

**Submission  
No 64**

**INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN  
PLANNING FRAMEWORK**

**Organisation:** Ballarat Heritage Watch Inc.

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Submission to the **Legislative Council Inquiry into Protections within the Victorian Planning Framework** by Stuart Kelly on behalf of **Ballarat Heritage Watch Inc.**

<b>CONTENTS</b>	Page
Background	1
Heritage Protection	2
The Current Ballarat Planning Scheme	3
References to External Documents and Inaccurate References	3
Variations of Interpretation	3
Limitation of Public Notice and Right of Appeal – Exemptions	4
The VCAT Appeal Process	5
Heritage Victoria Appeal Process	6
‘Advisory’ or Mandatory Height Limits	6
The Role of Heritage Advisors	8
What Recommendations should the Committee Make?	9
A. Protect Victoria’s Heritage	9
B. Re-establish Community Rights of Notice and Appeal	9
C. Completely Redesign the Structure of Planning Schemes	10
D. New Suburban Developments.	10
About Ballarat Heritage Watch Inc.	11

**Background**

The people of Ballarat are rightly proud of the city’s history and of our many heritage buildings particularly those within the CBD and the fine Victorian era residential areas nearby, with some buildings dating back to the 1850s and many more from the boom years of the 1880s.



Lydiard Street



Residential Street – Ballarat Central

1

However during the mid 20<sup>th</sup> century the craze for ‘*modernisation*’ resulted in a number of important buildings being lost, the removal of many elaborate cast iron shop verandas and upper storeys of buildings being covered by bland cladding – particularly in Sturt Street.



Cnr Grenville & Bridge Sts – Demolished 1960s <sup>2</sup>



Ballarat East Town Hall 1861 - Demolished 1948 <sup>3</sup>

During the later part of the 20<sup>th</sup> century a more enlightened view of the importance of our heritage led to a series of conservation studies and the implementation of heritage controls and design guides. These in turn served to assist in the protection of many buildings.

However in recent years, although Ballarat Council makes claims of the importance of the city's heritage, there has been a worrying resurgence of '*the need to bring the city up to date.*' This has resulted in some quite inappropriate developments – many unfortunately supported by the Council or more drastically, initiated by the State Government.



Gov Hub – overwhelming the adjacent Civic Hall



Quest apartments on heritage listed Station Complex

Unfortunately these overly dominant buildings are now being cited as precedents for further similarly inappropriate developments, with a 7 storey apartment complex within the Sturt Street Heritage Precinct recently being approved by Council and an application for a 6 storey hotel adjacent to the Lydiard Street Heritage Precinct currently awaiting a decision.

Other intrusive elements which have been approved by Council within the heritage areas of the city include large digital signboards. Although signs within heritage overlays are meant to conform to the Ballarat Advertising Signs Guidelines these appear to be largely ignored. The digital sign shown in the image at right replaced a previous non-digital sign for which no permit could be found. It seems that being in a commercial zone trumps being in a heritage precinct. The Planning Scheme needs to be updated to place much more stringent controls upon the erection of such signs.



Electronic Sign 9m x 3m in Sturt Street

## Heritage Protection

The heritage areas and buildings of Ballarat are protected to some extent within the current planning scheme by the use of Heritage Overlays, and by Design and Development Overlays. However there are many inconsistencies and omissions. For example the former Humffray Street Primary School on Bakery Hill – built in 1876 and whose pupils included a young Robert Menzies – has no heritage protection whatsoever under the scheme.



Former Humffray Street Primary School

Lack of funding for adequate heritage studies or perhaps concentration on other priorities has resulted in important heritage sites being un-identified and hence unprotected. In recent years Ballarat has seen a number of instances where demolitions have occurred of buildings which in retrospect should have at least been considered for heritage protection. In one case an interim heritage order was sort – but only after the property had been partially demolished to a state where it could not be saved.

## The Current Ballarat Planning Scheme

The Ballarat Planning Scheme is comprised of just under 1200 pages – and also consists of 26 incorporated documents and over 260 maps as well as referring to dozens of additional documents as being '*relevant policy documents*'. The scheme has neither a contents page nor an index, and hence it is almost impossible for a lay person to make sense of it. Frequent changes [both additions and alterations] made to the scheme by the State Government add to the problem.

## References to External Documents and Inaccurate References

References in the planning scheme to other clauses within the scheme or to clauses in other documents add further confusion. For example Clause 67.01 referring to '*Land owned or permit required by responsible authorities*' lists various uses which are '*exempted from Section 96(1) and 96(2) of the Act*' – but doesn't say which Act nor give any indication of what these sections might refer to – which [assuming the 'Act' is the Planning and Environment Act 1987] is the requirement to obtain a permit from the Minister.

### 96 Land owned or permit required by responsible authorities

(1) A responsible authority must obtain a permit from the Minister before carrying out any use or development for which a permit is required under the planning scheme for which it is the responsible authority unless the planning scheme exempts the land, use or development from this subsection.

(2) A person other than the responsible authority must obtain the consent of the responsible authority and a permit from the Minister before carrying out any use or development on any land managed (whether as committee of management or otherwise) occupied or owned by the responsible authority for which a permit is required under the planning scheme for which it is the responsible authority unless the planning scheme exempts the land, use or development from this subsection.<sup>4</sup>

Why is it necessary to employ such a circuitous method of saying '*these uses do not require a permit from the Minister?*' At the very least the wording of the exemption could have been made within the planning scheme rather than by a reference to an external document.

The list of uses referred to in Clause 67 actually appears to be unlimited as Class 3 reads '*Any other use or development.*' So perhaps in practice Councils will never be required to obtain a ministerial permit for any use or development. Who would know?

Such convoluted references can lead to nonsensical or meaningless results. For example '**Schedule 3 To The Design And Development Overlay**' has the following statement

*'For sites within the St Aidan's Heritage Precinct, Colpin Avenue Heritage Precinct, Dowling Street Heritage Precinct and Old Showgrounds Heritage Precinct, the building height provisions in clause 22.06, 22.07, 22.08 and 22.09 will take precedence.'*<sup>5</sup>

These heritage precincts are all in settled urban residential areas – but Clause 22.06 refers to '*Rural Dwellings and Subdivision*'; Clause 22.07 refers to '*Gaming*'; 22.08 to '*Park Signage*' and 22.09 does not exist. I can only assume that the references should have been to the clauses dealing with these heritage precincts – 22.05-3, 22.05-4, 22.05-5 and 22.05-6 respectively, which do each have references to building heights.

## Variations of Interpretation

Differences in understanding of the intent or meaning of clause in the planning scheme by various council officers over the years has led to numerous inconsistencies in approvals of building plans and confusion for both developers and the general public.

For example the Burra Charter which is required to be considered by planners in assessing proposed works in heritage areas contains clause 22.2 "*New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place.*" Some council officers appear to have placed great weight upon the first part of this clause by insisting that additions to houses in areas covered by heritage overlays must be markedly different in form and materials to the original building. In some cases this has resulted in extensions to Victorian era homes being constructed with vertical metal or fibre cladding and flat or skillion roofs rather than with brick or weatherboards and pitched roofs sympathetic to the original building.



Unsympathetic 'Black Box' addition



New brick building sympathetic to heritage house at front.

This has occurred despite the **Design and Development Overlays** in the planning scheme containing decision guidelines requiring consideration of such as “*Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*”<sup>6</sup> and requirements such as

- *Roofs visible to the street are to be pitched and at an angle which matches existing roof pitches in the street block.*
- *External construction materials are to be sympathetic with existing materials and colour tones in the street.*
- *Design details are to be sympathetic with existing building details in the street, particularly window shapes, eaves and verandahs.*<sup>7</sup>

Surely the words ‘**are to be**’ do not give any scope for interpretation and can only be regarded as meaning ‘**must**’!

But how should terms such as ‘*sympathetic*’, ‘*compatible*’, ‘*minimal impact*’ be defined? Obviously the use of such subjective terms within the planning scheme is likely to mean that decisions will depend upon which of the various council planning officers is assigned to a particular case and possibly lead to diametrically different interpretations and inconsistent decisions on what might be very similar proposed developments. The relatively large number of officers who have been given delegated authority over planning decisions by the Ballarat Council simply adds to this likelihood.

Differences in interpretation can also turn upon fine distinctions between words. In the case of a recently approved 7 storey apartment complex, although the planning scheme contained the clause “*If no maximum building height is specified in a schedule to this zone, the building height should not exceed 13.5 metres*”<sup>8</sup>, Council Officers decided that the word ‘*should*’ meant it was a discretionary limit and not a firm restriction on height [which would require the word ‘*must*.’] The Council then supported the application which was for a 23.5 metre high building.

In other cases words are simply undefined - many clauses make reference to ‘lane’ - for example - a permit is required to construct “*a fence, if the fence is visible from a street (other than a lane) or public park.*”<sup>9</sup> But nowhere is the term ‘lane’ defined. Inner Ballarat like parts of suburbs such as Carlton has a number of laneways – some actually with names such as ‘Quarry Lane’ - which were originally service lanes for the removal of nightsoil and are now overwhelmingly used for access to garages at the rear of properties. However some residents report being required to get a planning permit for works which would only be visible from the lane on the grounds that “*this is a street*”.

### **Limitation of Public Notice and Right of Appeal - Exemptions**

The words ‘exempt’, ‘exemption’, ‘exemptions’ or ‘exempted’ are used more than 500 times within the Ballarat Planning Scheme – with references to the Planning And Environment Act further adding to the instances where particular developments are exempt from various aspects of the planning scheme.

Recent changes by the Government to planning schemes across the state – ostensibly to assist with recovery after the Covid pandemic, have completely removed the ability of people

within the community to appeal decisions on some developments to VCAT – or even to be notified of the application for a permit or of the granting of a permit.

### **VC194 – EXPLANATORY REPORT**

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

*Amendment VC194 is required to facilitate the timely delivery of state and local government infrastructure projects and reduce delays in planning approval processes to unlock construction sector activity and position Victoria for an early economic recovery from the impact of the coronavirus (COVID-19) pandemic. [emphasis added]<sup>10</sup>*

### **52.30 STATE PROJECTS**

#### **52.30-3 Exemption from planning scheme requirements**

*Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to the use or development of land determined by the Minister for Planning under clause 52.30-2 to be a state project if the requirements of clause 52.30 are met.<sup>11</sup>*

### **52.31 LOCAL GOVERNMENT PROJECTS**

#### **52.31-1 Permit exemptions**

*Any requirement in a zone or a schedule to a zone to obtain a permit to construct a building or construct or carry out works does not apply to the development of land carried out by or on behalf of a municipal council. This exemption does not apply to: A development with an estimated cost of more than \$10 million. [+ other exemptions]*

#### **52.31-2 Exemption from notice and review**

*An application under any provision of this planning scheme to develop land by or on behalf of a municipal council is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.<sup>12</sup>*

Clause **52.10** relating to **State Projects** requires that the Minister be satisfied that the project “will support Victoria’s economic recovery from the impact of the coronavirus (COVID-19) pandemic” and this clause also has a sunset date of 30<sup>th</sup> June 2025. However there are no such limitations placed upon the use of Clause **52.31 Local Government Projects** with councils being able to apply the clause to any project at whim in perpetuity.

Councils already had the bizarre right to grant permits for their own projects. However in the past the community has had the possibility of review of these permits by appealing to VCAT. Clause 52.31 completely removes this safeguard by exempting council project from requiring a permit and is a very worrying extension to council’s powers. The removal of any requirement for the public to be notified of pending projects or to have any avenue of appeal against council decisions further reduces the public’s ability to object to inappropriate developments.

Some clauses within the Ballarat Planning Scheme have provisions restricting the use of that particular clause to permit applications made after the date of its inclusion in the scheme. However no such limitation is made for **Clause 52.31**. This loophole has already been seized upon by the Ballarat Council to push through a project, to which there has been [and continues to be] considerable public opposition, thereby denying those who originally objected to the application [made prior to gazetting of VC194] any right of appeal to VCAT.

## **The VCAT Appeal Process**

Even where the permit system has provided for applicants or objectors to make appeals to VCAT, some councillors have in the past argued that they should allow [or disallow] a particular permit as the decision will “be taken to VCAT anyway!” – thus they have effectively avoided making a decision based upon the actual merits of the case.

The costs involved in appealing to VCAT, especially for individual objectors, can be a substantial impediment to people’s right of appeal. The current standard fee for an individual seeking a planning appeal is \$883.80.<sup>13</sup> For an objector with no legal experience and likely

to be facing a business with both greater resources and access to lawyers, and possibly also the Council defending its decision, again with specialist representation, the choice of whether to risk outlaying such an amount of money for an uncertain outcome is not one that can be taken lightly. When the cost of travel to Melbourne and perhaps loss of income etc. are included as well as the [admittedly not common] possibility of costs being awarded against the objector, the pressure against taking an issue to VCAT can often be overwhelming.

An avenue of appeal against a Council decision is an essential element of a democratic process – and this is even more essential where Council is both applicant and judge on a proposed development. The provisions of VC194 which have removed this right of appeal from community members are particularly obnoxious and should be rescinded. The costs involved in appealing to VCAT should be set at a level which does not discourage legitimate objectors from exercising their right of appeal.

## **Heritage Victoria Appeal Process**

Ballarat with its important heritage assets, has a number of buildings and other areas listed on the Victorian Heritage Register. These properties, whether privately or publically owned, require a permit from Heritage Victoria for any proposed works.

Such permit applications are advertised and people can make submissions to Heritage Victoria. However once Heritage Victoria makes its determination there is no avenue of appeal, except for the applicant. Objectors have no rights - such as by an appeal to VCAT.

*Applicants or owners, who are dissatisfied with a permit refusal, or the conditions applied to a permit, may appeal to the Heritage Council within 60 days of the permit issue date. There are otherwise no third party appeal rights.<sup>14</sup>*

*A land owner or other person **cannot** apply directly to VCAT to review a decision about a heritage permit. A land owner or a person with a substantial interest in the heritage place or object can seek a review by the Heritage Council (under section 106). Most reviews are determined by the Heritage Council. However, the Minister may direct the Heritage Council to refer the application to VCAT if the Minister considers that the decision may have a significant effect on the achievement of planning and heritage objectives.<sup>15</sup>*

This very one-sided situation should be amended to improve the appeal rights of those individuals or community groups who have significant interests in heritage listed properties.

Even for applicants/owners of properties where Heritage Victoria has made a decision on a permit there are considerable costs involved – for example the fee for a review of a decision on proposed works costed at just \$20,000 is currently \$6012.<sup>16</sup>

## **‘Advisory’ or Mandatory Height Limits**

Ballarat has very few buildings higher than 3 storeys even within the CBD. However the Ballarat planning scheme currently provides very little protection for this low scale character of the city. The planning scheme does have numerous references to heights in various planning zones or overlays, however very few actually specify a mandatory limit. For example in a Residential Growth Zone -

### **32.07-9 Maximum building height requirement for a dwelling or residential building**

A building must not be constructed for use as a dwelling or a residential building that exceeds the maximum building height specified in a schedule to this zone.

If no maximum building height is specified in a schedule to this zone, the building height should not exceed 13.5 metres.<sup>17</sup>

A number of exceptions to this limit are listed - such as that a proposed building replaces one which already exceeded that height, or that buildings on either side both exceed the limit.

For most lay persons this clause would be seen as meaning there was a limit of 13.5 metres on the height of a building unless one or more of the listed exceptions applied. However in the case of the 7 storey apartment complex referred to previously, the word ‘**should**’ was used by the Council Officers to argue that this was discretionary and that there was no restriction whatsoever on the height permitted even though none of conditions applied. Based upon this advice the Council approved a permit for a 23.5 metre high building.

For General Residential and Neighbourhood Residential Zones the wording of Clauses **32.08-10** and **32.09-10** are essentially the same except for the height limits being 11 [and 9] metres, the introduction of limits based upon the number of storeys [3 and 2] and most importantly the use of the word **'must'** rather than the word **'should.'** However number of exemptions still apply.

For most other planning zones – even though the relevant clause might say “*A building **must** not be constructed that exceeds the maximum building height specified in a schedule to this zone*” there is no specification – meaning that there is no effective limit to building heights.

Some areas which are covered by Heritage Overlays have height provisions such as “*Discourage development that is more than single storey in height*”, “*Ensure that building forms are detached and one storey that reflect the Post-war Suburban style*” and “*Require any new building to be single storey in appearance when viewed from the front, given the single storey streetscape qualities of the area.*” However it is apparent that these ‘Policy’ statements have not always been regarded as binding when deciding upon planning approvals.

A property in a Heritage Overlay ‘requiring’ new buildings to be single storey *in appearance when viewed from the front.*<sup>18</sup>



Some of the Design and Development overlays also contain references to building height but in all but one these are highly subjective such as “*The height of the front section of the building should be consistent with the dominant building frontage height in the street block,*” and have loopholes “*Front sections of buildings higher than the dominant height may be permitted where it is demonstrated that an increased height would be sympathetic with the character of the street.*”

The only one of the DDOs which has specific and binding height restrictions is that relating to Bridge Mall which states –

“*On the southern side of the Bridge Mall, no building may exceed 10.5 metres in height*” and “*On the northern side of the Bridge Mall, no building may exceed 8.7 metres in height.*”<sup>19</sup>

The majority of Ballarat’s CBD is zoned as C1Z – Commercial Zone. Even the renowned buildings in Lydiard Street and Sturt Street, although covered by Heritage Overlays, are in this commercial zone and therefore are apparently no height limits which would apply to any infill buildings which might be proposed.

The huge GovHub Building which was recently constructed lies within the Lydiard Street Heritage Precinct and now completely dominates the view from many places throughout the city – absolutely contrary to a number of provisions in the current planning scheme – such as the need to “*Ensure development is designed to protect and enhance valued landmarks, views and vistas;*” “*Maintain important views and vistas within the Ballarat CBD including skyline views of spires and towers and the Yarrowee escarpment.*”



View from Midland Highway entering Ballarat CBD – with Gov Hub building now obliterating vista of Mt Buninyong

The Ballarat Planning Scheme needs to be rewritten to specifically protect such areas of great heritage significance, to bring a greater degree of consistency to how matters such as height restrictions are dealt with and to avoid using terminology which is so loose as to be effectively meaningless.

## The Role of Heritage Advisors

There will of course always be situations which require expert analysis to enable decisions to be based upon accurate information and interpretations made by experienced professionals.

Over past decades the City of Ballarat has employed a number of Heritage Advisors – with a variety of experience and expertise. Although the heritage aspects of planning issues which arise in Ballarat will predominantly be those concerned with its Victorian era buildings, there has been no specific requirement for the Heritage Advisor to have architectural qualifications in this area. At times this lack of experience appears to have resulted in what other heritage experts regard as serious misinterpretations. These include issues such as how to new additions should be distinguished from the existing building in accordance to the Burra Charter as described previously.

The Heritage Advisor's role as seen by the Council has differed from time to time and the degree to which their advice has been considered during planning approvals has also varied. In several contentious planning approvals in recent years the planning officers have clearly discounted detailed advice from the Heritage Advisor and made recommendations which have run counter to this advice.

It sometimes appears that the input from the Heritage Advisor [and also that of the Council's Heritage Advisory Committee] is seen as a necessary tick-boxing item in the steps required towards approval of permit applications.

The view of what the Heritage Advisor's role should be also appears to have changed over recent years. Currently the Council's website displays the following information -

### **Heritage Advisory Service**

We have a qualified Heritage Advisor to give architectural and technical advice for heritage listed places within the City of Ballarat.

### **What type of heritage advice is provided?**

Our Heritage Advisor will provide advice about:

- extent of any proposed demolition works
- new buildings in a heritage area
- modifications to existing heritage buildings
- the colours, design, materials and finishes of a building
- restoration and repair works
- heritage trees and landscaping
- any other relevant heritage matters as needed.

We will give advice about all relevant heritage considerations as well as any other planning matters that may need to be considered for the preparation of your application for a planning permit.<sup>21</sup>

However this is at odds with advice from a Senior Council Officer in early 2020 – “*We would always encourage people thinking about making changes to a heritage property to get their own quality advice as early in their project as possible.*”<sup>22</sup> Clearly there may be potential for there to be a work load problem if too many residents/developers seek advice from the Heritage Advisor – however if the Council is serious about its often stated intention of protecting and enhancing Ballarat's heritage then providing adequate and timely advice would be an effective step towards that goal.

Heritage Advisors employed directly by councils can obviously be put in a difficult position if their advice to residents or developers is not supported by other council officers or by council itself, for example by council approving a planning application against the clear advice of the heritage advisor. Council staffing structures where a heritage advisor is seen as subservient to a senior planning officer exacerbate this problem. Appointment of independent heritage advisers whose funding is not directly reliant upon the good will of Council may alleviate this problem to some extent.

## What Recommendations should the Committee Make?

### A. Protect Victoria's Heritage

1. The State should provide sufficient funding via ongoing grants to Local Government to enable councils to employ staff [and/or consultants] with the expertise to carry out comprehensive surveys of properties and locations within the LGAs to identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
2. Develop planning or other controls which will adequately protect all properties and locations with identified heritage value. Such controls to include
  - requirement for permits for any works which might effect the heritage values of identified properties and nearby properties which could impact upon the protected properties.
  - mandatory height limits in areas near protected properties.
  - protection of landscapes, streetscapes and skylines by mandatory height limits and restrictions on signs – especially those above rooflines.
  - require design of infill developments near protected properties to be sympathetic with protected properties in size, style, bulk, height, colour and materials.
  - ensure infill developments enhance the cultural significance and character of historic areas.
  - provide substantial penalties for deliberate demolitions or other works without permits on heritage properties.
3. Increase funding to enable Heritage Victoria to more adequately fulfil its role in protecting listed buildings and sites.

### B. Re-establish Community Rights of Notice and Appeal - by repealing or limiting the scope of the clauses inserted by VC194.

1. That Clauses **52.30 State Projects** and **52.31 Local Government Projects** be deleted from planning schemes.

Alternatively **as an absolute minimum**

2. That **Clause 52.31 Local Government Projects** be amended to
  - i) Add the following **Purpose** - *To prioritise the planning and assessment of those Local Government Projects to support Victoria's economic recovery from the coronavirus (COVID-19) pandemic.*
  - ii) Renumber Subclause 52.31-2 to 52.31-3
  - iii) Insert the following new Subclause 52.31-2  
**Local Government Project Decision**  
*The exemption in clause 52.31-2 applies if Council formally resolves that a proposed use or development is a project which:*
    - *will be carried out by or on behalf of the Council of the City of Ballarat, and*
    - *will support Victoria's economic recovery from the impact of the coronavirus (COVID-19) pandemic;*  
*In deciding whether a proposed use or development of land is a Local Government Project, the Council may, where relevant:*
    - *Consider the objectives of planning in the Ballarat Planning Scheme*
    - *Take into account any significant effects which the proposed use or development may have on the environment.*
    - *Take into account any significant social effects and economic effects which the proposed use or development may have.*  
*The Council's decision under this clause that a proposed use or development of land is Local Government Project must not be made after 30 June 2025.*

### C. Completely Redesign the Structure of Planning Schemes

All planning schemes should be redesigned to

- improve internal consistency
- make them more easily accessible to both lay and expert readers
- remove unnecessary references to other clauses – both within the scheme itself and to other documents
- include a contents page so that searching within the document is easier
- include a glossary of definitions

### D. New Suburban Developments.

Planning schemes should be amended to improve the quality of new residential developments, recognising the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

With key objectives being to -

- prevent continual suburban sprawl – by provision of green buffer zones [parks, playing fields, lakes etc.]
- encourage local community hubs for new suburbs to reduce need for cross city travel to shops, medical centres, schools etc.
- provide safe cycle and pedestrian paths within new suburbs to discourage car trips to shops etc.
- provide direct bus links [or other forms of public transport] between the various community hubs and existing centres including CBD.
- encourage a variety of house styles and sizes – with higher density medium rise dwellings/ apartments in proximity to community hubs, shops and transport links.
- require building designs to incorporate environmentally sustainable elements, such as solar panels, solar orientation, reflective roofing.
- require landscaping to include tree cover and water permeable surfaces.

The need for such environmental aspects to be incorporated within the planning scheme is highlighted in the following recent tweet.



**Prof. Peter Doherty**  @ProfPCDoherty · 2h

...

Massive houses (poorly insulated?) on too small blocks. Few trees, masses of concrete & tarmac, dark roofs. This national & personal tragedy could have been stopped by recognition of climate change, proper regulation & planning. Ignorance, greed, laziness: laissez faire is crap!

23

## About Ballarat Heritage Watch Inc.

Ballarat Heritagewatch Inc. was initially formed in 1998 as Ballarat Citizens for Thoughtful Development, in response to changes occurring in older residential areas of Ballarat. We are committed to maintaining the best aspects of Ballarat's distinctive character.

### Aims:

- To provide a focus for those concerned with the preservation of heritage buildings, streetscapes and parklands in the City of Ballarat
- To be a resource for individuals concerned about planning matters in the municipality of Ballarat
- To provide a collective body to communicate with local and state governments on planning issues and regulations to protect streetscapes and promote well considered development
- To provide an educative and publicity role on heritage issues

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Website: <https://ballaratheritagewatch.wordpress.com/>

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- <sup>1</sup> All photographs by author except where indicated  
<sup>2</sup> Ballarat Courier Special Supplement c1910  
<sup>3</sup> Image from Internet search – copyright status unknown  
<sup>4</sup> Planning and Environment Act 1987 incorporating amendments as at 1 January 2022, Page 286  
<sup>5</sup> Ballarat Planning Scheme last updated on 20/12/2021, Page 568  
<sup>6</sup> Ballarat Planning Scheme last updated on 20/12/2021, Page 562  
<sup>7</sup> Ballarat Planning Scheme last updated on 20/12/2021, Page 568  
<sup>8</sup> Ballarat Planning Scheme last updated on 20/12/2021, Page 287  
<sup>9</sup> Ballarat Planning Scheme last updated on 20/12/2021, Page 531  
<sup>10</sup> Victoria Planning Provisions Amendment Vc194 Explanatory Report, Page 1  
<sup>11</sup> Ballarat Planning Scheme last updated on 20/12/2021, Page 796  
<sup>12</sup> Ballarat Planning Scheme last updated on 20/12/2021, Page 800  
<sup>13</sup> <https://www.vcat.vic.gov.au/fees> - Apply to review a council's decision  
<sup>14</sup> <https://www.invest.vic.gov.au/how-we-can-help/setting-up/heritage-approvals>  
<sup>15</sup> Planning-related disputes under the *Heritage Act 2017* Planning and Environment Division Fact Sheet 2020  
<sup>16</sup> Heritage-Regulations-Fee-Schedule-Heritage-Council-of-Victoria-2021-22.pdf, Page 1  
<sup>17</sup> Ballarat Planning Scheme last updated on 20/12/2021, Page 287  
<sup>18</sup> Image from Google Earth Street View  
<sup>19</sup> Ballarat Planning Scheme last updated on 20/12/2021, Page 563  
<sup>20</sup> Image from Google Earth Street View  
<sup>21</sup> <https://www.ballarat.vic.gov.au/property/statutory-planning/heritage-advisory-service>  
<sup>22</sup> Email from Executive Manager Economic Partnerships City of Ballarat Feb 2020  
<sup>23</sup> Recent tweet on <https://twitter.com>.