

Planning Delegated Committee Meeting

Agenda

14 September 2022 at 6:30pm

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



PUBLIC SUBMISSIONS

- Public representations may be made on any items listed on the agenda in a Planning Meeting apart from those listed in the confidential section.
- Presentations must be submitted in writing, not more than 500 words by 2:00pm on the day of the relevant meeting:
 - i. In the form approved; or
 - ii. by email to Council's prescribed email address;.or
 - iii. in person during normal office hours at the Council Offices at 25 Armstrong Street South, Ballarat.
- If a person submitting a presentation is not present in the gallery, their presentation will be read out subject to the time limits.

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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

3. DECLARATION OF CONFLICT OF INTERESTS

4. CONFIRMATION OF MINUTES

5. OFFICER BRIEFING

6. PLANNING DELEGATED COMMITTEE REPORTS

6.1. VICTORY HOUSE - 742 GEELONG ROAD - HERITAGE OVERLAY AMENDMENT

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

PURPOSE

1. At the Planning Delegated Committee Meeting on 10 August 2022, Council considered a recommendation to apply an Interim Heritage Overlay at 742 Geelong Rd Canadian, however the motion to support the Interim Heritage Order was lost

Matters for Consideration

2. 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.
3. 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.
4. 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.
5. The Statutory Planning Department referred the request to Councils Heritage Advisor and the Strategic Planning Department and a history report dated 21 June 2022, has been prepared by Dr Robyn Ballinger of History Making Pty Ltd to determine the heritage significance of the place, at 742 Geelong Road Canadian.
6. The heritage report includes a Citation and Statement of Significance and determines that the dwelling at 742 Geelong Road Canadian meets the threshold of local significance. (See attached).
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 protection.
8. This report recommends to Council, that a request be submitted to the Minister for Planning, to implement interim heritage overlay controls on the site that are in keeping with local planning protection, and to seek authorisation to proceed with a planning scheme amendment to apply permanent heritage controls.

BACKGROUND

9. The following provides a chronology of events relating to the identification of the site at 742 Geelong Road Canadian as warranting interim heritage protection:

10. On 31 August 2021 Council received a planning application No. PLP/2021/616, for the construction of four dwellings on a lot, at 742 Geelong Road Canadian, which was formally withdrawn on 10 August 2022. This proposal would have required the demolition of the existing dwelling known as 'Victory House.' The planning application required further information from the applicant to be processed.
11. On 25 March 2022, City of Ballarat became aware that the dwelling had potential heritage value and proceeded to arrange a review of the history of the site, by Dr Robin Ballinger of History Making Pty Ltd.
12. On 7 April 2022, the applicant was contacted to advise that the site had potential heritage value. Subsequently, on 13 May 2022 the applicant contacted City of Ballarat to discuss the potential heritage value and the implications for the planning proposal.
13. Dr Robyn Ballinger of History Making Pty Ltd, was engaged to determine the heritage significance of the place at 742 Geelong Road Canadian. A history report was provided on the 21 June 2022. The report notes the following on the history of the place:
 - a. After gold was discovered in 1851 in Ballarat, Chinese miners arrived from 1852, with the Chinese population reaching a peak of almost 10,000 people in 1858, with half of the population living in Chinese 'villages' including one in Canadian.
 - b. The profitable Woah Hawp Canton mine in Regent Gully, Canadian, was a rare Chinese enterprise being Chinese owned and operated from 1882 to 1902.
 - c. In the 1850s, the subject site at 742 Geelong Road was located in close proximity to Canadian Lead, Prince Regent Gully and the Woah Hawp Canton goldmine.
 - d. The 1855 Mines Act enabled the mining and construction of a residence on the same piece of land, and subsequently the Mines Act 1865 and the Mine Act 1890, granted the right to reside on a maximum of one acre of a goldfields area.
 - e. The site was taken up as occupied as a residence area with a building on the site before 1889, by R/G Hardy.
 - f. Circa 1902 James Wong Chung was the Manager of the You Sing goldmine, formerly the Woah Hawp Canton mine.
 - g. In c1903 the Wong Chung family, being James and his wife Margaret and the first six (of twelve) children, moved to the subject site. The 1904-05 Buninyong Shire rates book show James Wong Chung as occupying the house and land, likely occupying the older residence on site at the time.
 - h. By 1906 an additional house, 'Victory', named after the 1902 Melbourne Cup winner, was built on the site, and members of the Chung family continued to occupy the buildings on site until 2007/08.
 - i. The Chung family continued to be actively involved in social, political and cultural matters in the Ballarat community over the 20th Century; James as a government interpreter, his sons Len and Charlie being Union leaders and members as well as active Communist party members.
 - j. Victory house was known as a welcoming place where Chinese heritage and culture was celebrated by informal visits and more formal gatherings of up to 200 people of Chinese background on an annual basis.
 - k. In 2008 the subject site passed out of the Chung family's ownership.
14. A copy of this report is provided in Attachment 5.
15. On 24 June 2022 the owner and the applicant were advised that the history report for the site had identified that the site has heritage value, and that Council would be seeking to conduct a full heritage assessment and to have the site protected by a

Heritage Overlay. They were also advised that the proposal would not be supported in its current form and indicated that Council was willing to work with the applicant and owner to respond to the pending changes in the planning controls relating to heritage.

16. On 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.
17. The City of Ballarat Statutory Planning Department assessed this request and determined 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.
18. On the 8 July 2022, the Statutory Planning Department referred the request to Council's Heritage Advisor, who indicated that *'742 Geelong Road Canadian is the property we have been researching with regards to Chinese heritage places in Ballarat. We will not support its demolition.'*
19. The landowner of 742 Geelong Road Canadian, and the applicant for the building permit (demolition), was notified in writing (20 July 2022) of the findings of the heritage assessment and intention to proceed with a request for interim heritage protection. A copy of these letters are attached.
20. At the Planning Delegated Committee Meeting on 10 August 2022 considered the report on this matter, however the motion to support the Interim Heritage Order was lost.
21. On 17 August 2022 Council received notice from Heritage Victoria (HV) that a request was made by a third party for an Interim Protection Order under s143 of the *Heritage Act 2017* was not warranted. (See Attached) However, 742 Geelong Rd was listed on the Victorian Heritage Inventory as a place with archaeological significance which requires consent from the Executive Director of Heritage Victoria to authorise any works that may affect the identified heritage values at the place.
22. A further application, planning application PLP/2022/611 was lodged on 18 August 2022, incorporating the exact same development proposal and design as the previous application. This application was lodged before the Interim Protection Overlay was applied by the Heritage Council, however City of Ballarat must now assess the application in accordance with the requirements of the IPO.
23. The Heritage Council of Victoria (HC) sent a letter to City of Ballarat on 26 August 2022 notifying the approval of an Interim Protection Order under s143 of the *Heritage Act 2017*, while they review the place for State level significance. The Executive Director of HC has 60 days to finalise a recommendation for inclusion on the Heritage Register. (See Attached)
24. It is noted that whilst the letter from Heritage Victoria states an Interim Protection Order (IPO) is not warranted, HV notes that requests for IPOs can also be made to the Heritage Council.
25. At this stage, City of Ballarat has not been asked to consider the application of an IPO by the Heritage Council.

KEY MATTERS

26. The key issue in this report being consideration of the site at 742 Geelong Road for local heritage significance. This means that Council would be required to seek protection in the form of an Interim Heritage Overlay under the *Planning and Environment Act 1987* from the Minister for Planning in order to pursue a permanent local Heritage Overlay.

Interim Heritage Controls

27. Interim heritage controls are required to protect a dwelling or buildings from demolition, while an amendment for permanent heritage controls is being prepared and considered for a site identified for protection.
28. Should the Heritage Council process for the IPO prove unsuccessful for state significance, if Council is to pursue a local Heritage Overlay Amendment, we must ensure that an Interim Heritage Protection is in place through the support of the Minister for Planning.
29. City of Ballarat can request the Minister for Planning to exercise power of Ministerial Intervention, pursuant to Section 20(4) of the Planning and Environment Act 1987, to apply an Interim Heritage Overlay to the land identified for protection. The request must state an expiry date for the Interim Heritage Overlay (which is generally 12 months).
30. Before the expiry date of the Interim Heritage Overlay, City of Ballarat must prepare and submit a Planning Scheme Amendment to introduce permanent heritage controls to the identified site.

Assessment of Heritage Significance

31. This section provides a summary of the findings of the *Victory House Citation and Statement of Significance: 742 Geelong Road Canadian* (see Attachment 1).

What is significant?

32. Victory House at 742 Geelong Road, Canadian is Significant. Elements which contribute to the significance of the place are:
- Victory House (dwelling) constructed c.1906 with c.1925 alterations (roof and verandah)
 - Mature Cypress hedges
 - Former miner's residence (c.1880) located to the north of the dwelling
 - Internal elements to the extent of decorative carved fireplaces and surrounds.

How is it significant?

33. Victory House at 742 Geelong Road, Canadian is of local historical, social and associative significance to the City of Ballarat.

Why is it significant?

34. Historically, Victory House illustrates the importance of mining to the locality of Canadian, and more broadly the city of Ballarat. The original dwelling on the site (miners' residence) was constructed prior to 1889 on a miner's right for R.G Hardy, and the later dwelling 'Victory' was constructed c.1906 for James Wong Chung,

manager of the adjacent You Hing mine (also known as Woah Hawp Canton mine between 1182-1896 and 1903-1915). The Canadian Gully, where the subject land is located is one of the earliest and richest areas within the Ballarat Goldfields, established in 1952, it experienced several successive waves of intense alluvial mining from the 1850s followed by deep lead quartz reef mining from the 1860s. The original miner's residence and the Edwardian dwelling 'Victory' were both constructed within a productive goldmining landscape, surrounded by other miner's residences, also built on miner's rights. (Criterion A)

35. The place has strong associations with the Chung family, who built the c.1906 residence and held the property within the family for over 100 years (until 2008). The Wong Chung family (James Wong Chung, his wife Margaret and their six children) moved to the subject site in 1903 after James Wong Chung was appointed Manager of the adjacent Woah Hawp Canton Mine, having been working at the mine for several years. The family initially moved into the small miner's cottage located on the site, building the Edwardian dwelling in 1906 with winnings from the 1902 Melbourne Cup, won by 'The Victory', which the house was named after, as evidenced in the fanlight lettering.
36. The Chung family made a strong contribution to the local Chinese and broader Ballarat community, particularly in the Twentieth Century. James Chung, as well as being the manager of the nearby Woah Hawp Canton Mine from 1902-1914, also worked as an interpreter for government, assisting and advocating in legal and other matters relating to members of the Ballarat Chinese community. The Chung family were actively involved in the trades union movement in Ballarat, with family members serving as the Presidents of the Textiles Union and Railways Unions, lobbying and advocating for worker's rights through their involvement in the Ballarat Trades Council for several decades. (Criterion H)
37. Victory House has strong associations with Ballarat's Chinese community, which is comprised of those who are descended from, or have associations with Chinese migrants who settled in Ballarat. The Canadian Gully was the principal area around which Chinese miners were working during the peak operations of the Ballarat Goldfields. The first Chinese miners established camps in the Canadian gully in 1852, and by 1855 there were an estimated 5,000 Chinese people working and living in the area, increasing to 10,000 by 1858. There were at least six distinct Chinese camps within the area, first associated with alluvial gold mining, and later associated with the Chinese owned and operated You Hing/Woah Hawp Canton mine.
38. The association goes back over several generations and relates to the influential Chung family who opened their home to their home as a regular informal and formal meeting place for local residents of Chinese and mixed cultural backgrounds at a time when racial prejudices in the broader community often led to suppression of language, culture and traditions. The association is demonstrated by the numerous oral histories, local stories and publications which recall the large and small gatherings of the Chinese community held at the place over time, and the continuing importance of the place to Ballarat's Chinese community. (Criterion G)

Protection of the site

39. The dwelling and outbuildings are currently protected by the provisions of the *Building Act 1993*. The Section 29a request for demolition has been suspended pending the

IPO and Interim Heritage Overlay request together with the Heritage Inventory listing that would require archaeological survey of the site before any recommendations for protection or demolition can be considered.

Land ownership

40. The land identified for protection is privately owned. The landowner has been advised in writing of suspension of the 29A demolition request and City of Ballarat's Council report to pursue interim and more permanent heritage overlay controls on the property despite the current Heritage Council IPO.

OFFICER RECOMMENDATION

41. That the Planning Delegated Committee:

- a. **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).**
- b. **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.**
- c. **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.**

ATTACHMENTS

1. Land Owner - Notice of Interim HO request - 742 Geelong Road, Canadian (1) [6.1.1 - 1 page]
2. Kiara Designs - Notice of Interim HO request - 742 Geelong Road, Canadian (1) [6.1.2 - 1 page]
3. Citation and Statement of Significance Victory House [6.1.3 - 17 pages]
4. 04 HE R 209202 - Registration - R 11490 - IPO refused 219218 Letter to Chief Executive Officer [6.1.4 - 2 pages]
5. IP O 20148 Victory House 742 Geelong Road Interim- Protection- Order IP 26082022 [6.1.5 - 1 page]

OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 20 July 2022

Our Ref: 742 Geelong Road Canadian

Your Ref:

Enquiries: 03 5320 5500

Direct Email: info@ballarat.vic.gov.au

[REDACTED]
[REDACTED]
Email: [REDACTED]

Dear Sir/Madam,

**ADVICE OF REQUEST FOR INTERIM HERITAGE CONTROLS AND
SUSPENSION OF CONSIDERATION OF THE BUILDING PERMIT
742 GEELONG ROAD, CANADIAN**

We are writing to you in reference to the dwelling and associated outbuildings located on the above property. The purpose of this letter is to notify you as the landowners of 742 Geelong Road, Canadian, that a request has been submitted to the Minister for Planning for interim heritage protection of the dwelling and outbuildings on your property.

Given the current application Under Section 29A of the Building Act 1993, for a building permit for the demolition of the buildings on the land, initial heritage advice has been received that indicates that the existing dwelling and outbuildings may have heritage significance that is worthy of protection.

Pursuant to Section 29B (2) of the Building Act 1993 the consideration of the application for the building permit (demolition) is to be suspended until the above-mentioned interim heritage controls and planning scheme amendment have been determined or withdrawn.

An independent heritage consultant has been engaged to undertake a heritage assessment of the buildings on the property, in order to determine the extent of heritage significance and the requirement for protection.

In terms of the request for interim protection, the Department of Environment Land Water and Planning (DELWP) have been advised that Council's endorsement of the request for an interim heritage overlay in the Ballarat Planning Scheme will be sought at the first available council meeting. At this meeting a report will be presented, that will include the heritage assessment and recommendations to formally progress planning scheme amendments, for both interim and permanent heritage controls.

Should you wish to discuss this matter further please contact Terry Natt, Manager Strategic Planning via email – [REDACTED] or telephone [REDACTED].

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson
Director Development and Growth

OFFICIAL

OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 20 July 2022

Our Ref: 742 Geelong Road Canadian

Your Ref:

Enquiries: 03 5320 5500

Direct Email: info@ballarat.vic.gov.au

[REDACTED]
[REDACTED]
[REDACTED]
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Yours sincerely

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Natalie Robertson
Director Development and Growth

OFFICIAL

VICTORY HOUSE

742 Geelong Road, Canadian

Statutory Recommendations:

- Include whole of title as an Individual Heritage Place in the Schedule to the Heritage Overlay of the City of Ballarat Planning Scheme.
- The entry for this place in the Schedule to the Heritage Overlay of the Ballarat Planning Scheme should include the following additional controls:
 - Tree controls (Cypress trees)
 - Outbuildings and fences (former Miners hut)
 - Internal controls (fireplaces and surrounds only)
- The Heritage Overlay should be included on the HO Map and be applied to the whole of the title of the land known as 742 Geelong Road, Canadian.
- An application to the Minister of Planning for an Interim Heritage Overlay should be made immediately in order to protect this site until a formal Planning Scheme Amendment can be undertaken to include in the Heritage Overlay on a permanent basis.

Description (preliminary – based on photographs from real estate websites)

Victory House (c.1906) is a modest Edwardian timber dwelling with an Interwar gable roof and integrated porch (c.1925). The site also includes an early timber miners hut (pre-1889) located to the north of the main dwelling (referred to as the washhouse), and Cypress hedges located on the northern and southern boundary of the front garden, as well as a pair of Cypress (originally shaped) framing the entry from Geelong Road.

Victory house is symmetrically arranged, and the façade is clad in mock ashlar timber cladding, with typical original Edwardian double hung sash windows with side lights set to either side of the front door. The timber front door is original with six panels and set into an Edwardian door surround frame including side lights with decorative glass insets and the words 'Victory' etched into the fanlight above.

The gable roof (replacing the earlier hipped roof and bullnose verandah) dates from c.1925 and is a simple gable form which integrates the skillion verandah. The roof is clad in short sheets of corrugated iron and in good condition. The porch (also c.1925) is skillion in form, with exposed rafters, supported on paired timber posts and brick piers. The original timber decking of the porch was replaced with the current brick c.1925 also. The three original brick chimneys survive, with the two to the rear having been overpainted. The original kitchen for the dwelling (a modest skillion to the rear with attached brick chimney) was originally separated by a breezeway but has been reclad an integrated into the remainder of the dwelling.

The dwelling retains its original windows on all elevations and is highly intact. Internal details including cornice, decorative carved fireplace surrounds, and timber dado appear to survive internally.

The miner's hut is reputed to remain on site to the north of the residence but has not been able to be viewed.

History

Contextual history

Canadian is a rural and residential suburb three kilometres southeast of central Ballarat, with the main residential area located along the road between Ballarat and Buninyong. This road today is known as Geelong Road or Buninyong Road but has also been known as Main Road and Plank Road (the latter name referencing the logs placed along swampy sections of the road). To Canadian's immediate north are the suburbs of Golden Point (which includes Sovereign Hill historical park) and Eureka (*Victorian Places* 2015).

Canadian Gully, located in Canadian, is one of a series of gullies emerging from the White Horse Ranges. It contained some of the Ballarat goldfield's most valuable nuggets and leads and was among the first areas to be worked on the field (Federation University 2016).

The rich Canadian gold lead, mined from 1852, was reputedly named after a man called Canadian Swift. The lead ran southwards, east of Canadian Creek where it crossed the Buninyong Road, branching into lesser leads as it passed by Sovereign Hill. The richest section of Canadian Lead was near today's Ellsworth Street (*Victorian Places* 2015).

Ellsworth Street was the municipal boundary between Ballarat City and Buninyong Borough (later Buninyong Shire), putting Canadian in both municipalities. Rich as it was in gold, Canadian was not well regarded. Buninyong Road north of Ellsworth Street was at times a morass, and in the south of Golden Point there was a lepers' camp. As a result, families in Canadian had no local school, and children were sent to the Eureka Street, Golden Point, and Richards Street schools (*Victorian Places* 2015).

There was a railway station at Canadian on the Ballarat to Buninyong line, which opened in 1889 and closed in 1947 (*Victorian Places* 2015).

Canadian was the focus of mining by Chinese. After gold was discovered in September 1851, Chinese miners arrived from 1852, with between 2,000 and 5,000 on the Ballarat goldfield by 1855. In 1858 the Chinese population reached its peak of just under 10,000 individuals, of these only two were women. About 50 per cent lived in the township of Ballarat, clustered in Chinese camps (Couchman 2013). Some made the transition from alluvial mining to deep lead quartz mining. The Woah Hawp Canton mine in Regent Gully, Canadian, was a most profitable Chinese enterprise (BDGS).

By the late 1850s six Chinese 'villages' had been established under the supervision of W H Foster the 'Chinese Protector' for the Ballarat area (Couchman 2013). They were located at Golden Point, Red Hill, Canadian, Eureka and Little Bendigo (BDGS). Two Chinese temples were established, one as early as 1857, and from early 1856, a Chinese- English newspaper was printed by Robert Bell, an Englishman. A number of Chinese missionaries from the Anglican Chinese Mission, the Chinese Evangelisation Society of Ballarat, and the Presbyterian Mission worked on the Ballarat goldfields. A Chinese leper camp was also established in the area (Couchman 2013).

By the late nineteenth century, the mining industry was waning in Ballarat and the Chinese turned to alternative employment, with many becoming market gardeners. Gardens were established along the

Yarrowee Creek running from north to south Ballarat (Couchman 2013).

Eventually, due to the decline in the number of new Chinese residents arriving in the area after the introduction of the 1901 *Immigration Restriction Act*, the Chinese community began to decline. The Chinese temple and associated Kuomintang Hall fell into disuse and much of the early Chinese camp was removed to make way for a sports reserve. However, families of joint European-Chinese descent and the next generation continued to be active in community activities with their descendants living in the area today (Couchman 2013).

Place history

The subject site, 'Victory' house at 742 Geelong Road, Canadian, is located on Crown Allotment 14C, Section 14, Parish of Ballarat (see Figures 1 and 2) (*Ballarat Parish Plan 1973*). As mentioned above, Geelong Road was also known as Main Road, Buninyong Road and Plank Road. In the 1850s, the property at 742 Geelong Road was located in close proximity to Canadian Lead, Prince Regent Gully and the Woah Hawp Canton goldmine, all mined for gold as part of Ballarat Mining Division 3 (see Figure 3). As part of this goldmining activity, the subject site was occupied as residence area number 5958 under a miner's right (see Figures 2 and 4).

Residence areas were first provided for under the 1855 *Mines Act*, which, under a miner's right, allowed mining and the construction of a residence on the same piece of land. With the transition to quartz mining in the 1860s, the *Mines Act 1865* was introduced, which allowed the holder of a miner's right to reside on up to one acre on a goldfields area. The *Mines Act 1890* provided for the maximum residence area and business license of one acre.

The subject site was one of a number of residence areas taken up on Geelong Road between Elsworth Street and Kinnersley Avenue (*Ballarat Parish Plan 1973*). As shown in Figure 4, in 1889 the subject site was occupied by R/G? Hardy and a building was in existence on the site (Mines Department 1889).



Figure 1. Showing the landscape of the Canadian area with the subject site, Crown Allotment 14C, Section 14, identified by a black arrow. The rear portion of Crown Allotment 14 (circled) was leased by the Woah Hawp Canton goldmine from 1882. (Source: *Ballarat Parish Plan 1973*)

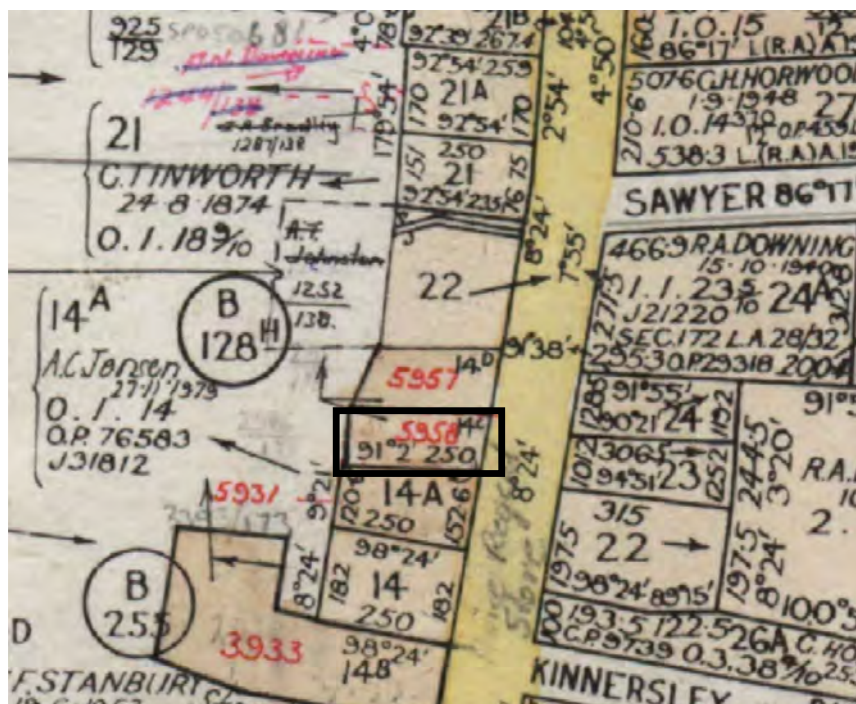
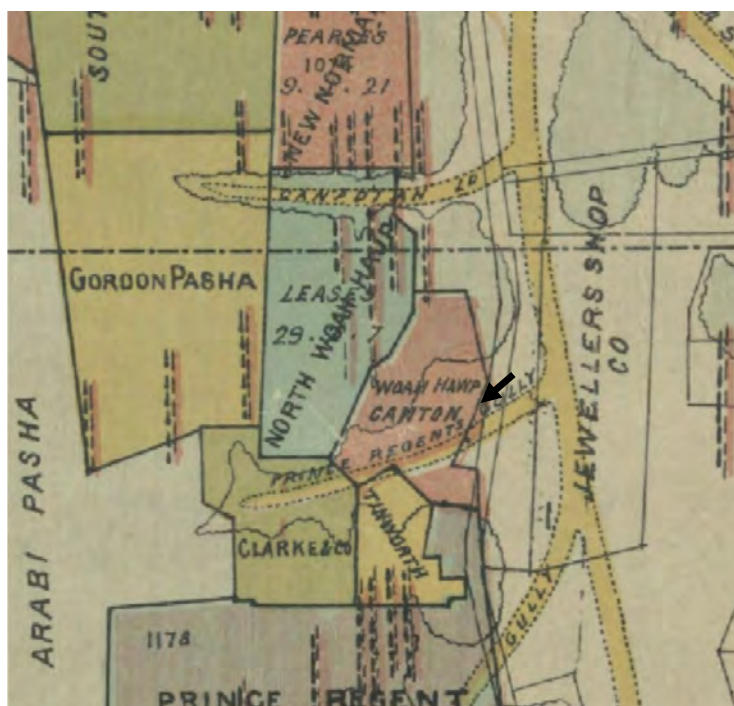


Figure 2. Showing the subject property, outlined in black, as residence area number 5958. (Source: Ballarat Parish Plan 1973)



James Wong Chung, Margaret Wong Chung and Mary Wong Chung continued to live in Linton in 1903, but around this time James and Margaret and their six children moved to the subject site in Geelong Road Canadian (the first postal address was c/o Canadian Post Office and later 69, then 130 Geelong Road) (Electoral Roll Ballarat Division 1903, *Ancestry* 2022; Chung 1983). It appears that the family moved to the subject site because in c1902 James Wong Chung was made manager of the You Sing goldmine, formerly the Woah Hawp Canton mine in Ballarat (*Advertiser* 5 September 1902:6). It is likely that the family first moved into the building that was already in existence on the site as the 1904-05 Buninyong Shire rate books show that manager James Wong Chung occupied house and land in Canadian with a net annual value (NAV) of only £8. The same rate book notes that James Wong Chung was manager of the Woah Hawp Canton gold mine, which had a NAV of £65 (RB 1904-05).

After 'Victory' house was built, it appears that the original building on site was occupied by James Wong Chung's parents who moved from Linton (see 'Associations' section below). The earlier building was later

adapted for use as a wash house and remains on site today. A family member recalls that, although the interior walls were lined with plasterboard and carpets put down, in 2007 the walls and floor of the building remained intact (Bindy Trembath 2022).

In 1909, 1920 and 1923, the subject property was described in the rate books for those years as a dwelling and hut on a miner's right occupied by James Chung with a NAV of £15 (RB 1909-10, 1920-21 and 1923-24). The 'hut' referred to in this description is likely the former miner's residence, shown on the map in Figure 4, which was later adapted by the family for use as a wash house (Bindy Trembath 2022). The layout of Victory house c1920 can be seen in Figure 6.



Figure 5. A photo of the Chung home in 1907-08, with Mabel Wong Chung and her siblings, Martin and Lillian. (Source: Bindy Trembath 2022)

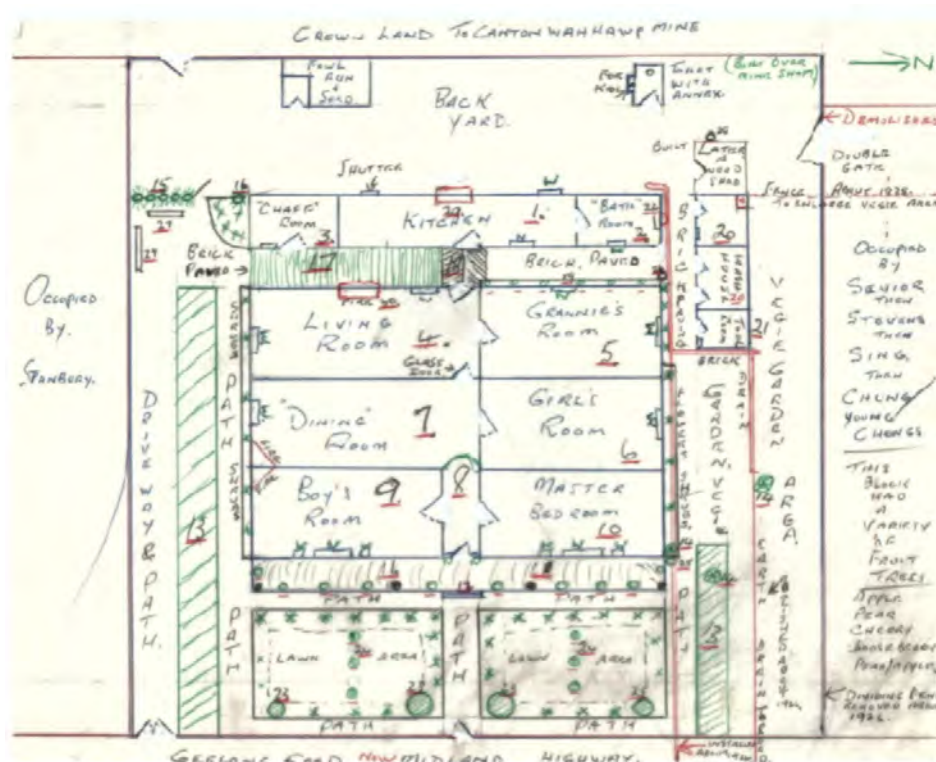


Figure 6. Hand drawn map of 'Victory' house as it was c1920, and a key to the map, both by Charles Chung (key transcribed by Bindy Trembath and Robyn Ballinger). (Source: Bindy Trembath 2022)

	Kitchen - colonial oven, 2 tables, 1 form, chairs, 2 cupboards, no sink or tap, demolished about 1929 [stated elsewhere as 1932-33], replaced by skillion roof single door with a large ? Hotel type wood stove – new kitchen annexed to main house
2	Bathroom - sink, tap
3	Chaff House – Formerly foster son's living quarters
4	Sitting Room – Open fireplace, table, sofa, chairs, 3 doors, 2 windows
5	Grannies Room – later Jim's room, 2 windows (later divided to form bathroom, store, linen room etc)
6	Girls Room – 2 chests of drawers, wash stand
7	Dining Room – Sideboard, table, armchairs, sofas, corner fireplace, open archway to hall
8	Hallway with Archway, Classic front door, Goatshead knocker, 'Victory' fanlight, amber side windows

9	Boys bedroom – bed, corner fireplace, triple windows, all venetian blinds
10	Main Bedroom – queen size bed with canopy, chest of drawers, triple windows
11	Baltic Pine Veranda – Bull nose roof, cast iron frieze, fluted posts, bamboo blinds
12	Brick and cement steps
13	Cypress row, later trained as hedge (north and south side)
14	Apple trees (3)
15	Large Cypress trees untrained
16	Weeping Willow tree
17	Jasmine and rose covered awning. Brick paved, between main house and kitchen block. Some climbing roses
18	Covered walkway between house and kitchen
19	Benches, tubbed fuchsia, ferns, hydrangeas, geraniums etc.
20	Wash house – Old miners dwelling, later partitioned, brick copper, hessian and paper lined, roof wooden shingles, short sheeted corrugated iron, tubs
21	Tool Room – Garden tools, shoe & boot repairs, chest full of clocks. Part of 20
22	Cast iron sink, the only tap indoors
O	Potted shrubs, ferns, fuchsias, hydrangeas, geraniums, lilies
23	Large cypress trees, later trained [at front] *the lawn area was bounded by shrubs, roses, daphne, honeysuckle, boronia, camellia, lilac
24	Palm trees
25	Garden tap and wooden tub
26	Large water tank
27	Ferns, in shade

28	Elderberry tree
29	Colonial Oven – open fire on top for cooking, fire below for oven. Later, hotel size ‘Lux’ stove after kitchen demolition, later Wellsford slow combustion with hot water (installed c1959)
30	Large open fireplace, later ‘Warmray’, later gas heater. Lighting was by kerosene lamps and candles. Later gas because available. Electricity in 1940
	1920s Dividing fence with Sing’s removed. Jim enlarged our garden area by installing a fence from washhouse to near Mabel’s garage to front fence Jim installed a brick drain to front fence with undergrounding to roadway
	1932/33 Kitchen block demolished and skillion roofed kitchen erected by Quayle on wooden stumps
	1934 toilet built up the back; sewerage installed in 1973
	Because of leaking flashing, some time after the death of James Wong Chung in 1925, the roof line of the house was altered to form a single gable roof, with the bullnose verandah and iron frieze demolished. Charles Chung later reroofed the back part of the main roof and kitchen due to leaks.
	1958 wash house rebuilt

Members of the Chung family continued to live in ‘Victory’ house. In 1919, for example, James Wong Chung, miner, and Margaret Wong Chung, home duties, were listed in the electoral roll as living at Canadian, as were their children Eileen Mary Chung, whiteworker; James Francis Chung, miner; and Mabel Chung, weaver (Electoral Roll Subdivision of Mount Clear North 1919, *Ancestry* 2022).

When James Wong Chung died on 4 March 1925, his probate documents listed his occupation as retired mine manager and his address as Geelong Road, Ballarat East. His assets included a residence area under a miner’s right, the subject site, located at Buninyong Road, Ballarat East, ‘with a frontage of 66 feet by a depth of 165 feet with a weatherboard house of six rooms erected thereon’, valued at £300. Chung’s will was granted to Margaret Wong Chung, widow, of Geelong Road, Ballarat East, and James Francis Wong Chung, laborer, of Ballarat East (PROV 1925).

As noted above in Charles Chung’s notes, because of problems with a leaking roof, at some point after the death of James Wong Chung in 1925 the roof line of the house was altered to form a single gable roof, with the original bullnose verandah and lace ironwork removed (Bindy Trembath 2022).

In 1931, an electoral roll listed several Chung family members living at Canadian, including Margaret, home duties; James Francis, labourer; Martin, railway employee; Mercy, home duties; and Thomas William Joseph, meat employee (Electoral Roll Subdivision of Warrenheip 1931, *Ancestry* 2022). A skillion kitchen was added to the house in 1932-33 (Bindy Trembath 2022). Views of ‘Victory’ house after 1932-33 can be seen in Figure 7.



Figure 7. Two views of the Chung home after the roofline of the house had been altered at some time after 1925 and the skillion kitchen added c.1932-33. (Source: Bindy Trembath 2022)

With the passing of the *Land (Residence Areas) Act 1935*, the right of occupation of residence areas in Victoria was broadened to include all Crown lands, not only those in mining areas, and administration was placed

under the Land Act rather than the Mines Act (ARDC). Under this Act, in 1936 Charles Cecil Chung took over the lease of the residence area on the subject site, along with the lease of the residence area (number 5957) on the adjoining block, Crown Allotment 14D, Section 14 (PROV 1936). The home of Mabel Young Chung, Charles's sister, was located on the latter site.

After Margaret Wong Chung died in 1958, the subject house passed into the ownership of her son Charles Chung. In 1979, boilermaker Charles Chung of 130 Geelong Road, Ballarat purchased the subject site for £1100, and in 1980, purchased the adjoining block (CT:V9344 F700; PROV 1936). A view of 'Victory' house in 1986 can be seen in Figure 8.

In 2002, the subject residence was sold to Kim McCartney, another family relative. 'Victory' house passed out of the Chung family's ownership in 2008 after McCartney sold the house in that year (CT:V9344 F700).



Figure 8. A view of the Chung house in 1986. (Source: Bindy Trembath 2022)

Associations

Chung family

The Chung family had a long association with the subject residence, 'Victory' house, with the first family members, James and Margaret Wong Chung moving into the house in 1905-06 after it was built for the family at this time.

James Wong Chung was the son of Ah Wong Chung, born in Canton, Guandong, China, in 1840, and Mary Anne Baker, born in Fermoy, County Cork, Ireland, in 1845. Ah Wong Chung and Mary Anne Baker married in 1868 and lived in Linton, where their son James Wong Chung was born in Ballarat West in 1869 (Mick Trembath 2022; 'Mabel Young-Chung Family Tree', *Ancestry* 2022).

James Wong Chung married Margaret Ann Holderhead from Smythesdale on 17 July 1896. The couple lived at Linton where the first of six of twelve children were born: Mabel (1895), James Francis (1896), Eileen Mary (1898), Robert Leslie (1899), Evelyn Daisy (1900) and Martin John (1902) (Mick Trembath 2022; 'Mabel Young-Chung Family Tree', *Ancestry* 2022).

In March 1897 it was reported the plant of the old South Woah Hawp mining company had been auctioned and sold to J W Chung for £270 for removal to the Woah Hawp Canton mine (by then named Sun You Hing) in Ballarat (*Ballarat Star* 27 March 1897:2; *Weekly Times* 3 April 1897:36). This shows that James Wong Chung was actively involved in mining in Ballarat whilst still living in Linton.

In c1903 the Wong Chung family moved to the subject site, likely occupying the older residence on site at the time, where 'Victory' house was built in 1905-06. Another six children were born: Lillian Margaret (1904), Thomas William Joseph (1907), Mercy (1909), John Lawrence 'Jack' (1911), Charles Cecil David (1912) and Austin Leonard (1917) ('Mabel Young-Chung Family Tree', *Ancestry* 2022). In 1904, an obituary notice stated that the funeral of Robert Leslie Chung, son of mining manager James Wong Chung of Plank Road, had taken place at Ballarat New Cemetery. Coffin bearers comprised B Chin Hon, F Tung, D Hoe and A Foo, with pall bearers including G Tung, H Tung, F Tung, J Sing, W Mong and A Lee Goon (*Ballarat Star* 12 September 1904:6).

It appears that James senior's parents also lived at the subject site as burial records show their place of residence on their deaths (1908 for Ah Wong Chung and 1917 for Mary Ann Wong Chung) as Plank Road, Ballarat (Mick Trembath 2022). In 1917, an obituary for Mary Wong Chung stated that she was the mother of James Wong Chung, of Plank Road, Canadian. Mary was buried in the New Cemetery at Ballarat. Coffin-bearers included H Cahn, J Sing, W Tack, and Fred Tung. Pall bearers comprised W Martin, W Mong, A Mong and A Gasterstadt (*Evening Echo* 26 January 1917:2). The family recalls the wash house being referred to as 'Granny's' (Bindy Trembath 2022). It is therefore likely that Ah and Mary Ann Wong Chung occupied the original building on site by 1889 as their residence.

In 1902, James Wong Chung managed the You Sing goldmine, renamed the Woah Hawp Canton mine in 1903 (see 'Associations' below), and was for many years a Chinese interpreter at Ballarat in service of the government (*Age* 5 March 1925:15). Much of this work was as an interpreter in court cases which involved fellow Chinese (Horsfield 2020:np). In 1906, the electoral roll listed James Wong Chung as a mine manager living at Geelong Road, Canadian. By 1914, he was listed as a miner living at Canadian (Electoral Roll Subdivision of Ballarat 1906 and Mount Clear 1914, *Ancestry* 2022). This suggests that James Wong Chung's role as mine manager at the Woah Hawp Canton mine had finished by this year.

Photographs of the Chung family can be seen in Figures 9 and 10.



Figure 9. LHS: James Wong Chung with his mother Mary Wong Chung (nee Baker), date unknown; and RHS: James Wong Chung, date unknown. (Source: LHS, Bindy Trembath 2022; RHS, Edgington 2022)



Figure 10. The Chung family, from left to right: sons Leonard, John, Charlie, Thomas, Martin and James at the rear; daughters Evelyn, Lillian, and Mercy all kneeling; and daughter Eileen, mother Margaret, and daughter Mabel seated. (Absent Robert, who died in 1904.)(Source: Edgington 2022)

A house located on the north side of the subject property was occupied by the Stevens and later the Sings. On the departure of the Sing family the unoccupied house was removed c1917 and Margaret Chung obtained the miner's right and associated residence area for the property. The Chung family used this property as a vehicular access to their backyard and also to enlarge their vegetable garden, with the remainder utilised as accommodation for a horse and cows, and for recreation (Chung 1983).

After James Wong Chung died on 4 March 1925, Eileen, Lillian, and Mercy, who had married, returned home to 'Victory' house. Another sister, Mabel, had married Charles Young Chung in 1919 and moved to Bendigo where Charles Young Chung ran a Chinese herbalist business. Ten children were born, with eight surviving (Bindy Trembath 2022). When Charles Young Chung died in 1932 in Bendigo, at a time that Mabel was expecting another child, Mabel and her children moved to 'Victory' house where Josephine Young Chung was born on 24 October 1932. The family home at that time accommodated 14 people (Chung 1983). Margaret Wong Chung subsequently made arrangements for her daughter Mabel to erect a four-room dwelling on the neighbouring allotment, financed in part by the sale of a player piano for £110 (see Figure 11) (Chung 1983).



Figure 11. Mabel Young Chung standing at the gate of her house which was built next door to 742 Geelong Road, date unknown. The roof of the Wong Chung residence can be seen in the background (RHS). (Source Bindy Trembath 2022)

Son James Francis Chung continued to live at 'Victory' house until his death in 1955 (*Argus* 26 January 1956:18). After Margaret Wong Chung's death in 1958, the subject residence passed into the ownership of son Charles Chung.

Both Charles Chung and his brother Len Chung were active members in the labour and union movements. In 1938, Charles Chung was elected vice president, with M Cainin, of the Ballarat Branch of the Australian Labor Party (*Argus* 25 February 1938:4). During his employment at the Ballarat North railway workshops, Charles was also a member of the Victorian Branch of the Australian Railways Union, taking on the role of secretary in 1944-45 (Edgington 2022).

In 1944, Len Chung was elected vice president of the Provincial Division of the Australian Textiles Workers' Union (*Age* 23 November 1944:6). Len was also president of the Ballarat Trades and Labour Council in 1965-65, an elected position when the union movement in Australia was very active and one that reflected a level of support and trust (Edgington 2022). Both unions in the 1950s-60s were powerful within the Ballarat Trades Council and the Ballarat community, commanding large workforces and factories in the region. The Textile Workers' Union covered a number of Ballarat mills: the two large woollen mills of Sunnyside and Myers, as well as Hiltons, Morley's and Lucas', together comprising a workforce of thousands. The Ballarat North railway workshop employed over 600 workers in the 1960s (Edgington 2022).

Christine Wicking, daughter of Mabel Young Chung and niece of Charles Chung, remembered her uncles:

Uncle Len was the president of the textiles union; uncle Charlie with the railway union, and they were communists; they were in the Communist Party in Ballarat. And when we were children, they used to bring over all these envelopes they used to give out. It was quite an elite club, the Communist Party. There were doctors and lawyers and quite well-off people as members...They wanted to look after the working man, to bring forward the force of the working man; that the working man had just as much right as anybody. That was their motto of the time: the working man was the main thing of the earth, and made things happen (Cluff 2022).

Members of the Chung family were persons of interest in an investigation into the Ballarat Branch of the Communist Party of Australia undertaken by ASIO. An ASIO file from 1954, obtained and supplied by Ballarat Trades Hall, described Charles Chung as a 'consistent voter for Communist objects', and other female and male members of the Chung family as 'sympathetic to the Communist cause' (Communist Party of Australia - Ballarat Branch ASIO file 1954, Edgington 2022).

In addition to the political roles the Chung family played in Ballarat, from 1905-06 when 'Victory' house was in the ownership of James and Margaret, and later under the ownership of Charles, the Chung residence provided a regular meeting place for local residents of Chinese background, including of mixed heritage, at a time when racial prejudices often led to the suppression or denial of homeland cultural traditions and language (Chung 1983; Mick Trembath 2022). The Chung house is remembered by family members as a welcoming place where Chinese heritage and culture was celebrated by informal visits and more formal gatherings of up to 200 people of Chinese background on an annual basis (Mick Trembath 2022).

Charles Chung owned 'Victory' house until 2002 and died in 2003. In 2002, the subject residence was sold to Kim McCartney (nee Odgers), a great niece of Charles Chung (CT:V9344 F700). Later occupants of the house included Kim McCartney and her children, Jake and Kate McCartney, the great, great nephew and niece of Charles Chung (Bindy Trembath 2022). The house passed out of the Chung family's ownership in 2008.

Woah Hawp Canton mine 1882-c1915

The subject residence is located on Crown Allotment 14, part of which was also occupied by the Woah Hawp Canton Quartz Mining Company mine, established in 1882 (see Figure 12). The Woah Hawp Canton was Chinese owned and operated. This was rare, not just in Ballarat, but in wider Victoria where most Chinese participated in the rush for alluvial gold rather than investing in capital intensive quartz mining. The Woah Hawp mine operated under the tribute system whereby miners received a percentage of the gold found. The system also allowed for mining to progress during periods of poor mineral yields (Kyi 2004 :59-60, 64).

A large fire in 1896 destroyed machinery, plant and other surface works at the Woah Hawp Canton, where, in that year, all miners, except for 13 Europeans, were Chinese (*Argus* 7 April 1896:3). The mine was operated as the Sun You Hing from February 1897 (*Ballarat Star* 17 February 1897:4).

As mentioned earlier, in March 1897 the plant of the old South Woah Hawp company was auctioned and sold to J W Chung for £270 for removal to the Woah Hawp Canton mine (by then named Sun You Hing), where that plant had been destroyed by fire (*Ballarat Star* 27 March 1897:2; *Weekly Times* 3 April 1897:36). This shows that James Wong Chung was involved in the mine at this time.

The owner of the Woah Hawp mine from May 1897 was the newly registered no-liability You Hing Quartz Mining Company (*Argus* 21 May 1897:8 and 10 July 1901:8). The mine manager of the You Hing in 1898 was Edward Hardy. Hardy left this role in July 1899 (*Ballarat Star* 7 November 1898:2; *Advertiser* 26 July 1899:4). In 1900, George Hardie became the manager (*Ballarat Star* 19 October 1900:2).

In July 1901, it was reported that, after 30 years of being owned and worked by Chinese, the You Hing quartz mine, formerly known as Woah Hawp Canton, had passed into the hands of Europeans, having been purchased by H Patterson of Melbourne and Allan Bowler of Scarsdale (*Argus* 10 July 1901:8; *Gundagai Independent* 3 July 1901:4; *Ballarat Star* 1 June 1901:8). The mine was put up for sale again in October 1901 and placed on the English market in 1902, after which time it was owned by a syndicate of Chinese and English shareholders (*Argus* 30 October 1901:11; *Australasian* 22 March 1902:43; *Argus* 2 September 1902:5).

In 1902, in a report on the find of a 120-ounce nugget of gold at the You Hing mine, it was stated that James Wong Chung was the manager of the mine (*Advertiser* 5 September 1902:6). By April 1903, the mine's name had changed to Woah Hoap Canton (*Ballarat Star* 8 April 1903:6). It appears that James Wong Chung was the manager until c1914. The mine continued to operate until at least 1915 (*Geelong Advertiser* 19 July 1915:2).



Figure 12. Woah Hawp Canton Mine Ballarat, c1880-1900. (Source: Fraser, c1880 -1900, SLV)

Statement of Significance

What is Significant?

Victory House at 742 Geelong Road, Canadian is Significant. Elements which contribute to the significance of the place are:

- Victory House (dwelling) constructed c.1906 with c.1925 alterations (roof and verandah)
- Mature Cypress hedges
- Former miner's residence (c.1880) located to the north of the dwelling
- Internal elements to the extent of decorative carved fireplaces and surrounds.

How is it Significant?

Victory House at 742 Geelong Road, Canadian is of local historical, social and associative significance to the City of Ballarat.

Why is it Significant?

Historically, Victory House illustrates the importance of mining to the locality of Canadian, and more broadly the city of Ballarat. The original dwelling on the site (miners' residence) was constructed prior to 1889 on a miner's right for R.G Hardy, and the later dwelling 'Victory' was constructed c.1906 for James Wong Chung, manager of the adjacent You Hing mine (also known as Woah Hawp Canton mine between 1182-1896 and 1903-1915). The Canadian Gully, where the subject land is located is one of the earliest and richest areas within the Ballarat Goldfields, established in 1952, it

experienced several successive waves of intense alluvial mining from the 1850s followed by deep lead quartz reef mining from the 1860s. The original miner's residence and the Edwardian dwelling 'Victory' were both constructed within a productive goldmining landscape, surrounded by other miner's residences, also built on miner's rights. (Criterion A)

The place has strong associations with the Chung family, who built the c.1906 residence and held the property within the family for over 100 years (until 2008). The Wong Chung family (James Wong Chung, his wife Margaret and their six children) moved to the subject site in 1903 after James Wong Chung was appointed Manager of the adjacent Woah Hawp Canton Mine, having been working at the mine for several years. The family initially moved into the small miner's cottage located on the site, building the Edwardian dwelling in 1906 with winnings from the 1902 Melbourne Cup, won by 'The Victory', which the house was named after, as evidenced in the fanlight lettering. The Chung family made a strong contribution to the local Chinese and broader Ballarat community, particularly in the Twentieth Century. James Chung, as well as being the manager of the nearby Woah Hawp Canton Mine from 1902-1914, also worked as an interpreter for government, assisting and advocating in legal and other matters relating to members of the Ballarat Chinese community. The Chung family were actively involved in the trades union movement in Ballarat, with family members serving as the Presidents of the Textiles Union and Railways Unions, lobbying and advocating for worker's rights through their involvement in the the Ballarat Trades Council for several decades. (Criterion H)

Victory House has strong associations with Ballarat's Chinese community, which is comprised of those who are descended from, or have associations with Chinese migrants who settled in Ballarat. The Canadian Gully was the principal area around which Chinese miners were working during the peak operations of the Ballarat Goldfields. The first Chinese miners established camps in the Canadian gully in 1852, and by 1855 there were an estimated 5,000 Chinese people working and living in the area, increasing to 10,000 by 1858. There were at least six distinct Chinese camps within the area, first associated with alluvial gold mining, and later associated with the Chinese owned and operated You Hing/Woah Hawp Canton mine. The association goes back over several generations and relates to the influential Chung family who opened their home to their home as a regular informal and formal meeting place for local residents of Chinese and mixed cultural backgrounds at a time when racial prejudices in the broader community often led to suppression of language, culture and traditions. The association is demonstrated by the numerous oral histories, local stories and publications which recall the large and small gatherings of the Chinese community held at the place over time, and the continuing importance of the place to Ballarat's Chinese community. (Criterion G)



Department of Environment,
Land, Water and Planning

PO Box 500, East Melbourne,
Victoria 3002 Australia
delwp.vic.gov.au

17/08/2022

Evan King

Chief Executive Officer

Ballarat City Council

City of Ballarat

P.O. Box 655

BALLARAT VIC 3353

Via email: [REDACTED]

cc: [REDACTED]

Dear Chief Executive Officer,

INTERIM PROTECTION ORDER REQUEST – VICTORY HOUSE – 742 GEEELONG ROAD CANADIAN

This letter is to advise that Heritage Victoria has received a request for an Interim Protection Order (IPO) for the above place.

An IPO may be issued under section 143 of the *Heritage Act 2017* (the Act) by the Executive Director, Heritage Victoria (ED) or the Heritage Council of Victoria (Heritage Council) if in their opinion it is necessary or desirable to do so for the purposes of the Act. IPOs can be made under the Act to protect places and objects which are of State-level significance which are under immediate or imminent threat. An IPO has the effect of including a place or object in the Victorian Heritage Register (VHR) for a period while a cultural heritage significance assessment is undertaken. To guide discretion on whether an IPO is appropriate, the ED and the Heritage Council apply the policy guideline *Guidelines for Interim Protection Orders (IPOs) under the Act*. This is available on the Heritage Victoria website.

The Guidelines state that an IPO may be made if the ED forms the opinion that:

1. There may be a *prima facie* case for the inclusion of the place in the VHR; and
2. The place is under immediate or imminent threat of destruction.

The view has been formed that based on the information currently available, **an IPO is not warranted in relation to this place**. The rationale for this decision is outlined below.

Immediate or imminent threat

The City of Ballarat received a planning application to construct four dwellings at the place in August 2021. In July 2022, the City of Ballarat received a request to demolish the residence at the place. The place is not currently included in the Heritage Overlay of the City of Ballarat Planning Scheme. There is currently no Interim heritage control for the place. There are no other planning controls in place to prevent demolition of the place.

Based on this information, the view has been formed that there is an immediate or imminent threat to this place.

Prima Facie case for inclusion in the VHR

Based on the information provided with the request, the ED has formed the view that there is not a *prima facie* case for inclusion in the VHR. Although there is evidence that the place may be of local heritage significance to the City of Ballarat, in the view of the ED there is not strong evidence that the place is of State-

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 3002.





Department of Environment,
Land, Water and Planning

PO Box 500, East Melbourne,
Victoria 3002 Australia
delwp.vic.gov.au

level cultural heritage significance.

The Executive Director will not make an IPO on the grounds that there is not a prima facie case for inclusion in the VHR. He notes that this is the view of the ED only, and that requests for IPOs can also be made to the Heritage Council of Victoria which will form its own view.

Victorian Heritage Inventory listing

The **Hardy and Chung (Victory) House sites and mining landscape**, located at 742 Geelong Road, Canadian has been included in the Victorian Heritage Inventory as site **H7622-0464**. The Heritage inventory is a listing of all known historical archaeological sites in the state, established under the terms of the *Heritage Act 2017*.

The site has been included in the Heritage Inventory because it has the potential to contain historical archaeological deposits and artefacts (including sub-floor deposits) associated with the construction and occupation of the former miner's residence (c.1880) and Victory House (c.1906). The yard, garden, outhouses and other parts of the site also have the potential to contain archaeological remains associated with the occupation of the place, and the operation of the You Hing (Woah Hawp Canton) mine, which was part of the rich Canadian Gully mining landscape.

Under the terms of the Heritage Act, it is necessary to obtain a Consent from the Executive Director, Heritage Victoria, to authorise works which may affect the identified heritage values at the place (see section 123 of the Act).

Please note that a copy of this letter will be sent to the IPO requestor, the owner of the place, the City of Ballarat, the National Trust of Australia (Victoria) and the Heritage Council of Victoria.

If you have any queries about the IPO process please contact Geoff Austin, Manager, Heritage Register, on [REDACTED] or [REDACTED]. If you have questions about the Heritage Inventory list please contact Jeremy Smith, Principal Archaeologist on [REDACTED] or [REDACTED].

Your sincerely

STEVEN AVERY
Executive Director
Heritage Victoria





26 August 2022

Via email from: [REDACTED]

Dear Interested Parties,

VICTORIAN HERITAGE REGISTER INTERIM PROTECTION ORDER – VICTORY HOUSE – 742 GEELONG ROAD CANADIAN, BALLARAT CITY

I advise that an Interim Protection Order has been made in relation to Victory House, which is now categorised as a Heritage Place under section 25 of the *Heritage Act 2017*.

I write in relation to a recent request that the Heritage Council of Victoria make an interim protection order ('IPO') in relation to the above place, pursuant to section 143(1) of the *Heritage Act 2017* ('the Act'). To assist its consideration, the Heritage Council has adopted a policy guideline 'Matters to be considered in the making of an interim protection order under 143(1) of the *Heritage Act 2017*'. The policy guideline states that if the Heritage Council forms the opinion that the place may have a prima facie case for inclusion in the Victorian Heritage Register ('the Register') and is under immediate or imminent threat of damage or destruction, it may make an IPO.

I advise that the Regulatory Committee ('the Committee') of the Heritage Council has determined to make an IPO in relation to the above place pursuant to section 143 of the Act, as, in the opinion of the Heritage Council, it is necessary and desirable to do so for the purposes of the Act.

Prima Facie case for inclusion in the Register

The Committee has carefully considered written material provided to it, including information provided by the IPO requestor, and has formed the view that the above place may have a prima facie case for inclusion in the Register.

Immediate or imminent threat

The Committee has carefully considered written material and documentation provided to it by the above mentioned party and has formed the view that there is evidence of an immediate or imminent threat to the above place that may detrimentally affect its cultural heritage significance.

The Committee has therefore determined that an IPO should be made in relation to the above place, and notice to this effect has been served on the owners.

The Committee further notes that it was conscious as part of its consideration that the making of this IPO means the above place is taken to be included in the Register and is therefore subject to the heritage permit provisions of the Act. The Committee also notes the Executive Director is required within 60 days to recommend to the Heritage Council whether or not the above place should be included in the Register.

If you require any further information, please contact the Heritage Council Secretariat at [REDACTED] or by telephone on [REDACTED]

DATED: 26 August 2022

A handwritten signature in black ink, appearing to read 'Philip Goad'.

Professor Philip Goad
Chair, Heritage Council of Victoria

HERITAGE COUNCIL VICTORIA

GPO BOX 527, Melbourne VIC 3001 E: heritage.council@delwp.vic.gov.au T: 03 8508 1656

W: heritagecouncil.vic.gov.au ABN: 87 967 501 331 DX: 250639

7. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA

8. CLOSE