

OFFICIAL

# **Planning Delegated Committee Meeting**

## **Minutes**

**10 August 2022 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

Mayor Cr Daniel Moloney  
Cr Ben Taylor  
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  
Ms Lyndsay Leingang - Administration Officer Statutory Compliance

### 2.2 Apologies

Cr Amy Johnson  
Cr Samantha McIntosh

## RESOLUTION:

**That the apologies be accepted.**

**Moved: Cr Belinda Coates**  
**Seconded: Cr Ben Taylor**

**CARRIED**  
**(PDC20/22)**

### 3. DECLARATION OF CONFLICT OF INTERESTS

Mayor Cr Daniel Moloney declared a general conflict of interest in 6.2 PLP/2021/626 - 63 Mahers Road. Mayor advised that he would leave the meeting and would seek a Temporary Chair in the absence of Deputy Mayor.

### 4. CONFIRMATION OF MINUTES

#### RESOLUTION:

That the Minutes of the Planning Meeting on 13 July 2022 as circulated be confirmed.

**Moved: Cr Mark Harris**

**CARRIED**

**Seconded: Cr Tracey Hargreaves**

**(PDC21/22)**

### 5. OFFICER BRIEFING

Nil

### 6. PLANNING DELEGATED COMMITTEE REPORTS

**6.1. 742 GEELONG ROAD, CANADIAN - INTERIM HERITAGE PROTECTION**

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Susie Perera – Strategic Planner/Terry Natt – Manager  
Strategic Planning

**PURPOSE**

1. On the 7 July 2022 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 742 Geelong Road Canadian.
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.
3. The land at 742 Geelong Road Canadian is currently zoned General Residential (GRZ1). The land is not subject to any site specific or precinct heritage controls under the Ballarat Planning Scheme.
4. The Statutory Planning Department referred the request to Councils Heritage Advisor and the Strategic Planning Department. A History report had been completed on 21 June 2022, by Dr Robyn Ballinger of History Making Pty Ltd to determine the heritage significance of the place, at 742 Geelong Road Canadian.
5. A Citation and Statement of Significance was prepared and determined that the dwelling at 742 Geelong Road Canadian meets the threshold of local significance.(see attachment).
6. 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 protection.
7. This report recommends to the Planning Delegated Committee that a request be submitted to the Minister for Planning, to implement interim heritage overlay controls on the site, and to seek authorisation to proceed with a planning scheme amendment to apply permanent heritage controls.

**RESOLUTION:**

- 8. That the Planning Delegated Committee:**
  - 1. Advise the Minister for Planning that the City of Ballarat has completed a heritage assessment of the subject site (742 Geelong Road Canadian) and it has been identified to be of local heritage significance, based on the evidence of local significance detailed in the Heritage Citation and Statement of Significance (July 2022).**
  - 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 the site identified at 742 Geelong Road Canadian, until 23 August 2023.**

- 3. Seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to apply a permanent heritage control and associated provisions to the site identified for protection at 742 Geelong Road Canadian, 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.**

**Moved: Cr Ben Taylor**

**LOST**

**Seconded: Cr Des Hudson**

**6.2.PLP/2021/626 - 63 MAHERS ROAD**

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

Public Representations were received by John Glossop, Jo Frawley, Sue and Ivan Vogele, and Kirrily Liddle.

**RESOLUTION:**

**That Cr Belinda Coates to act as Temporary Chair for item 6.2.PLP/2021/626 – 63 MAHERS ROAD.**

**Moved: Cr Ben Taylor**

**CARRIED**

**Seconded: Cr Des Hudson**

**(PDC22/22)**

Mr. Mayor left the meeting at 6:53pm prior to discussion occurring and Cr Coates to the Chair.

**PURPOSE**

1. The purpose of this report is to determine Planning Permit application PLP/2021/626.
2. At the meeting of 13 July 2022, the Planning Delegated Committee resolved to defer the matter to provide an opportunity for the applicant to provide further information to the concerns raised below (summarised):
  - Further protection of adjoining agricultural uses/protection of farm land and biosecurity.
    - a. The applicant has proposed the inclusion of a condition requiring a 'patron management plan', however the intent of patron management plans are primarily used in association with Liquor Licensing applications. Condition 13 within the recommendation requires an Emergency Management Plan prior to the commencement of use to consider all hazards, in this instance, matters associated with biosecurity is better considered as part of the Emergency Management Plan.
  - Landscape master plan changes; including retention of the cypress trees and further fencing details:
    - a. Condition 9(b) (Attachment 8) includes the provision of tree protection zones for retained vegetation, including those within the road reserve, this includes the cypress trees. No street trees have been proposed for removal. Any required road upgrades will occur in conjunction with the respective Traffic & Transport, and Engineering Teams at Moorabool Shire Council and Ballarat City Council, in line with conditions as set out in the recommendation (Attachment 8).
    - b. Within the recommendation, condition 9(e) (Attachment 9) requires further detail of the boundary fences along the length of Mahers and Greene Road. Currently the proposed condition requires a solid boundary fence, to a height of 1.3m. This condition has been provided in response to the original

objections, while taking into consideration the Design and Development Overlay, Schedule 2, Clause 2.0 which notes that '*front fences should be designed to have minimal visual impact and preferably be located behind landscaped setback areas*'. The fence would be setback behind landscaped nature strips, with additional planting proposed by the applicant. It is considered that a fence of greater height would inappropriately create visual impact.

- Concerns were raised in relation to the intersection, in particular, the increase to traffic resulting in further accidents.
    - a. The applicant has provided further comments from the Traffic Engineer, to be read in conjunction with the original report (Attachments 4 and 6).
    - b. The undertaken work to assess the current use of the area was completed on Friday 25<sup>th</sup> February 2022 between 8am to 11am, and 3pm to 6pm. Historical data, pre-pandemic, as well as accident data from the last 5 years. The professional conclusion, as supplied by the applicant, considered that the required upgrades, along with the increase to traffic, would not result in a detrimental impact to road users.
  - Connection to reticulated sewerage and water.
    - a. Conditions 6 and 7 of the recommendation require connection to reticulated sewerage and water, including preparation of a Section 173 agreement.
    - b. The applicant has advised that the cost of these works has been considered as part of the project, and the project relies on these connections.
    - c. The details of these connections must be to the satisfaction of Central Highlands Water at the expense of the applicant.
3. The applicant has provided a brief response to the concerns raised above, Attachment 2, as well as the Central Highlands Water sewer location map, Attachment 5 and further information to be read in conjunction with the Traffic Report (Attachment 4), memorandum Attachment 6.
4. No additional conditions have been included in the recommendation.

## RESOLUTION:

That the Planning Delegated Committee:

5. **Having caused notice of the Planning Permit Application PLP/2021/626 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 Grant a Planning Permit under the Ballarat Planning Scheme in respect of the land known and described as 63 Mahers Road Warrenheip, for the *Use and development of a residential hotel, and associated works*, subject to conditions in Attachment 2 with the following amendments:**

### Conditions - Amended

#### 16. Traffic and Transport

- a. **Prior to commencement of use, the abutting roads are upgraded, at the cost of the applicant, to the requirements of Council's Infrastructure Department.**



