

*Planning and Environment Act 1987*

## **BALLARAT PLANNING SCHEME**

### **AMENDMENT C243ball**

#### **EXPLANATORY REPORT**

#### **Overview**

The amendment implements built form guidelines to support urban renewal in the Bridge Mall and Bakery Hill Precinct as recommended by the *Bridge Mall Built Form Framework* (Urbis, 2023). The amendment also implements the *Bridge Mall/Bakery Hill Precinct Statement of Significance* (GJM Heritage, revised by Landmark Heritage, March 2023), supported by the *Bridge Mall/Bakery Hill Precinct Heritage Citation* (GJM Heritage, revised by Landmark Heritage, March 2023), that ensures heritage elements in the Precinct are comprehensively considered and are accurately identified.

It does this by replacing Schedule 1 to Clause 43.02 the Design Development Overlay (Bridge Mall) to be consistent with local planning policy (Clause 21.02 and 21.09) that encourages mixed use and higher density residential development within the Ballarat Central Business District; and by updating Clause 43.01 (Heritage Overlay) to include reference to the *Bridge Mall and Bakery Hill Precinct Statement of Significance* (GJM Heritage, revised by Landmark Heritage, March 2023); and by inserting the *Bridge Mall and Bakery Hill Precinct Statement of Significance* (GJM Heritage, revised by Landmark Heritage, March 2023) into the Schedule to Clause 72.04 (Documents Incorporated into this Planning Scheme). The amendment also revises the Heritage Overlay (HO176) boundary to exclude a Non-contributory building that is isolated from the rest of the Precinct.

#### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Ballarat City Council website at [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au).

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

Ballarat City Council  
The Phoenix Building  
25 Armstrong Street South  
BALLARAT CENTRAL VIC

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

#### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by close of business, 1 March 2024.

A submission must be sent to: [strategicplanningsubmissions@ballarat.vic.gov.au](mailto: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:

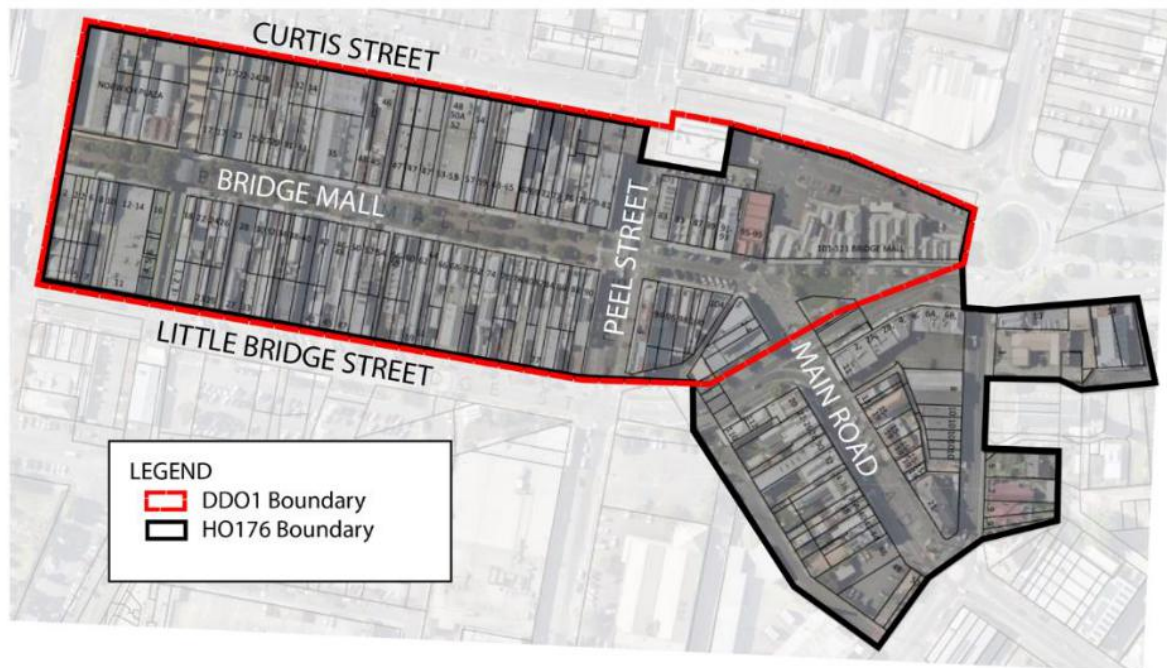
- directions hearing: week of 6 May
- panel hearing: week of 3 June

## **Details of the amendment**

### **Who is the planning authority?**

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

### **Land affected by the amendment**



*Figure 1: Bridge Mall and Bakery Hill Precinct*

The amendment applies to land generally within the “Bridge Mall and Bakery Hill Precinct”, currently zoned Commercial 1 Zone illustrated in Figure 1, including the following properties:

- 2-104 (even), 1-121 (odd) Bridge Mall
- 1-6 Coliseum Walk
- 22-54 Curtis Street
- 5-112 Little Bridge Street
- 2-50 (even), 11-21 (odd) Main Road
- Norwich Plaza (all properties)
- 4-6 Peel Street
- 8-10 (even), 1-9 (odd) Humffray Street Sth.

Bridge Mall and Bakery Hill is located at the eastern end of Sturt Street, with Curtis Street to the north, Little Bridge Street to the south and Victoria Street to the west.

The Bridge Mall and Bakery Hill Precinct is affected by the Design and Development Overlay (DDO1) indicated by the red (dashed) line in Figure 1. The Heritage Overlay (HO176 – Bridge Mall and Bakery Hill Precinct) is shown as the solid black line.

### **What the amendment does**

The amendment implements the recommendations of the *Bridge Mall Built Form Framework* (Urbis, 2023) by updating the DDO1. The amendment also implements the *Bridge Mall/Bakery Hill Precinct Statement of Significance* (GJM Heritage, revised by Landmark Heritage, March 2023), supported by

the *Bridge Mall/Bakery Hill Precinct Heritage Citation* (GJM Heritage, revised by Landmark Heritage, March 2023). The HO176 boundary is also amended to exclude a Non-contributory property.

Specifically, the amendment proposes the following changes:

### **Overlay maps**

- Amends Planning Scheme Map No. 23 (HO176) to exclude the non-contributory property at 4-6 Peel Street North from the Heritage Overlay.

### **Planning scheme ordinance**

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to:
  - Insert the *Bridge Mall and Bakery Hill Precinct Statement of Significance* (GJM Heritage, revised by Landmark Heritage, March 2023).
  - Remove (switch off) the tree controls that currently apply to HO176.
  - Remove (switch off) the external paint controls that currently apply to HO176.
- Replace Schedule 1 to Clause 43.02 (Design and Development Overlay) to implement the recommendations of the *Bridge Mall Built Form Framework (Urbis, 2023)* by including design objectives, building works provisions, application requirements and decision guidelines, including preferred buildings heights and character statements for precincts within the wider Bridge Mall and Bakery Hill Precinct.
- Amends the Schedule to Clause 72.04 (Documents Incorporated into this Planning Scheme) to:
  - Include Bridge Mall and Bakery Hill Statement of Significance (GJM Heritage, revised by Landmark Heritage, 2023) as an incorporated document.
  - Update the title of the incorporated document Ballarat Heritage Precincts - Statements of Significance 2006 (revised august 2014) to reflect the changes made that remove reference to the Bridge Mall/Bakery Hill Heritage Precinct (HO176) to be Ballarat Heritage Precincts - Statements of Significance 2006 (revised May 2023).
  - Update the title of the incorporated document Ballarat Planning Scheme Heritage Control 2004 (revised December 2023) to reflect the changes made that remove reference to tree controls.
- Amends the schedule to Clause 72.08 (Background Documents) to introduce the *Bridge Mall Built Form Framework* (Urbis, May 2023) as a background document.

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment is required to guide built form development of the Bridge Mall and Bakery Hill Precinct (the Precinct) by implementing the recommendations of the *Bridge Mall Built Form Framework* (Urbis, 2023).

The Precinct is one of the most significant strategic opportunity sites within Ballarat and redevelopment of the Precinct will play a vital role in Ballarat's next wave of growth. An opportunity exists to renew the Precinct whilst maintaining a balance that preserves the unique history. To do this, the current, limiting planning controls in the DDO1 must be modernised.

#### **The DDO1**

Replacing the DDO1 will encourage and facilitate new development proposals within the Precinct, respectful of the existing heritage character and fabric. The new DDO1 aims to support a greater scope for urban infill than the current DDO1 by providing robust guidance to facilitate urban renewal within the Precinct.

Specifically, the new DDO1 provides updated design objectives, application requirements and decision guidelines in accordance with the *Bridge Mall Built Form Framework* (Urbis, 2023) and additional character and design measures that include rear and service access, treatment of sides and buildings (to avoid bare surfaces), upper level articulation (to avoid monotonous upper level wall) and ground level access and activation.

By introducing three (3) sub area's known as Bridge Mall Gateway (Sub Area 1), Bridge Mall Central (Sub Area 2) and Bakery Hill (Sub Area 3) (see Figure 2), the DDO1 provides individualised design guidelines in addition to the proposed general design guidelines in the DDO1. This ensures tailored provisions for each Sub Area such as height and setback requirements will ensure minimal impact on the key view lines to landmark buildings to the west and Mt Warrenheip to the more distant east.



Figure 2: Conceptual 3D illustration of the Precinct including proposed built form (source: *Bridge Mall Built Form Framework* (Urbis, 2023)).

Changes to the built form controls in the DDO1 include increased maximum building heights (see Figure 3) to allow for greater scope for infill and higher density development, including residential uses, on sites that are well located in relation to jobs, services and public transport. Existing controls allow for a maximum building height ranging from 8.7 to 10.5 metres. The new DDO1 will allow development to be at heights between 9 and 24 metres. Significant research to support the changes in building heights has been undertaken to ensure encroachment on significant view lines is avoided.

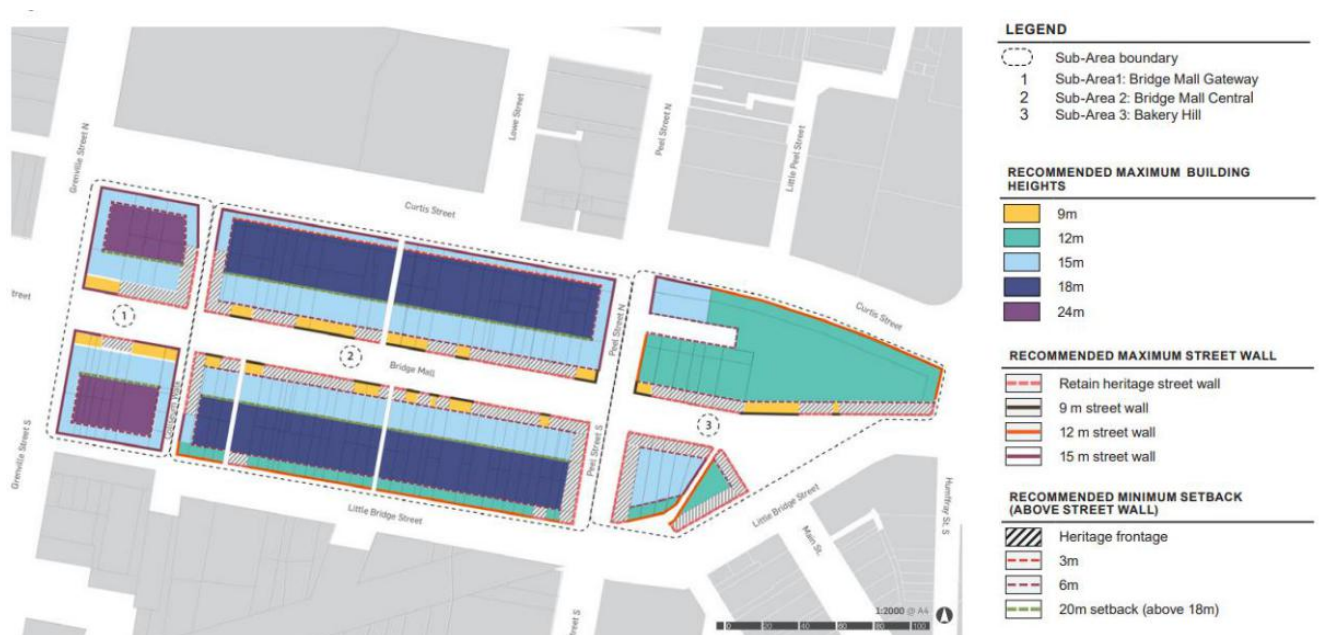


Figure 3: Built Form Framework Plan including built form controls in the Precinct.

### *The Heritage Overlay*

A review of the heritage components of the Precinct was undertaken in 2021 by GJM Heritage to ensure the heritage elements are comprehensively considered. The review known as *Bridge Mall/Bakery Hill Precinct, Ballarat Central and Bakery Hill (HO176) Heritage Built Form Analysis* (GJM Heritage, March 2022) found that the existing documentation supporting the Heritage Overlay (HO176) required updating to be best practice and consistent with *Planning Practice Note 1 'Applying the Heritage Overlay'* (PPN1). This included establishing an individual Heritage Citation and Statement of Significance (SoS) for the Precinct. The existing SoS is currently located in the *Ballarat Heritage Precincts - Statements of Significance* 2006 (revised august 2014) and is found to outdated, not best practice or in accordance with PPN1.

In 2023, Council engaged Landmark Heritage Pty Ltd to peer review the work previously undertaken by GJM Heritage. The peer review known as *Bridge Mall and Bakery Hill HO176 Precinct Heritage Peer Review* (Landmark Heritage, 27 March 2023) found that the existing HO176 boundary adequately protects the identified values and Contributory and significant properties in the Precinct however it recommended the grading schedules for buildings identifies as Contributory or Non-contributory should be reviewed and properties regraded in accordance with the significance of the Precinct (See Figure 2).

These changes include:

- From Non-contributory to Contributory: 42, 46, 48 & 84 Bridge Mall; part 15-19 (garages) & 40 Main Road; part of Norwich Plaza (south-eastern corner).
- From Non-contributory to Significant: 77 Little Bridge Street (aka rear of 86 Bridge Mall).
- From Contributory to Significant: 86 & 100 Bridge Mall; 7 & 9 Humffray Street South; 38 Main Road.
- From Contributory to Non-contributory: 22, 28 & 33 Bridge Mall; 46 Main Road.

The review recommended the Heritage Overlay boundary is changed to remove the Non-contributory property known as 4-6 Peel Street North from the Precinct because it has little relation with the rest of the Precinct. While the inclusion of Non-contributory buildings in HO precincts is a useful tool to ensure that works to or redevelopment of them do not have a negative impact on the rest of the precinct, in this case the Non-contributory building is isolated from the rest of the Precinct.

Further enhancements to the Heritage Citation and SoS were made to support the heritage grading of most properties (those that do not have a site-specific HO).





Figure 4: Heritage building classifications within Precinct Sub Areas.

The amendment implements the recommended changes made by both heritage assessments including the recognition of the changes to which buildings are Contributory, Significance or Non-Contributory in the Heritage Citation.

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

The amendment is consistent with the objectives of planning in Victoria by encouraging and facilitating appropriate and considered change in the Bridge Mall Precinct. The Amendment implements the relevant objectives in Section 4 of the *Planning and Environment Act 1987* (the PE Act), in particular:

a) *Provide fair, orderly, economic and sustainable use, and development of land*

The amendment will result in fair, orderly, economic and sustainable use and development of land by enabling future development that addresses the needs of the future community of Ballarat.

b) *Conserve and enhance those buildings, area or other places that are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value:*

The amendment includes revised Statement of Significance for the Precinct that reinforces heritage protection whilst encouraging appropriate development within the Precinct.

c) *Facilitate development in accordance with the objectives;*

The amendment facilitates development in accordance with State, regional and local policy.

d) *Balance the present and future interests of all Victorians:*

The amendment will provide for sustainable development outcomes within the Ballarat CBD that aligns with the current future vision for the CBD area and the Precinct.

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

##### Environmental

The amendment considers potential effects on the environment. Higher density development in activity centres such as Ballarat's CBD reduces the need to travel by car due the high levels of access to public transport, walking and cycling networks, shops, jobs and services, therefore reducing the burden on the environment.

### Social

The amendment will facilitate sustainable development outcomes that support an active public realm and passive surveillance of the street environment. Facilitating more street activity provides for positive social outcomes.

### Economic

The amendment would have positive economic effects by facilitating development outcomes that increases activity and enhances the public realm. Facilitating higher density residential development within the Ballarat CBD would locate more people in close proximity to jobs, services, education, health and public transport services.

### **Does the amendment address relevant bushfire risk?**

The amendment does not affect land within a bushfire prone area or Bushfire Management Overlay. It is not considered the amendment will increase risk to bushfire.

### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies with the requirements of the Ministerial Direction - The Form and Content of Planning Schemes (section 7(5) of the PE Act).

#### *Direction No. 11: Strategic Assessment of Amendments*

The amendment complies with *Minister Direction No. 11 (Strategic Assessment of Amendments)* under section 12 of the PE Act. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces, which have been described in this Explanatory Report, in particular:

### **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 achieving objectives of the clauses:

#### *Clause 11.01-1S – Settlement*

The amendment is consistent with the objective of this Clause “to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements”, as well as implementing several strategies by encourage a form and density of settlements that supports healthy, active and sustainable transport, limiting urban sprawl and direct growth into existing settlements, promoting and capitalise on opportunities for urban renewal and infill redevelopment, developing compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services and ensuring retail, office-based employment, community facilities and services are concentrated in central locations.

#### *Clause 11.03-1S – Activity Centres*

The amendment is consistent with the objective of this Clause to “encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are high accessible to the community”, as well as implementing several strategies such as

building up activities centres as a focus for higher quality development.

*Clause 11.03-6s – Regional and local places*

The amendment is consistent with the objective of this Clause to “*facilitate integrated place-based planning*”. The amendment does this by integrating relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

*Clause 15.01-1s – Urban Design*

The amendment is consistent with the objective of this Clause “*to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity*” by require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate and ensuring development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

*Clause 15.03-1s – Heritage conservation*

The amendment is consistent with the objective of this Clause “*to ensure the conservation of places of heritage significance*” by providing for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance, encouraging appropriate development that respects places with identified heritage values, retaining those elements that contribute to the importance of the heritage place, encouraging the conservation and restoration of contributory elements of a heritage place and ensuring an appropriate setting and context for heritage places is maintained or enhanced. The amendment supports these by ensuring the Heritage Overlay is up to date and functional.

*Clause 16.01-1s – Housing supply*

The amendment is consistent with the objective of this Clause “*to facilitate well-located, integrated and diverse housing that meets community needs*” as well as implementing several strategies by encouraging higher density housing development on sites that are well located in relation to jobs, services and public transport, identifying opportunities for increased residential densities to help consolidate urban areas and supporting opportunities for a range of income groups to choose housing in well-served locations. Retaining the Commercial 1 Zone will ensure residential uses compliment the role of the commercial centre whilst the new DDO1 will ensure contemporary build form and development outcomes.

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

The amendment is consistent with the following clauses of the Local Planning Policy Framework, and Municipal Strategic Statement and will assist in achieving objectives of the clauses as follows:

- The amendment implements the strategic directions for urban growth Clause 21.01-2 by supporting a pattern of growth which reinforces the ‘10 Minute City’.
- The amendment recognises the importance of protecting the quality and character of Ballarat identity (Clause 21.06-1 – Urban Design) ensuring that the scale, bulk and quality of new development contributes to the character and amenity of the built environment and by maintaining important views and vistas within the Ballarat CBD including skyline views of spires and towers and the Yarrowee escarpment.
- The amendment recognises the importance of protecting the heritage values of Ballarat (Clause 21.06-2 – Heritage) by protecting, conserve and enhance areas, features, structures and sites of historic and cultural significance. It does this by ensuring the Heritage Overlay is up to date, which will conserve, protect, and enhance the fabric of identified heritage places and precincts and identify and protect heritage places, including maintaining the visual



prominence of heritage buildings and landmarks.

- The amendment encourages new mixed-use development in the CBD in accordance with Clause 21.09-1 – CBD by providing provisions that facilitate the redevelopment of vacant upper floorspace within the Ballarat CBD for residential purposes.

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

The amendment makes proper use of the Victorian Planning Provisions, consistent with *Planning Practice Note 60: Height and Setback Controls for Activity Centres* that states:

- *The Design and Development Overlay (DDO) is the preferred planning instrument for implementing discretionary and mandatory building heights and setbacks in other situations (such as regional centres).*
- *Height and setback controls can be appropriate so long as they are not aimed at restricting the built form, but at facilitating good design outcomes.*

Consistent with PPN1 the amendment inserts a separate Statement of Significance for the Bridge Mall and Bakery Hill Precinct.

The amendment also removes tree controls which were incorrectly included as a consideration under HO176, as the specific tree is located outside of the precinct.

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

The views of relevant agencies including Heritage Victoria will be sought during public exhibition of the amendment.

The Wadawurrung Traditional Owners have been consulted about the amendment however no concerns were raised.

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

The amendment would not have significant implications for the transport system and the precinct is well served by public transport and general transport infrastructure (such as roads and close proximity to Ballarat Station).

### **Resource and administrative costs**

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

The amendment would have minimal (insignificant) resource and administrative costs associated with it, in addition to those already experienced by Ballarat City Council's statutory planning department. There could be additional planning applications for larger scale development that is not currently permitted under the current provisions of DDO1.