

Planning and Environment Act 1987

Ballarat Planning Scheme

Amendment C249BALL

Explanatory Report

Overview

This amendment introduces a permanent Heritage Overlay for a heritage place at 214 Creswick Road, Ballarat Central into the Ballarat Planning Scheme via Amendment C249ball. It does this by adding the site to the Heritage Overlay Schedule at Clause 43.01 as HO234. The intent of the amendment is to list the entirety of the allotment at 214 Creswick Road, Ballarat Central which includes a residential building, multiple outbuildings and fence.

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

City of Ballarat

Phoenix Building

25 Armstrong Street South

Ballarat Central VIC 3350

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by **Monday 23 December 2024**.

A submission must be sent to City of Ballarat, PO Box 655, Ballarat VIC 3350 or via email to strategicplanningsubmissions@ballarat.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: 31 March 2025

- Panel hearing: 12 May 2025

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Ballarat City Council who is the planning authority for this amendment.

The amendment has been made at the request of the Ballarat City Council.

Land affected by the amendment

The land affected by the amendment applies to 214 Creswick Road, Ballarat Central. Crown Allotment 14, Town and Parish of Ballarat. The site is in the Commercial 1 Zone (C1Z).



Figure 1: Proposed Heritage Overlay boundary (red) with buildings & fence (blue) at 214 Creswick Road, Ballarat Central

What the amendment does

The amendment applies the Heritage Overlay to the entire allotment at 214 Creswick Road, Ballarat Central, known as 'Osborne House' on a permanent basis.

Specifically, the amendment:

- Amends Planning Scheme Map No. 23HO to apply the Heritage Overlay (HO234) to Osborne House at 214 Creswick Road, Ballarat Central and its curtilage on a

permanent basis.

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to update HO234 to delete reference to the interim control and expiry date associated with C247ball and insert the 'Osborne House' statement of significance on a permanent basis.
- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include '*Osborne House*' - *Statement of Significance* (Landmark Heritage Pty Ltd, April 2024)' as an incorporated document.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to provide heritage protection to Osborne House at 214 Creswick Road, Ballarat Central, and its curtilage, on a permanent basis, found to be of local heritage significance. It has been assessed as meeting Criteria A and B (historical significance and rarity) for the motor house, Criterion B (rarity) for the palisade fence and Criterion D (representativeness) for the house.

On 16 November 2023 an application made to Council was approved for demolition consent under s29A of the *Building Act 1993* to demolish only the outbuildings, at 214 Creswick Road, Ballarat Central. The application PLO/2023/160/29A included all outbuildings and for the main dwelling to remain. Twelve months consent was provided. On 19 December 2023 a further application was made to Council for demolition consent under s29A of the *Building Act 1993* to demolish the dwelling and all outbuildings at 214 Creswick Road, Ballarat Central, to clear the site for future development.

This action prompted Council to undertake a full investigation into the site. Council's Heritage Advisor found the site to warrant permanent heritage protection under the Ballarat Planning Scheme for its heritage significance as a rare intact example of a complete complex of Federation residence and outbuildings.

As the site was found to be of heritage significance, the application for demolition consent under Section 29A of the *Building Act 1993* (the Building Act) to demolish the dwelling was suspended whilst Council initiated an Interim Heritage Overlay. Due to the prior demolition approval of the outbuildings the curtilage was revised to exclude them from C247ball Interim Heritage Overlay. The Interim Heritage Overlay C247ball was gazetted on 1 August 2024 and is valid for 12 months.

The heritage advisor's assessment of the site reveals it as a rare intact example of a complete complex of Federation residence and outbuildings therefore the inclusion of the outbuildings in the permanent Heritage Overlay is deemed appropriate. In relation to the dwelling and notwithstanding the existence of the outbuildings, it can be argued that the curtilage must cover the property as defined by the title boundaries, to guide any future development.

Why is it significant?

Designed and built by renowned architect Percival Selwyn Richards in 1913 for Ironfounder, Joseph Osborne, this substantial and highly intact, red-brick and roughcast Federation villa exhibits a transition from Queen Anne style to the Arts and Crafts style of the period. It presents as roughly rectangular, with projecting and recessing bays along the sides and rear with a return veranda wrapping around the front third of the building. The high hip roof with slate cladding and decorative ridgecapping and finials are punctuated by shallow projecting bays along the side elevations and a broad projecting gabled verandah bay at the front entrance. The five chimneys have contrasting broad bands of red brick and smooth unpainted render to the shaft with a narrow, moulded cornice and topped with terracotta chimney pots.

This dwelling is representative of Richards style of decorative and substantial residential buildings. He also designed several prominent commercial sites in Ballarat, such as the Provincial and Camp Hotels.

To ensure additional heritage elements are considered and protected in any planning permit proposal, specific heritage controls for the outbuildings are identified in the Schedule to the Heritage Overlay, including:

- Red brick former laundry with stepped parapet and matching chimney to the dwelling.
- Brick motor house with replicated chimney profile on the parapet piers.
- Brick and hipped roof former stable.
- Iron palisade front fence.

The Heritage Overlay boundary applies to the entire allotment that contains the identified significant heritage elements.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria detailed in section 4(1) of the *Planning and Environment Act 1987* being:

- (a) 'to provide for the fair, orderly, economic and sustainable use, and development of land'
- (b) 'to conserve and enhance those buildings, areas or other places, which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.'
- (c) 'to balance the present and future interests of all Victorians.'

The amendment implements these objectives by ensuring the conservation of heritage buildings significant to Ballarat. Heritage is one of the most valued features

in Ballarat by the local and wider community and preserving these cultural attributes will balance the present and future interest of all Victorians.

How does the amendment address any environmental, social, and economic effects?

The amendment is expected to have positive social and environmental effects by protecting and promoting places of cultural heritage which is an integral part of Ballarat's social fabric. The amendment will encourage reuses, restorations, and adaptation of heritage places. Retention of these places will minimise building waste associated with demolition and the construction of new buildings.

The amendment will not have significant adverse effects on the environment or economics.

Creswick Road is a key thoroughfare and entry into the Ballarat CBD flanked by commercial and residential buildings. The residential component is primarily on the western side, comprising a mixture of Victorian, Edwardian, interwar and postwar dwellings. They are more modest than that of Osborne House, which is connected to the commercial infrastructure that surrounds it. As part of a commercial area, retaining the dwelling and outbuildings of the subject site will ensure an ongoing link to its commercial history, including foundry, funeral parlour, accountants, and car sales yard.

Does the amendment address relevant bushfire risk?

The site is not located within a bushfire prone area.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment complies with the requirements of Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987* by including a heritage place in the Schedule to Clause 43.01 (Heritage Overlay) and other heritage controls as recommended by the heritage assessments.

The amendment complies with the requirements of Ministerial Direction No 11 – Strategic Assessments of Amendments by ensuring the inclusion of comprehensive discussion in this explanatory report about the strategic considerations that support the amendment and by providing an assessment on the impact of new planning provisions in the resource and administrative costs of the responsible authority.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports the Planning Policy Framework, including Clause 15 (Built Environment and Heritage) with the objective to 'protect places and sites with

significant heritage, architectural, aesthetic, scientific and cultural value'. The amendment identifies and documents a place of heritage significance, providing its protection through the Ballarat Planning Scheme.

The amendment supports Clause 15.03-1S (Heritage Conservation) by identifying and documenting a place of cultural significance, providing for the conservation and enhancement of that place that is of aesthetic, architectural, cultural and social significance, encouraging appropriate development that respects places with identified heritage values, encouraging the conservation and restoration of contributory elements of a heritage place and ensuring an appropriate setting and context of heritage place is maintained or enhanced.

Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports Clause 21.06-2 (Heritage) that recognises the heritage and historic character of Ballarat as a valued feature of Ballarat and must be protected and retained into the future.

Specifically, the following strategies apply:

- *4.2 - Identify and protect heritage places, including maintaining the visual prominence of heritage buildings and landmarks.*
- *4.5 - Discourage the demolition of buildings and other elements of identified local, state, and national heritage significance.*

The subject site is located within an Urban Renewal Precinct under Clause 21.02-3, that is, Creswick Road Precinct (CBD fringe mixed use). Unusually, this site was developed as a home whilst existing amongst a commercial precinct that included foundries. It has co-existed amongst this commercial activity, and subsequently transitioned to a commercial site for decades. It can be argued that this Urban Renewal Precinct can still fulfil its potential for large-scale renewal and redevelopment in conjunction with heritage controls on this site. Future development of the Precinct will be guided by structure, framework or master plans incorporated into the planning scheme, pursuant to Clause 21.02-3, in addition to the Burra Charter.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions by applying the Heritage Overlay to the site. The Heritage Overlay is the most appropriate planning tool to identify places of heritage significance. The Heritage Overlay requires a planning permit to be granted for buildings and works, including demolition and provides a framework to manage heritage values of each place/precinct.

How does the amendment address the views of any relevant

agency?

There are no relevant agencies.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to impact on the transport system as the proposed controls are intended to protect the significant neighbourhood character of the area.

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

It is not expected that the new planning provisions will have any significant impact on the resource and administrative costs of the responsible authority. There may be minor increases in planning permit applications. Any additional work created by the additional heritage controls can be resourced with current staff levels.