

*Planning and Environment Act 1987*

# **BALLARAT PLANNING SCHEME**

## **AMENDMENT C245BALL**

### **EXPLANATORY REPORT**

#### **Overview**

The amendment applies the Heritage Overlay to part of 127 Edmonston Road, Addington known as 'Lintel Grange Homestead Complex' and its curtilage.

The application of the Heritage Overlay is supported by the *'Lintel Grange Homestead Statement of Significance'* (City of Ballarat, July 2023) that finds the property to be of local heritage significance.

#### **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 be inspected free of charge at the City of Ballarat website at [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au)

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 who may be affected by the amendment make a submission to the planning authority. Submissions about the amendment must be received by **Monday 30 October 2023**.

A submission must be sent to: City of Ballarat, PO Box 655, Ballarat VIC 3350, or via email to [strategicplanningsubmissions@ballarat.vic.gov.au](mailto: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: 18 December 2023
- panel hearing: 22 January 2024

## **Details of the amendment**

### **Who is the planning authority?**

This amendment has been prepared by Ballarat City Council.

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

### **Land affected by the amendment**

The land affected by the amendment is part of 127 Edmonston Road, Addington (Figure 1), including the curtilage.

The site is in the Farming Zone (FZ) and the Environmental Significance Overlay Schedule 3 - Water Catchments (ESO3) applies to the entirety of the site.



Figure 1. Heritage Overlay boundary (blue). Property boundary (yellow).

### **What the amendment does**

The amendment applies the Heritage Overlay to part of the land at 127 Edmonston Road, Addington known as 'Lintel Grange Homestead Complex' and its curtilage on a permanent basis.

Specifically, the amendment:

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to:
  - Apply permanent heritage protection to the Lintel Grange Homestead Complex (HO232) including:
    - The 1860 bluestone and white Mount Bolton granite homestead, comprising the first four rooms of the dwelling, the rendered chimneys, symmetrically arranged façade with decorative double hung sash windows on either side of the 6-panel front door.

- The later additions c1870-1900 to the dwelling set to the rear of the c1860 bluestone and granite homestead, including a substantial underground cellar and the late Victorian cast iron post supported verandah.
- A rendered dome brick well to the south of the homestead and associated hand water pump.
- The pre 1900 outbuildings constructed of brick, bluestone, granite, galvanised iron and timber located to the north, east and south of the homestead.
- Mature Privet hedge around the homestead.
- Mature trees, including Weeping Nootka Cypress, Ash Tree and Walnut Tree (species to be confirmed when in leaf).
- The granite piers and slabs located at the vehicular entrance to the property.
- Include permanent tree controls for the mature Weeping Nootka Cypress, the Ash and the Walnut Trees and the Privet Hedge.
- Identify that the granite piers and slabs at entry and farm outbuildings constructed of brick, bluestone and timber, are not exempt from notice and review under Clause 43.01-4 (Exemption from notice and review) on a permanent basis.
- List the '*Lintel Grange Homestead Statement of Significance* (City of Ballarat, July 2023)'.
- Deletes reference to the interim control and the expiry date associated with the interim heritage protection for the site as part of Planning Scheme Amendment C241ball.
- Amends the Schedule to Clause 72.04 (Document Incorporated in this Planning Scheme) to include '*Lintel Grange Homestead Statement of Significance* (City of Ballarat, July 2023)'.
- Amends Planning Scheme Map No. 1HO to apply the Heritage Overlay (HO232) to the Lintel Grange Homestead Complex at 127 Edmonston Road, Addington and its curtilage on a permanent basis.

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment is required to provide heritage protection to the Lintel Grange Homestead Complex at 127 Edmonston Road, Addington, and its curtilage on a permanent basis.

In June 2023, an application was made to Council for demolition consent under Section 29A of the *Building Act 1993* to demolish the dwelling and agricultural building at 127 Edmonston Road, Addington.

An investigation undertaken by council's Heritage Advisor found the Homestead Complex to warrant permanent heritage protection under the Ballarat Planning Scheme for its heritage significance as an early small farming enterprise established prior to the first of the Land Selection Acts in 1860 and its long and continuing association with the Edmonston family. Cr Charles Edmonston was an influential pastoralist, a progressive and prosperous cultivator and was heavily involved in the community. It is found that Lintel Grange homestead is of aesthetic (architectural) significance as example of a restrained classical mid-Victorian homestead. The use of white local granite is of particular interest, being very finely tooled and extensively used in window and door surrounds, under eave, base of walls and in quoins which provide relief from the heavy bluestone of which the majority of the dwelling is constructed.

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

- Granite piers and slabs at entry.

- The pre 1900 outbuildings constructed of brick, bluestone, granite, galvanised iron and timber located to the north, east and south of the homestead.
- Mature Privet Hedge around the homestead.
- Mature trees, including Weeping Nootka Cypress, Ash Tree and Walnut Tree.

The Heritage Overlay boundary applies to a polygon area that contains the identified significant heritage elements that continue into the curtilage.

As the site has been 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 and agricultural building has been suspended in accordance with the Building Act, whilst interim heritage protection is being sought through Ballarat Planning Scheme Amendment C241ball. Interim heritage protection will apply heritage protection to the property on an interim basis for 12 months whilst permanent heritage protection is being sought through this amendment.

### **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.

### **Does the amendment address relevant bushfire risk?**

The site is within a designated Bushfire Prone Area. Clause 13.02-1S (Bushfire) requires a planning scheme amendment properly assess bushfire risk. The amendment does not allow for the intensification of development of land and is unlikely to result in any significant increase to the risk to life, property, community, infrastructure, or the natural environment from bushfire.

### **Does the amendment comply with the requirements of any 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.

**How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports Clause 21.06 (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.

**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?**

The views of relevant agencies including Heritage Victoria will be sought as part of the exhibition process for this amendment.

**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 heritage significance of the place.

**Resource and administrative costs**

- **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.