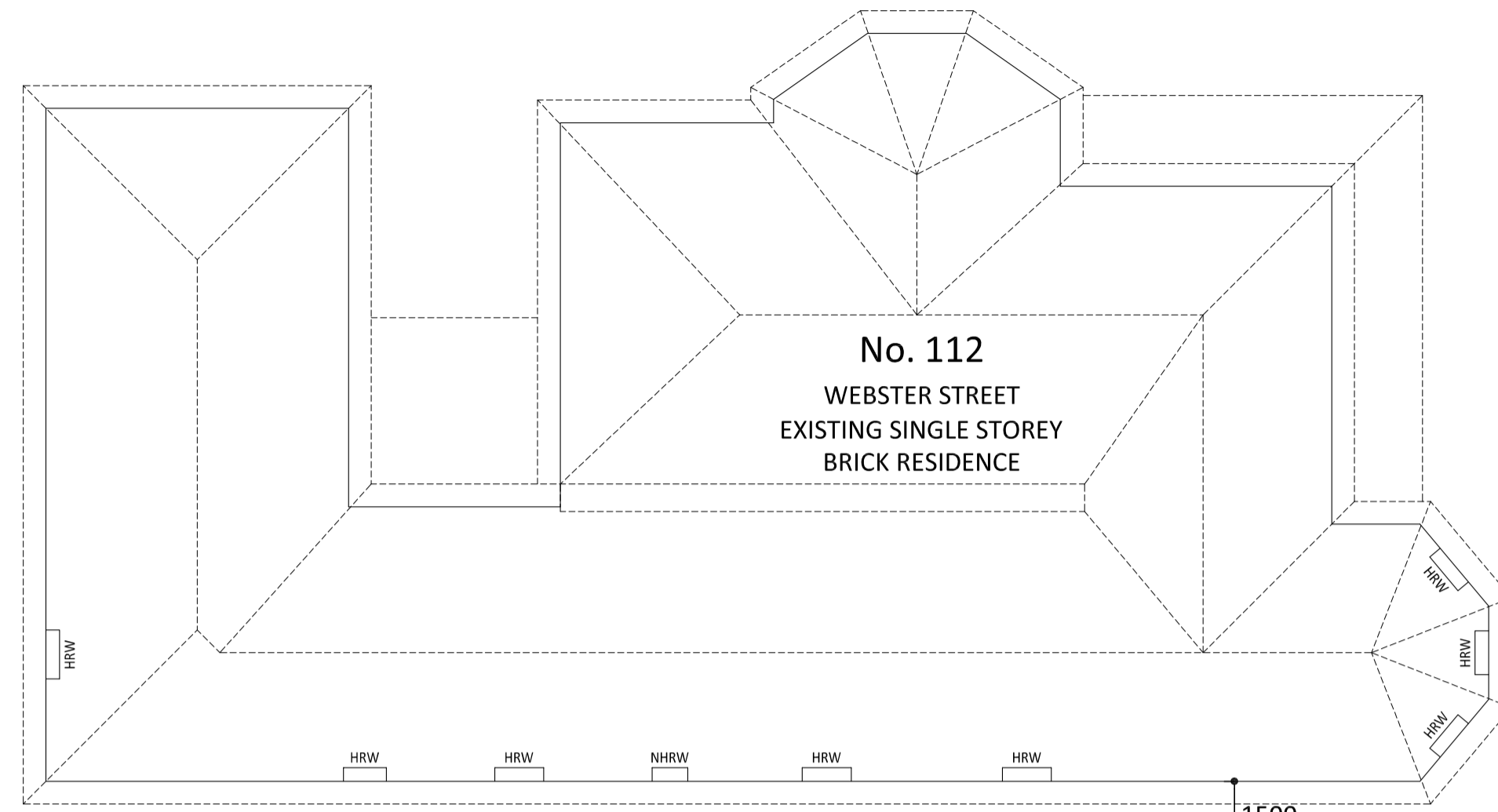
FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.  
 CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT  
 OF ANY WORK OR SHOP DRAWINGS.  
 © COPYRIGHT OF DRAWINGS, SPECIFICATIONS & IN THE  
 WORK EXECUTED FROM THEM REMAINS THE PROPERTY OF  
 MADIN LYONS ASSOCIATES PTY LTD





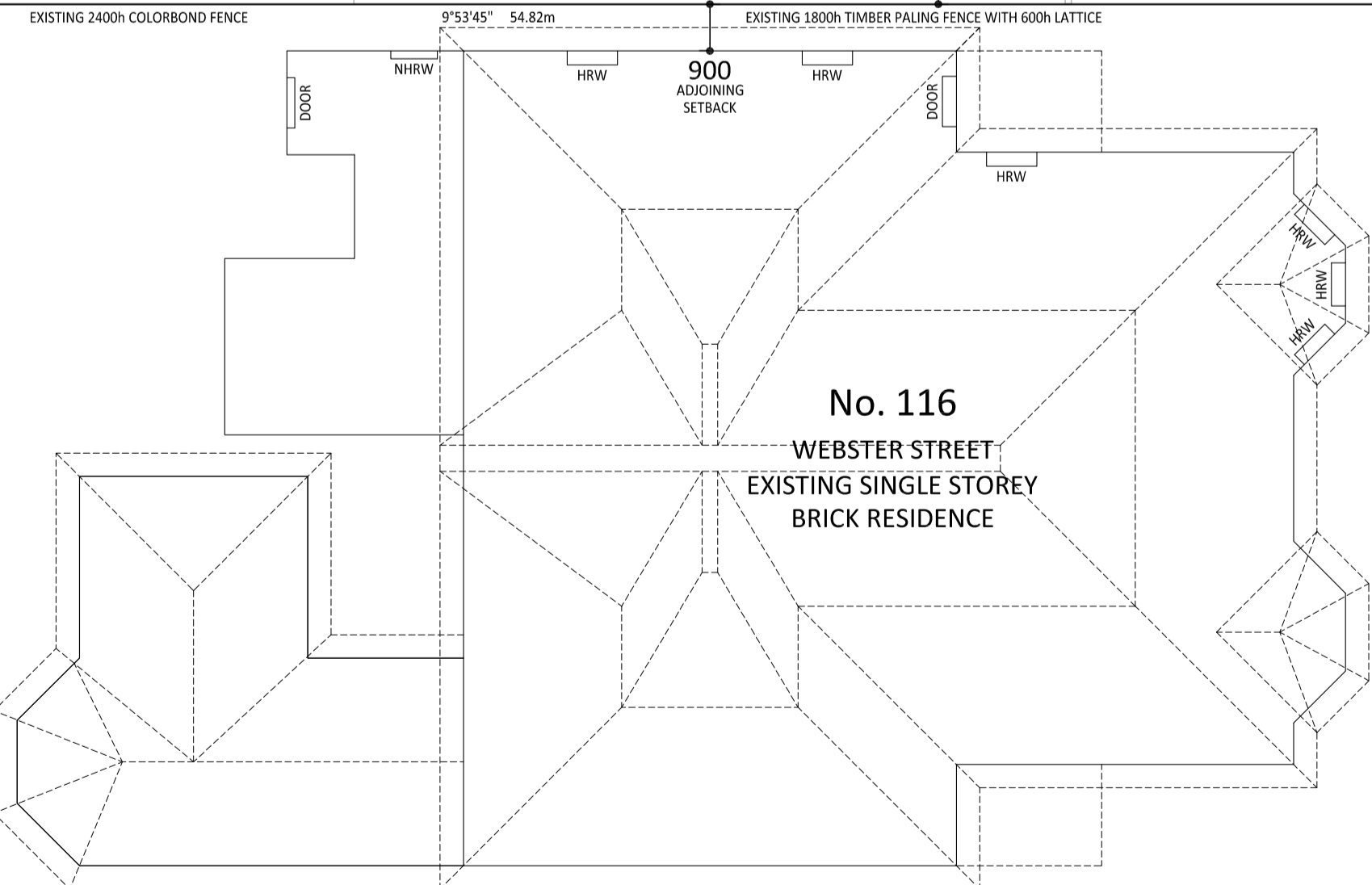
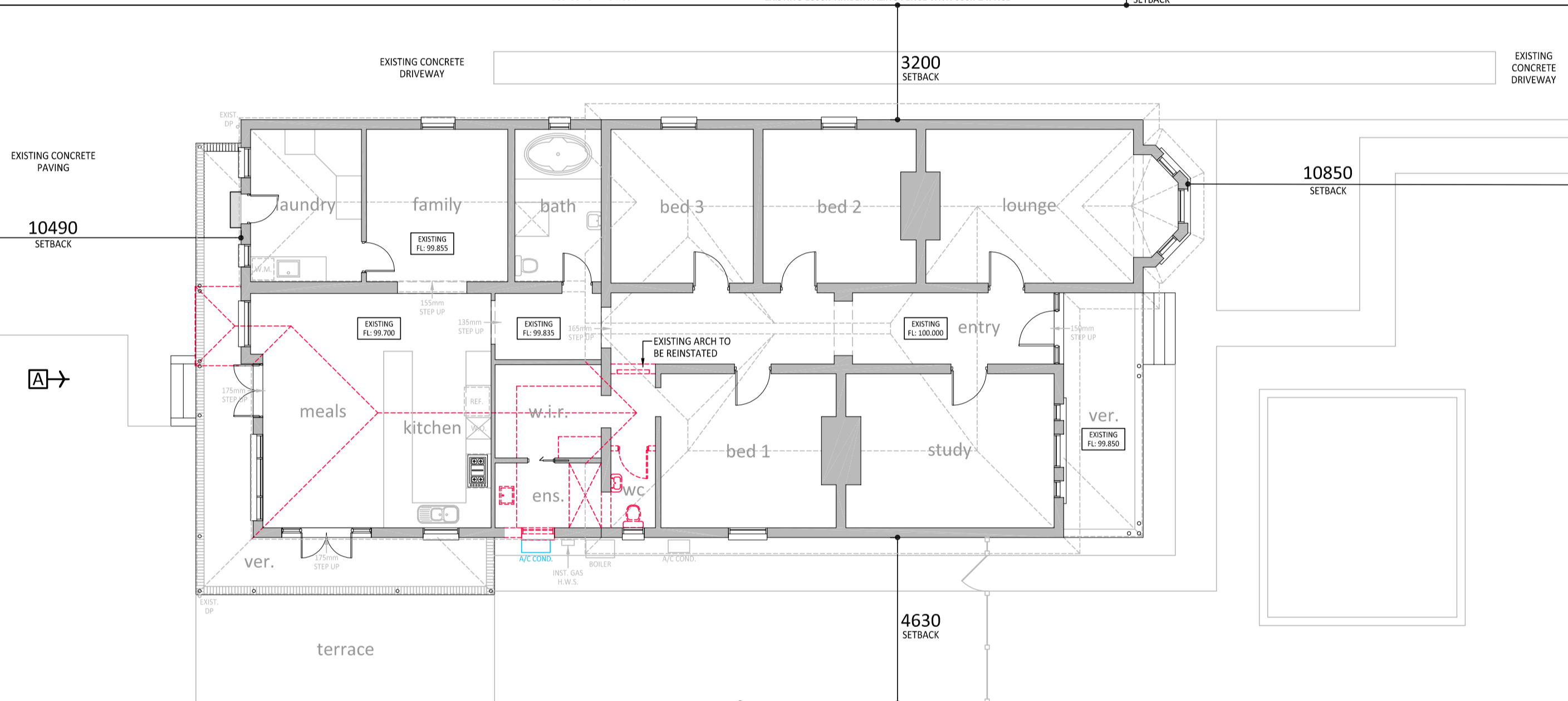
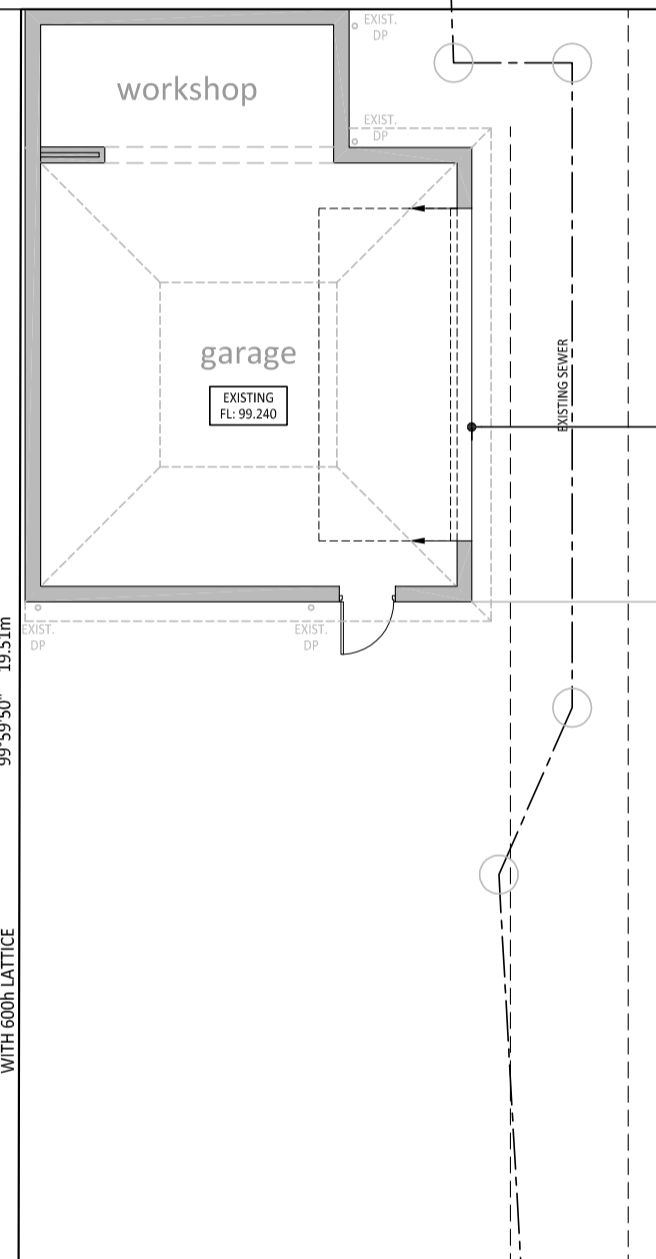
Photo A PROPOSED DEMOLITION

ROOF TO BE DEMOLISHED

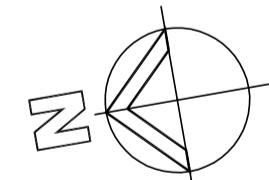


No. 112  
WEBSTER STREET  
EXISTING SINGLE STOREY  
BRICK RESIDENCE

No. 15  
VICTORIA AVE  
EXIST. SINGLE  
STOREY BRICK  
RESIDENCE

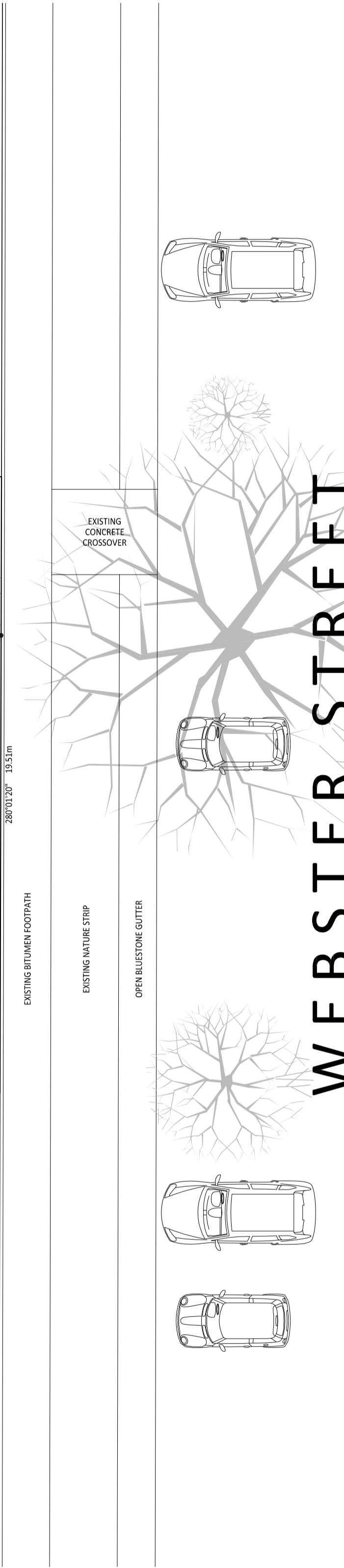


No. 116  
WEBSTER STREET  
EXISTING SINGLE STOREY  
BRICK RESIDENCE



existing conditions/demolition site plan 1:100

- WALLS/STRUCTURE/FITTINGS TO BE DEMOLISHED
- WALLS/STRUCTURE/FITTINGS TO BE RELOCATED



WEBSTER STREET

no.	date	revisions
A	18 MAY 20	TOWN PLANNING APPLICATION

**madin lyons**

MADIN LYONS ASSOCIATES PTY LTD  
17 PLEASANT STREET SOUTH, BALLARAT 3350  
T. (03) 5331 4653  
E. admin@madinlyons.com.au  
ACN. 005 786 621

TONY LYONS DP-AD1059  
PHIL ROGERS DP-AD38659

project  
Proposed Partial Demolition,  
Proposed Alterations & Additions  
to Existing Residence.

114 Webster Street  
Lake Wendouree

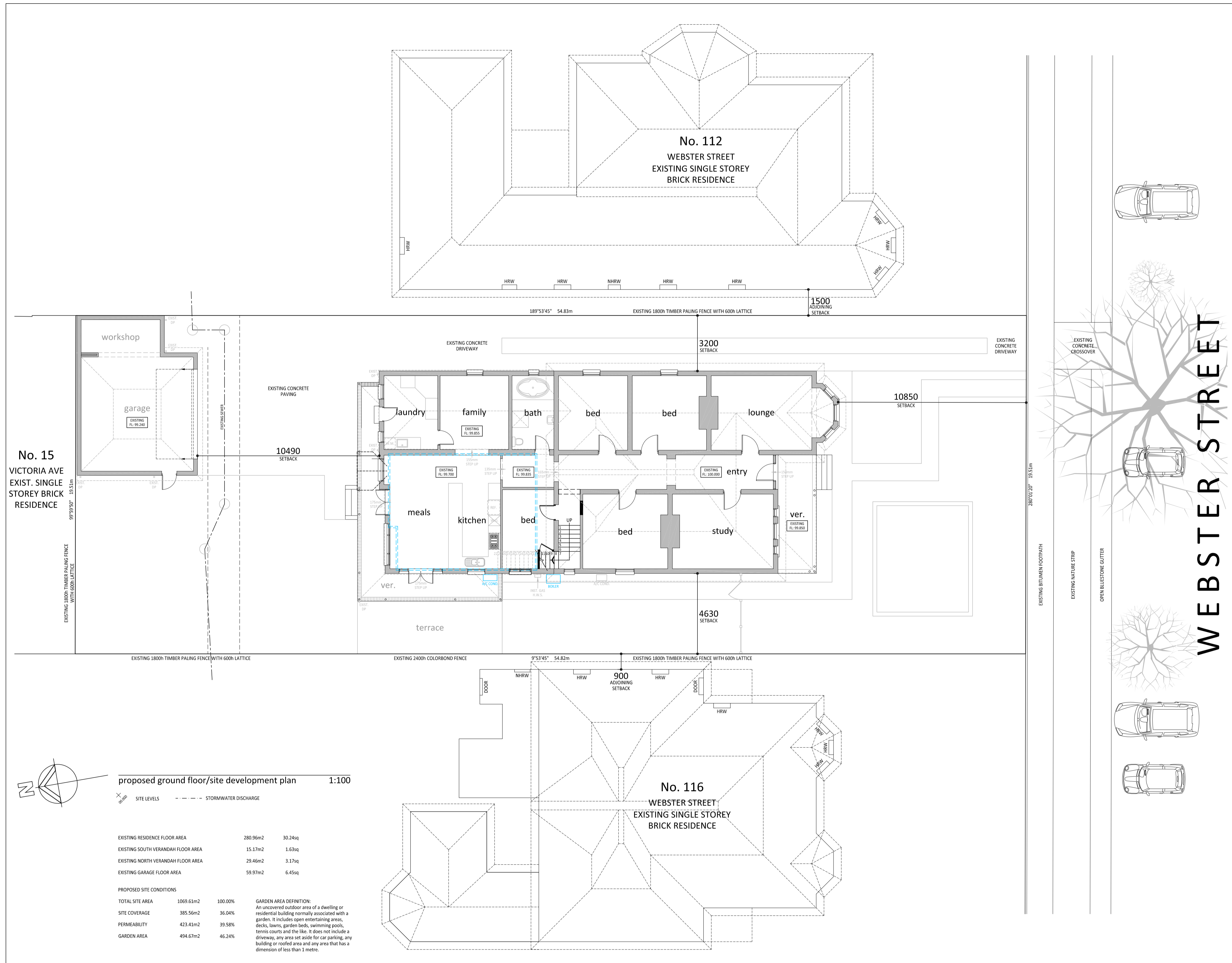
client  
Lyanne & Ben Amor

drawing  
Existing Conditions/  
Demolition Plan

date October 2019  
drawn J.Davison  
checked P.R.18.05.20  
job no. 19128-tpB  
drg no. 19128-tpB 2 of 6  
revision A  
scale AS INDICATED AT A1

printed

FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.  
CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT  
OF ANY WORK OR SHOP DRAWINGS.  
© COPYRIGHT OF DRAWINGS, SPECIFICATIONS & IN THE  
WORK EXECUTED FROM THEM REMAINS THE PROPERTY OF  
MADIN LYONS ASSOCIATES PTY LTD



no.	date	revisions
A	18 MAY 20	TOWN PLANNING APPLICATION

**madin lyons**

MADIN LYONS ASSOCIATES PTY LTD  
 17 PLEASANT STREET SOUTH, BALLARAT 3350  
 T. (03) 5331 4653  
 E. admin@madinlyons.com.au  
 ACN. 005 786 621

TONY LYONS DP-AD1059  
 PHIL ROGERS DP-AD38659

project  
 Proposed Partial Demolition,  
 Proposed Alterations & Additions  
 to Existing Residence.

114 Webster Street  
 Lake Wendouree

client  
 Lyanne & Ben Amor

drawing  
 Proposed Ground Floor Site Plan

date October 2019  
 drawn J.Davison  
 checked P.R.18.05.20  
 job no. 19128-tpB  
 drg no. 19128-tpB 3 of 6  
 revision A  
 scale AS INDICATED AT A1

printed

FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.  
 CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT  
 OF ANY WORK OR SHOP DRAWINGS.  
 © COPYRIGHT OF DRAWINGS, SPECIFICATIONS & IN THE  
 WORK EXECUTED FROM THEM REMAINS THE PROPERTY OF  
 MADIN LYONS ASSOCIATES PTY LTD

proposed ground floor/site development plan 1:100

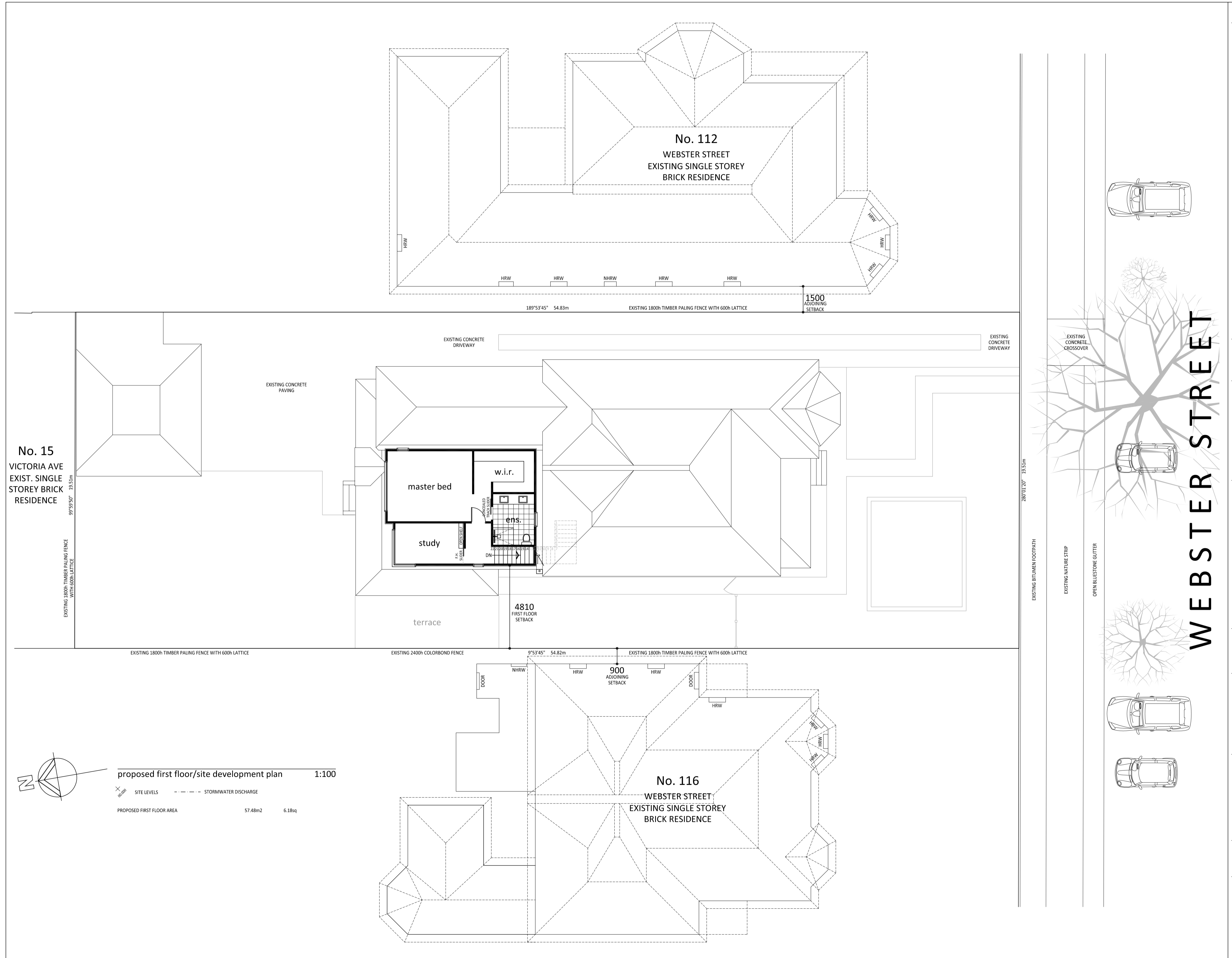
--- SITE LEVELS --- STORMWATER DISCHARGE

EXISTING RESIDENCE FLOOR AREA	280.96m <sup>2</sup>	30.24sq
EXISTING SOUTH VERANDAH FLOOR AREA	15.17m <sup>2</sup>	1.63sq
EXISTING NORTH VERANDAH FLOOR AREA	29.46m <sup>2</sup>	3.17sq
EXISTING GARAGE FLOOR AREA	59.97m <sup>2</sup>	6.45sq

PROPOSED SITE CONDITIONS		
TOTAL SITE AREA	1069.61m <sup>2</sup>	100.00%
SITE COVERAGE	385.56m <sup>2</sup>	36.04%
PERMEABILITY	423.41m <sup>2</sup>	39.58%
GARDEN AREA	494.67m <sup>2</sup>	46.24%

GARDEN AREA DEFINITION:  
 An uncovered outdoor area of a dwelling or residential building normally associated with a garden. It includes open entertaining areas, decks, lawns, garden beds, swimming pools, tennis courts and the like. It does not include a driveway, any area set aside for car parking, any building or roofed area and any area that has a dimension of less than 1 metre.





no.	date	revisions
A	18 MAY 20	TOWN PLANNING APPLICATION

**madin lyons**

MADIN LYONS ASSOCIATES PTY LTD  
 17 PLEASANT STREET SOUTH, BALLARAT 3350  
 T. (03) 5331 4653  
 E. admin@madinlyons.com.au  
 ACN. 005 786 621

TONY LYONS DP-AD1059  
 PHIL ROGERS DP-AD38659

project  
 Proposed Partial Demolition,  
 Proposed Alterations & Additions  
 to Existing Residence.

114 Webster Street  
 Lake Wendouree

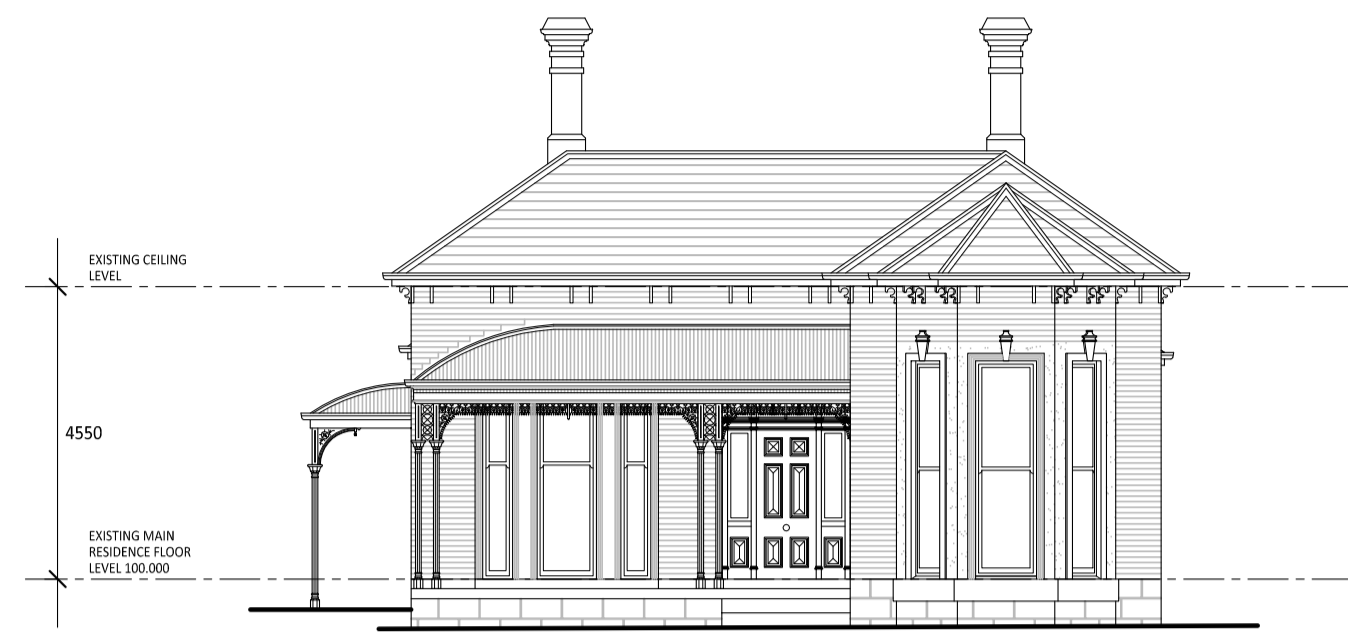
client  
 Lyanne & Ben Amor

drawing  
 Proposed First Floor Site Plan

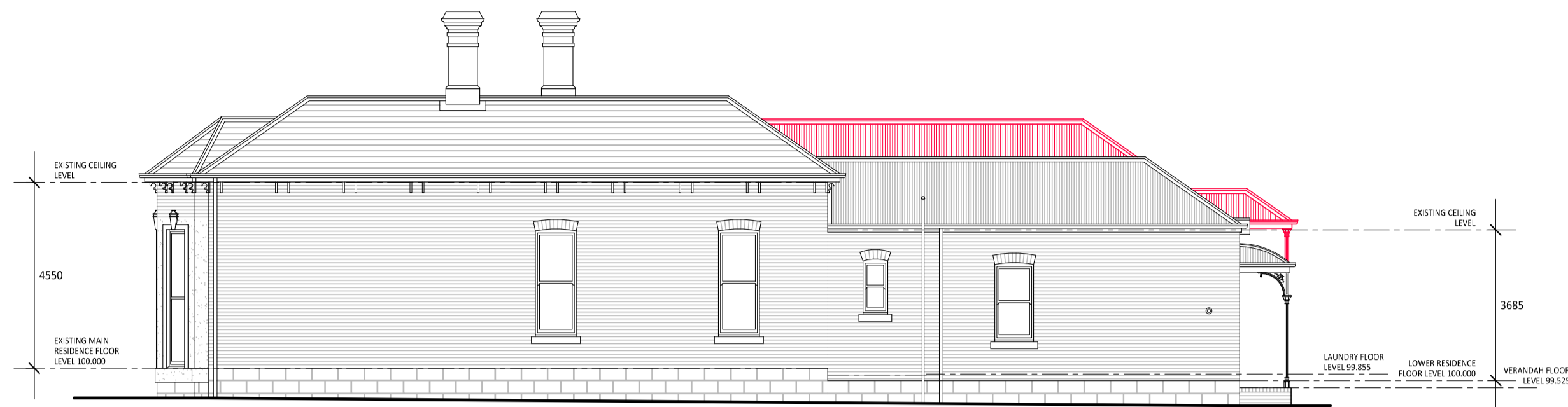
date October 2019  
 drawn J.Davison  
 checked P.R.18.05.20  
 job no. 19128-tpB  
 drg no. 19128-tpB 4 of 6  
 revision A  
 scale AS INDICATED AT A1

printed

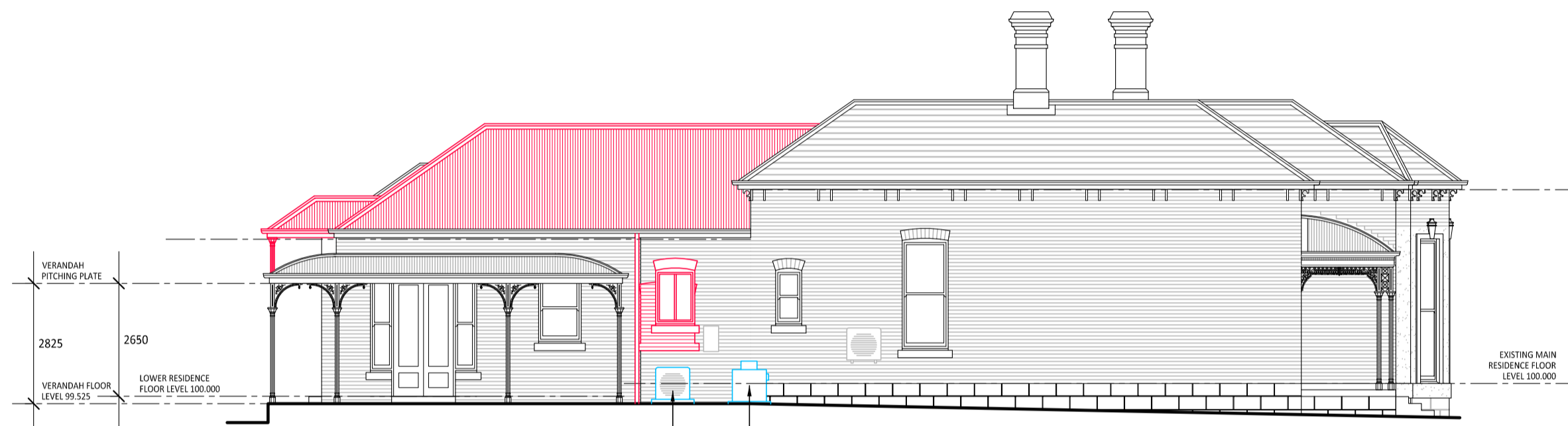
FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.  
 CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT  
 OF ANY WORK OR SHOP DRAWINGS.  
 © COPYRIGHT OF DRAWINGS, SPECIFICATIONS & IN THE  
 WORK EXECUTED FROM THEM REMAINS THE PROPERTY OF  
 MADIN LYONS ASSOCIATES PTY LTD



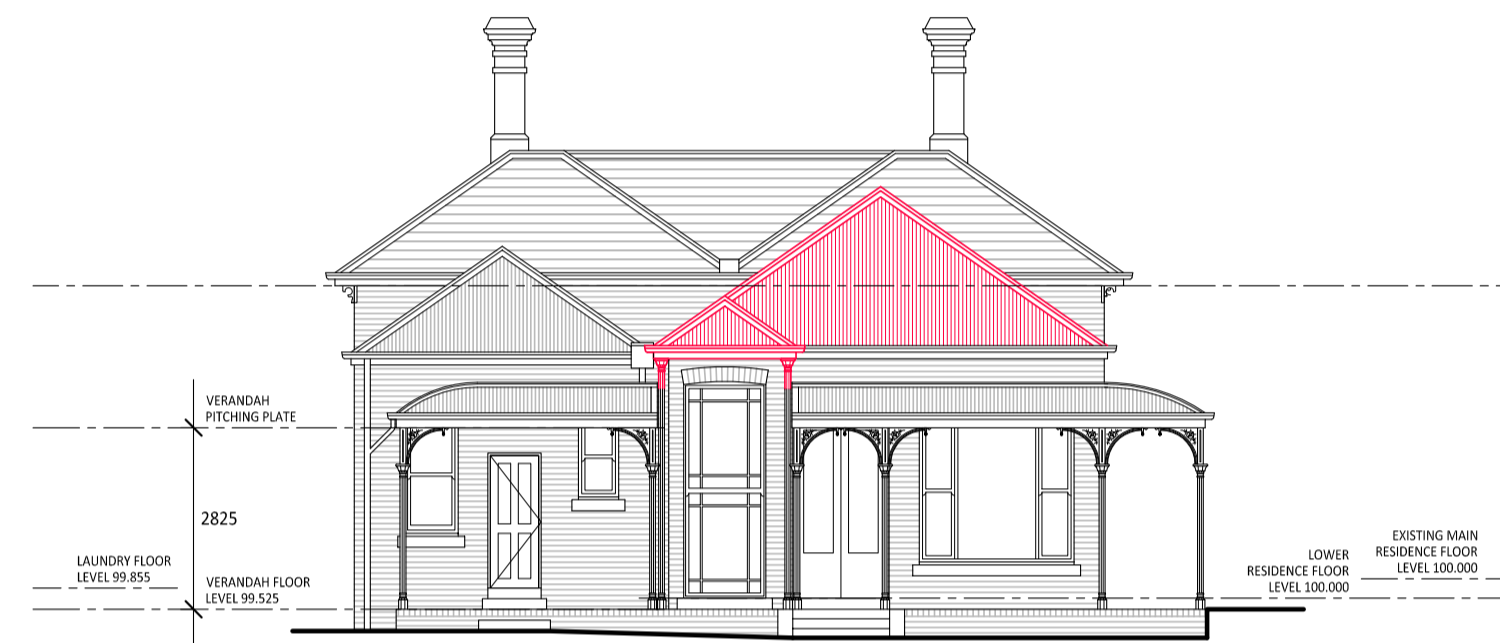
EXISTING  
south elevation 1:100



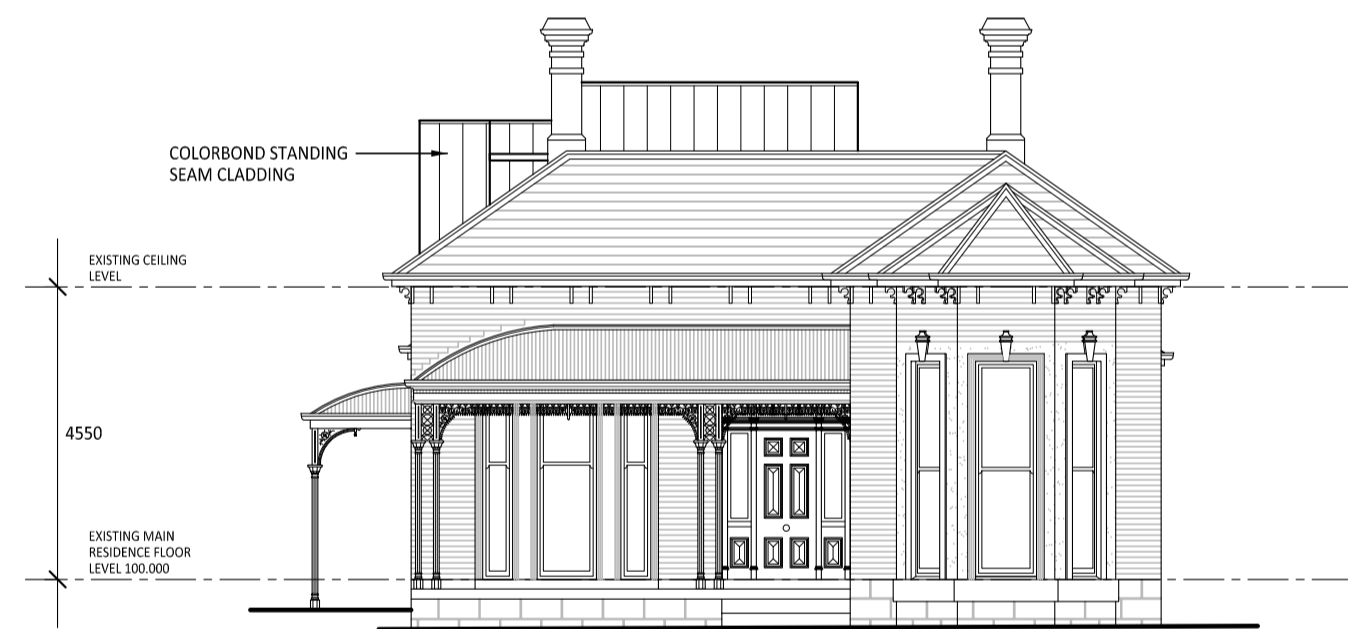
EXISTING  
east elevation 1:100



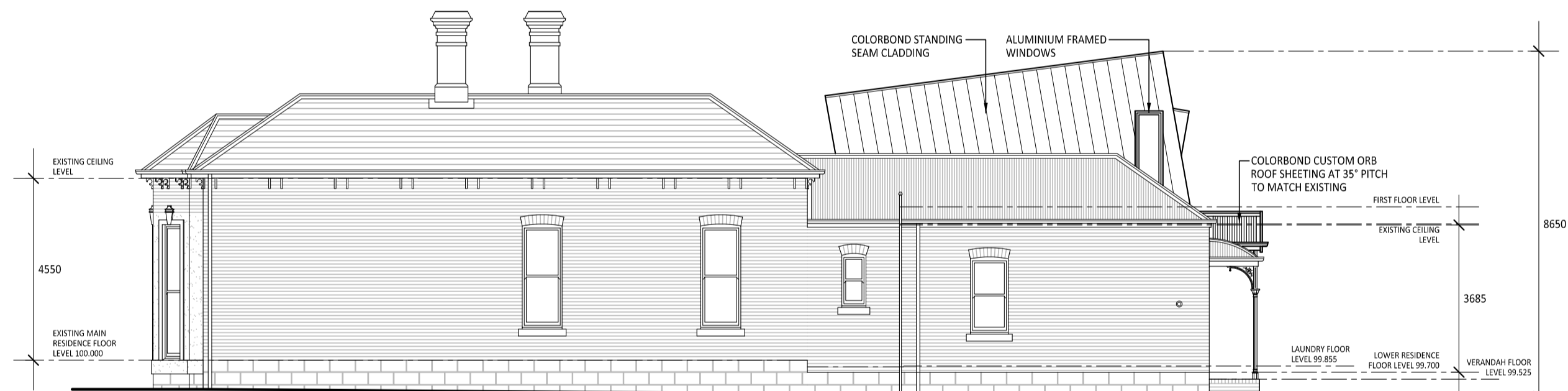
EXISTING  
west elevation 1:100



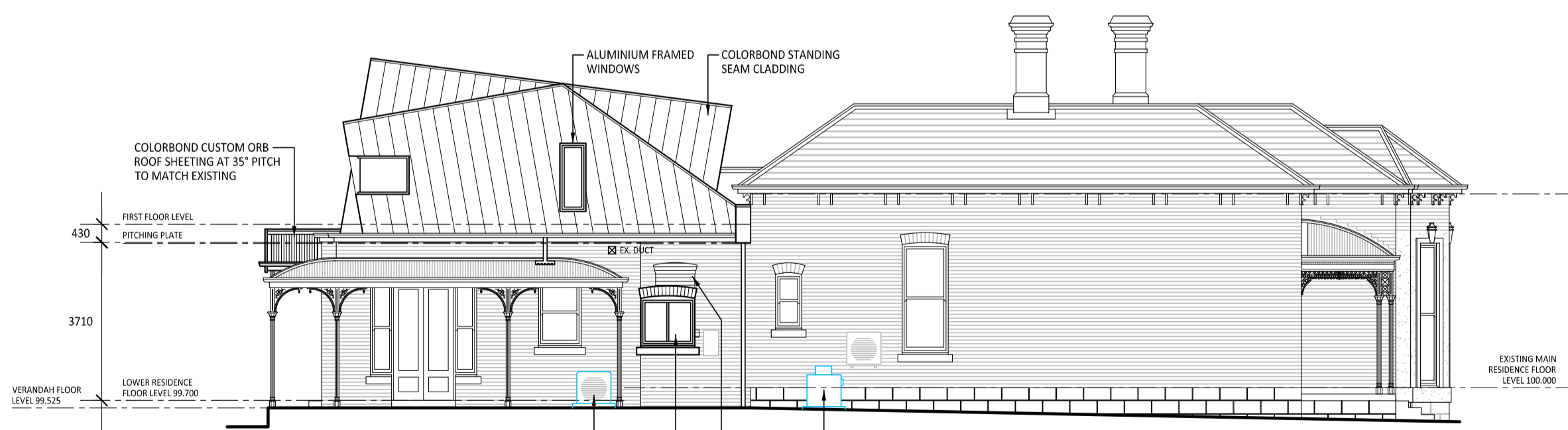
EXISTING  
north elevation 1:100



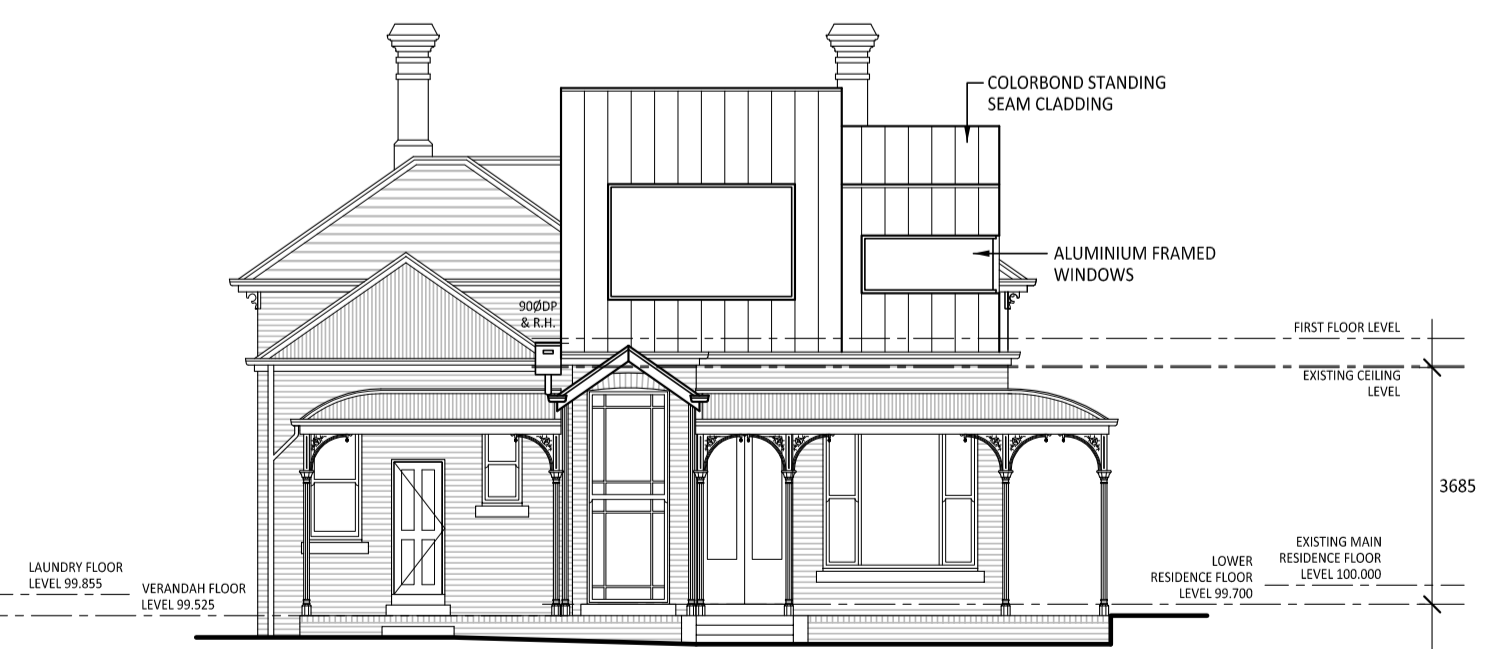
PROPOSED  
south elevation 1:100



PROPOSED  
east elevation 1:100



PROPOSED  
west elevation 1:100



PROPOSED  
north elevation 1:100

colour/materials schedule



STANDING SEAM WALL CLADDING AND ALUMINIUM WINDOW FRAMES  
COLOR: COLORBOND IRONSTONE

no.	date	revisions
A	18 MAY 20	TOWN PLANNING APPLICATION

madin lyons

MADIN LYONS ASSOCIATES PTY LTD  
17 PLEASANT STREET SOUTH, BALLARAT 3350

T. (03) 5331 4653  
E. admin@madinlyons.com.au  
ACN. 005 786 621

TONY LYONS DP-AD1059  
PHIL ROGERS DP-AD38659

project  
Proposed Partial Demolition,  
Proposed Alterations & Additions  
to Existing Residence.

114 Webster Street  
Lake Wendouree

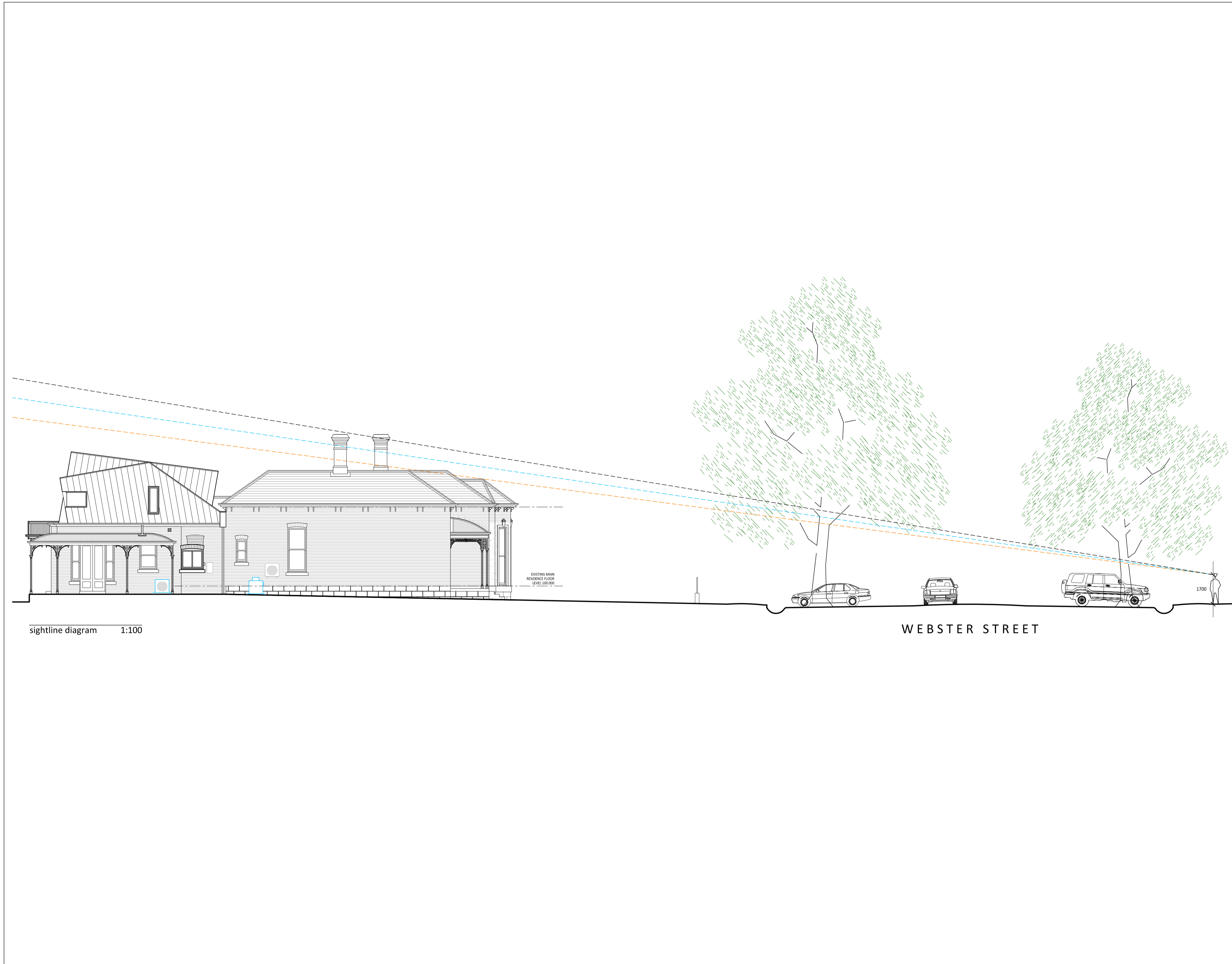
client  
Lyanne & Ben Amor

drawing  
Elevations

date October 2019  
drawn J.Davison  
checked P.R.18.05.20  
job no. 19128-tpB  
drg no. 19128-tpB 5 of 6  
revision A  
scale AS INDICATED AT A1

printed

FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.  
CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT  
OF ANY WORK OR SHOP DRAWINGS.  
© COPYRIGHT OF DRAWINGS, SPECIFICATIONS & IN THE  
WORK EXECUTED FROM THEM REMAINS THE PROPERTY OF  
MADIN LYONS ASSOCIATES PTY LTD



sightline diagram 1:100

WEBSTER STREET

no.	date	revisions
A	18 MAY 20	TOWN PLANNING APPLICATION

### madin lyons

MADIN LYONS ASSOCIATES PTY LTD  
17 PLEASANT STREET SOUTH, BALLARAT 3350

T. (03) 5331 4653  
E. admin@madinlyons.com.au  
ACN. 005 786 621

TONY LYONS DP-AD1059  
PHIL ROGERS DP-AD38659

project  
Proposed Partial Demolition,  
Proposed Alterations & Additions  
to Existing Residence.

114 Webster Street  
Lake Wendouree

client  
Lyanne & Ben Amor

drawing  
Sightline Diagram

date October 2019  
drawn J.Davison  
checked P.R.18.05.20  
job no. 19128-tpB  
drg no. 19128-tpB 6 of 6  
revision A  
scale AS INDICATED AT A1

printed

FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.  
CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT  
OF ANY WORK OR SHOP DRAWINGS.  
© COPYRIGHT OF DRAWINGS, SPECIFICATIONS & IN THE  
WORK EXECUTED FROM THEM REMAINS THE PROPERTY OF  
MADIN LYONS ASSOCIATES PTY LTD















## CITY OF BALLARAT

**HERITAGE REFERRAL RESPONSE**

<b>Planning Permit No:</b>	PLP / 2020 / 294	
<b>Address:</b>	114 Webster Street, Lake Wendouree	
<b>Proposal:</b>	Partial demolition and alterations and additions to dwelling	
<b>Planning Officer:</b>	Rachel Blackwell	
<b>Reporting</b>	Ian Coleman Heritage Advisor	Date: 03/09/2020

<b>Heritage Status</b>	
HO No:	HO166
HO Name:	Central Ballarat Heritage Precinct
Significance:	The Central Ballarat Heritage Precinct is <i>historically, aesthetically, architecturally, scientifically</i> and <i>socially</i> significant to the City of Ballarat. The precinct is of particular architectural significance for its high degree of integrity and condition, its important collection of Victoria, Federation, Inter-War and early Post-War buildings and for the significant numbers of quality houses that date from the 1880s.  The existing house at 114 Webster Street is identified as contributory to the significance of the precinct.

**CONTEXT:**

This supplementary report on the proposal follows the submission of additional images as recommended in my earlier report dated 26/08/2020.

**PROPOSAL:****Description:**

Refer to my earlier report dated 26/08/2020.

**Documents referred to:**

Supplementary 3D images provided by Madin Lyons Associates Pty Ltd on 1 September 2020

**COMMENT:**

In my earlier report, I noted the potential for the addition to be visible from the public realm and suggested that 3D images of the proposal taken from Webster Street would assist in making an assessment of any potential impact on the streetscape.

The heritage design guidelines adopted by council [Heritage Victoria's *The Heritage Overlay – Guidelines for Assessing Planning Permit Applications*], specifically Cl.6.4.4 *Additions within a Heritage Place covered by an Area*, includes the test for the height of rear additions and states that *“where an addition is taller than the retained fabric, the visibility of development should be assessed in relation to the retained building, from viewing points 1.7m above natural ground level on the opposite footpath, from directly in front and from a position aligned with the boundary two allotments away, on either side. Taller Additions should not dominate the retained fabric when viewed from these positions.”*

The 3D images provided by the applicant satisfactorily demonstrates that the proposed first floor addition satisfies this test will not adversely impact on the Webster Street streetscape when viewed from a position aligned with the boundary two allotments away, on either side. As noted in my earlier report the proposed addition comfortably fits below a sightline taken from the opposite footpath over the ridge of the existing building.

**RECOMMENDATION:**

I am satisfied that the proposal satisfies the provisions of the Heritage Overlay and of the Design Guidelines, and have no objection to the application being approved as submitted.

**PROPOSED PERMIT CONDITIONS:**

N/A

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

**8. CLOSE**