

# **Planning Delegated Committee Meeting**

## **Minutes**

**8 September 2021 at 6:30pm**

**Virtual Meeting**





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## 1. WELCOME TO 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

Mayor Cr Daniel Moloney  
Cr Ben Taylor  
Cr Samantha McIntosh  
Cr Belinda Coates  
Cr Mark Harris  
Cr Des Hudson  
Cr Peter Eddy  
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 Cameron Montgomery - Executive Manager Governance and Risk  
Mr Darren Whitford - Coordinator Risk and Compliance  
Ms Sarah Anstis - Statutory Compliance Officer  
Ms Sarah Cuthbert - Statutory Compliance Officer  
Ms Sophie Constable - Administration Officer Statutory Compliance

### 2.2 Apologies

Cr Amy Johnson

#### RESOLUTION:

**That the apology be accepted.**

**Moved: Cr Tracey Hargreaves**

**Seconded: Cr Des Hudson**

**CARRIED  
(PDC18/21)**

## 3. DECLARATION OF CONFLICT OF INTERESTS

Nil

## 4. CONFIRMATION OF MINUTES

#### RESOLUTION:

**That the Minutes of the Planning Delegated Committee Meeting on 11 August 2021 as circulated be confirmed.**

**Moved: Cr Tracey Hargreaves**

**Seconded: Cr Mark Harris**

**CARRIED  
(PDC19/21)**

## 5. OFFICER BRIEFING

Nil

## 6. PLANNING DELEGATED COMMITTEE REPORTS

### 6.1. PLP/2015/627/C 113 WEBSTER STREET, LAKE WENDOUREE

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Connor Perrott – Manager, Statutory Planning

A public representation was heard by Leah Clark (Inception Planning) who was dialed into the virtual meeting.

#### PURPOSE

1. The purpose of this report is to make a determination on Planning Permit Application PLP/2015/627/C.

#### MOTION:

Having caused notice of Planning Permit Application PLP/2015/627/C to be given under Section 52 of the *Planning and Environment Act 1987*; and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decide to Refuse to Grant an Amendment in respect of the land known and described as 113 Webster Street, Lake Wendouree for the removal of one Marri Tree and related amendments to permit conditions on the following grounds:

1. The application fails to comply with the Planning Policy Framework at Clause 15.01-5S and Local Planning Policy at Clauses 21.01-4, 21.06-1 and 21.06-3. The removal of the Mari Tree contravenes objectives seeking to protect areas of natural and cultural significance and would adversely impact upon the established garden setting of the subject site and Webster Street in general.
2. The application fails to comply with the purposes, objectives and decision guidelines of Schedule 2 to the Vegetation Protection Overlay at Clause 42.02 of the Ballarat Planning Scheme.

The motion was put and lost.

**Moved: Cr Belinda Coates**

**LOST**

**Seconded: Cr Mark Harris**

Upon being put to the meeting, the Motion was declared carried. Cr Belinda Coates called for a Division.

**For the Motion were Councillors:** Cr Belinda Coates, Cr Mark Harris, Cr Tracey Hargreaves

**Against the Motion were Councillors:** Cr Des Hudson, Cr Ben Taylor, Cr Peter Eddy, Cr Samantha McIntosh and Cr Daniel Moloney

**RESOLUTION:**

1. Having caused notice of Planning Permit Application PLP/2015/627/C to be given under Section 52 of the Planning and Environment Act 1987; and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Amend the Planning Permit under the Ballarat Planning Scheme in respect of the land known and described as 113 Webster Street, Lake Wendouree for the removal of one Marri Tree from the site and subsequent updates to the permit conditions and plans as follows:

- (a) Remove existing reference to Condition 1b which required a previous set of amended plans to be provided deleting any reference to the removal of the tree;
- (b) Replace Condition 1(b) to require the restoration and of the bluestone plinths and cast-iron front fence; and
- (c) Remove Condition 7 – Tree Protection During Construction;
- (d) Remove Condition 8 – Regulation of Activities in Tree Protection Zone
- (e) Subsequently update the planning permit preamble to read

“Demolition of existing dwelling, outbuilding and development of the land for a replacement dwelling, removal of vegetation (liquid amber and marri tree), alterations to the crossover and replace demolition front fence”;

- (f) Subsequently update the endorsed plans to show the Marri Tree on the demolition site plan and no longer on the proposed site plan.

**Moved: Cr Des Hudson**

**Seconded: Cr Samantha McIntosh**

**CARRIED  
(PDC20/21)**

**6.2. PLANNING SCHEME AMENDMENT C225 - WOODMANS HILL**

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Rex Zhang– Strategic Planner

**PURPOSE**

1. To advise Council on the outcome of public exhibition of Planning Scheme Amendment C225ball (Woodmans Hill Rezoning).
2. To consider the adoption of Planning Scheme Amendment C225ball.

**RESOLUTION:**

**That the Planning Delegated Committee:**

1. Adopt Ballarat Planning Scheme Amendment C225ball as exhibited and submit to the Minister for Planning for approval

**Moved: Cr Ben Taylor**  
**Seconded: Cr Samantha McIntosh**

**CARRIED**  
**(PDC21/21)**

