

OFFICIAL

Planning Delegated Committee Meeting

Minutes

8 February 2023 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 Des Hudson
Cr Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Peter Eddy
Cr Daniel Moloney
Cr Amy Johnson
Cr Ben Taylor
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
Mr Terry Nat – Manager Strategic Planning

2.2 Apologies

Nil

3. DECLARATION OF CONFLICT OF INTERESTS

Nil

4. CONFIRMATION OF MINUTES

That the Minutes of the Planning Delegated Committee Meeting on 14 September 2022 as circulated be confirmed.

Moved: Cr Mark Harris

Seconded: Cr Daniel Moloney

CARRIED

(PDC1/23)

5. OFFICER BRIEFING

Nil

6. PLANNING DELEGATED COMMITTEE REPORTS

6.1. INTERIM AND PERMANENT HERITAGE OVERLAY - HOLMES STREET PRECINCT - 7 - 19 HOLMES STREET BALLARAT CENTRAL

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

Public Representation was made by Stuart Kelly.

PURPOSE

1. On 4 October 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 17 Holmes Street, Ballarat Central.
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 as a contributory building to a potential Holmes Street precinct and further review would be required prior to the determination of the Section 29A request for demolition.
3. The land on Holmes Street containing period dwellings, including 17 Holmes Street Ballarat Central, is currently zoned Commercial 1 Zone (C1Z). The land is not subject to any site specific or precinct heritage controls under the Ballarat Planning Scheme.



Figure 1 - Aerial image of Holmes Street with zone and 17 Holmes highlighted,
 Source: Intramaps 19 December 2022

4. The Statutory Planning Department referred the request to Council's Heritage Advisor and the Strategic Planning Department. A history report was completed 1 December 2022, by Natica Schmeder of Landmark Heritage Pty Ltd, with Dr Robyn Ballinger of History Making Pty Ltd to determine the heritage significance of the Holmes Street precinct.
5. A Citation and Statement of Significance were prepared, and it was determined that the Holmes Street precinct meets the threshold of local significance, with 15 and 17 Holmes Street being notable dwellings within the precinct. (See attached Citation).
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 the precinct identified for protection.
7. This report recommends to Council, that a request be submitted to the Minister for Planning, to implement interim heritage overlay controls on the precinct, and to seek authorisation to proceed with a planning scheme amendment to apply permanent heritage controls.



Image 2 - The identical houses at 15 & 17 Holmes Street, Source: Landmark Heritage 2022

RESOLUTION:

37. That the Planning Delegated Committee:

- 37.1. Advise the Minister for Planning that the City of Ballarat has completed a heritage assessment of the precinct (7-19 Holmes Street, Ballarat Central) 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 (1 December 2022).**
- 37.2. 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 precinct identified as 7-19 Holmes Street, Ballarat Central, until 9 February 2024.

- 37.3. Seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to apply a permanent heritage control and associated provisions to the precinct identified for protection at 7-19 Holmes Street, 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*.**

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Mark Harris

(PDC2/23)

6.2. PLANNING SCHEME AMENDMENT - FIVE PERMANENT HERITAGE OVERLAYS

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

PURPOSE

1. This report seeks approval from the Planning Delegated Committee to initiate an amendment to the Ballarat Planning Scheme. The amendment will introduce five site-specific Heritage Overlays to protect five individual sites detailed below. Each site contains various significant buildings, outbuildings, infrastructure, fencing and landscaping.

MOTION:

55. That the Planning Delegated Committee:

55.1 Write to the Minister for Planning to request authorisation to prepare an amendment to the Ballarat Planning Scheme in accordance with Section 8A(4) of the *Planning and Environment Act 1987*, to apply permanent heritage controls and associated provisions to the following places:

- 89 Magpie Street, Golden Point
- ‘Mossmont’ - 1207 Winter Street, Buninyong
- ‘Manse’ - 201 Melbourne Road, Brown Hill
- ‘Bournedale’ Selkirk house and garden - 618 Howitt Street, Ballarat North
- ‘Victory House’ - 742 Geelong Road, Canadian

55.2 Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the *Planning and Environment Act 1987*.

55.3 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.

55.4 Rescind Resolution 41b from the Planning Delegated Committee of 14 September 2022 to ‘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’ to Victory House - 742 Geelong Road Canadian.

Moved: Cr Samantha McIntosh

Seconded: Cr Mark Harris

No vote taken

AMENDMENT MOTION:**55. That the Planning Delegated Committee:**

- 55.1 Defer consideration of 89 Magpie Street, Golden Point to the March 2023 Delegated Planning Committee;**
- 55.2 Write to the Minister for Planning to request authorisation to prepare an amendment to the Ballarat Planning Scheme in accordance with Section 8A(4) of the Planning and Environment Act 1987, to apply permanent heritage controls and associated provisions to the following places:**
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Moved: Cr Ben Taylor

LOST

Seconded: Cr Des Hudson

RESOLUTION:**55. That the Planning Delegated Committee:**

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Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Mark Harris

(PDC3/23)

7. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA

Nil

8. CLOSE