

Ballarat Planning Scheme

Amendment C258ball

Explanatory Report

Overview

This amendment introduces a permanent Heritage Overlay for an individual heritage place at 202 Lyons Street South, Ballarat Central into the Ballarat Planning Scheme. It does this by applying the Heritage Overlay (HO237) to the entire site, which includes the former grocery store building.

The application of the Heritage Overlay is supported by the *Heritage Assessment – Former Price’s Grocery* (GML, November 2024) that finds the property to be of local heritage significance, and that external paint controls are warranted for the painted signs on the grocery store building on the east and west elevations.

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 may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by Monday 21 July 2025.

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: 29 September 2025
- Panel hearing: 3 November 2025

Details of the amendment

Who is the planning authority?

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

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

Land affected by the amendment

The amendment applies to 202 Lyons Street South, Ballarat Central. Crown Allotment 3A Section 27. The site is in the General Residential Zone (GRZ). The Heritage Overlay (HO168- South Ballarat Heritage Precinct) currently applies to the site.

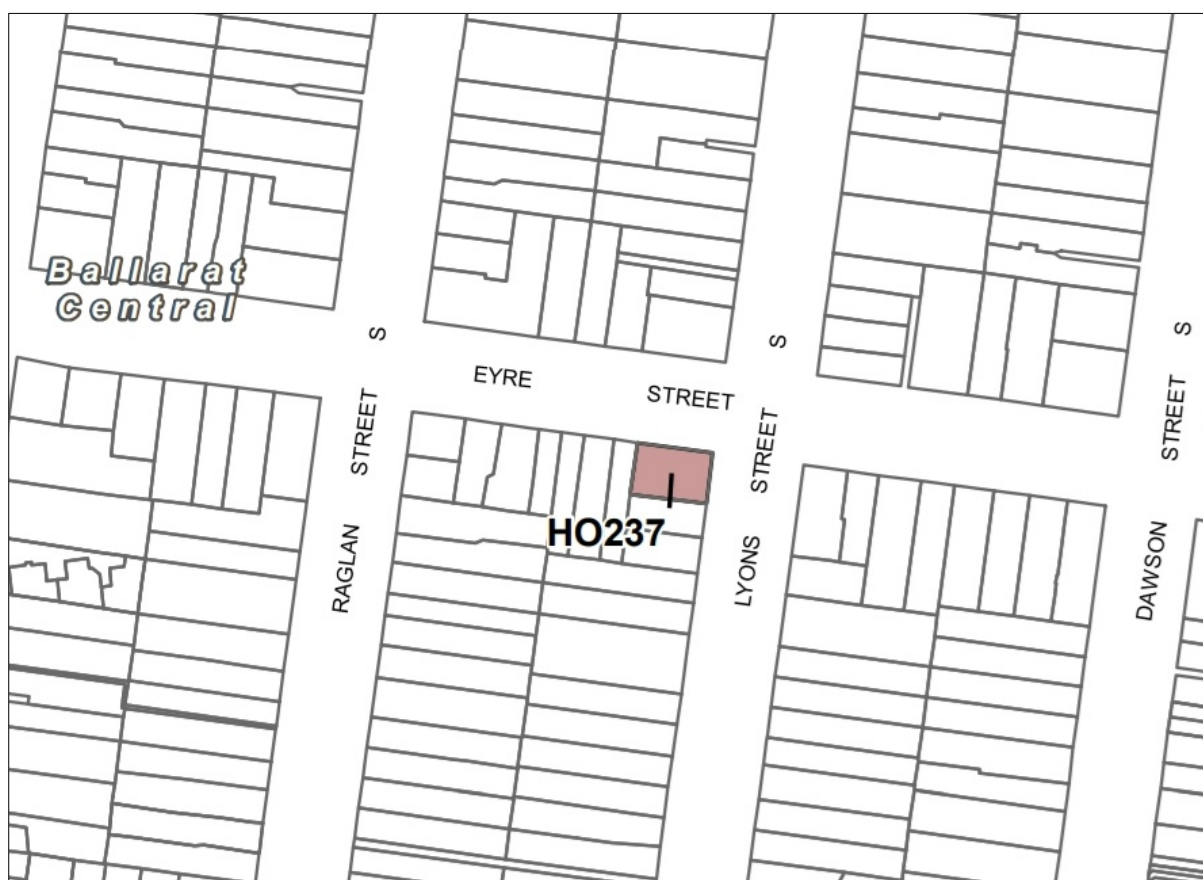


Figure 1 202 Lyons Street South, Ballarat Central

What the amendment does

The amendment applies an individual Heritage Overlay (HO237) to the entire allotment at 202 Lyons Street South, Ballarat Central, known as the former Price's Grocery on a permanent basis and deletes the existing Heritage Overlay (HO168) from the site that applies to the wider precinct.

Specifically, the amendment makes the following changes:

Overlays map

- Amends Planning Scheme Map No.23HO to delete the site from the South Ballarat Heritage Precinct (HO168) and apply the Heritage Overlay (HO237) to the Former Price's Grocery at 202 Lyons Street South, Ballarat Central and its curtilage on a permanent basis.

Planning scheme ordinance

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to insert HO237 Former Price's Grocery, 202 Lyons Street South, Ballarat Central, include the statement of significance and apply specific paint controls to the 'Ballarat Bitter' and 'Victoria Bitter' signs on the east and west elevations, respectively.
- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the *Former Price's Grocery Statement of Significance* (City of Ballarat, November 2024) as an incorporated document.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to provide heritage protection to the Former Price's Grocery at 202 Lyons Street South, Ballarat Central, and its curtilage on a permanent basis, found to be of historical significance as a largely intact example of an early commercial building constructed as a grocery store in the late 1860s in response to development spurred by gold-mining in Ballarat. The site is currently listed as a contributory site in the South Ballarat Heritage Precinct (HO168); 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 or alternations to the building is respectful and responsive to the existing built heritage.

The application of the Heritage Overlay is supported by a Heritage Assessment and Statement of Significance by GML, dated November 2024. It has been assessed as meeting the following criteria: A (historical significance), D (representativeness) E

(aesthetic significance), and G (social significance).

An individual Heritage Overlay (HO237) will 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.

The provisions of Heritage Overlay (HO168) are not sufficient to protect the significant heritage elements of the site. The new Heritage Overlay (HO237) proposes to turn on paint controls that will require a permit for works that will impact the 'Victoria Bitter' ghost sign on the west elevation and painted 'Ballarat Bitter' sign on the east elevation.

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:

- (d) *conserve and enhance those buildings, areas or other places, which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- (g) *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 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 reuse, restoration and adaptation of heritage places. Retention of these places will minimise building waste associated with demolition and the construction of new buildings.

The amendment will not have significant adverse effects on the environment or economics.

Does the amendment address relevant bushfire risk?

The site is not within a designated Bushfire Prone Area.

Does the amendment comply with the requirements of any other 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 and the Statement of Significance in the Schedule to Clause 43.01 (Heritage Overlay) and other heritage controls as recommended by individual heritage assessments.

The amendment complies with the requirements *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 is consistent with the following clauses of the Planning Policy Framework and will assist in the achieving the objectives of the clauses:

Clause 15 - Built Environment and Heritage

The amendment is consistent with the objective of this Clause to '*protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value*'.

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

Clause 15.03-1S - Heritage Conservation

The amendment is consistent with the objective of this Clause by identifying and documenting places of cultural significance, providing for the conservation and enhancement of those places that are of aesthetic, archaeological, 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 places is maintained or enhanced.

Clause 15.03-1L – Heritage Conservation

The amendment implements the strategic direction of this Clause 15.03-1L by ensuring that alterations to heritage places be carried out in a sympathetic manner and to discourage demolition of buildings and other elements of identified local and state heritage significance and ensuring new development interprets culturally significant places and respects heritage and cultural boundaries.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment is consistent with the Municipal Planning Strategy and will assist in achieving the objectives of the clauses as follows:

- The amendment implements the strategic direction of Clause 02.03-5 (Built

Environment and Heritage) by ensuring our heritage buildings are recognised as a key element that the wider community deem important to conserve, protect and enhance so that these valued features are retained into the future.

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

The amendment makes proper use of the Victorian Planning Provisions by applying Clause 43.01, 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 significant neighbourhood character of the area.

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. Any additional work created by the additional heritage control can be resourced with current staff levels.