

**Ballarat Planning Scheme Amendment C249ball
214 Creswick Road, Ballarat Central**

Panel Report

Planning and Environment Act 1987

25 August 2025

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Ballarat Planning Scheme Amendment C249ball

214 Creswick Road, Ballarat Central

25 August 2025



Con Tsotsoros, Chair

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Glossary and abbreviations

Amendment	Ballarat Planning Scheme Amendment C249ball
Council	City of Ballarat
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Ballarat Planning Scheme
Subject land	214 Creswick Road, Ballarat Central

Overview

Amendment summary

The Amendment	Ballarat Planning Scheme Amendment C249ball
Common name	214 Creswick Road, Ballarat Central
Brief description	Applies the Heritage Overlay (HO234) to the subject land
Subject land	214 Creswick Road, Ballarat Central
Planning Authority and Proponent	City of Ballarat
Exhibition	21 November to 23 December 2024
Submissions	3 (1 opposed)

Panel process

The Panel	Con Tsotsoros (Chair)
Directions Hearing	By video conference, 16 June 2025
Panel Hearing	Planning Panels Victoria and by video conference, 24 July 2025
Site inspection	Accompanied, 24 July 2025
Party to the Hearing	City of Ballarat represented by Charyn Symes, Strategic Planner Heritage, who called expert evidence on architectural history from Natica Schmeder of Landmark Heritage
Citation	Ballarat PSA C249ball [2025] PPV
Date of this report	22 August 2025

Executive summary

In November 2023, the City of Ballarat (Council) received a request pursuant to the *Building Act 1993* to demolish all the outbuildings on 214 Creswick Road, Ballarat Central heritage (the subject land). Council supported the demolition subject to recording the outbuildings along the northern boundary. The following month, Council received a request to demolish the dwelling and all the outbuildings on the subject land.

Council subsequently engaged heritage consultants to assess the heritage significance of the subject land. After the heritage consultants found it to be of local heritage significance, Council exhibited Ballarat Planning Scheme Amendment C249ball (the Amendment) which seeks to apply the Heritage Overlay to the subject land.

Council received three submissions, one of which was from the landowner who did not object to the Heritage Overlay being applied to the house but objected to it being applied to the remaining land.

Key issues raised in the objecting submission include:

- Council's previous approval to demolish the outbuildings must be honoured.
- It is unclear what has changed since Council's heritage adviser did not object to the demolition request.
- Applying the Heritage Overlay will affect the ability to develop the Commercial 1 Zone land in the future.

After considering all submissions, expert evidence and observations at the accompanied site inspection, the Panel concludes:

- the outbuildings on the subject land are significant to the heritage place
- the Heritage Overlay should be applied to all the subject land.

Recommendation

Based on the reasons set out in this Report, the Panel recommends that Council:

1. **Adopt Ballarat Planning Scheme Amendment C249ball as exhibited subject to revising the Statement of Significance to include changes shown in Table 3 except for reference to the garage being of potential State-level significance.**

1 Introduction

1.1 The Amendment

(i) Amendment description

Ballarat Planning Scheme Amendment C249ball (the Amendment) proposes to implement the recommendation of the heritage citation titled *Heritage Advice: Assessment of 214 Creswick Road, Ballarat Central* (Landmark Heritage Pty Ltd, 26 April 2024).

Specifically, the Amendment proposes to:

- permanently apply the Heritage Overlay (HO234) to 214 Creswick Road, Ballarat Central (subject land)
- incorporate the HO234 Statement of Significance into the Ballarat Planning Scheme (the Planning Scheme) through the Clause 72.04 Schedule.

(ii) The subject land

The Amendment applies to land shown in Figure 1.

Figure 1 Subject land



Source: Explanatory Report

Figure 2 Subject land photos



Laundry viewed from the southwest



Front entrance of the house
viewed from the front hall



Front fence detail



Stable viewed from the northwest



Motor garage front facade

Source: Ms Schmeder's expert evidence

1.2 Background

Table 1 provides details of the chronology of events.

Table 1 Chronology of events

Background summary	
2023	
7 Nov	Council received a request pursuant to the <i>Building Act 1993</i> to demolish all the outbuildings on the subject land
16 Nov	Council supported the demolition subject to recording the outbuildings along the northern boundary
19 Dec	Council received a request to demolish the dwelling and all the outbuildings on the subject land
2024	
2 Jan	Council referred the demolition request to Council's heritage adviser and strategic planning department who conducted a site inspection and further research
13 Feb	Council engaged Landmark Heritage Pty Ltd and David Helms Heritage Planning to assess the heritage significance of the subject land
16 Feb	Council made a request to the Minister for Planning to apply the Heritage Overlay to the subject land on an interim basis, and advised the demolition permit applicant of the request
13 May	Council resolved to request authorisation from the Minister for Planning to exhibit the Amendment
1 Aug	Interim Heritage Overlay (HO234) was applied to the subject land until 1 August 2025 [Amendment C247ball]
21 Nov	The Amendment public exhibition started
23 Dec	The Amendment public exhibition ended
2025	
3 Feb	The Amendment re-exhibition started (Re-exhibited due to an administrative error)
11 Feb	Council officers visited the subject land
3 Mar	The Amendment re-exhibition ended
17 Mar	Council considered submissions to the Amendment and sought further clarification on the subject land's significance
21 Mar	Landmark Heritage revised the heritage citation in response to a Council request for further clarification on the significance of the outbuildings
14 May	Council resolved to support post-exhibition changes to the Amendment in response to issues raised in submissions and to request a Panel
1 Aug	Interim Heritage Overlay (HO234) extended to 1 August 2026 [Amendment C263ball]

1.3 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel undertook a site inspection accompanied by Council and Ms Schmeder on 24 July 2025. The Panel thanks the landowner for enabling this inspection.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from the site visit, and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

1.4 Planning context

This chapter identifies planning context relevant to the Amendment.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Planning Policy Framework	- Clause 15.03-15 (Heritage conservation) - Clause 21.02-3 (Creswick Road Precinct (CBD fringe mixed use)) - Clause 21.06-2 (Heritage)
Planning scheme provisions	- Heritage Overlay
Ministerial directions	- Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- Planning Practice Note 46 (Strategic Assessment Guidelines) - Planning Practice Note 1 (Applying the Heritage Overlay) sets out recognised heritage criteria including: Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance). Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity). ... Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

Note: Clauses 21.02-3 and 21.06-2 have been translated into the new format Municipal Planning Strategy and Planning Policy Framework.

2 214 Creswick Road, Ballarat Central

Exhibited Statement of Significance



What is significant?

The house and outbuildings including the former laundry, stable, and garage designed by Percy Richards in 1912 and 1913, and the iron palisade front fence at 214 Creswick Road, Ballarat Central are significant. The 1912-14 form, materiality and detailing of the buildings and the iron palisade front fence excluding the gate contributes to the significance of the place. Alterations and additions to the house are not significant.

How is it significant?

The house, fence and outbuildings at 214 Creswick Road, Ballarat Central are of local historic and representative significance and rarity value to the City of Ballarat.

Why is it significant?

The garage or 'motor house' is historically significant as a very early and rare example, which was built at a time when very few people could afford to own a motor vehicle. The garage and the adjacent stable demonstrates the transition from horse to motor transport in the early twentieth century. **(Criteria A and B)**

The house is significant as a representative example of a substantial and well-detailed Federation house that demonstrates the transition from the Queen Anne to Arts & Crafts style. This is demonstrated by the complex hip and gable roof form embellished with terracotta ridgecapping and finials, casement windows with Art Nouveau leadlights as well as multiple bay windows, red facebrick with smooth render banding to walls and chimneys, and timber verandah fretwork and eaves brackets in keeping with the Queen Anne style, and jointed brickwork, roughcast render below the eaves, square-edged timber shingles to the verandah gable, and heavy brick piers to the verandah, in keeping with the Arts & Crafts style. **(Criterion D)**

The house is an excellent example of the work of prominent and prolific local architect, Percy Richards, demonstrating his fine use of detail and the evolution of his style from highly embellished early Federation to the stronger lines of the interwar era. The house is distinguished by its very high level of intactness, which includes original unpainted render, slate roof cladding and terracotta embellishments, and the retention of all original brick outbuildings, also designed by Richards, comprising the former laundry, stable and garage. **(Criterion D)**

The front fence is an unusual example of an iron palisade fence. While this type of fence was commonly used for more substantial dwellings built in the nineteenth century and first years of the twentieth, this fence was manufactured with a very unusual integral cast-iron plinth, in place of the typical bluestone plinth. It is also unusual in its use of three-dimensional finials in the form of an urn topped with an obelisk, as compared to the typical flat fleur-de-lys spearheads. **(Criterion B)**

2.1 Outbuildings significance

(i) The issue

The issue is whether the outbuildings on the subject land are significant to the heritage place.

(ii) Evidence and submissions

The landowner submission

- Council has approved the demolition of the outbuildings including the existing brick building and garage behind the existing building.
- Council's heritage adviser did not object at the time.
- The Commercial 1 Zone applies to the subject land, and any future development to the rear and side should not be affected by applying the Heritage Overlay to all the subject land.

Council submission

- The Heritage Overlay does not prohibit development, and it encourages adaptive reuse of heritage places as appropriate.
- The landowner's concern regarding potential future development of the subject land is not relevant to the Amendment.
- The issue is whether the Heritage Overlay should be applied to all the subject land including the outbuildings, laundry and rear service yard.
- The landowner invited Council officers to inspect the subject land on 11 February 2025 including Council's heritage adviser.
- Council engaged Landmark Heritage Pty Ltd to undertake a full review of the exhibited heritage citation, Statement of Significance and recommendations regarding additional controls as required.
- Landmark Heritage revised the heritage citation and provided a new Statement of Significance (dated 21 March 2025) which:
 - demonstrates the importance of the palisade iron fence, dwelling, laundry, outbuildings, south facing garden area and rear service yard
 - confirms the interrelationship of heritage elements, including Osborne House, and its outbuildings, fence and L-shaped former garden area, contribute collectively to the significance of the place
 - concludes the complex of elements is a highly intact heritage place due to retaining all original outbuildings around a rear services courtyard, designed with an uncommonly high level of architectural expression.
- Council resolved to support the post-exhibition revised citation and Statement of Significance prepared by Landmark Heritage at its 14 May 2025 meeting.

Ms Schmeder's expert evidence

- The freestanding laundry:
 - should be considered fundamental to the residential component of the subject land
 - was designed as a simplified version of the house and designed with the same brickwork, exposed rafter ends to the southern eaves, and simplified version of the capped and banded chimneys
 - appears to be largely intact, retaining a double-hung sash windows, and ledged timber doors

- demonstrates the separation of noxious activities (key domestic functions such as clothes washing and toilets) from residential buildings at that time.
- The front fence:
 - is rare because the combined obelisk and urn motifs could not be found in Ballarat's many surviving heritage iron palisade fences
 - may have been pre-fabricated for a cemetery or church because a different version of an urn topped with an obelisk are found at the Old and New Ballarat cemeteries.
- The motor garage:
 - is the only known surviving pre-1920s domestic motor garage to survive in Ballarat and its suburbs
 - should be reflected in the heritage citation as the oldest residential motor garage
 - adopted the Edwardian Baroque style commonly seen in commercial and civic architecture of the early decades of the twentieth century.
- Garages were commonly constructed with new houses by the mid-1920s, but rarely before then.
- The stable:
 - shares common materials with the other outbuildings and house, with pressed red brick and unpainted cement-render dressings
 - was accessed off the side road (Trench Street)
 - had its original doors on the north side elevation removed when the wall was demolished during an addition to the building's north side
 - forms a sheltered yard through its conjoined form with the garage
 - has a traditional nineteenth century form which contrasts the Edwardian Baroque form used later for the garage.
- The garage and stable are extremely rare as the only surviving pair of two such pairs built at the same time.

(iii) Discussion

Ms Schmeder has provided compelling reasons why the outbuildings are significant to the heritage place. They are original buildings sufficiently intact to appreciate the subject land as one place. The architect carefully designed the outbuildings to have a uniform theme while contrasting the garage with its own style. The outbuildings, while not all built with the original house, explain the story associated with the family that resided in the house. They are significant to the heritage place.

The Panel agrees the overall complex comprising the suburban house in its functional setting with what appears to be Ballarat's only surviving domestic motor garage achieves heritage Criterion B (Rarity).

(iv) Conclusion

The Panel concludes the outbuildings on the subject land are significant to the heritage place.

2.2 Heritage Overlay curtilage

(i) The issue

The issue is whether the Heritage Overlay should be applied to the land beyond the residential building to enable development opportunities on the subject land.

(ii) Evidence and submissions

Council and Ms Schmeder stated that applying the Heritage Overlay to all the subject land is consistent with guidance in Planning Practice Note 1. This includes:

The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item. The land surrounding the heritage item is known as a 'curtilage' and will be shown as a polygon on the Heritage Overlay map. In many cases, particularly **in urban areas and townships, the extent of the curtilage will be the whole of the property (for example, a suburban dwelling and its allotment).**¹

...

Review the heritage study documentation and ask the question 'What is significant?'. **The polygon should capture those elements of the place that are significant.** If there are multiple elements that are widely dispersed on the property, one option may be to have multiple polygons which share the same Heritage Overlay number.²

The landowner submission

- The Heritage Overlay should only apply to the existing dwelling and not the remaining buildings.
- Applying the Heritage Overlay beyond the existing dwelling will affect future development on the subject land.

Council submission

- Applying the Heritage Overlay to only to the dwelling would result in a loss of integrity and intactness of the heritage place as a complex.
- The curtilage should remain as proposed because an appropriate curtilage ensures the setting and context are retained as stated in Planning Practice Note 1.
- The current allotment provides an uncomplicated and easily recognised boundary.
- The Statement of Significance explains how the dwelling was sited on an angle to allow for two visible elevations from the street, in addition to views of the south facing garden.
- If further development is to occur on the subject land, these are the types of considerations that must be factored into the assessment of a planning permit application.

Ms Schmeder's expert evidence

- Some heritage places in the municipality with the Heritage Overlay mapped only to the significant building footprint:
 - do not cover its setting (or outbuildings, where they exist)
 - is a historical anomaly
 - does not represent current practice as defined by Planning Practice Note 1.

¹ Council emphasis

² Ms Schmeder's emphasis

- Applying the Heritage Overlay to only part of a site does not allow the consideration of the impact of changes to the setting may have on the heritage value of the building.

(iii) Discussion

The Panel agrees with Council's and Ms Schmeder's reasons for applying the Heritage Overlay to all the subject land.

The Panel has concluded the outbuildings are significant to the heritage place. Applying the Heritage Overlay to the whole property enables Council, when assessing any future permit application proposing to develop land around the house, to understand how it will impact existing heritage fabric. The heritage curtilage needs to include all the subject land because the outbuildings, as significant elements, are important in explaining the relationship between them, the house and the overall complex.

(iv) Conclusion

The Panel concludes the Heritage Overlay should be applied to all the subject land.

2.3 Statement of Significance and heritage citation

(i) The issue

The issue is whether changes proposed to the Statement of Significance following exhibition are appropriate.

(ii) Evidence and submissions

Council referred to post-exhibition changes to the Statement of Significance and heritage citation (both dated March 2025) that were supported by Council at its 14 May 2020 meeting. Ms Schmeder proposed further changes after the Panel's accompanied site inspection that included her observations. Both sets of changes are summarised in Table 3.

Table 3 Statement of Significance post-exhibition changes

Exhibited	Council	Ms Schmeder
Statement of Significance		
What is significant?		
The house and outbuildings including the former laundry, stable, and garage designed by Percy Richards in 1912 and 1913, and the iron palisade front fence at 214 Creswick Road, Ballarat Central are significant.	<u>The residential complex comprising Osborne House and its outbuildings including the former laundry, stables, and garage designed by Percy Richards in 1912 and 1913, and the iron palisade (front fence), and the L-shaped garden area at 214 Creswick Road, Ballarat Central, are significant.</u>	No change
The 1912-14 form, materiality and detailing of the buildings and the iron palisade front fence excluding the gate contributes to the significance of the place.	The 1912-14 form, materiality and detailing of the buildings, and the iron palisade front fence (excluding the gate), <u>and their interrelationship on the site</u> contributes to the significance of the place.	No change

Exhibited	Council	Ms Schmeder
Alterations and additions to the house are not significant.	Alterations and additions to the house <u>and stables</u> are not significant.	No change
How is it significant?		
The house, fence and outbuildings at 214 Creswick Road, Ballarat Central are of local historic and representative significance and rarity value to the City of Ballarat.	The house, fence and outbuildings <u>complex</u> at 214 Creswick Road, Ballarat Central ~~are~~ <u>is</u> of local historic and representative significance and rarity value to the City of Ballarat. <u>The garage may be of State-level significance.</u>	The house, fence and outbuildings complex at 214 Creswick Road, Ballarat Central are is of local historic and representative significance and rarity value to the City of Ballarat. The garage ~~may be of~~ <u>is of potential State-level significance.</u>
Why is it significant?		
The garage or 'motor house' is historically significant as a very early and rare example, which was built at a time when very few people could afford to own a motor vehicle. The garage and the adjacent stable demonstrates the transition from horse to motor transport in the early twentieth century. (Criteria A and B)	The garage or 'motor house' is historically significant as a very early and rare example <u>of its kind</u> , which was built at a time when very few people could afford to own a motor vehicle, <u>and even fewer had a purpose-built structure to house it.</u> The garage and the adjacent stables demonstrates the transition from horse to motor transport in the early twentieth century. <u>The relative importance of the garage at the time is demonstrated by its architecturally expressed front façade addressing Creswick Road.</u> (Criteria A and B)	No change
-	<u>The house was designed to be appreciated while approaching from the south, which was made possible by the L-shaped garden. The laundry sits just behind the house and was designed to complement it, using the same red facebrick and a chimney employing the same cornice moulding and render band as the house's chimneys.</u>	No change
-	<u>The overall complex is rare in its retention of a suburban house in its functional setting, comprising a services courtyard to the rear of the house. These outbuildings and their interrelationship illustrate how a substantial residence was run in the early twentieth century, as well as the traditional sense of hierarchy between "front" and "back" of house still characteristic at the time.</u> (Criteria A and B)	No change

Exhibited	Council	Ms Schmeder
Site plan	Site plan replaced with new plan and caption <i>'Figure 9: Site Plan'</i>	Site plan new caption <i>'Site Plan: Heritage Overlay curtilage (red), outbuildings and fence (blue)'</i>

The heritage citation (Post-exhibition version) tracked changes:

- added *"3. Connecting Victorians by transport and communications: 3.4 Linking Victorians by road in the 20th century"* to the thematic context
- further described Figures 1 and 2
- added details about the house's front doorway, views to the southern façade, the services courtyard to the rear (east), and the stables
- in the Comparative analysis:
 - referred to the setting (including fencing) of Federation houses
 - added a new title 'Services courtyard' to relevant content and added details
 - noted the spears in the front fence are individually set in the stone plinth
- reflected changes made to the Statement of Significance.

Ms Schmeder's further tracked changes to the heritage citation:

- noted that Percy Selwyn Richards' two large homesteads that he designed while employed at Brezanor are both in Southern Grampians Shire
- recognised the house's surrounds feature the same combination of curved brick specials terminating in stop chamfers, which are repeated in the three outbuildings
- in the Description:
 - recognised the painted window sills were made of bluestone
 - noted the roughcast render and chimney render are coated only with remnant limewash
 - added *"The simple cornice, or hood, rests upon profiled brick corbels and scotia moulding (both overpainted)."*
- In the Comparative analysis:
 - noted the Laundry's brickwork and an unusually decorative chimney
 - referred to the front fence of Erindale, 39 Webster Street, Ballarat Central (in HO166) as another example of a full fabricated iron fence
 - referred to the iron fence at the subject site as appearing to be 'almost' unique.

At the Hearing, Mr Schmeder stated that other Statements of Significance in Ballarat refer to sites of State-level significance.

(iii) Discussion

The exhibited Statement of Significance included content relevant to local heritage. In response to Mr Schmeder's recommendation, Council proposed to refer to the garage on the subject land as being of potential State-level significance. The Panel does not consider this to be appropriate because commenting on a building or land not yet assessed or found to be of State-level significance may result in confusion and unrealistic expectations.

The Panel has made no formal recommendation regarding changes proposed for the heritage citation because this document will not form part of the Planning Scheme. Having said that, the Panel sees no issue with any of those proposed changes.

All other changes are appropriate because they reflect new information discovered through further research and the site inspection.

(iv) Conclusions and recommendation

The Panel concludes:

- The Statement of Significance should not refer to the garage at 214 Creswick Road, Ballarat Central being of potential State-level significance.
- Council should apply a different process to document the garage's potential State-level significance.
- It is appropriate to include all other changes proposed to the Statement of Significance since the Amendment's exhibition.

The Panel recommends:

1. **Adopt Ballarat Planning Scheme Amendment C249ball as exhibited subject to revising the Statement of Significance to include changes shown in Table 3 except for reference to the garage being of potential State-level significance.**

Appendix A Document list

No.	Date	Description	Provided by
2025			
1	18 Jun	Panel Directions and Hearing Timetable (version 1)	Planning Panels Victoria
2	17 Jul	Expert report – Natica Schmeder	City of Ballarat
3	23 Jul	Council submission	City of Ballarat
4	25 Jul	Revised heritage citation with tracked changes	City of Ballarat
5	25 Jul	Revised Statement of Significance with tracked changes	City of Ballarat