

**Ararat Planning Scheme Amendment C39ararat Part 2
Rural Ararat Heritage Study**

Panel Report

Planning and Environment Act 1987

31 May 2022

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 or not 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 and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Ararat Planning Scheme Amendment C39arat Part 2

31 May 2022



Michael Ballock, Chair

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Glossary and abbreviations

Council	Ararat Rural City Council
DELWP	Department of Environment, Land, Water and Planning
Heritage Study	Rural Ararat Heritage Study (2016)
PPF	Planning Policy Framework

Overview

Amendment summary

The Amendment	Ararat Planning Scheme Amendment C39arat Part 2
Common name	Rural Ararat Heritage Study
Brief description	The Amendment implements the recommendations of the <i>Rural Ararat Heritage Study</i> (2016) by applying the Heritage Overlay to five individual places and amending the Overlay on one place
Subject land	31 and 49 Main Street, Willaura
The Proponent	Ararat Rural City
Planning Authority	Ararat Rural City
Authorisation	By letter dated 31 May 2021
Exhibition	25 November 2021 to 4 February 2022
Submission	Number of Submissions: 1 Opposed: 1 GrainCorp

Panel process

The Panel	Michael Ballock
Directions Hearing	By video conference 20 April 2022
Panel Hearing	On the papers
Final information provided to Panel	23 May 2022
Parties to the Hearing	Council represented by Eve-Marie Davie of Niche Planning Studio, called evidence on heritage from Roger Beeston of RBA Architects GrainCorp represented by Justin Scriha of Ratio Consultants
Citation	Ararat PSA C39arat Part 2 [2022] PPV
Date of this report	31 May 2022

Executive summary

As exhibited, Ararat Planning Scheme Amendment C39arat Part 2 (the Amendment) implements the recommendations of the *Rural Ararat Heritage Study* (2016) (Heritage Study) by applying the Heritage Overlay to five individual places and amending the Overlay on one place.

Key issues raised in submissions include:

- whether applying the Heritage Overlay is appropriate and justified
- whether an incorporated plan should be included with HO240 or the curtilage of the Overlay reduced
- whether the buildings in the Willaura Railway Station Complex should be graded differently.

Before the Hearing, the Panel was advised that the only submitter to the Amendment, GrainCorp, no longer wished to contest the application of the Heritage Overlay to the Willaura Railway Station Complex but was seeking changes to the citation. As a result, the Hearing proceeded on the papers.

The Panel finds that the Amendment is strategically justified and that changes sought by GrainCorp to the citation and statement of significance are not appropriate. The Panel accepts the post exhibition changes to Map 15 and the statement of significance and the removal of HO128 recommended by Council.

The Panel concludes:

- Applying the Heritage Overlay (HO240) to the Willaura Railway Station Complex in its exhibited form is appropriate and justified.
- The exhibited Map 15 for HO240 should be replaced with the version shown in Appendix B.
- The Heritage Overlay (HO128) should be removed from the Willaura station building.
- The exhibited statement of significance should be replaced with the version shown in Appendix C.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Ararat Planning Scheme Amendment C39arat Part 2 be adopted as exhibited subject to the following:

- 1. Replace Map 15 (HO240) with the Panel preferred version in Appendix B.**
- 2. Remove the Willaura station building from the Heritage Overlay (HO128).**
- 3. Replace the text of the statement of significance with the Panel preferred version in Appendix C.**

1 Introduction

1.1 The Amendment

(i) Amendment description

As exhibited, the Amendment implements the recommendations of the Heritage Study by applying the Heritage Overlay to:

- 34 High Street, Elmhurst (HO151)
- Tatyoon Road, Tatyoon (HO212)
- 916 Glenelg Highway, Westmere (HO219)
- 34 Walker Street, Wickliffe (HO229)
- 31 and 49 Main Street, Willaura (HO240).

The Amendment also proposes to amend the Heritage Overlay (HO224) to 1009 Chatsworth-Wickliffe Street, Wickliffe.

Specifically, the Amendment proposes to:

- Amend the Schedule to Clause 43.01 (Heritage Overlay) to include five new individual places.
- Amend the extent of HO224 to cover heritage elements identified in the Statement of Significance for HO224 in the Heritage Study.
- Amend planning scheme maps 15HO, 25HO, 26HO, 28HO, 30HO and 33HO.
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statement of Significance for five individual places identified in the Heritage Study as an Incorporated Document.

(ii) The subject land

The Amendment applies to individual locations in Elmhurst, Tatyoon, Westmere, Wickliffe and Willaura, as shown in Figures 1 to 6.

Figure 1: 34 High Street, Elmhurst (HO151)

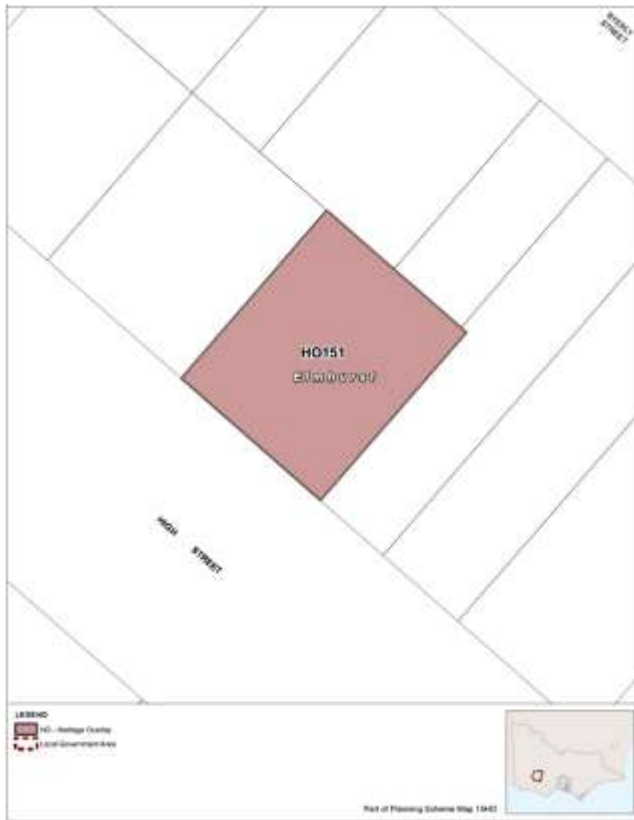


Figure 2: Tatyoon Road, Tatyoon (HO212)

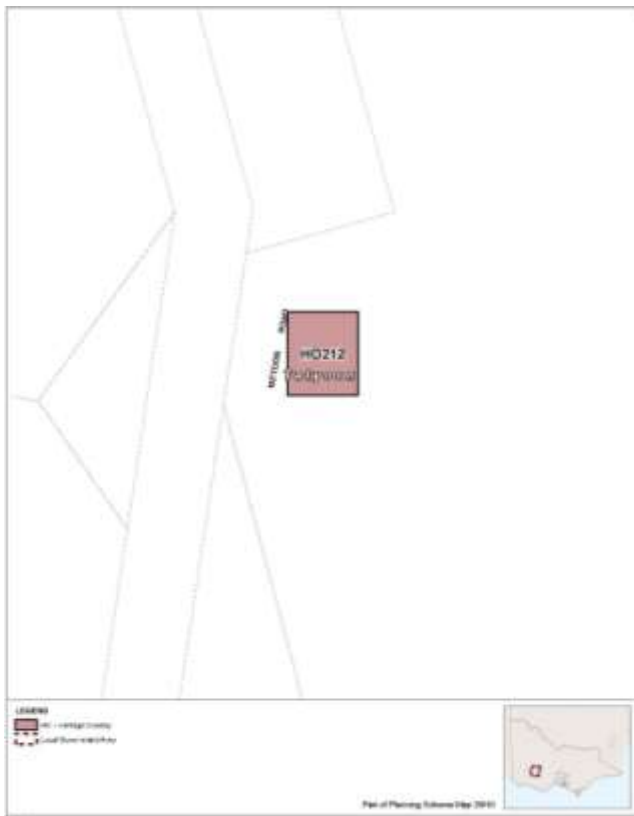


Figure 3: 916 Glenelg Highway, Westmere (HO219)



Figure 4: 34 Walker Street, Wickliffe (HO229)

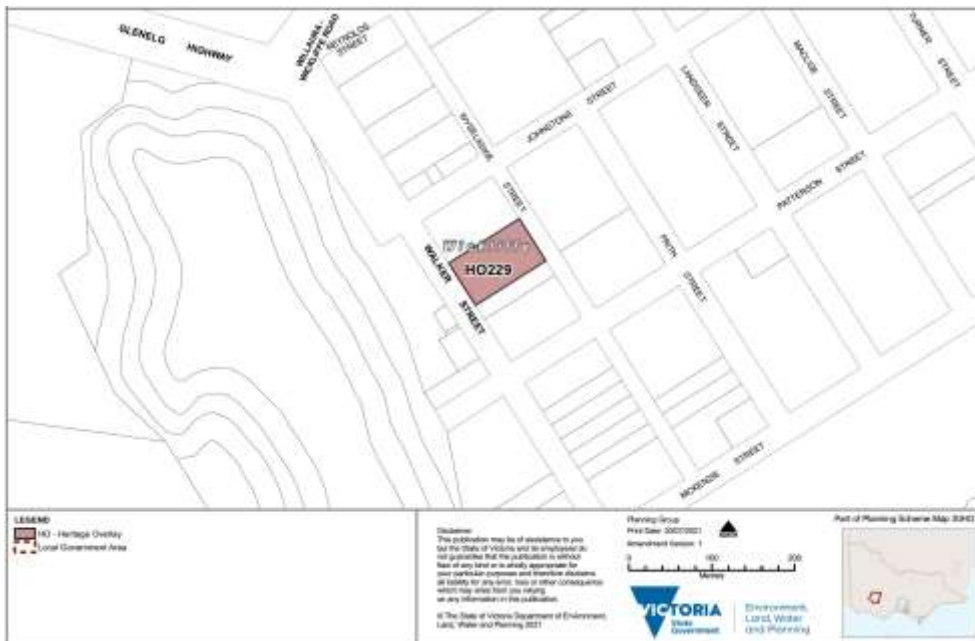


Figure 5: 31 and 49 Main Street, Willaura (HO240)

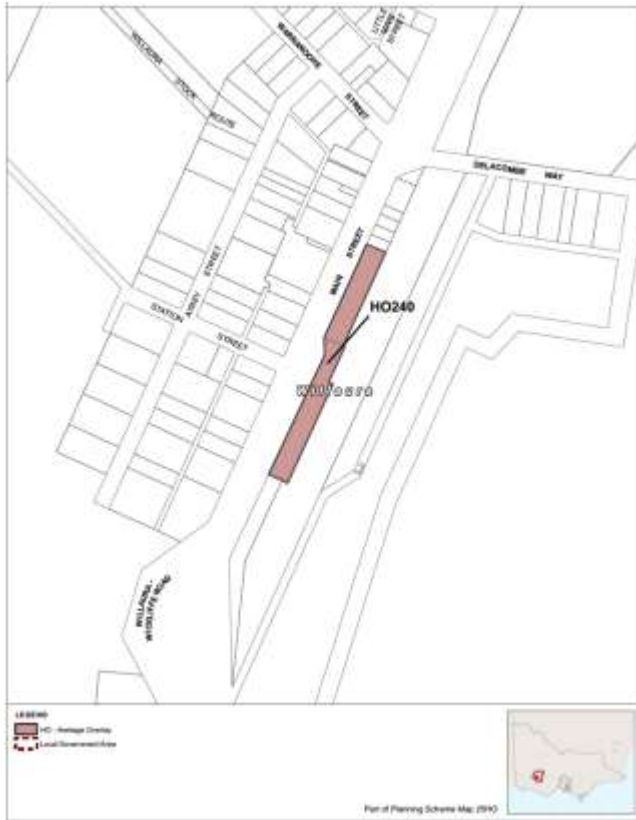
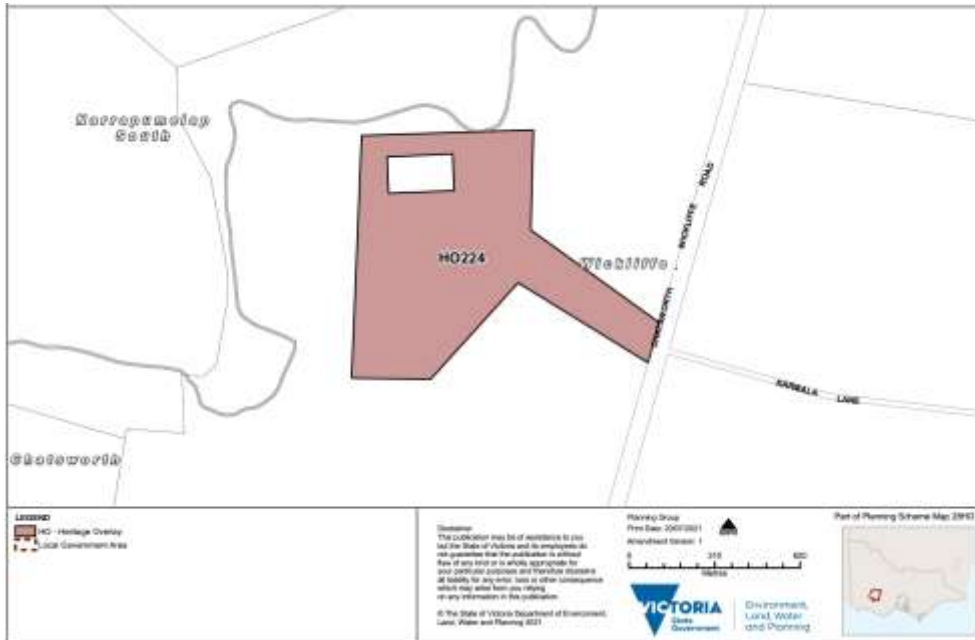


Figure 6: 1009 Chatsworth-Wickliffe Street, Wickliffe (HO224)



1.2 Background

In April 2016, Council adopted the Heritage Study which undertook individual assessments for homesteads, public buildings, rail and road infrastructure, avenues of honour and other sites. Amendment C39 sought to include 109 sites and precincts in the small villages and rural areas of the shire into the Heritage Overlay. At the end of the process, it was found that five of the sites had not been correctly advertised to the relevant owners and the mapping for one precinct was incomplete.

To resolve these matters the Minister for Planning directed the Council to undertake re-notification of the six places. As a consequence, Amendment C39arat was split into two parts. Amendment C39arat Part 1 was gazetted on 10 June 2021. Amendment C39arat Part 2 underwent further notification to resolve the following mapping and place description corrections detailed in the letter authorising the Amendment:

- HO151 – 34 High Street, Elmhurst: Correct the Heritage Overlay extent to cover both 32 and 34 High Street, Elmhurst.
- HO212 – Tatyoon Road, Tatyoon: Correct the Heritage Overlay extent to cover the structure that is listed in the statement of significance on the correct property.
- HO219 – 916 Glenelg Highway, Westmere: Correct the Heritage Overlay extent to cover both parcels of 916 Glenelg Highway, Westmere.
- HO224 – 1009 Chatsworth-Wickliffe Street, Wickliffe: Extend the mapped extent to cover all structures that are identified in the statement of significance.
- HO229 – 34 Walker Street, Wickliffe: Correct the Heritage Overlay extent to cover the structure that is listed in the statement of significance on the correct property (34 Walker Street, Wickliffe and not 32 Walker Street, Wickliffe).
- HO240 – 31 and 49 Main Street and Delacombe Way, Willaura: Correct the Heritage Overlay extent to cover the structures that are listed in the statement of significance.

One submission to the Amendment was received by Council from GrainCorp in relation to the Willaura Railway Station Complex at 31 and 49 Main Street, Willaura.

The Chronology of the Amendment is as follows:

Date	Event
1 May 2021	The Department of Environment, Land, Water and Planning (DELWP) approve Part 1 of the C39 Amendment and direct Council to prepare Part 2
31 May 2021	DELWP give direction on notice required for C39 Part 2 Notice
June to October 2021	Documentation prepared after consulting support procured. Maps prepared and approved by DELWP Documentation reviewed and approved by DELWP
25 November 2021 to 4 February 2022	Public notice of the Amendment - Direct mail to site owners - Web page advertising - Notice on DELWP web site
4 February 2022	Submission by GrainCorp
15 February 2022	Council consider submission and resolve to mediate and seek Panel if no resolution

1.3 Procedural issues

As directed, Council submitted its Part A submission on 9 May 2022 and the evidence statement of Mr Beeston on 16 May 2022. On 16 May 2022, GrainCorp advised the Panel by email that, in light of advice that it received from Trethowan Architecture, it no longer wished to contest the matter and would discuss with Council some changes to the citation. By email dated 17 May 2022, Council advised the Panel that that it would prefer the Hearing to proceed on the papers.

The Panel contacted both parties who agreed to the Hearing proceeding on the papers. On 19 May 2022, the Panel issued further directions confirming the Hearing would proceed on the papers and inviting the parties to make a written submission by 23 May 2022. Written submissions were received from GrainCorp (Document 13) and Council (Document 14). After reviewing the submissions, the Panel advised the parties that it had no further questions.

1.4 Summary of issues raised in submissions

(i) Planning Authority

The key issues for Council were:

- The appropriateness of HO240.
- Whether a reduction in the curtilage of the place or an incorporated document are appropriate for HO240.

(ii) Individual submitters or groups of submitters

The key issues by GrainCorp were:

- The extent and nature of HO240.
- Enabling the working site to function without undue restriction.

1.5 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 considered all written submissions made in response to the exhibition of the Amendment, observations from site visits and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Railway Station Complex 31 and 49 Main Street, Willaura (HO240).

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework (PPF), which the Panel has summarised below.

Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* (the PE Act) 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
- balance the present and future interests of all Victorians.

Planning Policy Framework

The Amendment supports:

- **Clause 11.01-1S** (Settlement) – Objective: To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Strategy: Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
- **Clause 11.03-3S** (Planning for Places) - Peri Urban Areas – Objective:
 - To manage growth in peri-urban areas to protect and enhance their identified valued attributes. Strategy: Enhance the character, identity, attractiveness and amenity of peri-urban towns.
- **Clause 11.03-6S** (Planning for Places - Regional and Local)- Objective :
 - To integrate relevant planning considerations to provide specific direction for future land use and development. Strategy: Consider the distinctive characteristics and needs of regional and local places in planning for the future land use and development.
- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
 - Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
 - Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific or social significance.
 - Encourage appropriate development that respects places with identified heritage values.
 - Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements.
 - Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Clause 21 (the Municipal Strategic Statement)

The Amendment is consistent with the objectives and strategies in the Local PPF under Clause 02.03-5 (Built environment and heritage) to protect, conserve and enhance areas, features and sites of historic, aboriginal, natural and cultural significance.

2.2 Planning scheme provisions

2.3 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)

Planning Practice Note 1 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local Heritage Study, provided the significance of the place can be shown to justify the application of the Overlay.

Planning Practice Note 1 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the HERCON criteria) that have been adopted for assessing the value of a heritage place:

- 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 C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

2.4 Discussion and conclusion

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapter.

3 Individual heritage places

3.1 Railway Station Complex, 31 and 49 Main Street, Willaura (HO240)

Exhibited Statement of significance



What is significant?

The Willaura Railway Station Complex consisting of the 1877 station building, store, passenger platform, silos, passenger platform, weighbridge and office, oats shed and fertiliser store, The location and original form, materials and details of these features are integral to the significance of the place.

How is it significant?

The Willaura Railway Station Complex located on 31 & 49 Main Street (Wickliffe-Willaura Road), Willaura is of local historical and aesthetic significance to Ararat Rural City Council.

Why is it significant?

The Willaura Railway Station Complex is of historical significance to Ararat Rural City Council for its ability to demonstrate the construction of the Ararat to Portland Railway line in 1877. The Wickliffe Road passenger station and outbuildings were constructed by contractor Ainsworth Harrison in 1877 and the line was officially opened to traffic in April 1877. The platform store building, although re-clad on the exterior, is a rare surviving example of a 1870s small railway store constructed with vertical timber boards.

The grain handling infrastructure including the silos, weighbridge and office, fertiliser shed and oats storage shed demonstrates the importance of the railways to the grain industry prior to the development and preference for road transport. The concrete silo erected at the station in 1940 demonstrates the establishment of the Victorian Grain Elevators Board in 1935, which introduced bulk-handling facilities for wheat to railway stations. The steel silos installed at the station to accommodate surplus grain demonstrate the bumper grain crops experienced in the 1950s and 1960s. The oats storage shed constructed by the Victorian Oat Pool in 1964 demonstrates the commencement of bulk-handling of oats in Victoria in 1962. (Criteria A & B)

The Willaura Railway Station Complex is aesthetically significant as a collection of railway station and rail bulk grain handling infrastructure illustrating the components, appearance and design of a rural railway station servicing a grain farming district and spanning from the late nineteenth century to the mid twentieth century. The individual components such as the 1877 station building with its cast iron verandah posts and brackets, the oats shed with its exposed structure, silos and weighbridge and office are substantially intact and exhibit principal characteristics of their building types and age. These characteristics include the building placement, overall form, scale, materials, opening types and placement and detailing. (Criterion D)

(i) The issue

The issue is whether:

- The application of HO240 to the Willaura Railway Station Complex in its exhibited form is appropriate.

(ii) Relevant policies, strategies and studies

The relevant objectives of the Heritage Study were:

- to assess and document the places of post-contact cultural significance identified as being worthy of future conservation in Stage 1 of the project
- to review and finalise the Thematic Environmental History
- to make recommendations for the conservation of the municipality's cultural heritage.

The values used in the identification and assessment of places of cultural significance were historic, scientific, aesthetic, social and spiritual values as articulated in the *Australia ICOMOS Burra Charter*. Detailed assessments for heritage places in the study area were developed against key themes articulated in the Thematic Environmental History and the HERCON criteria. The thresholds applied included state significance and local significance.

(iii) Evidence and submissions

GrainCorp's submission to the exhibited Amendment objected to applying the Heritage Overlay to the site. The basis of this submission was that the continued use of the site as a grain handling facility would require upgrading buildings to align with evolving technology and practices which could be made more difficult by the application of the Heritage Overlay. It added that the buildings were not under any threat and the existing Transport Zone (TRZ1) provided Council with sufficient control over any buildings and works.

Before the Hearing, GrainCorp informed the Panel (Document 6) that, on the basis of advice it had obtained from Trethowan Architecture (Trethowan), it no longer contested the application of the Heritage Overlay to the site. The advice from Trethowan (Document 7) supported the Heritage Overlay to the site. It added:

... it is our opinion that the citation should be amended both to acknowledge current conditions at the site and that the site's distinct components must be classified into the primary significance, contributory significance and non-contributory elements.

It stated that the station and concrete silos should be accorded primary significance and the storage shed, weighbridge and steel silos given secondary significance. The toilet block and metal shed were non-contributory.

Trethowan stated that the ongoing use enhances the cultural significance of the site and recommended that:

... an Incorporated Plan, based on the different gradings of the elements of the site be developed and adopted, with appropriate permit exemptions for the ongoing use of the place.

GrainCorp submitted that based on the Trethowan advice, it had revised its position. It acknowledged the significance of the station building and the concrete silos and agreed with Trethowan that the weighbridge and office, steel silos and timber storage shed were of secondary significance and references to the remaining structures should be removed from the citation. GrainCorp proposed the inclusion of an incorporated plan to align with different levels of significance but also accommodate change as needed. As an alternative, it proposed modification of the curtilage of the Complex to exclude those areas not regarded as significant. This approach which would result in three separate groups of buildings.

Council informed the Panel that an error occurred with the exhibited map and the station building had not been included in the Heritage Overlay (HO240) map. Council added that the owners of the building, VicTrack, were notified of all sites included in the Amendment and were provided with statements of significance. In addition, HO128 is an existing Overlay which applies to the station building. Council stated that the application of HO240 would remove the requirement for HO128 and should be removed. HO240 would then apply to all buildings in the Willaura Railway Station Complex. Council provided a copy of the amended map as an attachment to its Part A submission (Document 4).

Council submitted that the incorporated plans are used in precinct situations to identify attributed heritage, contributory and non-contributory elements and provide for appropriate exemptions. It added that it was not aware of an incorporated plan applying to a single site. Council stated that an incorporated plan could be prepared by GrainCorp, but it not relevant to the substance of the Amendment which deals with the application of the Heritage Overlay to the place. Council submitted that:

The reduced curtilage approach is not appropriate in this situation as the site is small and the separation of the groupings would fracture the heritage story and potentially impact on the heritage values of the structures.

Council submitted that it did not support the changes proposed by GrainCorp.

Roger Beeston of RBA Architects provided a written evidence statement on behalf of Council. He stated that there was no statement of significance for HO128 and that the proposed HO240 should replace that Overlay. Mr Beeston provided a detailed comparative analysis and assessed the Willaura Railway Station Complex against the HERCON criteria which he recommended be included in the statement of significance.

Mr Beeston concluded that that it is not appropriate to include reference to the fertiliser store in the statement of significance and it should be removed. In addition, he proposed to update the statement of significance to reflect that the Complex contains the most intact sub-group of

stations dating from 1877. He proposed a revised statement of significance which was attached to his statement (Document 5).

(iv) Discussion

The parties agree that the buildings that make up the Willaura Railway Station Complex are of sufficient significance to warrant the Heritage Overlay (HO240). As a consequence, the matter before the Panel is whether it is appropriate to grade the significance of the buildings in the Complex and reflect this in an incorporated plan or modify the curtilage of the place.

The Panel accepts the evidence of Mr Beeston that all the buildings in the Willaura Railway Station Complex are significant with the exception of the fertiliser store.

The Panel has not had the benefit of examining an incorporated plan and assessing the detail of the approach proposed by GrainCorp. Nevertheless, this is an approach more suited to a precinct than a place. The Panel accepts the approach taken by Mr Beeston that if a building is not significant it should not be included in the Overlay. From this perspective, the Panel does not accept that GrainCorp has been able to demonstrate that the various buildings in the Willaura Railway Station Complex display different levels of significance.

The Panel agrees with Council that it may be possible for GrainCorp to prepare an incorporated plan for the Complex but it is a separate process to the Amendment and the consideration of the Heritage Overlay. The Panel has not had the benefit of assessing a draft of an incorporated plan and is not in a position to form a view on whether it is appropriate or not.

The Panel accepts the evidence of Mr Beeston that the significant elements of the Willaura Railway Station Complex are the station building, the passenger platform, the van goods shed, the concrete and metal silos, the weighbridge and office and the oats shed including their location and original form, features, materials and decorative details. As such, it would be inappropriate to reduce the curtilage around the buildings or separate them to separate overlays. The Panel agrees with Council that such an approach would *“fracture the heritage story and potentially impact on the heritage values of the structure.”*

The Panel accepts the correction to the map for HO240, Council’s recommendation to remove HO 128 and Mr Beeston’s recommendation to update the exhibited statement of significance.

(v) Conclusions and recommendations

The Panel concludes:

- Applying the Heritage Overlay (HO240) to the Willaura Railway Station Complex is appropriate and justified.
- The exhibited Map 15 for HO240 should be replaced by the updated version provided by Council in its Part A submission (Document 4).
- Heritage Overlay (HO128) should be removed from the Willaura station building.
- The exhibited statement of significance should be replaced by the updated statement of significance attached as Appendix C in Mr Beeston statement of evidence (Document 5).

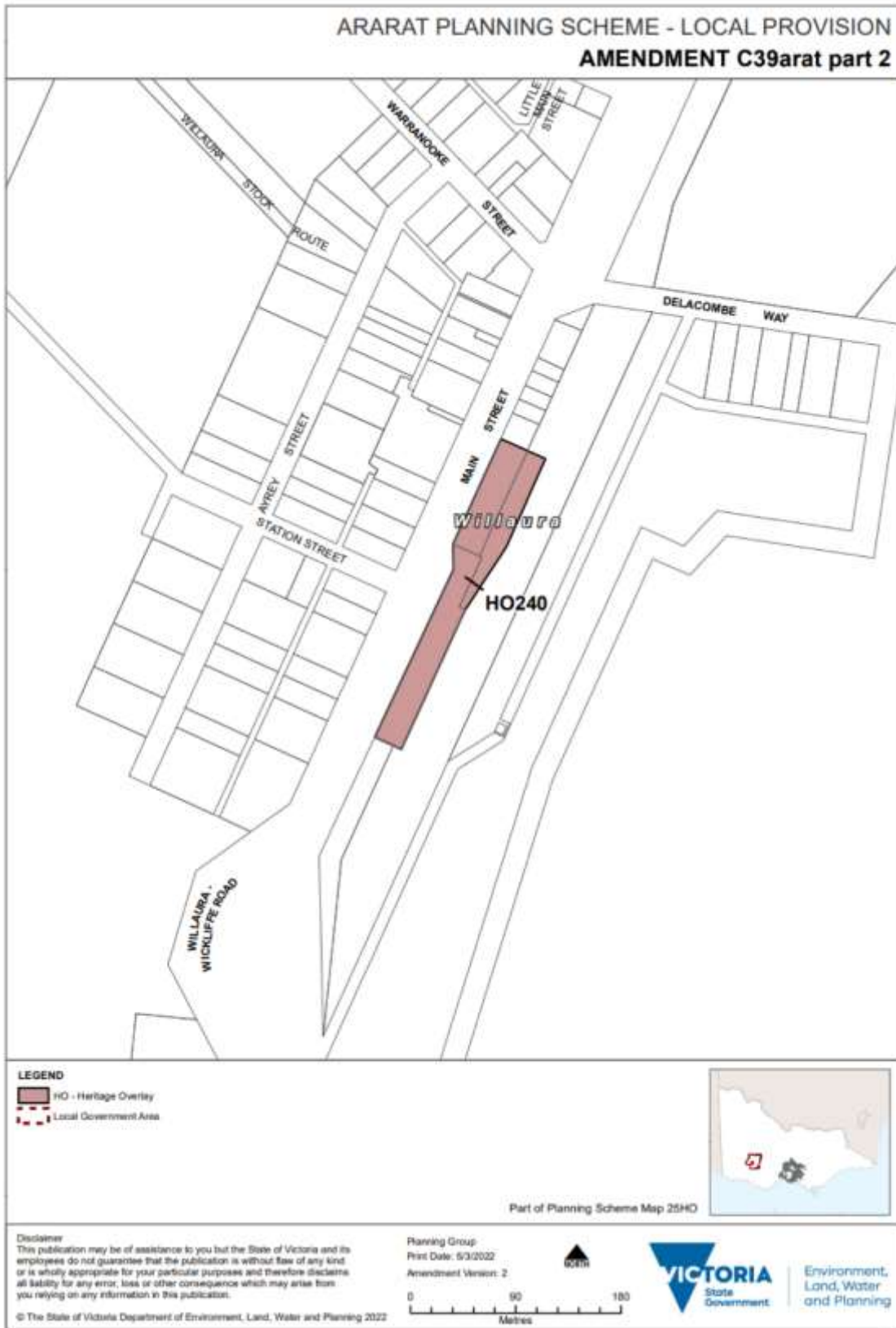
The Panel recommends

- 1. Replace Map 15 (HO240) with the Panel preferred version in Appendix B.**
- 2. Remove the Willaura station building from the Heritage Overlay (HO128).**
- 3. Replace the text of the statement of significance with the Panel preferred version in Appendix C.**

Appendix A Document list

No.	Date	Description	Provided by
1	11/04/2022	Directions Hearing Letter	PPV
2	26/04/2022	Directions letter and timetable	PPV
3	29/04/2022	Rural Ararat Heritage Study Volumes 1 to 4	Council
4	09/05/2022	Part A submission	Council
5	16/05/2022	Roger Beeston RBA Architects expert witness statement	Council
6	16/05/2022	Email from GrainCorp withdrawing from the Hearing	GrainCorp
7	16/05/2022	Memo from Trethowan Architecture re 31 and 49 Main Street, Willaura	GrainCorp
8	16/05/2022	Email from GrainCorp offering to attend a Hearing if needed	GrainCorp
9	17/05/2022	Email request from Council to conduct the Hearing on the papers	Council
10	17/05/2022	Email confirmation from GrainCorp agreeing to a Hearing on the papers	GrainCorp
11	18/05/2022	Email confirmation from Council submitting its Part B submission	Council
12	19/05/2022	Further Directions letter	PPV
13	20/05/2022	Submission on behalf of GrainCorp	GrainCorp
14	23/05/2022	Part B submission	Council

Appendix B Panel preferred version of Map15 (HO240)



Appendix C Panel preferred version of the statement of significance for the Railway Station Complex, 31 and 49 Main Street, Willaura

Exhibited Statement of significance



What is significant?

The Willaura Railway Station Complex is significant to Ararat Rural City Council. The station building and passenger platform were constructed in 1877 by the contractor Ainsworth Harrison as part of the establishment of the Ararat to Portland Railway line, which was officially opened in April that year.

The significant elements are the station building, the passenger platform, the van goods shed, the concrete (1940) and metal (1963) silos, the weighbridge and office, and the oats shed (1964), including their location and original form, features, materials and decorative details.

~~The Willaura Railway Station Complex consisting of the 1877 station building, store, passenger platform, silos, passenger platform, weighbridge and office, oats shed and fertiliser store, The location and original form, materials and details of these features are integral to the significance of the place.~~

How is it significant?

The Willaura Railway Station Complex is of local historical and aesthetic significance to Ararat Rural City Council.~~The Willaura Railway Station Complex located on 31 & 49 Main Street (Wickcliffe-Willaura Road); Willaura is of local historical and aesthetic significance to Ararat Rural City Council.~~

Why is it significant?

The Willaura Railway Station Complex is of historical significance for its ability to demonstrate the development of grain handling infrastructure in the municipality, chiefly from the early 20th century, which was vital for the district. The siting of the concrete and metal silos, weighbridge and office, and oats storage shed close to the railway line reflects the important connection between grain distribution and the rail network, prior to the shift to vehicular transport in the 1970s. The concrete silo illustrates the role of the Victorian Grain Elevators Board, which introduced bulk-handling facilities for wheat at railway stations. The steel silo installed at the station to accommodate surplus grain is evocative of the bumper grain crops experienced in the 1950s and 1960s. The oats storage shed is also reflective of the Victorian Oat Pool and the bulk-handling of oats in Victoria. (Criterion A)

The railway station building is one of four remaining stations of six constructed in 1877 on the Ararat to Portland Railway line. It is substantially intact externally and is the only remaining station of the six to retain the original rear skillion sections facing the street. (Criterion B)

The Willaura Railway Station Complex is aesthetically significant as a collection of railway station and rail bulk grain handling infrastructure illustrating the components, appearance and design of a rural railway station servicing a grain farming district and spanning from the late nineteenth century to the mid twentieth century. The individual components such as the 1877 station building with its cast iron verandah posts and brackets, the oats shed with its exposed structure, concrete and metal silos, and weighbridge and office are substantially intact and exhibit principal characteristics of their building types and age. These characteristics include the building placement, overall form, scale, materials, opening types and placement and detailing. (Criterion D)

~~The Willaura Railway Station Complex is of historical significance to Ararat Rural City Council for its ability to demonstrate the construction of the Ararat to Portland Railway line in 1877. The Wickliffe Road passenger station and outbuildings were constructed by contractor Ainsworth Harrison in 1877 and the line was officially opened to traffic in April 1877. The platform store building, although re-clad on the exterior, is a rare surviving example of a 1870s small railway store constructed with vertical timber boards. The grain handling infrastructure including the silos, weighbridge and office, fertiliser shed and oats storage shed demonstrates the importance of the railways to the grain industry prior to the development and preference for road transport. The concrete silo erected at the station in 1940 demonstrates the establishment of the Victorian Grain Elevators Board in 1935, which introduced bulk-handling facilities for wheat to railway stations. The steel silos installed at the station to accommodate surplus grain demonstrate the bumper grain crops experienced in the 1950s and 1960s. The oats storage shed constructed by the Victorian Oat Pool in 1964 demonstrates the commencement of bulk handling of oats in Victoria in 1962. (Criteria A & B)~~

~~The Willaura Railway Station Complex is aesthetically significant as a collection of railway station and rail bulk grain handling infrastructure illustrating the components, appearance and design of a rural railway station servicing a grain farming district and spanning from the late nineteenth century to the mid twentieth century. The individual components such as the 1877 station building with its cast iron verandah posts and brackets, the oats shed with its exposed structure, silos and weighbridge and office are substantially intact and exhibit principal characteristics of their building types and age. These characteristics include the building placement, overall form, scale, materials, opening types and placement and detailing. (Criterion D)~~



Ararat C39 Part 2 Panel Hearing

Planning Policy Submission - Part B

Amendment Ararat C39 Part 2

Amendment Purpose

Amendment C39 Part 2 The proposed amendment seeks to place a Heritage Overlay HO240 on the site at 31 and 49 Main Street in Willaura. This address is discussed in detail in the Rural Ararat Heritage Study Vol 1-4. and will be discussed in further detail by our Heritage Expert Witness. 31 Main Street has a Heritage Overlay HO128 already on it and HO128 has no Statement of Significance. This schedule defines the controls for this site thus:

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibite permit
	Willaura						
HO128	Willaura Railway Station	Yes	No	No	No	No	No

The amendment seeks to include additional buildings into a Heritage Overlay in response to recommendations made, and Statement of Significance written in the Rural Ararat Heritage Study (Provided at Submission A). These buildings include a shed and silos recognised as part of the Railway Precinct in the Statement of Significance and these are located at 49 Main Street Willaura

Correction of an error

An error was made in the mapping process prior to Exhibition of this amendment and the Willaura Railway Station itself was still not included in the Heritage Overlay map provided at exhibition. The correct Heritage Overlay Map has now been prepared DELWP and has been provided to Panel as Part A Submission. Refer to the Part A Submission for full details.

Additional Planning Policy

Clause 52.36 Rail Projects

Following the Submission of Part A, our further investigation into Planning Policy Framework has shed light on additional relevant planning policy in the Particular Provisions of the Ararat Planning Scheme which lends further weight to the need for a Heritage Overlay.

Clause 52.36 Rail Projects which is a clause to facilitate the delivery of rail projects carried out by or on behalf of Rail Projects Victoria. This clause has an exemption from planning scheme requirements if the requirements of Clause 52.36 are met.

The Minister of Planning decides the development/ use, so plans must be in accordance with the plans and documents approved by the Minister of Planning. There are Consultation, Boundary and other requirements that need to be met. The 'other pre-commencement requirements' which are relevant are as follows:

- 'A description of the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the site and surrounding area including the existing use and development of the site and surrounding land.
- A description of the project.
- An explanation of how the proposed use or development responds to the decision guidelines in this planning scheme that would have applied to an application for a permit for the proposed use or development but for the provisions of this clause 52.36.
- If the land is in the Heritage Overlay and the proposed development would require a permit under the overlay but for the exemption in clause 52.36-3:
 - An assessment of the impact of the proposed development on the heritage significance of the heritage place.
 - Site plans and elevations showing the extent of the proposed development on the land.
 - Photographs of any buildings or works to be demolished or removed, including photographs of the exterior and interior of the building and contextual images of the building's environs and setting. '

This indicates that without a Heritage Overlay on the site, the pre-commencement requirements would only require some explanation of the site and its characteristics, but these would not be rigorous. The recognition of the Heritage is very important as this would ensure a rigorous assessment which is particularly important with multiple buildings on the site as is the case for this site. Essentially, this clause cannot protect the buildings effectively and this needs to be done with a Heritage Overlay.

Resolution

Circulation of documents and Expert Evidence Reports

A number of documents have been circulated in the lead up to the Panel Hearing which was set for 23rd May 2022.

- On Monday the 9th of May 2022 Ararat Council circulated the Part A Submission.
- On Monday the 16th Niche Planning Studio (Ararat Council) circulated the Heritage Expert Evidence Report by Roger Beeston of RBA Architects dated May 2022.
- On Monday 16th May Ratio circulated the Letter of Advice Expert Evidence sought from Trethowan dated 3/5/ 2022
- Following this a series of email exchanges on Monday the 16th and 17th of May with Ratio indicated that they would no longer object to the Heritage Overlay being placed over the site. See Appendix A.
- Paper Further Directions Letter

Planning Panels Victoria has advised in an email response to Ararat Council and all parties dated 17th May 2022 that given the new position of Grain Corp that they are happy to conduct the hearing on the papers. A Paper Directions letter dated 19th May 2022 has provided guidance on this.

We outline below or response to the Directions in the Paper Directions letter specifically response to 2 (a) – (d)

Council's response to the issues raised in submissions

Scaled approach, an Incorporated Document and reduced curtilage

Ratio, under advice from their Heritage Expert (Trethowan Architects circulated 16/5/22 dated 3/5/2022) have advised that they now support Heritage Overlay. Refer to Appendix A.

Ratio, representing Grain Corp, have indicated that they would like this to be a scaled approach/ hierarchical approach with significant, contributory and non-contributory elements being recognised. They propose that this be addressed through an Incorporated Plan.

Ratio have also indicated that an alternative to the scaled approach would be a reduced curtilage approach with 3 groupings of buildings with reduced curtilages.

Council's Response

It is our understanding that incorporated documents can be used with Specific Control Overlays to apply specific attributes to a site, and this can allow for an exemption to buildings and works and can look at attributed heritage, contributory and non-contributory elements. Usually this is done for precincts, and we do not know of a situation when it has been applied to a single site in relation to a local Heritage Overlay control.

An incorporated document could be prepared by Grain Corp and provided to Council for review. It would require a separate planning scheme amendment to be achieved. The value of doing an incorporated document would need to be investigated and documented by Grain Corp and would probably reflect its long-term aspirations for the site.

A reduced curtilage approach would be inappropriate in this situation as the value of the site as a relatively intact example of Agricultural Railway Heritage which tells a story over time is significant. The buildings are all located over a relatively small area, and this is not like a homestead where there are large areas of rural land relatively unrelated to the value of the specific building. The separation of elements through the reduction of curtilage is inappropriate and would, in Council's opinion, fracture the interpretation of the heritage story.

An incorporated document could be done at a later date by Grain Corp, but it is separate to the current discussion which is about the relevance of applying the Heritage Overlay to the site. The reduced curtilage approach is not appropriate in this situation as the site is small and the separation of the groupings would fracture the heritage story and potentially impact on the heritage values of the structures.

The application of the Heritage Overlay is now undisputed by both parties.

Council's response to expert evidence

The below table is a summary response to particular points in the Ratio Submission and the Trethowan Memorandum:

Council Response Table

No.	Ratio Submission 19 th May 2022	Part B RESPONSE
2.1.6	The following components of the facility are in our view of secondary or contributory significance to the place, for the reasons outlined in the Memorandum of Advice prepared by Trethowan Architects: — The weighbridge and office. — The steel silos. — The timber storage shed.	No hierarchy of significance is proposed as all buildings other than the fertiliser shed are seen to be significant in both the initial assessment by Ballinger and Westbrooke (2016) and the Expert Evidence of RBA Architects. Local Planning Heritage for Individual Heritage Overlays do not usually distinguish elements of primary and/or secondary significance.
2.1.8	The remaining structures on the site, including a number of sheds and a fertiliser store that are referenced in the proposed citation, do not exhibit any particular aesthetic or historic significance and in our view should therefore be removed from the citation entirely or specifically noted as non-contributory.	<p>The Expert Witness Statement by RBA Architects clearly indicates that the fertiliser store should be removed from the original Statement of Significance. The items listed in the amended Statement of Significance (Part A Appendix B) are all significant using the HERCON assessment process and these are as follows:</p> <ul style="list-style-type: none"> • Railway Station Building • Concrete Silos • Metal Silos • Oats Storage Shed • Weighbridge and Office <p>Therefore anything not listed is by inference not of significance. Refer to Expert Witness Submission, Appendix C.</p>

2.1.9	We agree with the recommendation made in the Memorandum of Advice from Trethowan as it would align the citation with standard practice. Most notably, the distinction between a significant element and a contributory element allows for a more nuanced approach to any potential future planning assessments where alterations or additions might be contemplated.	No hierarchy of significance is proposed as all buildings other than the fertiliser shed are seen to be significant. Local Planning Heritage for Individual Heritage Overlays should not distinguish elements of primary and/or secondary significance based on our heritage advice as well as to retain a consistent approach to the implementation of the Ararat Rural Heritage Study.
2.1.10	We also note that in his evidence statement on behalf of Ararat Council, Mr Beeston makes a similar conclusion about the fertiliser store.	No this is incorrect, Roger Beeston, our Expert Witness advises that the Fertiliser store is not of any Heritage value and should not be included in the Statement of Significance. Provided at Expert Witness Submission Appendix C is an amended Statement of Significance this does not discuss a hierarchy of significance as all elements included are all seen as significant.
2.1.14	Alternatively, if it is considered too late in the process for the preparation of an incorporated plan, we encourage the Panel to consider recommending a modification to the 'curtilage' to exclude those areas which are clearly removed from the two areas of primary significance. We note that, aside from the weighbridge, the significant and contributory elements (as designated by Trethowan Architecture) occur in clusters at the site. We therefore consider that there is an opportunity to reduce the curtilage to an area surrounding these two clusters (as well as the weighbridge).	<p>A modification to the curtilage is an approach sometimes taken for heritage buildings in homesteads. This ensures that the large areas of land surrounding the heritage structures are not included.</p> <p>This is inappropriate in this situation as the value of the site is that it is a relatively intact example of Agricultural Railway Heritage which tells a story over time and through the various structures. The buildings are all located over a relatively small area. The separation of elements through the reduction of curtilage is inappropriate and would fracture the heritage story. It is noted in 'Applying the Heritage Overlay -Planning Practice Note 1, the following is noted:</p> <p><i>'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.'</i></p>

		Given this the Statement of Significance recognises the Willaura Railway Complex as <i>'aesthetically significant as a collection of railway station and rail bulk handling infrastructure.'</i> So it does not recognise it as separate structures or groups but as one collection.
--	--	--

Advice provided to Panels Victoria

Ratio has provided a memorandum of advice from Trethowan Architects and this 4 page document summarises a response and recognises the Heritage importance of a number of buildings on the site.

Ararat Council has provided to Panels Victoria, through the original Submission and the Part A Submission two extensive and thorough responses to the heritage value of the site. The first being the *Rural Ararat Heritage Study Vol.1-4* by Dr Robyn Ballinger and Samantha Westbrooke undertaken in 2016, which provides recommendations for heritage recognition for sites across the Ararat Local Government Area and informs the Planning Scheme Amendment C39 Part 2. The second is the 32 page, in depth, Expert Witness Report by RBA Architects and Conservation Consultants, which provides an independent, very specific and well researched response, to the site and a fuller understanding of the value of site within the local context.

No Proposed changes

No proposed Changes

Council's position remains unchanged from the Part A Submission and can be summarised below:

1. The inclusion of the Heritage Overlay HO240 over 31-49 Main Street is required to ensure that the buildings within the amended Statement of Significance are protected as existing planning policy does not provide adequate protection of their value or allow for consideration of heritage under the zone or other clauses.
2. A correction to the Map HO240 is required to include the railway station. A deletion of HO128 is required as it becomes redundant with the inclusion of the railway station building in HO240.
3. The Statement of Significance should be amended as per Part A Submission in Appendix B to remove the inclusion of the Fertiliser shed. The amended Statement of Significance (Submission A) confirms elements which are significant to the heritage place. No hierarchy of significance is proposed by council, as all buildings, other than the fertiliser shed, are seen to be significant. Local Planning Heritage for Individual Heritage Overlays should not distinguish elements of primary and/or secondary significance.

Council's Final position

Final position

Council's final position is as indicated above. Council's summary response to issues raised by Ratio in the May 16th Submission is as follows:

The last minute request by Ratio (18th May 2022) to introduce an Incorporated Plan onto the site could be achievable in the longer term but should be separate to the requirement of this amendment which is to protect the site through a Heritage Overlay. An incorporated document could be done with a Specific Control Overlay mechanism. This could be undertaken by Grain Corp via a Planning Scheme Amendment and negotiated with Council after the Heritage Overlay has been applied.

The request to classify the buildings into 3 parcels with a reduced curtilage is not supported. This does not recognise the value of the buildings as a collection which have historic significance because they are related to each other, and through this relationship speak of a particular local historical story that reflects changes in farming processes over time. Refer to Submission Expert Witness Statement by RBA Architects for information on this.

APPENDIX A

EMAIL EXCHANGES

From: [Veronica Schilling](#)
To: [Planning Panels \(DELWP\)](#)
Cc: [Eve-Marie Davie](#); [Phillipa Hall](#); [Roger Beeston](#); [Justin Scriha](#)
Subject: C39 Arat Part 2 - Panel Hearing
Date: Tuesday, 17 May 2022 12:15:52 PM
Attachments: [image001.jpg](#)

Good afternoon,

Further to the advice of Mr Scriha yesterday and the receipt of information on their Heritage Architect we are seeking advice from the Panel on whether given the parties are close in their views on the matter, if there is an option for the Panel Member to hear the matter “on the papers”.

This would presumably minimise the time to finalise the matter and allow the Member to consider the various approaches put forward and make a recommendation.

Council would be keen to see advice on the issue of overlapping Overlays and resolution of the error outlined in our Part A submission and we would anticipate still providing a Part B submission on Friday that responds to the proposal for an incorporated plan and use of a “scalable” listing for the site outlined by GrainCorp’s expert yesterday.

If such a change at this late juncture adds an additional burden to the Panel’s workload we are ready to proceed on Monday as planned.

Regards Veronica

Veronica Schilling
Manager Planning, Community & Compliance
Ararat Rural City Council
PO Box 246, Ararat 3377

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M: 0409 174 164

E: vschilling@ararat.vic.gov.au

W: <http://www.ararat.vic.gov.au>



From: [Laura Agius \(DELWP\)](#) on behalf of [Planning Panels \(DELWP\)](#)
To: [Veronica Schilling](#)
Cc: [Eve-Marie Davie](#); [Phillipa Hall](#); [Roger Beeston](#); [Justin Scriha](#)
Subject: OFFICIAL: RE: C39 Arat Part 2 - Panel Hearing
Date: Tuesday, 17 May 2022 3:46:23 PM
Attachments: [image002.gif](#)
[image003.gif](#)
[image004.gif](#)
[image005.gif](#)
[image006.gif](#)
[image007.gif](#)
[image008.jpg](#)

Hi Victoria,

The Panel has advised that it is happy to conduct the hearing on the papers and we will send out directions as soon as possible.

Kind regards

Laura Agius | Panel Coordinator | Planning Panels Victoria
Work days (Monday-Wednesday)
Planning | Department of Environment, Land, Water and Planning

Level 5, 1 Spring Street, Melbourne, Victoria 3000
P: 03 8624-5713 **E:** laura.agius@delwp.vic.gov.au



OFFICIAL

From: Veronica Schilling <vschilling@ararat.vic.gov.au>
Sent: Tuesday, 17 May 2022 12:16 PM
To: Planning Panels (DELWP) <Planning.Panels@delwp.vic.gov.au>
Cc: Eve-Marie Davie <eve@nicheplanningstudio.com.au>; Phillipa Hall <phillipa@rbaarchitects.com.au>; Roger Beeston <Roger@rbaarchitects.com.au>; Justin Scriha <Justin.Scriha@ratio.com.au>
Subject: C39 Arat Part 2 - Panel Hearing

Good afternoon,

Further to the advice of Mr Scriha yesterday and the receipt of information on their Heritage Architect we are seeking advice from the Panel on whether given the parties are close in their views on the matter, if there is an option for the Panel Member to hear the matter “on the papers”.

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If such a change at this late juncture adds an additional burden to the Panel’s workload we are ready to proceed on Monday as planned.

Regards Veronica

Veronica Schilling
Manager Planning, Community & Compliance
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From: [Justin Scriha](#)
To: [Veronica Schilling](#); [Planning Panels \(DELWP\)](#)
Cc: [Eve-Marie Davie](#); [Phillipa Hall](#); [Roger Beeston](#); [William Bromhead](#)
Subject: RE: C39 Arat Part 2 - Panel Hearing
Date: Tuesday, 17 May 2022 1:03:20 PM
Attachments: [image002.png](#)
[image003.jpg](#)

Hi there

We agree with Ms Schilling's below suggestion; however I confirm that we will also be ready to proceed as planned on Monday if required.

Kind regards

Justin Scriha
Senior Planner

Phone 03 9429 3111
Email Justin.Scriha@ratio.com.au **Melbourne Office**
8 Gwynne Street
Cremorne VIC 3121

Planning ratio.com.au
[Instagram](#) | [Linkedin](#)



From: Veronica Schilling <vschilling@ararat.vic.gov.au>
Sent: Tuesday, 17 May 2022 12:16 PM
To: [Planning Panels \(DELWP\) <planning.panels@delwp.vic.gov.au>](mailto:planning.panels@delwp.vic.gov.au)
Cc: [Eve-Marie Davie <eve@nicheplanningstudio.com.au>](mailto:eve@nicheplanningstudio.com.au); [Phillipa Hall <phillipa@rbaarchitects.com.au>](mailto:phillipa@rbaarchitects.com.au); [Roger Beeston <Roger@rbaarchitects.com.au>](mailto:Roger@rbaarchitects.com.au); [Justin Scriha <Justin.Scriha@ratio.com.au>](mailto:Justin.Scriha@ratio.com.au)
Subject: C39 Arat Part 2 - Panel Hearing

Good afternoon,

Further to the advice of Mr Scriha yesterday and the receipt of information on their Heritage Architect we are seeking advice from the Panel on whether given the parties are close in their views on the matter, if there is an option for the Panel Member to hear the matter "on the papers".

This would presumably minimise the time to finalise the matter and allow the Member to consider the various approaches put forward and make a recommendation.

Council would be keen to see advice on the issue of overlapping Overlays and resolution of the error outlined in our Part A submission and we would anticipate still providing a Part B submission on Friday that responds to the proposal for an incorporated plan and use of a "scalable" listing for the site outlined by GrainCorp's expert yesterday.

If such a change at this late juncture adds an additional burden to the Panel's workload we are ready to proceed on Monday as planned.

Regards Veronica

Veronica Schilling
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From: [Veronica Schilling](#)
To: [Justin Scriha](#)
Cc: [Eve-Marie Davie](#); [William Bromhead](#); [Roger Beeston](#)
Subject: RE: Update to GrainCorp's position in relation to Amendment C39arat Part 2 and the Planning Panel Hearing scheduled for Monday 23 May 2022
Date: Monday, 16 May 2022 2:37:25 PM
Attachments: [image002.jpg](#)
[image003.png](#)

Thanks for the advice Justin – it is most concerning that this change of position has come at the 11th hour and that GrainCorp had envisaged undertaking this advice when we first discussed it months ago.

I am seeking feedback from our heritage adviser on the prospect of the incorporated plan but to be honest as outlined in our discussion I am not of a mind to spend more on this element at this time.

We are also awaiting advice from Panels Victoria on the process from here so for now would suggest you keep the hearing in your diary.

Regards Veronica

Veronica Schilling
Manager Planning, Community & Compliance
Ararat Rural City Council
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From: Justin Scriha <Justin.Scriha@ratio.com.au>
Sent: Monday, 16 May 2022 1:04 PM
To: Veronica Schilling <vschilling@ararat.vic.gov.au>
Cc: Eve-Marie Davie <eve@nicheplanningstudio.com.au>; William Bromhead <williamb@ratio.com.au>; Roger Beeston <Roger@rbaarchitects.com.au>
Subject: Update to GrainCorp's position in relation to Amendment C39arat Part 2 and the Planning Panel Hearing scheduled for Monday 23 May 2022

Hi Veronica

I trust that you are well.

I have left you a voice message this morning but am following up with this email as there has been a change in GrainCorp's position in relation to C39arat.

Upon reviewing and digesting the advice of the appointed Heritage Expert (Mark Stephenson of

Trethowan Architecture) GrainCorp have advised me this morning that they no longer wish to contest this matter. For your information, the advice provided to GrainCorp is that the review site is worthy of heritage protection subject to some recommended changes to the citation which we would be interested in discussing with you outside of a Hearing should Council be amenable to this.

I understand and appreciate that we are only a week away from the Hearing and have sought PPV's advice as to whether it is too late now to withdraw our client's submission. If it is deemed that the Hearing must proceed as scheduled, our intention will be to make a submission using the enclosed advice as the basis for our revised position (I have provided a copy of this advice to PPV), however, we would no longer be calling Mr Stephenson as an expert witness. If the Hearing proceeds as scheduled, I will represent GrainCorp and will circulate our submission by the due date.

We are providing this update in good faith as we appreciate Council's initial efforts to settle this matter outside of a formal Hearing.

Please give me a call directly on 0400 241 820 should you wish to discuss. I will let everyone know as soon as I've been able to speak with PPV regarding the Hearing.

Cheers

Justin Scriha
Senior Planner

Phone 03 9429 3111
Email Justin.Scriha@ratio.com.au

Melbourne Office
8 Gwynne Street
Cremorne VIC 3121

Planning

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From: [Justin Scriha](#)
To: [Veronica Schilling](#)
Cc: [Eve-Marie Davie](#); [William Bromhead](#); [Roger Beeston](#)
Subject: Update to GrainCorp's position in relation to Amendment C39arat Part 2 and the Planning Panel Hearing scheduled for Monday 23 May 2022
Date: Monday, 16 May 2022 1:04:40 PM
Attachments: [image001.png](#)
[TA Memo_001_Willaura Railway & Silos_Review and Recommendations.pdf](#)

Hi Veronica

I trust that you are well.

I have left you a voice message this morning but am following up with this email as there has been a change in GrainCorp's position in relation to C39arat.

Upon reviewing and digesting the advice of the appointed Heritage Expert (Mark Stephenson of Trethowan Architecture) GrainCorp have advised me this morning that they no longer wish to contest this matter. For your information, the advice provided to GrainCorp is that the review site is worthy of heritage protection subject to some recommended changes to the citation which we would be interested in discussing with you outside of a Hearing should Council be amenable to this.

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Cheers

Justin Scriha
Senior Planner

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Dear Ms Schilling,

4 February 2022

Ms Veronica Schilling
Manager, Planning,
Community & Compliance
Ararat Rural City Council
PO Box 246
ARARAT VIC 3377

Sent via email to
planning@ararat.vic.gov.au

Submission to Planning Scheme Amendment C039arat Part 2 31 & 49 Main Street, Willaura

Ratio Consultants acts on behalf of GrainCorp Operation Limited who own the above-mentioned property which will be affected by Planning Scheme Amendment C039.

Our client wishes to lodge a submission to the amendment, raising concerns with the proposed application of the Heritage Overlay to the site.

We note that the potential heritage significance of the property was flagged in the *Rural Ararat Heritage Study*, which identified the place as meeting Criterion A (Historical significance), Criterion B (Rarity) and Criterion D (Representativeness). The potential significance of the place is tied to its continued use and operation as a railway and grain handling facility.

Our client objects to the introduction of the heritage overlay to the site for the following reasons:

- The property is not under threat from development or other pressures which would warrant the imposition of the heritage overlay. The site continues to be used for its original purpose as an important agricultural storage and transportation facility.
- The continued use of the property as a grain handling facility requires from time to time that facilities, buildings and structures etc be upgraded to align with evolving technology and best practice. The introduction of the Heritage Overlay to the property would therefore unreasonably compromise the ability of the operator to make improvements to the facilities, potentially threatening the viability of the site's continued operation for the recognised purpose.
- It should also be noted that Council exerts a level of influence of development works at the site under the current planning controls. The site is within the **Transport Zone 1** which imposes a planning permit requirement for any buildings and works not undertaken by or on behalf of the relevant transport manager. Given the site's status

as an important piece of rural transport infrastructure, the **Transport Zone 1** in our view is the appropriate control for the property.

Should you have any queries relating to this matter, please do not hesitate to contact the undersigned on 9429 3111 or at justin.scriha@ratio.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Justin Scriha', written in a cursive style.

Justin Scriha
Senior Planner