

Ballarat Planning Scheme

Amendment C257ball

Explanatory Report

Overview

This amendment introduces a permanent Heritage Overlay for an individual heritage place at 2172 Ballarat-Maryborough Road, Ascot into the Ballarat Planning Scheme. It does this by applying the Heritage Overlay (HO236) which comprises the residence and former blacksmith's workshop, including the internal and external forge equipment.

The application of the Heritage Overlay is supported by the Heritage Assessment – Former McGrath Blacksmith and Residence (Ascot Forge) (David Helms, Heritage Planning, April 2025) 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 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 2172 Ballarat-Maryborough Road, Ascot. Crown Allotment 117, Parish of Ascot. The site is in a Farming Zone (FZ) and the Environmental Significance Overlay Schedule 3 (ESO3 – Water Catchment Areas).

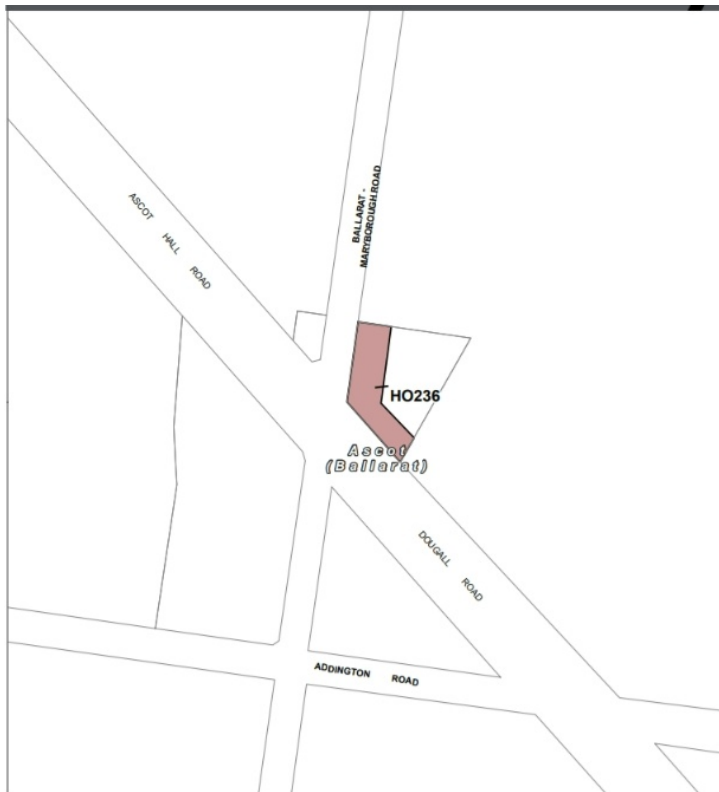


Figure 1: 2172 Ballarat- Maryborough Road, Ascot

What the amendment does

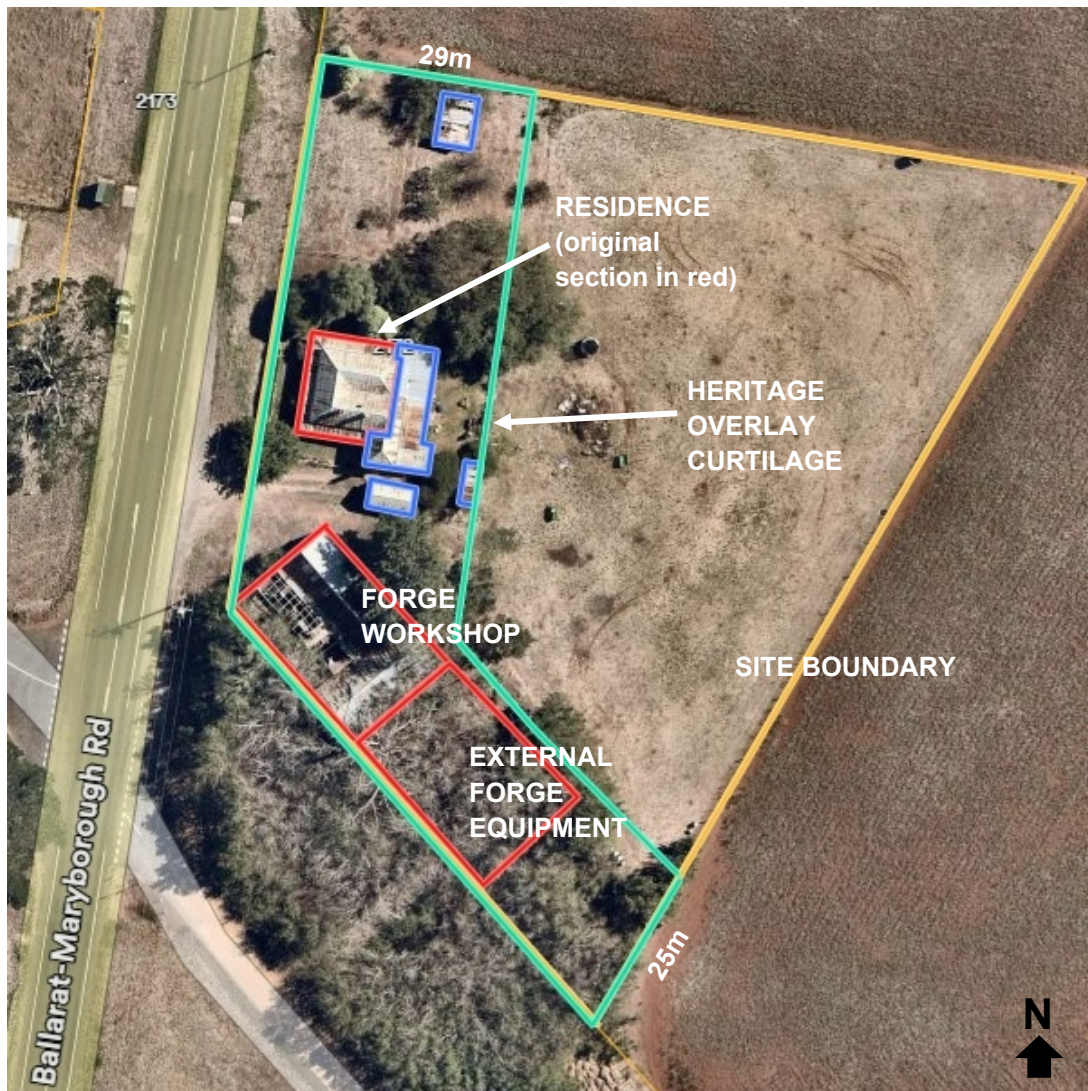


Figure 2: Significant (red) and non-significant (blue) elements of the site Source: Nearmap

The amendment applies the Heritage Overlay to a section of the allotment at 2172 Ballarat-Maryborough Road, Ascot, known as the Former McGrath Blacksmith and Residence (Ascot Forge) on a permanent basis. It proposes to include land within 29 metres from the Ballarat-Maryborough Road frontage and 25 metres of Dougall Road boundary (see Figure 2).

Specifically, the amendment makes the following changes:

Overlays maps

- Inserts Planning Scheme Map No.2HO to apply the Heritage Overlay (HO236) to the Former McGrath Blacksmith and Residence (Ascot Forge) at 2172 Ballarat-Maryborough Road, Ballarat Central and its specified curtilage on a permanent basis.

Planning scheme ordinance

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to apply permanent heritage protection to the Former McGrath Blacksmith and Residence (Ascot Forge) (HO236) including:
 - The residence to the extent of the c.1912 form, materiality and detailing.
 - The former blacksmith, wheelwright and carriage workshops to the extent of the early 1900s form, materiality and detailing. This includes remnant fixed machinery and plant and the two forges with brick chimneys inside the buildings The wheel furnace/forge, wheel well and remnants of the wheel winch to the rear of the workshops.
 - Apply internal alteration controls by marking the *Internal alteration controls apply?* column 'yes', in relation to the blacksmith's workshop.
 - Allow prohibited uses by marking the *Prohibited uses permitted?* column 'yes'.
- Amends the Schedule to Clause 72.03 (What does this planning scheme consist of?) to list Planning Scheme Map 2HO.
- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the '*Former McGrath Blacksmith and Residence (Ascot Forge)*' *Statement of Significance* (City of Ballarat, April 2025) 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 McGrath Blacksmith and Residence (Ascot Forge) at 2172 Ballarat-Maryborough Road, Ascot, and its specified curtilage on a permanent basis, found to be of local heritage significance as a rare surviving example of a rural blacksmith complex and associated residence.

The application of the Heritage Overlay to the site is supported by a heritage assessment including a statement of significance by David Helms Heritage Planning, dated April 2025. Consistent with the recognised heritage criteria in *Planning Practice Note 1 – Applying the Heritage Overlay* (PPN01), the site has been assessed as meeting Criterion A (historical significance), Criterion B (rarity), Criterion C (research potential), Criterion D (representativeness) and Criterion E (aesthetic significance).

An individual Heritage Overlay (HO236) will ensure that all values and attributes of the place are clearly understood and can be appropriately managed through the preparation of a statement of significance. The statement of significance clearly

identifies elements of significance associated with the heritage place, including the residence, former blacksmith workshop and external machinery. In recognition of the importance of the workshop, internal controls are appropriate for the remnant fixed plant and machinery, two forges and brick chimney deemed as significant through the column 'Internal alteration controls apply?' under Clause 43.01-4 as per the guidance of Practice Note PN001 'Applying the Heritage Overlay' (August 2018).

The column 'Prohibited uses permitted' in the Schedule to the Heritage Overlay at Clause 43.01 will be marked 'Yes'. Allowing prohibited uses will provide further opportunities to ensure the future ongoing use of the heritage place and can be considered a contribution to its conservation. Any proposed prohibited use by the owner will be assessed via a planning permit process.

The amendment will create a net community benefit in protecting this locally significant rural heritage place and allow for possible funding towards stabilisation and restoration so that the site may be fully utilised. Specifically, the Victorian Heritage Restoration Fund (VHRF), administered by the National Trust of Australia (Victoria), disburses grants from the Ballarat Heritage Restoration Fund to restore eligible heritage places and objects. Without a heritage overlay, this heritage place does not meet the criteria to apply for funding. The amendment will also facilitate further investigation into the site's potential for state significance.

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 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 within a designated Bushfire Prone Area. Clause 13.02-1S (Bushfire) requires a planning scheme amendment to properly assess bushfire risk. The amendment does not allow for the intensification of development of land and is unlikely to result in any significant increase to the risk to life, property, community, infrastructure, or the natural environment from bushfire.

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 the heritage assessment.

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 the Heritage Overlay to the place. 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.