

OFFICIAL

Planning Delegated Committee Meeting

Minutes

13 March 2024 at 6:30pm

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



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1. ACKNOWLEDGEMENT OF COUNTRY



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

2. APOLOGIES FOR ABSENCE

2.1 Present

Cr Des Hudson (Mayor)
Cr Daniel Moloney
Cr Ben Taylor
Cr Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Tracey Hargreaves

Mr Evan King - Chief Executive Officer
Ms Bridget Wetherall - Director Infrastructure and Environment
Mr Matthew Wilson - Director Community Wellbeing
Mr John Hausler - Director Corporate Services
Ms Natalie Robertson - Director Development and Growth
Mr Martin Darcy - Director Economy and Experience
Mr Cameron Montgomery - Executive Manager Governance and Risk
Ms Lyndsay Leingang - Administration Officer Statutory Compliance
Mr Stephen Wright - Administration Assistant Compliance

2.2 Apologies

Cr Amy Johnson, Cr Peter Eddy

RESOLUTION:

That the apologies be accepted.

Moved: Cr Belinda Coates
Seconded: Cr Tracey Hargreaves

CARRIED
(PDC1/24)

3. DECLARATION OF CONFLICT OF INTERESTS

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Planning Delegated Committee Meeting on 8 November 2023 as circulated be confirmed.

Moved: Cr Mark Harris

Seconded: Cr Daniel Moloney

CARRIED

(PDC2/24)

5. OFFICER BRIEFING

Nil

6. PLANNING DELEGATED COMMITTEE REPORTS

6.1. BALLARAT PLANNING SCHEME AMENDMENT C245BALL: HERITAGE PROTECTION FOR 'LINTEL GRANGE HOMESTEAD COMPLEX' 127 EDMONSTON ROAD, ADDINGTON

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Kellie Jantzen – Coordinator Strategic Planning

PURPOSE

1. To consider written submissions received to Planning Scheme Amendment C245ball pursuant to section 22(1) of the *Planning and Environment Act 1987*.
2. To acknowledge Council officers have been working to resolve submissions to Planning Scheme Amendment C245ball.
3. To determine whether to request the Minister for Planning appoint an Independent Planning Panel to consider submissions and Planning Scheme Amendment C245ball.
4. To consider endorsing a response to the issues raised in submissions to Planning Scheme Amendment C245ball, to form the basis of Council's position at the Panel hearing.

RESOLUTION:

43. That the Planning Delegated Committee resolves to:
- a. Consider all submissions received to Planning Scheme Amendment C245ball pursuant to section (22)1 of the *Planning and Environment Act 1987*.
 - b. Acknowledge Council officer responses to issues raised in submissions received to Planning Scheme Amendment C245ball.
 - c. Request the Minister for Planning to appoint an independent Planning Panel pursuant to Section 23 and the provisions of Part 8 of the *Planning and Environment Act 1987* to consider submissions received to Amendment C245ball.
 - d. Support the proposed post-exhibition minor changes to Amendment C245ball to the Statement of Significance and Heritage Citation to better address the primary and secondary heritage significance elements of the Lintel Grange Homestead.
 - e. Request officers present Council's support for the proposed changes to Planning Scheme Amendment C245ball, to the Independent Planning Panel.
 - f. Authorise the Director Development and Growth to undertake administrative and minor changes to the amendment that do not change the intent of Amendment C245ball and present these changes to the independent Planning Panel for consideration.
 - g. Note that all submissions beyond those considered in this Council report will be referred directly to Independent Planning Panel for consideration.
 - h. Notify submitters of Council's resolution to request the appointment of an independent Planning Panel for Amendment C245ball by the Minister for Planning.

Moved: Cr Mark Harris
Seconded: Cr Daniel Moloney

CARRIED
(PDC3/24)

6.2. 214 CRESWICK ROAD – OSBORNE HOUSE - INTERIM AND PERMANENT HERITAGE OVERLAY

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Kellie Jantzen – Coordinator Strategic Planning

Public representation was made by Stuart Kelly.

PURPOSE

1. On 19 December 2023, the City of Ballarat received a request pursuant to section 29A of the *Building Act 1993* to demolish a dwelling and outbuildings on land at 214 Creswick Road, Ballarat Central, known as Lot 1 on Title Plan 681361B (Figure 1).
2. The request was considered by the City of Ballarat Statutory Planning department. It was identified that the dwelling and outbuildings on the land may have heritage significance and further review would be required prior to the determination of the section 29A request for demolition.



Figure 1 - Aerial Image of the Site, Source: City of Ballarat, Intramaps, 19 February 2024.

3. The land at 214 Creswick Road, Ballarat Central is currently zoned Commercial 1 Zone (C1Z). The purpose of this zone is to provide for residential uses at densities complementary to the role and scale of the commercial centre and create a mix of commercial centres for retail, office, business, entertainment and community uses.
4. The land is not currently subject to a site-specific or precinct heritage overlay under the Ballarat Planning Scheme.



Figure 2 - Front elevation of house at 214 Creswick Road. (Source: Natica Schmeder, 2022)

5. Upon referral to Council's Heritage Advisor, a heritage assessment, including a citation and Statement of Significance was prepared by Landmark Heritage Pty Ltd and David Helms Heritage Planning (Attachment 2).
6. The heritage assessment determined that the dwelling and outbuildings at 214 Creswick Road, Ballarat Central, meet the threshold of local significance as:
 - The house was designed by the prominent and prolific Ballarat architect Percy Richards in 1912 for ironfounder, Joseph Osborne.
 - The house is a substantial and well-detailed Federation house that demonstrates the transition from the Queen Anne to Arts & Crafts style.
 - The garage or 'motor house' is historically significant as a very early and rare example, which was built at a time when very few people could afford to own a motor vehicle, demonstrating the transition from horse to motor transport in the early twentieth century.
 - The building has associations with the iron and metalworking industries of Ballarat which were instrumental in the development of the mining industry and supported the strong pastoral industry.



Figure 3 - View of the motor garage from Creswick Road (Source: Google Maps)



Figure 4 - Images of the laundry outbuilding and a chimney of the dwelling; Source: City of Ballarat, 2024.

7. Interim heritage controls are required to protect the buildings from demolition while a planning scheme amendment for permanent heritage controls is being prepared and considered for a site identified for permanent protection.
8. This report recommends that as a place of local heritage significance, the house at 214 Creswick Road, Ballarat Central should be included in the Heritage Overlay (HO) as an individual place with specific controls as set out in the following table.

The HO extent should include the whole of the property as defined by the title boundaries.

External paint controls apply	No
Internal alteration controls apply	No
Tree controls apply	No
Solar energy system controls apply	Yes – house only
Outbuildings or fences not exempt under Clause 43.01-4	Yes – brick outbuildings
Included on the Victorian Heritage Register under the Heritage Act 2017	No
Prohibited uses permitted	No
Aboriginal heritage place	No

9. It is recommended that a request be submitted to the Minister for Planning to implement interim heritage controls on the site, and to seek authorisation to proceed with a planning scheme amendment to apply permanent heritage controls.

RESOLUTION:

- 30. That the Planning Delegated Committee:**
- 30.1. Advise the Minister for Planning that the City of Ballarat has completed a heritage assessment of 214 Creswick Road, Ballarat Central which is identified to be of local heritage significance, based on the evidence detailed in the Heritage Citation and Statement of Significance (26 February 2024).**
 - 30.2. Request the Minister for Planning exercise power of Ministerial intervention pursuant to section 20(4) of the *Planning and Environment Act 1987*, to apply an Interim Heritage Overlay and associated provisions to 214 Creswick Road, Ballarat Central, until 13 March 2025.**
 - 30.3. Seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to apply a permanent heritage control and associated provisions to 214 Creswick Road, Ballarat Central, pursuant to section 8A of the *Planning and Environment Act 1987*, and to place the amendment on exhibition pursuant to section 19 of the *Planning and Environment Act 1987*.**
 - 30.4. Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with section 19 of the *Planning and Environment Act 1987*.**
 - 30.5. Authorise the Director Development and Growth to undertake administrative changes to the amendment that do not change the intent of the amendment, or any changes required under the Minister for Planning's authorisation, prior to the commencement of exhibition.**

Moved: Cr Belinda Coates
Seconded: Cr Samantha McIntosh

CARRIED
(PDC4/24)

7. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA

GB9/24 Cr Samantha McIntosh

Cr Samantha McIntosh sought clarification on what a “contributory element” means in the context of Heritage Overlay. It was her understanding that it pertained to the importance of the precinct as a whole and a reflection of its history and stories surrounding it. Thus, it could pertain to properties from any decade, such as 1850s, 1910s or 1960s.

Director Robertson confirmed that part of the meaning of “contributory” was the contribution to the character of that precinct, and it is not necessarily tied to its age. This is why it is necessary to look at individual buildings for their relevance.

8. CLOSE

The Mayor declared the meeting closed at 7:09 pm.