

AMENDMENT C422ggee 12-16 KINSMEAD STREET, WAURN PONDS, RESOLUTION TO EXHIBIT UNDER DELEGATION

To: Gareth Smith – Coordinator Strategic Implementation
From: Susan Williamson – Senior Strategic Planner
Subject: Resolution to exhibit an amendment under delegation
File number: C-422

Purpose

The purpose of this report is to seek a Council resolution (under delegation) to prepare and exhibit Amendment C422ggee subject to authorisation by the Minister for Planning.

Summary

- On 8 September 2020 the Minister for Planning's delegate agreed to the Council's request for a Ministerial amendment to apply the Heritage overlay to 12-16 Kinsmead Street, Waurm Ponds on an interim basis. The approval was gazetted on 17 September 2020 and the overlay is now applies.
- The interim control has been applied until 31 December 2021 and allows time for Council to prepare an amendment on a permanent basis.
- The property was under some threat of demolition which prompted the City to commission Dr David Rowe, Authentic Heritage Services Pty Ltd, to undertake a review and update of the heritage assessment in the Greater Geelong Outer Areas Heritage Study Stage 2 (prepared in 2000).
- This review found that the Claremont Homestead was built in 1857 and is one of the few surviving, intact Victorian dwellings in Waurm Ponds, and one of a select number of surviving, rural verandahed Victoria styled dwellings built in the 1850s on Greater Geelong.
- The review also found that the Homestead has a mature Norfolk Pine remnant of the early garden and has enduring associations with the Baum family for over 116 years.

Recommendation

That Council:

- 1) supports the preparation and exhibition of Amendment C422ggee to the Greater Geelong Planning Scheme to apply a permanent Heritage Overlay to 12-16 Kinsmead Street, Waurm Ponds; and**
- 2) requests the Minister for Planning to authorise the preparation and exhibition of Amendment C422ggee.**

**Approved as a resolution of Council by Council's delegate: Gareth Smith
Date: 18 September 2020**

Background

The subject land is 12-16 Kinsmead Street, Waurm Ponds, and is also known as Claremont Homestead.

The site is zoned General Residential Zone 1 and is unaffected by any other overlays. The site is approximately 6100 square metres in size and is surrounded by conventional residential subdivision and development to the west, north and east, and by public open space reserve to the south.

Request to Heritage Victoria

Council wrote to Heritage Victoria requesting an Interim Protection Order be applied over the property known as Claremont Homestead, on the Land. The request to Heritage Victoria was prompted by concerns from locals that the homestead had been listed for sale and was potentially slated for demolition. The City regards the dwelling has historical significance.

On 1 May 2020 Heritage Victoria wrote to the City advising that it had determined not to issue an Interim Protection Order over the homestead on the basis that it was not under imminent threat.

On 4 May 2020 the decision of Heritage Victoria was circulated amongst City officers, with a note to be mindful of concerns regarding its demolition if a request for consent to demolition under section 29A of the Building Act 1993 was sought;

Building Consent

On 25 June 2020 a request to consent for proposed demolition of the homestead under section 29A of the Building Act 1999 was lodged with the City. On 26 June 2020 the City, in its role as Responsible Authority, issued its consent to the proposed demolition under section 29A of the Building Act 1993.

Heritage Assessment

The City engaged Authentic Heritage Services Pty Ltd in June 2020 to undertake a review and update of the heritage assessment prepared by Lorraine Huddle in the 'Greater Geelong Outer areas Heritage Study Stage 2' (prepared in 2000). The findings of this review include:

- The Homestead was built in 1857 to a design by local architects, Shaw and Dowden, for Thomas Powell.
- Thomas Powell was an Irish carpenter who had been induced to immigrate to Victoria in 1839 as part of the British Imperial Government's Free Bounty Immigration Scheme. This scheme was to entice skilled male workers to the Victorian Colony. Powell later became a successful businessman in Geelong as owner of a brewery and he also served as a Councillor on the Geelong Town Council. He temporarily gave up the brewery business to become a farmer at Claremont Homestead.
- Claremont Homestead has associations with the crop farming and vine and fruit growing in Waurm Ponds and the Barrabool Hills, the area becoming synonymous for cultivating large quantities of wine and fruit in the 1850s when the homestead was constructed. The remnant orchard is a physical legacy of one of the enduring land uses from the 19th century.
- Claremont Homestead is one of very few surviving, intact Victorian dwellings at Waurm Ponds built in the 1850s, and one of a select number

of surviving, rural verandahed Victorian styled dwellings built in the 1850s in Greater Geelong.

- Claremont Homestead is a representative example of the Victorian Georgian type in Greater Geelong. It has similar integrity to other comparable dwellings of its type in Greater Geelong included as heritage overlays.
- The mature Norfolk Island Pine tree is a local landmark as a remnant of the early homestead garden setting.
- Claremont Homestead has enduring associations with the Baum family from 1894 for over 116 years.

The review also recommends that a heritage overlay be applied to the site. Heritage design guidelines could be prepared to manage any future subdivision and development in the more sensitive parts of the site.

Discussion

The City's application to the Minister seeking a Ministerial Amendment to apply the heritage overlay to the subject land on an interim basis has been successful and will come into effect on 17 September 2020 when notice was published in the Government Gazette. The interim controls include the homestead, outbuildings and tree controls, reflecting the heritage assessment undertaken by Authentic Heritage Services Pty Ltd.

The interim control allows reasonable time for the City to initiate a new proposed planning scheme amendment to apply a permanent Heritage Overlay control to this property. This amendment will be subject to the normal public notice and submissions process, including the affected landowner.

The heritage assessment remains relevant for the property and forms the basis for moving ahead with an amendment for the permanent Heritage Overlay. It is an expectation of the Minister's approval that the City follow through and prepare this amendment for a permanent overlay within the timeframe of 31 December 2021.

Preparation of an amendment will protect this heritage place for the benefit of current and future generations. The protection of this place in the Planning Scheme will benefit the community by:

- Adding to the understanding of Greater Geelong's rich cultural history;
- Recognising and realising the positive contribution that culturally significant places make to the City of Greater Geelong;
- Heritage buildings provide a link to the past and gives us a sense of place, who we are - our cultural identity. Protecting our heritage helps to ensure that this identity and sense of place may be appreciated for present and future generations.

Financial Implications

The financial implications to Council are the costs associated with a planning scheme amendment process which could involve a Panel hearing and the need to engage an expert witness.

Stakeholder Consultation and Communication

The owner and occupier of the subject land, as well as nearby landowners and occupiers, prescribed Ministers and other relevant agencies will be directly notified during the statutory exhibition period. The broader community will be notified through notices in local newspapers and the City of Greater Geelong website.

Policy/Legal/Statutory Implications

The Amendment will result in a good planning and heritage outcome with the preservation of a locally significant heritage building. The amendment is consistent with State elements of the Planning Policy Framework (PPF) as follows:

- Clause 15.01-5S Neighbourhood character has the objective “to recognise, support and protect neighbourhood character, cultural identity and sense of place.” Strategies identified to achieve this objective include:
 - Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
 - Heritage values and built form that reflect community identity.
- Clause 15.03-1S Heritage conservation – has the objective “to ensure the conservation of places of heritage significance”. Strategies identified to achieve this objective include:
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
 - Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

The Amendment is consistent with the Local Planning Policy Framework (LPPF) as follows:

- Clause 21.06-5 Heritage and Identity includes an objective “to conserve and enhance individual places and areas of pre and post contact cultural heritage significance”. Strategies identified to achieve this objective include:
 - Retain culturally significant heritage places and areas of pre and post contact cultural heritage significance.
- Clause 22.09 Cultural Heritage is a local policy that applies to all properties affected by a Heritage Overlay and hence would guide decision making on 12-16 Kinsmead Street Waurm Ponds if it was included in the Heritage Overlay. This amendment will help achieve the Council cultural heritage objectives and implement the strategies identified in Clause 22.09

The Heritage Overlay at Clause 43.01 of the Planning Scheme has the following purposes:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.

- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Applying the Heritage Overlay to 12-16 Kinsmead Street, Waurin Ponds, will implement these purposes and the heritage significance of the site will be conserved.

Alignment to City Plan

The proposed Amendment C422ggee supports both the Growing our Economy and Sustainable Built and Natural Environment strategic directions of City Plan.

The proposed amendment also aligns with the Planned Sustainable Development and Vibrant Arts and Culture strategic priorities of the *Council Plan 2018-22*.

Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (c) of the Local Government Act.

Risk Assessment

There is a risk that unless the City proceeds to prepare an amendment to apply a permanent heritage overlay, the interim controls will expire in December 2021 following which the property could be demolished.

Environmental Implications

The proposed amendment will not have any adverse effects on the environment.

Appendix 1 – Location plan / aerial photo



Appendix 2 – Existing zoning



Appendix 3 – Proposed Overlay Extent

