

Planning and Environment Act 1987

BALLARAT PLANNING SCHEME

AMENDMENT C252BALL

EXPLANATORY REPORT

Overview

The amendment applies the Heritage Overlay to 9 Creswick Road, Ballarat Central known as the Former Carriers Arms Hotel and Stables and its curtilage.

The application of the Heritage Overlay is supported by the *Heritage Citation: Carrier's Arms Hotel, 9 Creswick Road, Ballarat Central* (Landmark Heritage Pty Ltd, April 2023) that finds the property to be of local heritage significance.

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

City of Ballarat
Phoenix Building
25 Armstrong Street South
Ballarat Central VIC 3350

The amendment can be inspected free of charge at the City of Ballarat website at www.ballarat.vic.gov.au

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person who may be affected by the amendment make a submission to the planning authority. Submissions about the amendment must be received by **Monday 23 December 2024**.

A submission must be sent to: City of Ballarat, PO Box 655, Ballarat VIC 3350, or via email to strategicplanningsubmissions@ballarat.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 31 March 2025
- panel hearing: 12 May 2025

Details of the amendment

Who is the planning authority?

This amendment has been prepared by Ballarat City Council, who is the planning authority for this amendment.

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

Land affected by the amendment

The land affected by the amendment is 9 Creswick Road, Ballarat Central (Figure 1), including the curtilage. It is located on part of Crown Allotment 47, Township of Ballarat.

The site is in the Commercial 1 Zone (C1Z) and the Heritage Overlay: Lydiard Street Heritage Precinct (HO171) applies to the entirety of the site.



Figure 1. Heritage Overlay and property boundary (red)

What the amendment does

The amendment applies an individual Heritage Overlay (HO235) to the land at 9 Creswick Road, Ballarat Central known as the Former Carrier's Arms Hotel and Stables and its curtilage on a permanent basis.

Specifically, the amendment:

- Amends Planning Scheme Map No. 23HO to apply the Heritage Overlay (HO235) to the Former Carrier's Arms Hotel and Stables, 9 Creswick Road, Ballarat Central and its curtilage on a permanent basis.
- Deletes the site from the Lydiard Street Heritage Precinct (HO171) from Planning Scheme Map No. 23HO.
- Amends the Schedule to Clause 43.01 (Heritage Overlay) to insert HO235 'Former Carrier's Arms Hotel and Stables' 9 Creswick Road, Ballarat Central, including the statement of significance and apply specific solar energy system controls and outbuilding notice requirements to the brick stables on a permanent basis.
- Amends the Schedule to Clause 72.04 (Document Incorporated in this Planning Scheme) to include *Former Carrier's Arms Hotel and Stables, 9 Creswick Road, Ballarat Central Statement of Significance*, (Landmark Heritage Pty Ltd, April 2023).

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to provide heritage protection to the Former Carriers Arms Hotel and Stables at 9 Creswick Road, Ballarat Central, and its curtilage on a permanent basis. The site is currently listed as a contributory site in the Lydiard Street Heritage Precinct (HO171); however, the current planning controls are insufficient in providing specific heritage protection to the site. Introducing a site-specific Statement of Significance will ensure that any future development is respectful and responsive to the existing built heritage including the hotel built in 1890, and the 1860's stables that are a rare surviving example of a typical mid-nineteenth century commercial stables. The site-specific heritage overlay will ensure notice requirements for the outbuildings.

In March 2023 the City of Ballarat became aware of a property at 9 Creswick Road, Ballarat Central, known as the former Carrier's Arms Hotel, being earmarked as a potential development site, with proposed demolition of rear outbuildings and a substantial multi storied 'L' shaped development sited around the three-storey building. The proposal did not advance past the enquiry stage, and no Planning Permit was submitted. The site is currently advertised for commercial lease (not for sale).

An investigation undertaken by council's Heritage Advisor found the Former Carrier's Arms Hotel and Stables to warrant an individual Heritage Overlay under the Ballarat Planning Scheme for its heritage significance illustrating the early commercial activity in the north part of Ballarat's business district and intrinsically entwined with the Ballarat Haymarket.

The original hotel on the site opened in 1857 under the name of Market Square Hotel. The name changed to the Carrier's Arms Hotel in 1863 and continued on with the current hotel building, built in 1890. It referred to the farmers who carted their hay to the market for sale, thereby highlighting the importance of stables to the regular Hotel clientele. The stables are a rare surviving example of a typical mid-nineteenth century commercial stables and exemplify the key use of the hotel.

The highly intact three-storey hotel is distinguished by its simplified Second Empire-style form, expressed by the mansard-roof tower, high quality bichromatic brickwork on the façade and original front and rear verandahs. The three-storey front verandah has cast-iron Corinthian posts and multiple patterns of frieze, brackets and balustrade. The rear verandah to the kitchen includes timber chamfered posts with capitals. The three front entries reveal the separation of men and woman, with a bar, ladies lounge and accommodation functions.

The 1860's stables include handmade brick walls and a hipped roof, with pedestrian and barn doors and hayloft.

Two later addition outbuildings with contributory heritage value are the ladies WC abutting the stables and 1930's men's toilet block. These demonstrate the adaptation of the site to changing requirements of the twentieth century. Likewise, part of the stables has been converted to garages, to enable their ongoing use and purpose.

The site ceased operating as a hotel in 1968. The concept of adaptive reuse of heritage buildings is demonstrated in this case, with the hotel having been repurposed as an antique centre, a car yard and an accountant's firm.

An individual Heritage Overlay is being applied to 9 Creswick Road Ballarat Central to ensure that all values and attributes of the place are clearly understood and can be appropriately managed through the preparation of an individual statement of significance which clearly identifies all of the significant parts of the heritage place, including the stables, rear kitchen and main hotel building. In recognition of the importance of the stables, an individual Schedule entry is appropriate which specifies the stables are significant through the column 'Outbuildings and fences which are not exempt under Clause 43.01-4 as per the guidance of Practice Note PN001 'Applying the Heritage Overlay' (August 2018).

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria detailed in section 4(1) of the *Planning and Environment Act 1987* being:

- (a) *'to provide for the fair, orderly, economic and sustainable use, and development of land'*

(b) *‘to conserve and enhance those buildings, areas or other places, which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.’*

(c) *‘to balance the present and future interests of all Victorians.’*

The amendment implements these objectives by ensuring the conservation of heritage buildings significant to Ballarat. Heritage is one of the most valued features in Ballarat by the local and wider community and preserving these cultural attributes will balance the present and future interest of all Victorians.

How does the amendment address any environmental, social and economic effects?

The amendment is expected to have positive social and environmental effects by protecting and promoting places of cultural heritage which is an integral part of Ballarat’s social fabric. The amendment will encourage reuses, restorations, and adaptation of heritage places. Retention of these places will minimise building waste associated with demolition and the construction of new buildings.

The amendment will not have significant adverse effects on the environment with limited impact on economics. Consistent with any commercial heritage property there will be a requirement for sympathetic development guided by heritage principles, however it does not prevent further development to the site. The site’s current substantial built form can be used for commercial opportunities, as it has already demonstrated.

Does the amendment address relevant bushfire risk?

The site is not within a designated Bushfire Prone Area.

Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?

The amendment complies with the requirements of *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the *Planning and Environment Act 1987* by including a heritage place in the Schedule to Clause 43.01 (Heritage Overlay) and other heritage controls as recommended by the heritage assessments.

The amendment complies with the requirements of *Ministerial Direction No 11 – Strategic Assessments of Amendments* by ensuring the inclusion of comprehensive discussion in this explanatory report about the strategic considerations that support the amendment and by providing an assessment on the impact of new planning provisions in the resource and administrative costs of the responsible authority.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports the Planning Policy Framework, including Clause 15 (Built Environment and Heritage) with the objective to ‘protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value’. The

amendment identifies and documents a place of heritage significance, providing its protection through the Ballarat Planning Scheme.

The amendment supports Clause 15.03-1S (Heritage Conservation) by identifying and documenting a place of cultural significance, providing for the conservation and enhancement of that place that is of aesthetic, architectural, cultural and social significance, encouraging appropriate development that respects places with identified heritage values, encouraging the conservation and restoration of contributory elements of a heritage place and ensuring an appropriate setting and context of heritage place is maintained or enhanced.

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

The amendment supports Clause 21.06-2 (Heritage) that recognises the heritage and historic character of Ballarat as a valued feature of Ballarat and must be protected and retained into the future. It supports the strategies of the clause, to conserve, protect and enhance the identified heritage fabric, maintaining visual prominence of heritage buildings and landmarks, discourages demolition and ensures sympathetic alterations pursuant to the Burra Charter. Applying a site-specific Heritage Overlay to the site will better identify built form elements of heritage value on the site.

The subject site is located within an Urban Renewal Precinct under Clause 21.02-3, that is, Creswick Road Precinct (CBD fringe mixed use). It has contributed to this commercial area since the 1860's and when it closed as a hotel in the 1960's it was repurposed commercially for decades. It can be argued that this Urban Renewal Precinct can still fulfil its potential for large-scale renewal and redevelopment in conjunction with heritage controls on this site. Future development of the Precinct will be guided by structure, framework or master plans incorporated into the planning scheme, pursuant to Clause 21.02-3, in addition to the Burra Charter.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions by applying the Heritage Overlay to the site. The Heritage Overlay is the most appropriate planning tool to identify places of heritage significance. The Heritage Overlay requires a planning permit to be granted for buildings and works, including demolition and provides a framework to manage heritage values of each place/precinct.

How does the amendment address the views of any relevant agency?

There are no relevant agencies.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to impact on the transport system as the proposed controls are intended to protect the heritage significance of the place.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is not expected that the new planning provisions will have any significant impact on the resource and administrative costs of the responsible authority. There may be minor increases in planning permit applications. Any additional work created by the additional heritage controls can be resourced with current staff levels.