

# Key Priorities

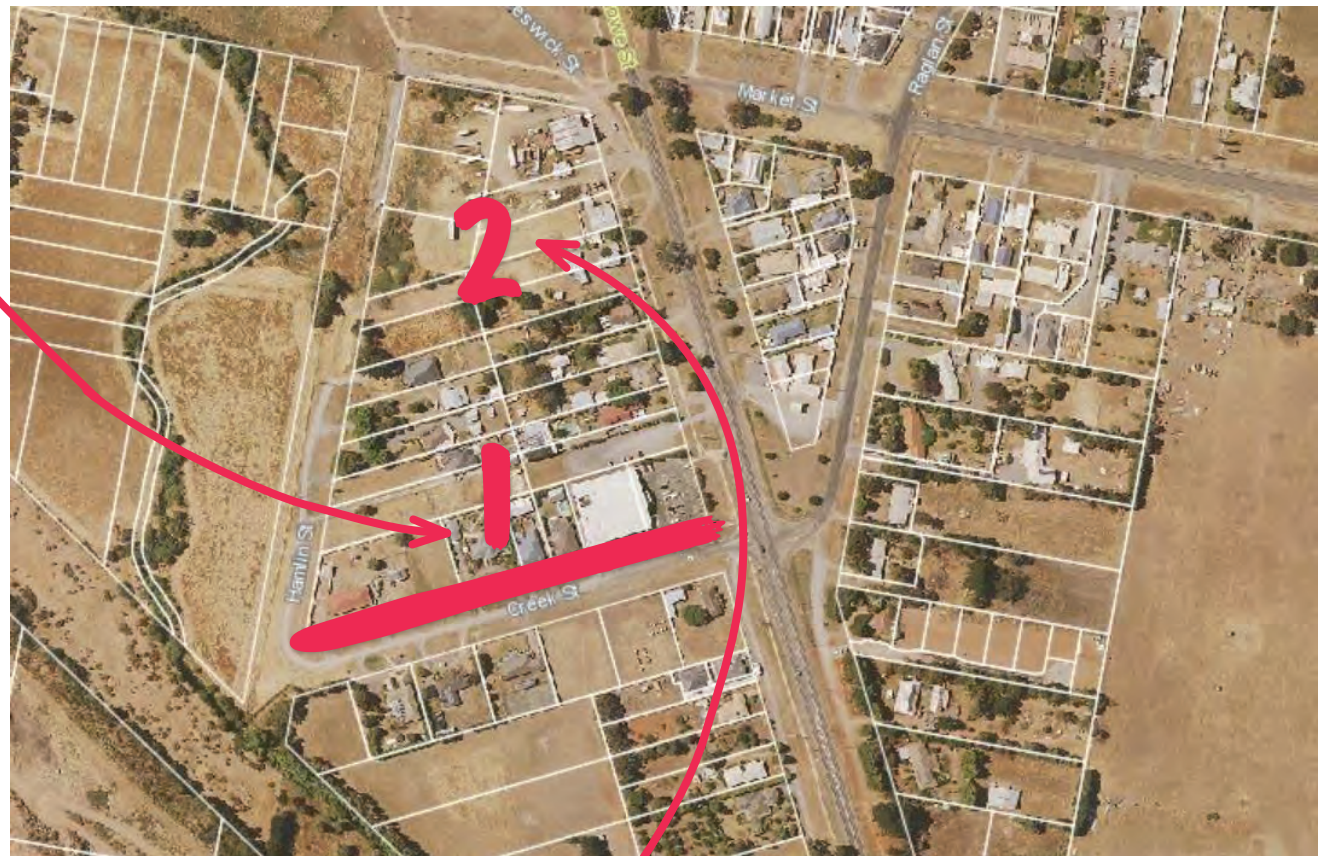
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- ✓ Town centre - a vibrant heart and main street
- ✓ Tree lined boulevard
- ✓ New, connected walking trails and Burrumbeet Creek linear parkland
- ✓ Expanded or new location for primary school
- ✓ New active sporting facilities
- ✓ Flood mitigation
- ✓ Burrumbeet Creek environmental improvement
- ✓ Identify areas for growth and new housing
- ✓ Manage change to keep the township character
- ✓ Further embrace and celebrate the equine industry and integrate into the township
- ✓ More local jobs and services



# Town centre - a vibrant heart and main street

- Create Creek Street as the main street of Miners Rest, as the place where people meet for a coffee, have something to eat, go shopping and have access to local services like child care and medical options (1)
- Upgrade the street to be a beautiful streetscape with trees, and areas for outdoor dining (1)
- Give it a unique character which gives businesses confidence to invest in the area
- Create a monument or public art installation to the local equine industry.



Reference image for a vibrant heart and main street from Euroa. Source: Photo by Travel Victoria.



Consider the opportunity to create a new purpose-built main street connection to link IGA and the community park, with new frontages and purpose built public areas (2)



# Town centre - a vibrant heart and main street



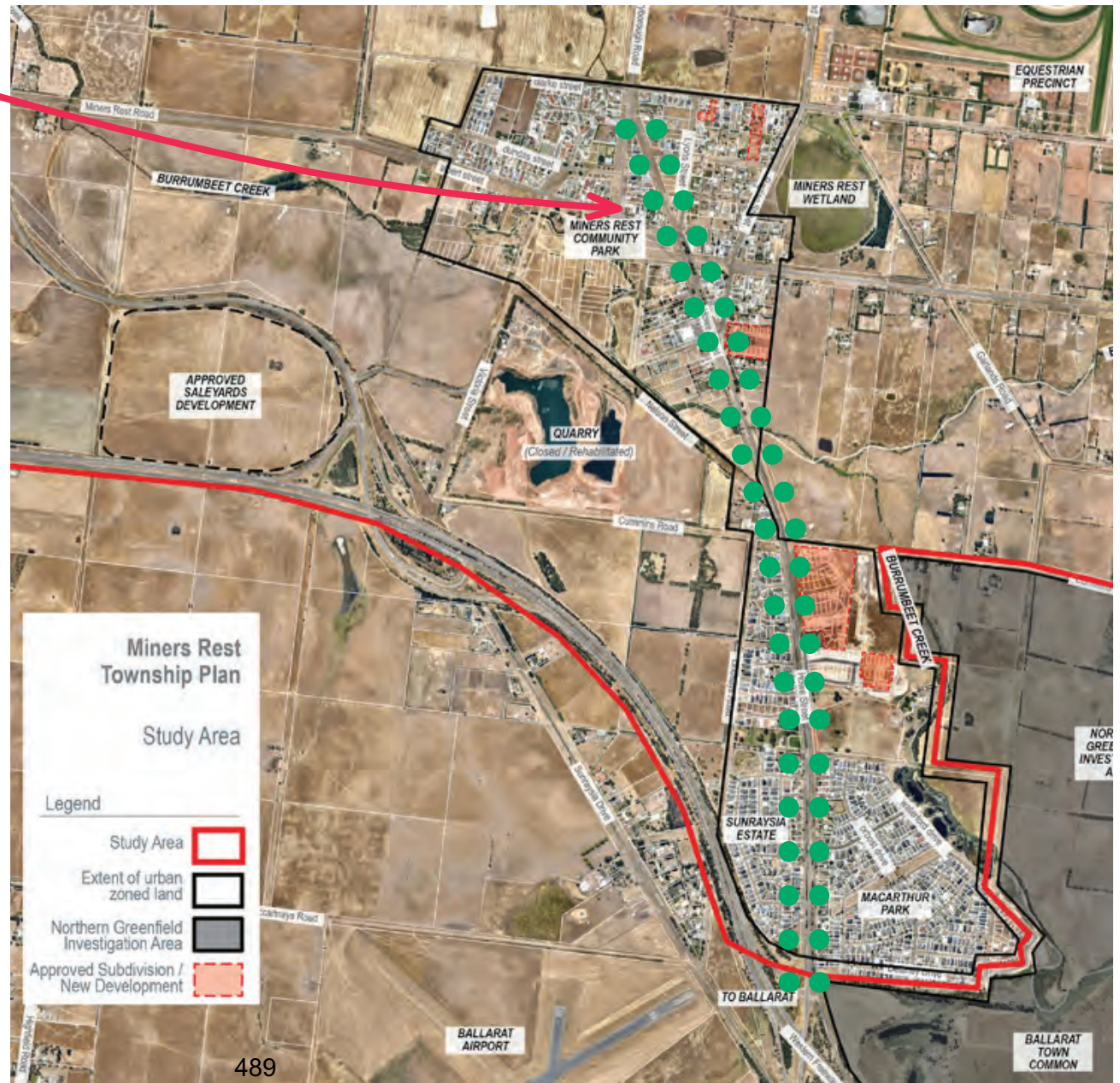
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# Tree-lined boulevard

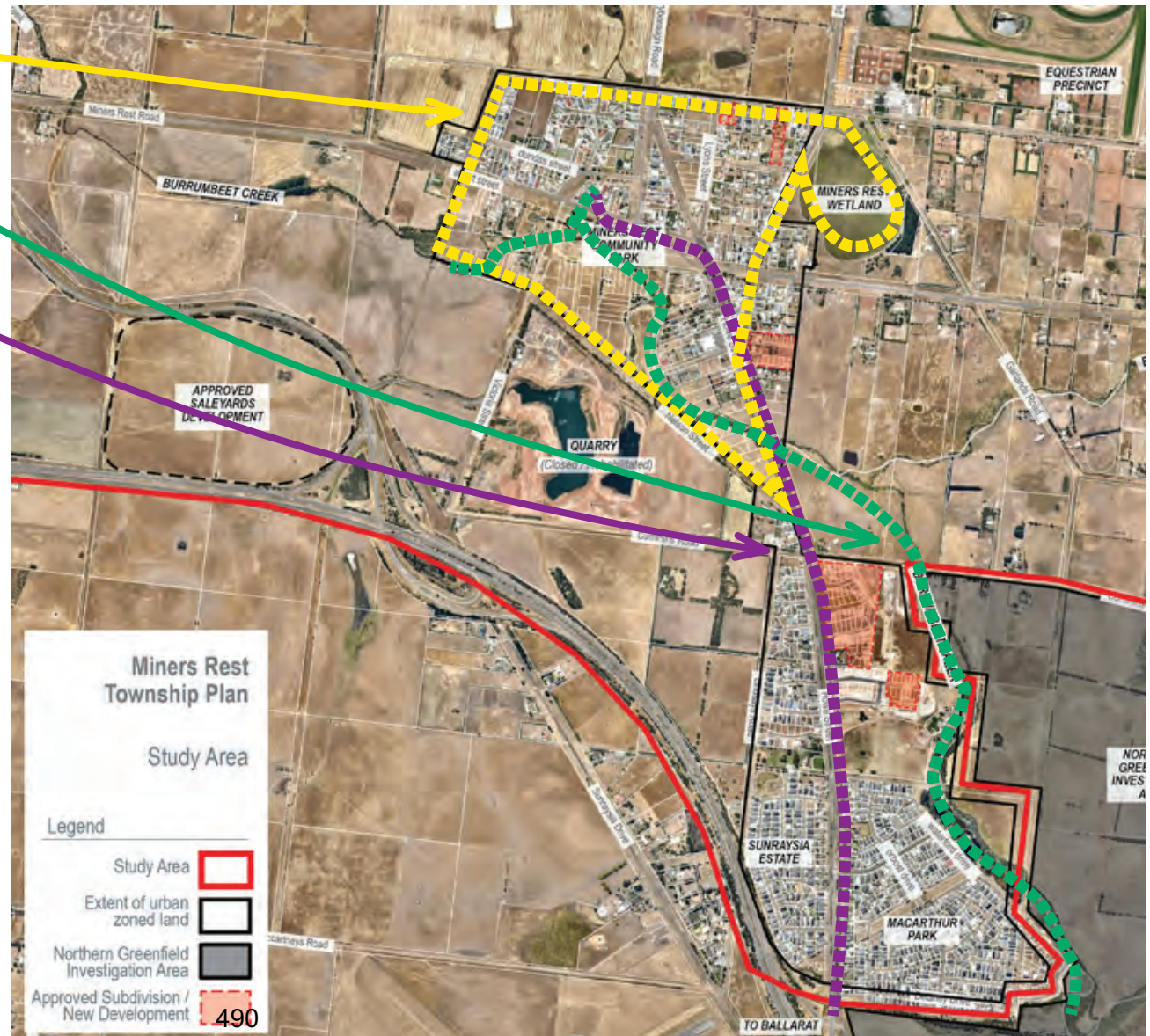
- Create a prestigious entry to the town by planting a tree-lined boulevard as a unifying feature.

Reference image for boulevard planting from Ballarat Avenue of Honour.



# New, connected walking trails and Burrumbeet Creek linear parkland

- A new 6km (approximate) trail walk loop for walking, riding, running and enjoying the township views and vistas
- Investigate mechanisms to create a continuous linear parkland along Burrumbeet Creek, linking Ballarat Town Common and Macarthur Park with Miners Rest by continuous trails and open space
- Upgraded walking/cycling trail connection to Lucas, Wendouree and Ballarat CBD.



# Expanded or new location for primary school

NOTE: Potential location co-located primary school and sports facility  
 The maximum land area for a co-located primary school (approx. 3.5 hectares) and sports facility (approx. 8-10 hectares) is 11.5-13.5 hectares.  
 The decision whether to expand on the current site, or relocate the existing primary school will be determined by the State government.  
 If the decision is made to relocate the school, this will take several years and will be subject to final site selection, negotiations with landowners for site procurement, detailed building and site design and the construction of the development.

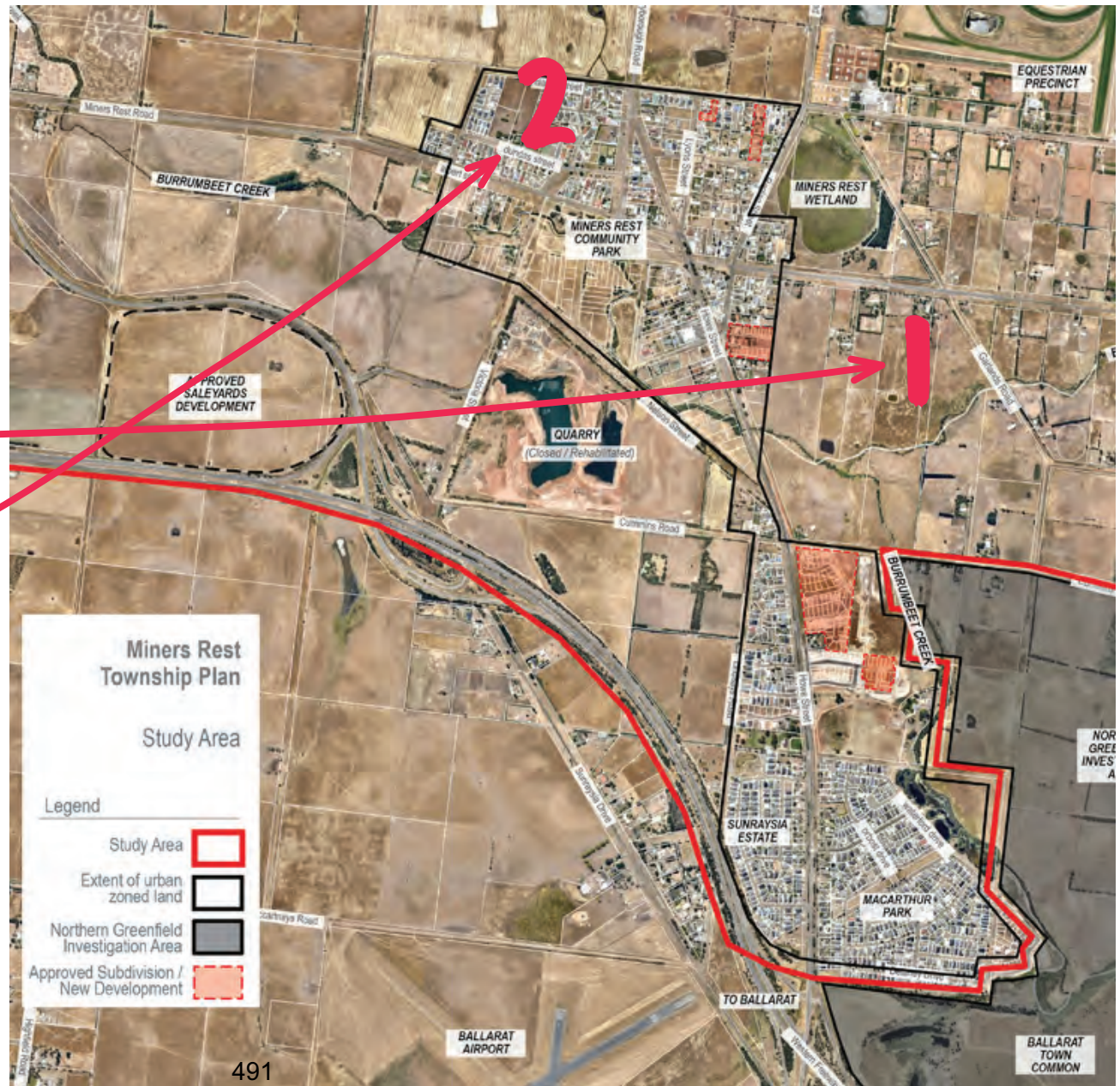
Any future new school and / or sports facility would be best located somewhere between Macarthur Park and Miners Rest to ensure that it is centrally located, provides for good access and linkages, is co-located with commercial and community infrastructure and can accommodate the land requirements for the facilities.

## Preferred option

- State government to acquire land and develop a new Miners Rest Primary School on a greenfield site, potentially co-located with community and regional scale sports facilities (1)

## Other option

- Expansion of school at existing site or onto adjacent land.



# Provision of active sporting facilities

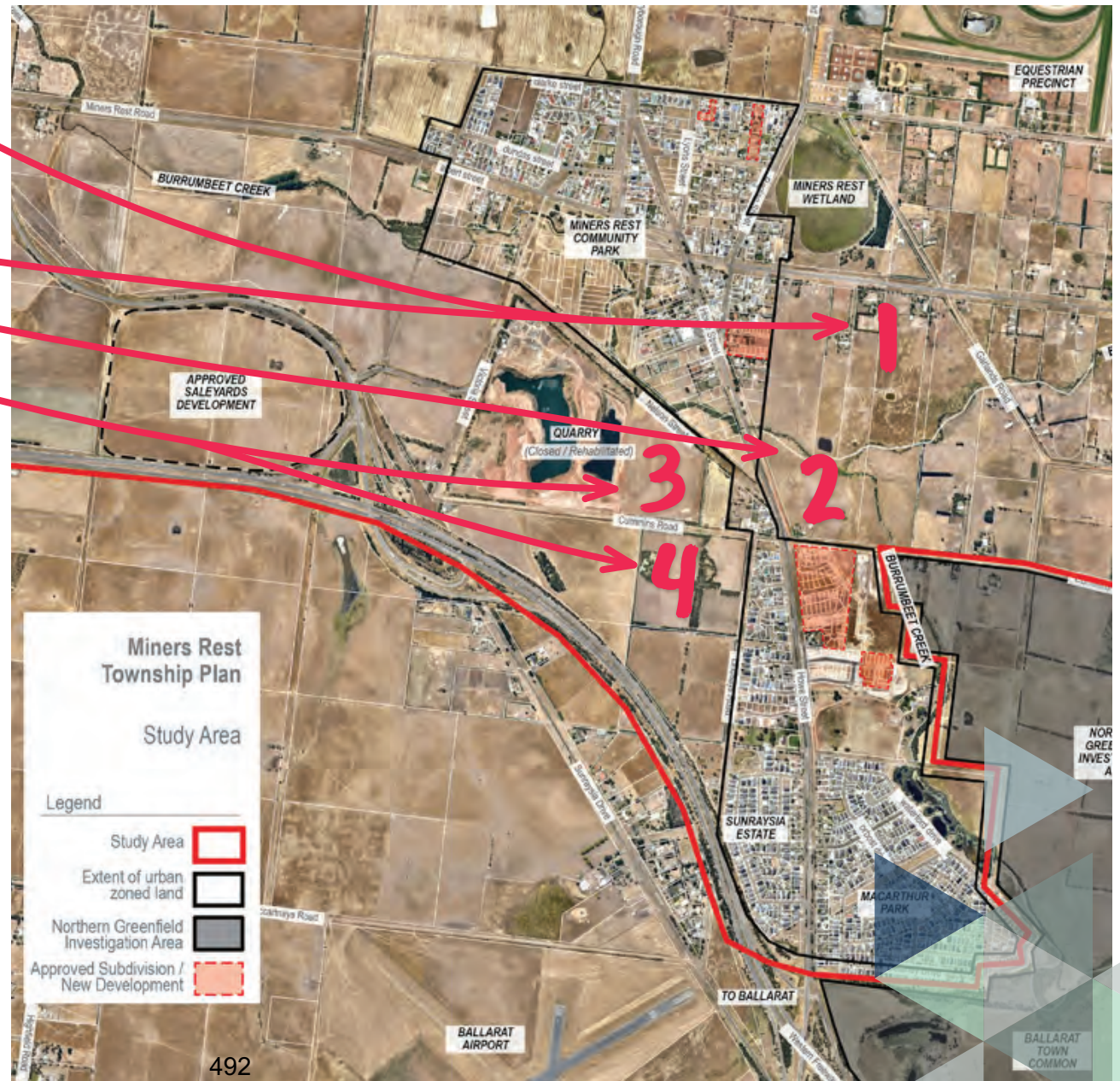
## Preferred option

- State government to acquire land and develop community and regional scale sports facilities, potentially co-located with relocated primary school (1)

## Other options

- Stand-alone new regional scale sports facilities (subject to State funding) (1)
- The City of Ballarat to acquire land for centrally located local scale active sports field (2) and linear parkland and trail along Burrumbeet Creek
- Stand alone new centrally located local scale active sports field (3 and 4).

Reference image for a future active sports facility.



# Flood mitigation

## Short-medium term opportunities

- Develop a strategic flood mitigation plan, and associated implementation plan, with consideration of an integrated solution that includes creek rehabilitation
- Investigate opportunities for flood mitigation in the development of any linear reserve along Nelson Street
- Where possible, ensure that any flood mitigation works provide multiple benefits such as open space, improved creek function and environmental health
- Seek funding and implement the strategic flood mitigation plan as funding becomes available
- Protect land identified as flood prone from further development
- Following implementation of flood mitigation works, review and update the planning scheme controls that relate to flooding.



Source: Ballarat Planning Scheme Floodway Overlay & Land Subject to Inundation Overlay (Amendment C178).





# Burrumbeet Creek environmental improvement

- The City of Ballarat to collaborate with the community, landowners, Wadawurrung/Wathaurung Aboriginal Corporation, DELWP and Glenelg Hopkins Catchment Management Authority to develop a creek rehabilitation and environmental protection and management program.
- Undertake works on the City of Ballarat managed land to improve function of and environmental benefits along Burrumbeet Creek.



# Manage change to keep the township character

- Protect the picturesque landscape setting of the town and views to surrounding farming land and volcanic cones
- Manage the township character by encouraging larger lot sizes away from the town centre, consistent with existing blocks
- Update the Miners Rest local policy in the Ballarat Planning Scheme to provide clear guidance on preferred type, format and location of future residential development
- Undertake heritage assessments of designated 'sites of potential heritage significance' to determine if formal heritage protection is warranted
- Promote Aboriginal and European cultural history of the town and region.



# Identify areas for growth and new housing

- Encourage development within the township boundary (approximately 12 years of infill potential and newly subdivided land)
- Encourage larger-lot development that reinforces township character
- Encourage medium density housing in the town centre where people can live within easy walk to local shops and services and people can access a range of housing choices as their personal circumstances change over time
- Long-term - Investigate potential for development of the quarry site as a unique offering, subject to feasibility including a noise study
- Key priority - Protect the long-term functional operations of Ballarat Airport.

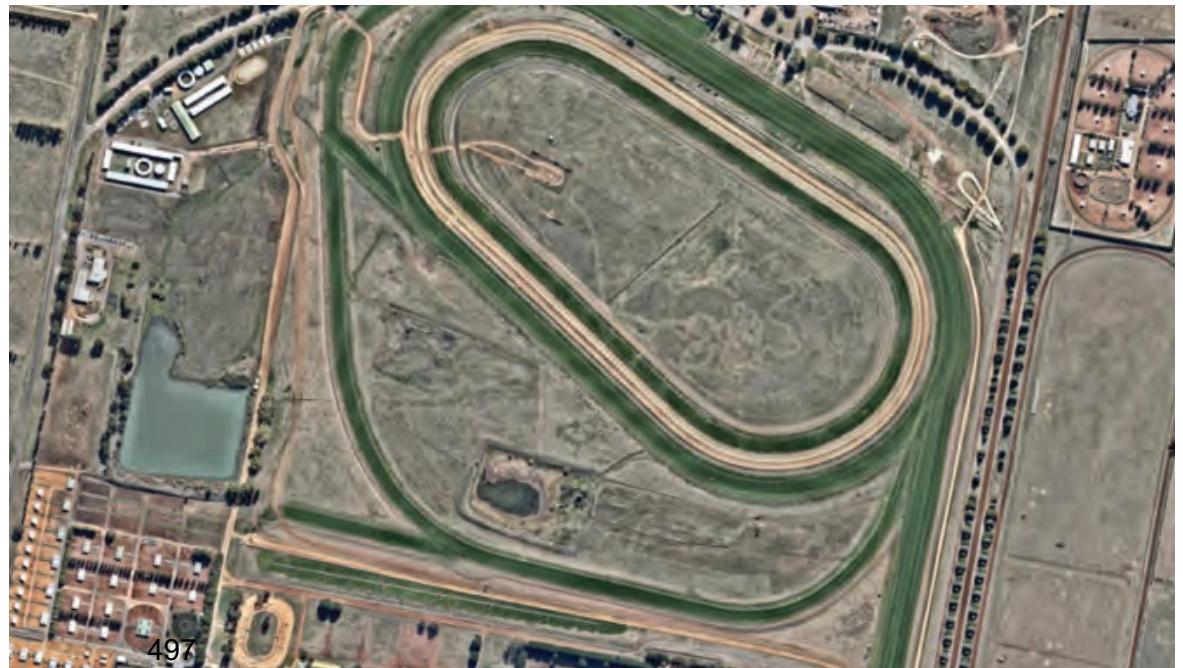


# Further embrace and celebrate the equine industry and integrate into the township

- Promote, celebrate and tell the stories of the local equine industry and personalities in the town centre of Miners Rest by installing a monument or public art, in consultation with the community and key stakeholders
- Provide safe horse access to the Ballarat Turf Club by constructing access tunnels along Kennedys and Midas Roads, and install traffic calming measures throughout the precinct
- Install interpretive signage to raise awareness that people are moving through an equine precinct
- Review the Special Use Zone 13 controls surrounding the Dowling Forest Racecourse
- Investigate the potential location of a bridle track for horse riding/training.



Adam Lindsay Gordon riding horse at Dowling Forest racetrack, T H Lyttleton, 1869.



# More local jobs and services

- Develop the town centre to include a range of local shops and services for residents and workers in local industries
- Encourage development of a medical centre and associated pharmacy, bakery and cafes
- Encourage the growth of retail and commercial activities, agribusiness and the equine industry.



# For more information

The Miners Rest Township Plan and Priority Action Plan outlines what you have told us is important to consider for the future of Miners Rest, what we have learnt about the area and what needs to happen to ensure that the future of the area achieves community aspirations.

For more information about the Miners Rest Township Plan, go to [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au) or contact [strategicplanning@ballarat.vic.gov.au](mailto:strategicplanning@ballarat.vic.gov.au)



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**11.3. INTERIM HERITAGE PROTECTION - 113 LOFVEN STREET, NERRINA**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Vanessa O'Shea – Strategic Planner / Lisa Kendal – Manager  
Strategic Planning

**OFFICER RECOMMENDATION****Council resolves to:**

- 1. Advise the Minister for Planning that the City of Ballarat has completed a heritage assessment of the shed and foundations (Former Eureka Lead Gold Sluicing Company's pump shed located at 113 and 135 Lofven Street, Nerrina VIC 3350) and the site has been identified to be of local heritage significance, based on the evidence detailed in the associated Heritage Citation (16 Feb 2019).**
- 2. Request the Minister exercise his power of Ministerial intervention pursuant to section 20(4) of the *Planning and Environment Act 1987*, to apply an interim Heritage Overlay and associated provisions to the site identified at 113 and 135 Lofven Street, Nerrina until 3 September 2020.**
- 3. Seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to apply a permanent heritage control and associated provisions to the site identified for protection at 113 and 135 Lofven Street, Nerrina, pursuant to Section 8A of the *Planning and Environment Act 1987*, and to place the Amendment on exhibition pursuant to Section 19 of the *Planning and Environment Act 1987*.**

**EXECUTIVE SUMMARY**

In January 2019, the City of Ballarat was informed that partial demolition of a shed with potential heritage significance had taken place, located on the boundary of 113 and 135 Lofven Street, Nerrina.

A site visit determined that demolition of the western wall of the shed occurred and a Stop Work Order was issued to prevent further demolition of the shed whilst the heritage significance was investigated.

A professional archaeologist was engaged by the City of Ballarat to determine the heritage significance of the shed and surrounds. A Statement of Significance was prepared as part of the *Heritage Citation: Shed and foundations, 113 and 135 Lofven Street, Nerrina* which determined that the shed interior and exterior foundations and links between the shed to the sluice are of local level significance.

Interim heritage controls are required while an amendment for permanent heritage controls are being prepared and considered for a site identified for protection.

This report recommends to Council that a request be submitted to the Minister for Planning to implement interim heritage overlay controls on the site, and to seek authorisation to proceed with a planning scheme amendment to apply permanent heritage controls.

## RATIONALE

### **Background**

The following provides a chronology of events relating to the identification of the site at 113 – 135 Lofven Street, Nerrina as warranting interim heritage protection:

- On 17 January 2019 City of Ballarat was informed that partial demolition of the shed located on the boundary of 113 and 135 Lofven Street, Nerrina had taken place.
- City of Ballarat undertook a site visit and determined that demolition of the western wall of the shed had occurred.
- On 21 January 2019 a Stop Work Order was issued to the owner of 113 Lofven Street as partial demolition had occurred and an application for the demolition of the shed had not been lodged and granted in accordance with Section 29a of the *Building Act 1993*.
- A Minor Work Order was also issued under Section 113 of the *Building Act 1993*, which requires the landowner to undertake minor works to ensure the existing wall is propped up until a Building Permit has been obtained.
- On 8 February 2019 a Planning Permit Application for the construction of a single dwelling at 113 Lofven Street, Nerrina was lodged.
- On February 13, the City of Ballarat's Heritage Advisor and a professional Archaeologist undertook a site visit to determine the heritage significance of the shed and surrounds.
- A Statement of Significance was prepared as part of the *Heritage Citation: Shed and foundations, 113 and 135 Lofven Street, Nerrina*.
- On 22 February 2019 an Archaeological site card for the site was lodged with Heritage Victoria on 22 April 2019. At the time of writing City of Ballarat understand the site card has not been considered by Heritage Victoria.
- On 25 February 2019 City of Ballarat were advised by the Department of Environment, Land Water and Planning (DELWP) that in order to progress an interim heritage control that City of Ballarat must:
  - Seek a Council Resolution to request the Minister exercise his powers pursuant to section 20(4) of the *Planning and Environment Act 1987*, to apply an interim Heritage Overlay and associated provisions to the site identified at 113 and 135 Lofven Street, Nerrina.
  - Seek a Council Resolution to request Ministerial Authorisation prepare and exhibit an Amendment to the Ballarat Planning Scheme to apply a permanent heritage control and associated provisions to the site identified for protection at 113 and 135 Lofven Street, Nerrina.
  - Provide an expiry date for the interim heritage control.
  - Provide a high degree of justification for the application interim and permanent heritage controls to the site within the Heritage Citation and Explanatory Report
  - Submit a separate Amendment for the interim and permanent controls to DELWP in accordance with Planning Practice Note 29.
- The landowners of 113 and 135 Lofven Street, Nerrina have been notified in writing of the result of the heritage assessment and intention to proceed with a request for interim heritage protection (see details in Consultation below).

### **Interim Heritage Controls**

Interim heritage controls are required while an amendment for permanent heritage controls are being prepared and considered for a site identified for protection.

City of Ballarat can request the Minister to exercise his power of Ministerial Intervention pursuant to section 20(4) of the *Planning and Environment Act 1987*, to apply an interim



Heritage Overlay to the land identified for protection. The request must state an expiry date for the interim Heritage Overlay.

Before the expiry date of the interim Heritage Overlay, City of Ballarat must prepare and submit a Planning Scheme Amendment to introduce permanent heritage controls to the identified site.

### **Assessment of Heritage Significance**

This section provides a summary of the findings of the draft *Heritage Citation: Shed and foundations, 113 and 135 Lofven Street, Nerrina (16 Feb 2019)* (see Attachment 1).



*Image: Former Eureka Lead Gold Sluicing Company's pump shed*

#### What is significant?

The primary components of the place are the corrugated iron pump shed, machinery foundations within and outside the shed, and all artefacts and archaeological deposits.

#### How is it significant?

The former Eureka Lead Gold Sluicing Company's pump shed satisfies the following criteria for inclusion of the City of Ballarat's Heritage Overlay:

- Criterion A – Historical Significance
- Criterion B – Rarity
- Criterion C – Research Potential

#### Why is it significant?

The former Eureka Lead Gold Sluicing Company's pump shed is historically important as characteristic and well-preserved evidence of a hydraulic sluicing pumping facility and the foremost mine of Ballarat's 1930s mining revival. Mining-related heritage is of crucial importance to the City of Ballarat because of the role gold played in the development of Ballarat as a city. The place and its history are also important in understanding the surrounding gold mining landscape preserved on public land.

The pump shed is significant in its own right as a rare and authentic industrial relic associated with the operations of the Eureka Lead Gold Sluicing Company. The shed demonstrates the size and type of machinery being used for hydraulic sluicing during the 1930s, and is also illustrative of its former use as winding house for an underground mine.

The place is of archaeological significance because it is associated with Ballarat's gold mining history, is more than 75 years old, and has buried evidence which can be investigated to produce a better understanding of a significant 1930s gold mining operation.

The Heritage Citation shows the shed and the extent of the site (see figure below - marked in red) to be included on the Heritage Overlay and potential listing on the Victorian Heritage Inventory.



Extent of site marked in red

### ***Protection of the site***

The shed is protected by the provisions of the *Building Act 1993*. The Stop Work Order issued under Section 29a of the *Building Act 1993* will prevent further demolition of the site until a Building Permit is obtained. The Minor Work Order issued under Section 113 of the *Building Act 1993* requires the landowner to undertake minor works to ensure the existing wall is propped up until a Building Permit has been obtained.

### ***Land ownership***

The land identified for protection is located along the boundary of 113 and 135 Lofven Street Nerrina. The northern third of the shed is located on 113 Lofven Street Nerrina Vic 3350, which is privately owned land. The other two-thirds are located on 135 Lofven Street, Nerrina Vic 3350 which is public land managed by the Department of Environment, Land, Water and Planning (DELWP).

The split landownership may have negative implications on the management of the shed and curtilage identified for heritage protection. City of Ballarat understand that management of the heritage site will be best achieved through single ownership and has commenced

conversations with DELWP (Crown Lands Management) regarding potential acquisition of the site and will assist in facilitating land transfer as required.

## LEGISLATION, COUNCIL PLAN, STRATEGY AND POLICY IMPLICATIONS

The *Planning and Environment Act 1987* requires all municipalities to review their planning schemes regularly. This review meets this statutory obligation. State Government Practice Notes guide the review of a Planning Scheme and have guided this review.

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Right</b>	Yes	Yes
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	Yes	Yes
<b>Economic</b>	Yes	Yes
<b>Financial/ Resources</b>	Yes	Yes
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	Yes	No
<b>Evaluation and Review</b>	Yes	No

**Human Rights** - It is considered that this Report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**Social/Cultural** - The amendment will have a positive social effect through the preservation of a historically significant place, for the benefit of current and future generations.

**Environmental/Sustainability** – The amendment will have a positive environmental impact by offering protection to a place of local level heritage significance.

**Economic** – The amendment is not expected to have significant broad economic impacts, although is likely to have a direct cost impact on the owner of the affected property through additional permit requirements and potential limitations on the redevelopment of the site. The economic effects of requiring a planning permit may be reduced through the availability of advice from the City of Ballarat’s heritage advisor and planning officers free-of-charge at any time prior to, during, or following the planning permit application process.

**Risk Management** – The application of interim heritage controls and associated provisions will manage the risk of the shed and associated artefacts and foundations from being demolished, without heritage issues being considered during the planning permit process.

**Financial/Resources** - Council will be required to pay a statutory fee to request the Minister to prepare and approve interim heritage controls through Amendment C211. In progressing permanent heritage controls for 113 and 135 Lofven Street, Nerrina, Council will need to meet costs associated with public exhibition, any Panel hearing and statutory approval fees. There is provision in the Strategic Planning budget to meet the cost of Amendment C211 (fee for interim controls) and to progress with the Amendment C212 to introduce permanent controls.

## CONSULTATION

### **DELWP**

- In February 2019 City of Ballarat sought and received advice from DELWP (Statutory Planning Services) regarding requirements for applying interim and permanent heritage controls to the site.
- City of Ballarat have commenced conversations with DELWP (Crown Lands Management) regarding potential acquisition of the site and will assist in facilitating land transfer as required.

### **Heritage Victoria**

- City of Ballarat have commenced conversations with Heritage Victoria regarding the addition of the site to the Victorian Heritage Inventory (HVI). An Archaeological site card for the site was submitted to Heritage Victoria on 22 February 2019.

### **Landowners**

- There is no prescribed formal consultation processes associated with requesting an interim Heritage Overlay under the provisions of the *Planning and Environment Act 1987*.
- The landowners of 113 and 135 Lofven Street, Nerrina have been notified in writing that:
  - As a result of the site inspection and subsequent assessment undertaken by the archaeologist, a site card has been lodged with Heritage Victoria and the place will be considered for addition to the Victorian Heritage Inventory (VHI).
  - At its Ordinary Council Meeting on 3 April 2019, Council will consider a resolution that the Minister for Planning exercise his power of Ministerial intervention pursuant to section 20(4) of the *Planning and Environment Act 1987*, to apply an interim Heritage Overlay and associated provisions to the site identified for heritage protection at 113 and 135 Lofven Street, Nerrina.
- If Council resolves to request that the Minister of Planning introduce interim heritage controls for 113 and 135 Lofven Street, Nerrina, details of Amendment C211 will be made available on Council's website.
- The landowners of 113 Lofven Street, Nerrina will be advised in writing of Council's decision, immediately following this meeting.

### **Amendment C212 – Permanent Heritage Controls**

- If Council resolves to proceed to a full planning scheme amendment to implement permanent heritage controls, a phase of public consultation will be required through the formal public exhibition stage.

## OFFICERS DECLARATIONS OF INTEREST

City of Ballarat affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

## REFERENCE DOCUMENTS

- *Heritage Citation: Shed and foundations, 113 and 135 Lofven Street, Nerrina (16 Feb 2019).*

**ATTACHMENTS**

1. Attachment 1 - Heritage Citation Shed and Foundations 113 135 Lofven Street Nerrina (March 2019) **[11.3.1]**
2. Attachment 2 – Track changes Schedule to the Heritage Overlay 43 01 s ball **[11.3.2]**
3. Attachment 3 - Track changes 72 04 s ball **[11.3.3]**
4. Attachment 4 - Track changes amlist s\_ball **[11.3.4]**
5. Attachment 5 - Draft Explanatory Report **[11.3.5]**
6. Attachment 6 - Draft Instruction- Sheet **[11.3.6]**

Heritage Citation  
Shed and foundations, 113 and 135 Lofven Street, Nerrina, Ballarat  
[REDACTED], 16 February 2019



#### PLACE NAME

Former Eureka Lead Gold Sluicing Company's pump shed

#### ADDRESS

113 and 135 Lofven Street, Nerrina, Vic 3350

#### AGM

54 H 075525 - 5841016

#### PROPERTY DETAILS

The northern third of the shed is located on private land — **Crown Allotment 26**, Section AA, Township of Nerrina, Parish of Ballarat. 113 Lofven Street Nerrina Vic 3350.

The other two-thirds are located on public land managed by the Department of Land, Environment, Water and Planning — Crown Allotment 22C, Section AA, Township of Nerrina, Parish of Ballarat. 135 Lofven Street, Nerrina Vic 3350

#### CURRENT HERITAGE STATUS

None

## RECOMMENDATION

It is recommended that the place be included in the Heritage Overlay of the City of Ballarat Planning Scheme.

RECOMMENDED LEVEL OF SIGNIFICANCE: Local, Individual Place

## HISTORICAL THEMES

04: Transforming and managing the land - 4.5 Gold mining

## PLACE HISTORY

The shed and foundations are not associated with **Ballarat's most important forms of historic** gold mining - deep lead (mid 1850s to 1870s) or quartz reefing (mid 1870s to early 1900s). Instead the shed and foundations are evidence of one of the last efforts to re-work abandoned shallow alluvial deposits.

Shallow alluvial deposits are the gravels and sands that fill gullies and form the banks of creeks. The mining of these deposits began when John Dunlop and James Regan found gold in August 1851, and triggered **Victoria's first great gold rush**. The 1930s pump shed stands at the end of a long history of re-working the shallow ground, using a range of technologies – puddling machines, sluice boxes, hydraulic sluicing plants and dredges.

From 1853-54 large areas of gullies and creek flats were quarried (called paddocking) and the entire excavated mass from the surface to a depth of many feet was treated in puddling machines. Sluicing with powerful jets of water was also widely used. By January 1858 half the mining population of Ballarat (including most of the Chinese) were engaged in either sluicing or puddling, with large sums of money being invested in the construction of races to convey water to claims. On the whole these ventures proved short-lived.

Large-scale mining of shallow deposits did take place in the 1890s, when two dredges worked their way along Yarrowee Creek. After this, productive gold mining at Ballarat ended.

In July 1930, a public meeting was held in **Ballarat's** city hall with a view to a mining revival. One speaker was W. Baragwanath, director of the Geological Survey of Victoria. He suggested several areas at Ballarat that could be prospected, and identified the abandoned shallow ground as an area worth exploring. The meeting resulted in the formation of a local committee to support a mining revival.<sup>1</sup> The mayor, Cr. A. R. Stewart, was appointed chair.<sup>2</sup>

**Ballarat's** 1930s mining revival was, however, largely due to the efforts of D. Jackson (a retired dredge master), who formed a company to undertake large-scale hydraulic sluicing operations along the line of Eureka Gully. He raised the necessary capital by showing how, from only two months' sluicing each year for 21 years, he had obtained gold from the gully worth £20,000.<sup>3</sup> The company he formed was initially called the Little Bendigo Sluicing Company, but was re-named the Eureka Gold Lead Sluicing Company.

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<sup>1</sup> *Age*, 2/7/1930, p.9; *Herald*, 27/1/1931, p. 6

<sup>2</sup> *Herald*, 27/1/1931, p. 6

<sup>3</sup> *Age*, 2/6/1931, p.2

By June 1931, Jackson had negotiated to lease of 101 acres of ground. His initial plan was to employ twenty men, sluice four acres a year, and produce from 12,000 to 16,000 ounces of gold. Water for the sluicing was to be supplied by a 15-mile-long water race and, due to the large volume required, pumps would be used to recycle the water.<sup>4</sup> The water was directed at the gravel deposits through a nozzle carrying a pressure of 75lbs and throwing a stream of 130 feet.<sup>5</sup>

The sluicing operations worked northwards up the gullies into the Nerrina area. From time to time, it was necessary to dismantle the machinery and relocate it further north. For example, this occurred in July 1932, requiring the construction of new concrete foundations for the power plant<sup>6</sup>; and again in 1934, when it was repositioned at Nerrina.<sup>7</sup> The company was still sluicing in the Nerrina area four years later, and was also crushing quartz from the old Temperance Mine dump.<sup>8</sup>

The impact of sluicing on the environment was significant and is still evident today in the Nerrina landscape. A report in 1936 stated that the company had eight settling ponds, one of which covered 12 acres; when its bank collapsed, some 500,000 gallons of water escaped into Yarrowee Creek.<sup>9</sup>

The Second World War spelled the end of Eureka Lead Gold Sluicing Company. The highly mechanised nature of **Ballarat's greatest** 1930s gold mining revival operation is best shown by the 1947 auction **notice for the company's** plant and property:

By Order, The Eureka Lead Gold Sluicing Co., Ballarat East, J.H. Curnow, Son, Pty Ltd, Favoured with Instructions, Will Sell:—  
180 K.W. Siemens Electric Generating Plant, Driven by 300-h.p. Hornsby Twin Engines, Suction Gas Engine and Plant; Robison 10in. 2-Stage Centrifugal Pump, Driven by 160-h.p. **Compound Suction Gas Engine and Producer Plant; 12in. Thompson's Motorised Nozzle Pump, with 140-h.p. D.C. Elec. Motor; 2 x 10in. Thompson's Gravel Pumps; 10in. Robison Nozzle Pump, Dismantled; 40lb. Quicksilver; 6in. Thompson Motorised Centrifugal Pump, with 40 G.H.P. 3-phase Electric Motor; 2in. Acme Low-Down Pump; 2 x 4in. Centrifugal and High Pressure Force Pumps; Steel Sluice Box, 60ft. x 4ft., and Extra Sluice Box Sections, 2ft. 6 x 12in. Giant Nozzles; 5437ft. Assorted Sluicing Piping, Sizes 6in.-18in. dia., Spiral and Plain Riveted Drawn Steel, &c.; 12 G.I. Gate Valves, 7i. to 12in.; Assorted G.M. Valves; Galv. Nozzle Barrel Deflectors, Galv. **Y. Pieces, Matching Pieces; Black Pieces, Bends, T's**, Giant Barrel End Deflector, Ripple Iron, Flanges and Reducers, Steel Wire and Manilla Ropes; 3187ft. Assorted Water Piping, ½in. to 2in.; 957ft. Assorted Water Piping, 3, 3½, and 4in.; 5622 Yards Assorted Bare Copper Cable, About 4½ tons Steel Rail Posts, Switchboards, and Substation, 3 Worm-gear'd Chain Blocks, 3 Crab Winches, 2, 4, and 5 h.p. Stationary Petrol Engines, Firewood, Circular Saw Benches, Leg and Bench Vices, Anvils, Forges, Pipe Stock and Dies, Tools; 3 Extensive Corrugated Iron Engine and Producer Houses, 2-roomed Weatherboard Residence; 11 Assorted C.G.I. Pump Houses, **Blacksmith's Shop, Garage, and Outhouses; 64ft. 16in. H.D. Double Ply Leather Belting.**<sup>10</sup>**

4 *Age*, 2/6/1931, p.2

5 *Herald*, 9/6/1932, p.10

6 *Herald*, 23/7/1932, p. 2

7 *Argus*, 22/3/1934. p.5

8 *Argus*, 23/12/1938, p.4

9 *Argus*, 16/5/1936, p.17



## PHYSICAL DESCRIPTION

- Pump shed — 10.4 metres x 7.9 metres, corrugated iron, timber framed, with gable roof and scissor trusses. The west wall of the shed and a lean-to have recently been demolished. The north and south ends of the shed have sliding doors. The shed bears evidence that it may have had an earlier use as a winding house: in the southern end, high in the gable, is a narrow window, the typical entry port for haulage cable from a **mine's** head-frame. The shed cupola is an example of how the shed was modified for its new use as a pump house. The shed also had electric power installed at some stage.
- Machinery foundations in the shed — There are twin engine bed (1.6 metres wide and 4.1 metres long, and raised 0.2 metres above a concrete floor) between which is a deep 3-metre-long and 0.9-metre-wide wheel pit. The engine formerly mounted there drove pumps which were located in a deep pit, now partly filled with water and covered by boards/iron grilles. The pit is approximately 6 metres long and 1.1 metres wide. Under an iron grille covering the end of the pit are pieces of machinery and an intact section of a pump.
- **Foundations** — Earthworks along the east side of the shed have exposed concrete foundations, including a 2-metre-square pit and a 0.5-metre-wide concrete drain that runs for 8 metres towards Lofven Street.
- **Artefacts and deposits** — Earthworks involved in demolishing the wall and lean-to have exposed **fragments of iron tools (miner's pick and spanner)** and iron pipe. Pottery and glass pieces are also present in the disturbed ground. The pump pit associated with the engine beds contain machinery pieces.
- **Sluice hole** — 15 metres to the west, on public land, is a deep, overgrown sluice hole.

## CONDITION

Intactness:

The site contains a shed with engine mounting beds and a pump pit. Artefacts and foundations are associated with the shed.

Integrity

There is sufficient evidence to interpret the site as a pumping facility and also that the shed may have originally been a winder house.

Condition

The shed is in an unstable state because the west wall and a lean-to have been demolished. Although some propping has been undertaken, more is urgently required. The foundations are in reasonable condition within the shed. Earthworks around the shed have exposed foundations and artefacts. Some damage has been sustained **to shed's concrete floor, at the southern end.**

## EXTENT

Aerial map 1 shows the shed and the extent of the site (marked in red) to be included on the Heritage Overlay and potential listing on the Victorian Heritage Inventory. The extent takes in the shed, interior and exterior foundations and links the shed to the sluice hole.

## COMPARATIVE ANALYSIS

The shed and foundations are unique, in respect to purpose (hydraulic sluicing), age/period (**Ballarat's 1930s mining revival**), and authenticity. They are rare even at the State level. Only one 1930-40s hydraulic sluicing plant is listed on the Victorian Heritage Register. This is **the** Forest Creek Gold Mine (VHR **H1322**) near Castlemaine, which retains its shed, 200hp Ruston Hornsby pumping engine and gas-producing plant.

As a former winding house, the Nerrina shed is also rare at the State level. Only two such structures are listed on the Victorian Heritage Register - the Central Deborah Gold Mine (VHR **H1353**), Bendigo, and Wattle Gully Gold Mine (VHR **H1879**), Chewton.

## STATEMENT OF SIGNIFICANCE

What is significant?

**The former Eureka Lead Gold Sluicing Company's pump shed site at 113 and 135 Lofven Street Nerrina** is significant. The elements of significance include the primary components of the place, which are the corrugated iron pump shed, machinery foundations within and outside the shed, and all artefacts and archaeological deposits.

How is it significant?

The former Eureka Lead Gold Sluicing Company's **pump shed** is of historical significance to the City of Ballarat.

Why is it significant?

The former Eureka Lead Gold Sluicing Company's **pump shed is** historically important as characteristic and well-preserved evidence of a hydraulic sluicing pumping facility and the **foremost mine of Ballarat's 1930s mining revival**. Mining-related heritage is of crucial importance to the City of Ballarat because of the role gold played in the development of Ballarat as a city. The place and its history are also important in understanding the surrounding gold mining landscape preserved on public land (Criterion A & C).

The pump shed is significant in its own right as a rare and authentic industrial relic associated with the operations of the Eureka Lead Gold Sluicing Company. The shed demonstrates the size and type of machinery being used for hydraulic sluicing during the 1930s, and is also illustrative of its former use as winding house for an underground mine (Criteria B & C).

The place is of archaeological significance **because it is associated with Ballarat's gold mining** history, is more than 75 years old, and has buried evidence which can be investigated to produce a better understanding of a significant 1930s gold mining operation (Criterion C).

## ARCHAEOLOGICAL ASSESSMENT

The Heritage Act 2017 defines an archaeological site as a place (other than a shipwreck) which:

- contains an artefact, deposit or feature which is 75 or more years old;
- provides information of past activity in the State;

- requires archaeological methods to reveal information about the settlement, development or use of the place;
- is not associated only with Aboriginal occupation of the place.

The pump shed was constructed in the mid-1930s and thus is over 75 years of age. Earthworks around the building has exposed artefacts and features likely to contain deposits and artefacts. Archaeological investigations would add to the historical understanding of the site provided by documentary evidence.

The Heritage Act 2017 provides statutory protection for unrecorded archaeological sites. As the site possesses archaeological values, it cannot be disturbed without approval of Heritage Victoria.

The archaeological values found on the site bring into play another section of the Heritage Act 2017. Section 127 (1) states that if an archaeological site is discovered during an investigation or survey of land, the person undertaking the work must, within 30 days, report the site (complete a site card) to the Executive Director of Heritage Victoria.

As a result of this survey, a site card has been prepared and submitted for the site located at 113 and 135 Lofven Street, Nerrina. The site card will be assessed by the archaeological team of Heritage Victoria to see if the site warrants listing on the Heritage Inventory.

**Heritage Victoria's** guidelines for what qualifies an archaeological site for listing on the Heritage Inventory are presented in a document titled *Policy for determining low archaeological value*, which states that for a site to be listed on the Heritage Inventory for statutory protection, it must satisfy the following criteria:

#### Threshold A (archaeology)

- the place meets the definition of an archaeological site under the Act;
- it can be demonstrated that the site contains archaeological features, associated artefacts and/or deposits;
- documentary evidence and/or oral history, landscape features, visible site fabric or other information indicates a likelihood that the site contains archaeological remains;
- the archaeological remains are, or are likely to be, in a condition that will allow information to be obtained that will contribute to an understanding of the site.

#### Threshold B (place history)

- the site evidences (or is likely to evidence) an association with a historical event, phase, period, process, function, tradition, movement, custom or way of life;
- the site history is of significance within a state, regional, local, thematic or other relevant framework.

If a site is assessed as meeting these thresholds, a process for listing on the Heritage Inventory will commence. See Appendix 1 for the listing process. Appendix 2 details the process for obtaining approval to disturb an archaeological site.

## APPENDIX 1 – Listing on Heritage Inventory

### Heritage Act 2017 Listing on Heritage Inventory

#### S. 130 Recommendation for site of archaeological value

- (1) The Executive Director may recommend to the Heritage Council that a place be approved as a site of archaeological value if, in the Executive Director's opinion, the place—
  - (a) is situated in the State; and
  - (b) contains an artefact, deposit or feature which is less than 75 years old; and
  - (c) provides information of past activity in the State; and
  - (d) requires archaeological methods to reveal information about the settlement, development or use of the place; and
  - (e) is not associated only with Aboriginal occupation of the place; and
  - (f) has archaeological value.
- (2) The Heritage Council must determine criteria for assessing whether a place has archaeological value for the purposes of subsection (1)(f).

#### S 131 Notice of recommendation for site of archaeological value

- (1) After making a recommendation under section 130, the Executive Director must give notice of the recommendation to—
  - (a) the owner or government asset manager of a place affected by the recommendation; and
  - (b) the responsible authority for the area in which the place is situated and, if the responsible authority is not a municipal council, the relevant municipal council.
- (2) A notice given under subsection (1) must—
  - (a) be in writing; and
  - (b) include the following information—
    - (i) a description of the archaeological value of the place;
    - (ii) a statement that the owner or government asset manager may make a written submission in relation to the recommendation;
    - (iii) the date by which a written submission must be made, being within 28 days after the notice.
- (3) If the Executive Director considers that it is not practicable in a particular case to give notice to an owner, the Executive Director may apply to the Minister to exempt the Executive Director from the requirements to give notice.
- (4) If the Minister exempts the Executive Director from the requirement to give notice under this section, the Executive Director must give notice to the affected owners in any manner the Minister specifies in the exemption.
- (5) If the Minister exempts the Executive Director from the requirement to give notice under this section, details of that exemption must be included in the Department's report of operations under the Financial Management Act 1994.

#### S 132 Consideration of submissions in relation to a recommendation for a site of archaeological value

- (1) The Heritage Council must consider a submission in relation to a recommendation for a site of archaeological value that it receives on or before the submission date for the recommendation.
- (2) The Heritage Council may—

- (a) conduct a hearing in relation to the recommendation; or
  - (b) consider any submissions and the recommendation without a hearing.
- (3) The Heritage Council must only consider a submission relating to the issue of whether or not a place is a site of archaeological value.
- S 133 Approval of recommendation for a site of archaeological value
- (1) After considering any submissions in relation to a recommendation for a site of archaeological value and conducting any hearing in relation to the recommendation, the Heritage Council must—
- (a) approve the recommendation; or
  - (b) approve the recommendation in relation to part of the place recommended; or
  - (c) refuse to approve the recommendation.
- (2) The Heritage Council must make a decision under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 131; or
  - (b) if any hearing is conducted into the written submissions, within 90 days after the completion of the hearing.
- (3) The Heritage Council must within 7 days after the determination give written notice of the approval of a recommendation for a site of archaeological value to—
- (a) the owner or government asset manager of the place; and
  - (b) the responsible authority for the area in which the place is situated and, if the responsible authority is not a municipal council, the relevant municipal council.
- (4) The Executive Director must record a place approved as a site of archaeological value under subsection (1) in the Heritage Inventory.

## APPENDIX 2 - Approval Process (Consent) to disturb an archaeological site

### Heritage Act Approval process

#### S.124 Executive Director may issue consents

- (1) Subject to this section, a person may apply to the Executive Director for a consent authorising the person—
  - (a) to excavate or uncover a site recorded in the Heritage Inventory or an archaeological site which is not recorded in the Heritage Inventory; or
  - (b) to damage or disturb a site recorded in the Heritage Inventory or an archaeological site which is not recorded in the Heritage Inventory; or
  - (c) to damage or disturb an archaeological artefact, including for the purposes of study, conservation or exhibition; or
  - (d) to possess an archaeological artefact for the purposes of sale; or
  - (e) to buy or sell an archaeological artefact.
- (2) An application under subsection (1) must—
  - (a) be in the prescribed form; and
  - (b) be accompanied by the prescribed fee (if any); and
  - (c) if necessary, include the consent of the owner or government asset manager of the site or archaeological artefact.
- (3) In determining whether to issue a consent under this section, the Executive Director must consider—
  - (a) any relevant archaeological, historical or other research; and
  - (b) the potential of the site or archaeological artefact to contribute to such knowledge.
- (4) After considering a consent application, the Executive Director may—
  - (a) approve the application and—
    - (i) issue the consent; or
    - (ii) issue the consent for some of the proposed works or activities specified in the application; or
  - (b) refuse the application.
- (5) If the Executive Director determines to refuse the application, the Executive Director must give the applicant written notice of the refusal within 7 days after making the determination.
- (6) A notice under subsection (5) must include—
  - (a) a statement of reasons for the refusal; and
  - (b) a statement of the applicant's rights of review under this Part.
- (7) A consent under this section may be issued subject to the following terms and conditions—
  - (a) that the activity authorised by the consent be supervised by a person with appropriate professional qualifications and experience as specified in the consent;
  - (b) that archaeological artefacts found in the course of the activity authorised by the consent are to be conserved and curated in a way specified in the consent;
  - (c) any other terms and conditions that the Executive Director considers fit.
- (8) This section does not apply to a registered archaeological place or a registered archaeological artefact.

S 125 Compliance with consents

A person must comply with the terms and conditions contained in a consent issued under section 124.

S 126 Requests for reviews regarding consents

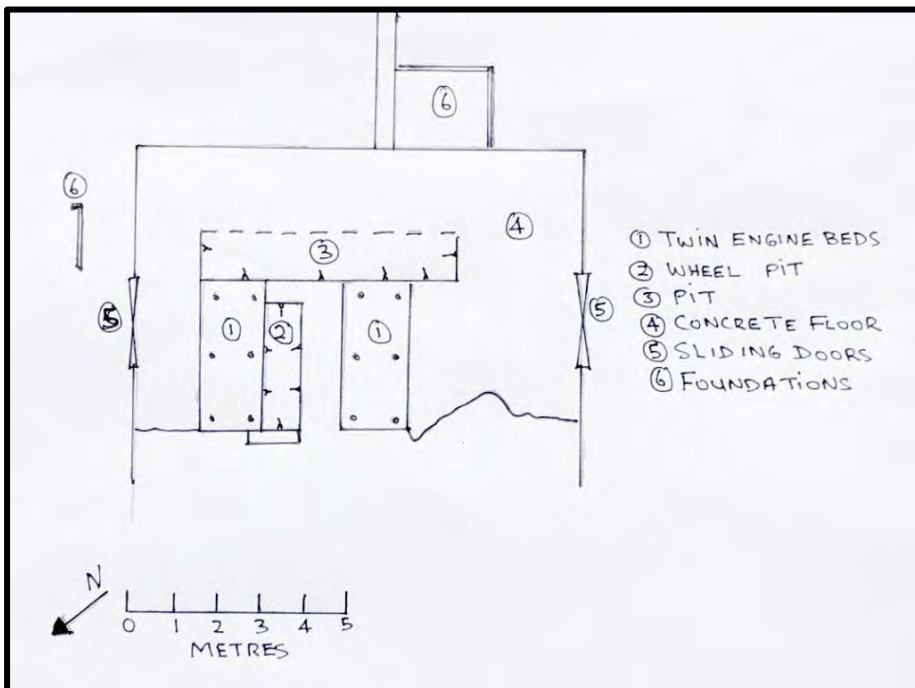
- (1) A written request to the Heritage Council to review a determination of the Executive Director to impose terms and conditions on a consent issued in respect of a site included in the Heritage Inventory, an archaeological site not recorded in the Heritage Inventory or an archaeological artefact, or to refuse an application to issue a consent in respect of a site or artefact, may be made by—
  - (a) the person to whom the consent was issued or refused; or
  - (b) the owner of the site or artefact; or
  - (c) a government asset manager in respect of the site or artefact.
- (2) A request under subsection (1) must—
  - (a) be made in writing; and
  - (b) be made within 28 days after the Executive Director determines to approve or refuse the application; and
  - (c) be accompanied by the prescribed fee (if any).
- (3) The Heritage Council may request the Executive Director to provide any information in relation to the terms and conditions of the consent or the refusal of the application.
- (4) The Executive Director must provide any information requested under subsection (3).
- (5) In determining a review, the Heritage Council may make a determination to—
  - (a) affirm the determination under review; or
  - (b) set aside the determination under review and makes another determination in substitution for it; or
  - (c) subject to subsection (6), set aside the determination under review and remit the matter for reconsideration by the Executive Director in accordance with any directions or recommendations.
- (6) The Heritage Council must remit a matter for reconsideration under subsection (5)(c) if the applicant has provided new information and the Heritage Council considers the information to be material.
- (7) The Heritage Council must make a determination under subsection (5) within 60 days after receiving a request for review.
- (8) The Heritage Council must give the person requesting the review—
  - (a) written notice of the determination within 7 days after the determination; and
  - (b) a written statement of reasons for its determination.

AERIAL MAP



Extent of site marked in red

PLAN OF SHED INTERIOR





SITE PHOTOS



Demolished western wall



Twin mounting beds for pumping engine



Wheel pit between engine mounting beds



Machinery pieces in southern end of pit



Pit covered by planks and metal grille



Section of pump in the pit



Northern wall, exterior, showing the high window indicative of a winder house (see comparison photos of Wattle Gully Gold Mine, Chewton)



Northern wall, interior, showing haulage window, scissor trusses and wall framing



Outline of concrete drain, east side of the shed



Sluce hole, to the west of the shed

COMPARISON PHOTOS



Showing window/entry port for haulage rope, winding engine shed, Wattle Gully Gold Mine, Chewton



Exterior view of winder house, Wattle Gully Gold Mine



Forest Creek hydraulic sluicing works, Castlemaine – pump shed



Forest Creek hydraulic sluicing works, Castlemaine – 200hp engine



Forest Creek hydraulic sluicing works, Castlemaine – pit at rear of engine for pumping machinery

#### HISTORICAL PHOTO



*Australasian*, 17 February 1934, p.26 (Trove Newspapers)



06/04/2017  
C200**SCHEDULE TO THE HERITAGE OVERLAY**

The requirements of this overlay apply to both the heritage place and its associated land.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1	Lauderdale 7 Prince Street, Alfredton	-	-	-	-	Yes Ref No H486	No		No
HO2	Beaufort House 9a Beaufort Avenue, Alfredton	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO5	Ebenezer Presbyterian Church and Hall 212 Armstrong Street South, Ballarat Central	Yes	Yes	No	Yes - cast iron fence	No (On National Estate Register)	No	None Specified.	No
HO6	Former Ebenezer Manse 214 Armstrong Street South, Ballarat Central	Yes	Yes	No	Yes - cast iron fence	No	No	None Specified.	No
HO8	Synagogue 2-4 Barkly (Cnr Princes Street), Ballarat East	-	-	-	-	Yes Ref No H106	No		No
HO9	Former Ballarat East Free Library 25-29 Barkly Street, Ballarat East	-	-	-	-	Yes Ref No H1493	No		No
HO10	Lamp Post Barkly Street and East Street Intersection, Ballarat East and Bakery Hill	Yes	No	No	No	No	No	None Specified.	No
HO11	Ballarat East Fire Station 20-22 Barkly Street, Ballarat East	-	-	-	-	Yes Ref No H1001	No		No
HO12	Clowance 518 Barkly Street (Cnr Cameron Street), Golden Point	-	-	-	-	Yes Ref No H1898	No		No

BALLARAT PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO13	Ballarat Botanical Gardens Gillies Street and Wendouree Parade, Lake Wendouree	-	-	-	-	Yes Ref No H2252	Yes		No
HO16	North View Villa 108 Burnbank Street, Lake Wendouree	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO17	Huyghue House 15 Camp Street, Ballarat Central	-	-	-	-	Yes Ref No H1544	No		No
HO18	Former Court House Camp Street, Ballarat Central	Yes	Yes	No	No	No	No	None Specified.	No
HO20	Ballarat Trades Hall 24 Camp Street, Ballarat Central	-	-	-	-	Yes Ref No H657	No		No
HO21	Terraces 30-32 Camp Street, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO22	Colemans Spring and adjacent land 102 Caffrey Street and 201-203 Herriott Street, Buninyong	Yes for all	Refer specific area	Refer specific area	Refer specific area	No	Refer specific area	None Specified.	No
HO23	Former Ranger Barracks 1-61 Curtis Street, Ballarat Central	-	-	-	-	Yes Ref No H1949	No		No
HO24	Former South British Insurance Co. Ltd. 211 Dana Street (cnr Armstrong Street South), Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO25	Dana House, Former hostel 506 Dana Street (cnr Lyons Street South), Ballarat Central	Yes	No	No	No	No	No	None Specified.	No

BALLARAT PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO26	Primary School No. 33 Dana Street Primary School 401 Dana Street, Ballarat Central	-	-	-	-	Yes Ref No H1714	Yes		No
HO27	Former Wesleyan Church and Sunday School 101 Dana Street (Cnr Lydiard Street), Ballarat Central	-	-	-	-	Yes Ref No H1089	Yes		No
HO28	Former Chapter House 102 Dana Street, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO29	Ballarat Club 203 Dana Street, Ballarat Central	Yes	Yes	No	No	No	No	None Specified.	No
HO30	Yarrowee Hall 1 Darling Street, Redan	-	-	-	-	Yes Ref No H1168	No		No
HO31	Former Congregational Church and Hall Dawson Street North and 503 Mair Street, Ballarat Central	-	-	-	-	Yes Ref No H995	Yes		No
HO32	Former Baptist Church 9/3 Dawson Street South, Ballarat Central	-	-	-	-	Yes Ref No H107	No		No
HO33	Lutheran Church 204A Doveton Street South, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO36	St John of God Hospital (Bailey's House) Drummond Street North, Lake Wendouree	Yes	No	No	Yes - fence	No	No	None Specified.	No
HO37	House 217 Drummond Street South, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No

BALLARAT PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO38	Former Ballarat-Buninyong Railway Land between Elizabeth and Forest Streets, Buninyong	Yes for all	Refer specific area	Refer specific area	Refer specific area	No	Refer specific area	None Specified.	No
HO39	Montrose Cottage 111 Eureka Street, Ballarat East	-	-	-	-	Yes Ref No H108	Yes		No
HO40	House 1104 Eyre Street, Newington	Yes	No	No	No	No	No	None Specified.	No
HO41	Former Water and Sewerage Authority Office 6 Grenville Street South (Lots 1-4 on PS 544004H) (South Western Cnr Grenville and Lewis Streets), Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO42	Manchester Unity Hall 9 Grenville Street South, Ballarat Central	Yes	Yes	No	No	No	No	None Specified.	No
HO43	Former Protestant Hall 10 Grenville Street South, Ballarat Central	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO44	Former Ballarat Woollen & Worsted Mill 14 Hill Street (Cnr Humffray Street South), Mount Pleasant	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO45	Former Myer Woollen Mills 502 Howitt Street, Ballarat North	Yes	No	No	No	No	No	None Specified.	No
HO46	Former Methodist Church 116-118 Humffray Street North, Brown Hill	Yes	No	No	No	No	No	None Specified.	No
HO48	House 328 Ligar Street, Soldiers Hill	Yes	No	No	No	No	No	None Specified.	No

BALLARAT PLANNING SCHEME

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HO50	Christ Church Anglican Cathedral & Christ Church Hall 49 and 49A Lydiard Street South, Ballarat Central	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO53	Gas Lamps In front of 10-16 Lydiard Street South and outside Craig's Hotel, Ballarat Central	-	-	-	-	Yes Ref No H977	No		No
HO54	Former School of Mines 5 Lydiard Street South, Ballarat Central	-	-	-	-	Yes Ref No H1463	No		No
HO57	Former Ballarat Post Office 2-6 Lydiard Street North (NE Cnr Lydiard Street North and Sturt Street), Ballarat Central	-	-	-	-	Yes Ref No H1018	Yes		No
HO59	Ballarat Railway Complex 140 Lydiard Street North, Ballarat Central, 75 Humffray Street North, Bakery Hill, 60 Corbett Street, Ballarat East, 202 Lydiard Street North, Soldiers Hill, Scott Parade, Ballarat East and Nolan Street, Soldiers Hill.	-	-	-	-	Yes Ref No H902	Yes		No
HO62	Former National Mutual Building 2 Lydiard Street South, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO63	Former National Bank of Australasia 5 Lydiard Street North, Ballarat Central	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO64	Former Union Bank Building 4-6 Lydiard Street South, Ballarat Central	-	-	-	-	Yes Ref No H109	No		No

BALLARAT PLANNING SCHEME

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HO65	Former Mining Exchange 8-14 Lydiard Street North, Ballarat Central	-	-	-	-	Yes Ref No H391	Yes		No
HO66	Former ANZ (also known as ES&A) Bank 9 Lydiard Street North, Ballarat Central	-	-	-	-	Yes Ref No H110	No		No
HO67	Craig's Royal Hotel 10-16 Lydiard Street South, Ballarat Central	-	-	-	-	Yes Ref No H111	No		No
HO68	Former Bank of New South Wales 13 Lydiard Street North, Ballarat Central	-	-	-	-	Yes Ref No H112	No		No
HO69	Old Colonists' Association 16-24 Lydiard Street North, Ballarat Central	-	-	-	-	Yes Ref No H116	Yes		No
HO70	Her Majesty's Theatre Royal South Street Memorial Theatre, Academy of Music 17 Lydiard Street South, Ballarat Central	-	-	-	-	Yes Ref No H648	Yes		No
HO71	George Hotel 25 Lydiard Street North, Ballarat Central	-	-	-	-	Yes Ref No H113	No		No
HO72	Alexandria Tea Rooms 26-34 Lydiard Street North, Ballarat Central	-	-	-	-	Yes Ref No H115	Yes		No
HO73	Counsel Chambers 26 Lydiard Street South, Ballarat Central	Yes	Yes	No	No	No	No	None Specified.	No
HO74	Furnival Chambers 28-36 Lydiard Street South, Ballarat Central	Yes	Yes	No	No	No	No	None Specified.	No

BALLARAT PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO75	Chancery House 38 Lydiard Street South, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO76	Fine Art Gallery 38-48 Lydiard Street North, Ballarat Central	-	-	-	-	Yes Ref No H680	No		No
HO77	Former Neil W Jones Real Estate 50 Lydiard Street South, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO78	Land 53 Lydiard Street South, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO79	Shop 60 Lydiard Street North, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO80	Office (Former Union Trustee Building) 101-103 Lydiard Street North, Ballarat Central	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO81	Former J J Goller & Co 114 Lydiard Street North, Ballarat Central	Yes	Yes	No	No	No	No	None Specified.	No
HO82	Former Warehouse 118 - 122 Lydiard Street North, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO83	Provincial Hotel 121 Lydiard Street North (Cnr Ararat Street), Ballarat Central	-	-	-	-	Yes Ref No H432	No		No
HO84	Former Reid's Coffee Palace 128 Lydiard Street North, Ballarat Central	-	-	-	-	Yes Ref No H469	Yes		No
HO85	St Patrick's Presbytery (3 Lyons Street South, Ballarat Central), and O'Collins Hall (8 Dawson Street South, Ballarat Central)	Yes	No	No	No	No	No	None Specified.	No

BALLARAT PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO86	Ballarat Terrace 227-231 Lydiard Street North, Soldiers Hill	Yes	No	No	Yes - front fences	No	No	None Specified.	No
HO87	Former Terrace 18-20 Lyons Street South, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO88	Ballarat Municipal Observatory 439 Cobden Street (Cnr Magpie Street), Mount Pleasant	-	-	-	-	Yes Ref No H936	Yes		No
HO89	Former Pratt's Warehouse 101-103 Mair Street (Cnr Camp Street), Ballarat Central	-	-	-	-	Yes Ref No H955	No		No
HO90	House 505 Mair Street, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO91	Verandah and Shop 805 Mair Street, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO92	Aquinas College 1200 Mair Street, Lake Wendouree	Yes	No	Yes	No	No	No	None Specified.	No
HO93	Former Titheridge and Growcott 15-19 Main Road, Bakery Hill	Yes	No	No	No	No	No	None Specified.	No
HO94	Ballarat East Post Office 21 Main Road, Bakery Hill	Yes	No	No	Yes	No	No	None Specified.	No
HO95	Nazareth House 218 Mill Street, Lake Wendouree	Yes	Yes	No	Yes - fence	No	No	None Specified.	No
HO96	House 411A Neill Street, Soldiers Hill	Yes	No	Yes	Yes - lantern	No	No	None Specified.	No



BALLARAT PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO97	Cemetery, Chinese Section, Alter 1250 Doveton Street North, Invermay Park	Yes	No	No	No	No	No	None Specified.	No
HO98	Cemetery, Chinese Section, Oven 1250 Doveton Street North, Invermay Park	Yes	No	No	No	No	No	None Specified.	No
HO100	Old Curiosity Shop 7 Queen Street , Ballarat East	-	-	-	-	Yes Ref No H1982	No		No
HO101	House 14 Seymour Crescent, Soldiers Hill	Yes	No	No	No	No	No	None Specified.	No
HO102	House 16 Seymour Crescent, Soldiers Hill	Yes	No	No	Yes - fence, retaining wall and plinth	No	No	None Specified.	No
HO104	Ballarat Town Hall 225 Sturt Street, Ballarat Central	-	-	-	-	Yes Ref No H978	Yes		No
HO105	Titanic Memorial Bandstand Sturt Street, Ballarat Central	-	-	-	-	Yes Ref No H971	No		No
HO106	Queen Alexandra Bandstand Sturt Street, Ballarat Central	-	-	-	-	Yes Ref No H972	No		No
HO107	St Patrick's Cathedral & Hall 501 Sturt Street, south-west corner of Dawson Street, Ballarat Central	-	-	-	-	Yes Ref No H997	No		No
HO108	Grandstand City Oval, 1402-1406 Sturt Street, Lake Wendouree	Yes	Yes	No	No	No (On National Estate Register)	No	None Specified.	No
HO109	Union Hotel 11 Sturt Street, Ballarat Central	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No

BALLARAT PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO110	Former The Log Tavern 23 Sturt Street, Ballarat Central	Yes	Yes	No	No	No	No	None Specified.	No
HO111	Camp Hotel 36-38 Sturt Street, Ballarat Central	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO112	Former Chamber of Commerce 42-46 Sturt Street, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO113	Former State Savings Bank 48 Sturt Street, Ballarat Central	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO114	Ballaarat Mechanics Institute 113-121 Sturt Street, Ballarat Central	-	-	-	-	Yes Ref No H987	Yes		No
HO115	Former Unicorn Hotel façade and verandah 127 Sturt Street, Ballarat Central	-	-	-	-	Yes Ref No H1911	No		No
HO116	Former ANZ Bank 200-202 Sturt Street, Ballarat Central	-	-	-	-	Yes Ref No H114	No		No
HO117	Myer (Mitchell's Building) 301-305 Sturt Street, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO118	St Andrews Uniting Church 502 Sturt Street, Ballarat Central	-	-	-	-	Yes Ref No H44	No		No
HO119	Former Broadwood Flats 608-608A Sturt Street, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO120	Former Ballarat City Fire Station 702 Sturt Street, Ballarat Central	-	-	-	-	Yes Ref No H2236	Yes		No

BALLARAT PLANNING SCHEME

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HO121	House 704 Sturt Street, Ballarat Central	Yes	No	No	Yes - fence, coach house/stable	No (On National Estate Register)	No	None Specified.	No
HO122	Former Residence 802 Sturt Street, Ballarat Central	-	-	-	-	Yes Ref No H529	Yes		No
HO123	St Peter's Church of England 1307 Sturt Street, Ballarat Central	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO124	House and Garden 1421 Sturt Street, Newington	Yes	No	Yes	Yes - fence	No (Garden on National Estate Register)	No	None Specified.	No
HO125	Former Bishop's Palace 1444 Sturt Street, Lake Wendouree	-	-	-	-	Yes Ref No H413	Yes		No
HO126	Former Mary's Mount Convent (Loreto Abbey) 1600 Sturt Street, Lake Wendouree	-	-	-	-	Yes Ref No H1017	Yes		No
HO127	Former Primary School 602 Urquhart Street, Ballarat Central	Yes	No	No	No	No	No	None Specified.	No
HO129	Terrace Houses 21, 23, 25 Victoria Avenue, Lake Wendouree	Yes	No	No	No	No	No	None Specified.	No
HO131	House and garden 111 Webster Street, Lake Wendouree	Yes	No	Yes	No	No (Garden on National Estate Register)	No	None Specified.	No

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HO132	Lakeview Hotel 22 Wendouree Parade, Lake Wendouree	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO133	Ballantrae 7208 Midland Hwy, Buninyong	-	-	-	-	Yes Ref No H551	No		No
HO134	Buninyong Town Hall and Court House 313 Learmonth Street, Buninyong	-	-	-	-	Yes Ref No H758	No		No
HO135	Former Library 408 Warrenheip Street, Buninyong	-	-	-	-	Yes Ref No H488	No		No
HO136	Former Primary School No. 668 456 Remembrance Drive (Cnr Draffins Road), Windermere	-	-	-	-	Yes Ref No H763	No		No
HO137	Former Ballarat Shire Hall 326 High Street, Learmonth	Yes	Yes	No	No	No (On National Estate Register)	No	None Specified.	No
HO138	Barnfield Cottage and Barn 195 Kennedys Road, Miners Rest	No	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO139	Progress Hall (Former Methodist Church) 24 Church Street (Cnr Hillcrest Road), Nerrina	Yes	No	No	No	No (On National Estate Register)	No	None Specified.	No
HO140	St James Church of England 120 Hillcrest Road, Nerrina	Yes	No	No	No	No	No	None Specified.	No
HO141	Primary School No. 2093 Little Bendigo State School 30 Monte Street, Nerrina	-	-	-	-	Yes Ref No H1632	No		No
HO142	Former St Joseph's Orphanage	Yes, All face brick	Yes, ground floor	Yes, Front garden	Yes	No	No	None Specified.	No

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	208-240 Grant Street (Crown Allotments 2, 3 & 4, Section 35, Township of Sebastopol), Sebastopol	and stone buildings	entrance and stair hall (north end) and central passage of the former Orphanage building (building 2)	setting include the fir trees, and the rear cypress and pine trees forming part of the setting to the lake					
HO143	Yuille Cairn, Yuille Station Park, 37 Vickers Street, Sebastopol	Yes, Yuille Cairn only	No	No	No	No	No	None Specified.	No
HO144	MUIOOF(Manchester Unity Independent Order of Oddfellows) Lodge (former Southern Star Mine Office), 113 Albert Street, Sebastopol	No	No	No	No	No	No	None Specified.	No
HO145	Sebastopol State School No. 1167 (former), 185-187 Yarrowee Street, Sebastopol	Yes	No	Yes, English Oaks, English Elms, Bhutan Cypress boundary plantings	No	No	No	None Specified.	No
HO149	Olympic Rings Lake Wendouree Foreshore, Lake Wendouree	Yes	No	No	No	No	No	None Specified.	No
HO151	Gnarr Creek Air Vent Tower	Yes	No	No	No	No	No	None Specified.	No

BALLARAT PLANNING SCHEME

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	Corner Creswick Road and Doveton Street North, Ballarat Central								
HO153	Old Ballarat Cemetery 904 Macarthur Street (Cnr Creswick Road), Lake Wendouree	Yes	No	No	No	No	No	None Specified.	No
HO154	Ballarat Avenue of Honour and Arch of Victory including all memorial name plaques, the Memorial Cairn and Cross of Remembrance, Memorial rotunda and role of honour and Memorial wall. Ballarat-Burrumbeet Road, Alfredton, Cardigan, Windermere, Weatherboard, Burrumbeet and Lucas.	-	-	-	-	Yes Ref No H2089	No		No
HO155	Stone Mileposts Glenelg Highway (between Ballarat and Scarsdale), Smythes Creek and Delacombe	-	-	-	-	Yes Ref No H1701	No		No
HO156	Former Redemptorist Monastery 300 and 300B Gillies Street North, 1320 and 1322 Howitt Street, and 11-37 Monastery Drive (NE Corner Howitt and Gillies Streets), Wendouree	Yes	No	No	No	No	No	None Specified	No
HO157	House 301 Wendouree Parade, Lake Wendouree	Yes	No	No	No	No	No	None Specified	No
HO158	Buninyong Botanic Gardens Gong Reservoir 201-209 Scott Street and 705 Inglis Street, Buninyong	-	-	-	-	Yes Ref No H1826	No		No
HO159	Former Female Refuge Complex 183 Scott Parade, Ballarat East	-	-	-	-	Yes Ref No H1893	No		No

BALLARAT PLANNING SCHEME

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HO160	Eureka Historic Precinct 501-525 Eureka Street, Eureka	-	-	-	-	Yes Ref No H1874	No		No
HO161	Ballarat High School 25 Gillies Street North (Cnr Sturt Street West), Lake Gardens	-	-	-	-	Yes Ref No H1797	No		No
HO162	House 108 Pleasant Street North, Lake Wendouree	Yes	No	No	No	No	No	None specified	No
HO163	Lake Wendouree Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO164	West Ballarat Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO165	Victoria Park Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO166	Central Ballarat Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO167	Sturt Street Heritage Precinct	Yes	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO168	South Ballarat Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO169	Waller Estate Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No

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HO170	Soldiers Hill Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO171	Lydiard Street Heritage Precinct	Yes	No	Yes	No	No (Ballarat Central Conservation Area on National Estate Register)	No	Ballarat Planning Scheme Heritage Control 2004	No
HO172	Creeks and River Channels Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO173	Mount Pleasant / Golden Point Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO174	Black Hill Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO175	Humffray Street Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO176	Bridge Mall / Bakery Hill Heritage Precinct	Yes	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO177	Victoria Street Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	Yes VAHR 7622-0186
HO178	Ballarat East Civic Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No



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HO179	Eureka Street Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO180	Learmonth Heritage Precinct	No	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO181	Buninyong Heritage Precinct	Yes	No	Yes	No	No	No	Ballarat Planning Scheme Heritage Control 2004	No
HO182	Eureka Memorials, Old Ballarat Cemetery 904 Macarthur Street (cnr Creswick Road), Ballarat Central	-	-	-	-	Yes Ref No H1007	No		No
HO183	St Aidan's Heritage Precinct	No	No	Yes	No	No	No	Ballarat Heritage Precincts Study Part A 2006 Incorporated Plan	No
HO184	Colpin Avenue Heritage Precinct	No	No	Yes	No	No	No	Ballarat Heritage Precincts Study Part A 2006 Incorporated Plan	No
HO185	Dowling Street Heritage Precinct	No	No	Yes	No	No	No	Ballarat Heritage Precincts Study Part A 2006 Incorporated Plan	No
HO186	Old Showgrounds Heritage Precinct	No	No	Yes	No	No	No	Ballarat Heritage Precincts Study Part A 2006 Incorporated Plan	No

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HO187	Creswick Road/Macarthur Street Heritage Precinct	No	No	Yes	No	No	No	Ballarat Heritage Precincts Study Part A 2006 Incorporated Plan	No
HO188	Barkly Street/Humffray Street South Heritage Precinct	No	No	Yes	No	No	No	Ballarat Heritage Precincts Study Part A 2006 Incorporated Plan	No
HO189	Scar Tree Lot S2 Cuthberts Road, Alfredton	No	No	Yes	No	No	No	No	Yes
HO190	Former Ballarat RAAF Base 1 Airport Access Road, Mitchell Park	-	-	-	-	Yes Ref No H2113	Yes		No
HO191	St Pauls Anglican Church 3 Humffray Street South, Bakery Hill	-	-	-	-	Yes Ref No H401	Yes		No
HO192	Regent Picture Theatre 49 Lydiard Street North, Ballarat Central	-	-	-	-	Yes Ref No H2221	Yes		No
HO194	Former Prince of Wales & Bonshaw Company gold mining site and residence 362 Albert St, Sebastopol	No	No	No	No	No	No	No	No
HO195	Former St. James Presbyterian Church 10 Creswick Street, Miners Rest	Yes	No	No	No	No	Yes		No
HO196	Selkirk House 436 Wendouree Parade, Ballarat	Yes	No	No	No	No	No		No
HO197	Gateway and curtilage including two mature trees (elm trees), driveway and four mature trees (three elm trees and a pine tree) Arranmore, Howe Street, Miners Rest	Yes	No	Yes	No	No	No	No	No

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HO198	House 'Edale', 99 Albert Street, Sebastopol	No	No	No	No	No	No	No	No
HO199	Clontarn (former Southern Star Mine Managers Residence), 122 Albert Street, Sebastopol	No	No	No	No	No	No	No	No
HO200	Sebastopol Post Office (former), 176 Albert Street, Sebastopol	No	No	No	No	No	No	No	No
HO201	Melbourne House store, 186A Albert Street, Sebastopol	Yes	No	No	No	No	No	No	No
HO202	Bank of Victoria (former), 197 Albert Street, Sebastopol	No	No	No	No	No	No	No	No
HO203	Holy Trinity Church Complex (Church, Hall, Sunday School and trees), 227 Albert Street, Sebastopol	No	No	Yes 2 English Elms on rear property boundary	No	No	No	No	No
HO204	Ballarat South Uniting Church Mission Centre, 104-6 Albert Street, Sebastopol	No	No	No	Yes, low brick front fence and iron gates	No	No	No	No
HO205	Masonic Lodge, 173-175 Albert Street, Sebastopol	Yes	No	No	No	No	No	No	No
HO206	Sebastopol Town Hall Complex, 183-185 Albert Street, Sebastopol	No	No	Yes, English Elm fronting Wilson Lane	No	No	No	No	No

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HO207	Row of 1920s Shops, 206, 206a-c Albert Street, Sebastopol	No	No	No	No	No	No	No	No
HO208	Carmel Welsh Presbyterian Church Complex, including former manse and trees, 261- 265 Albert Street, Sebastopol	No	No	Yes, All mature trees within the complex - English Oak, Giant Redwood and English Elms	Yes, Memorial entrance to church including brick piers; low brick fence to manse at 261 Albert Street.	No	No	No	No
HO209	Royal Mail Hotel, 288-290 Albert Street, Sebastopol	No	No	No	No	No	No	No	No
HO210	1940s Garage, 129 Beverin Street, Sebastopol	No	No	No	No	No	No	No	No
HO211	RSL Memorial Hall, 10 Birdwood Avenue, Sebastopol	No	No	No	No	No	No	No	No
HO212	Roxburgh Dairy Farm (former) 624 Glenelg Highway, Smythes Creek  The curtilage contains the c1850s cottage, 1870s farmhouse, a pair of Canary Island Palms, a collection of farm outbuildings from the late 19 <sup>th</sup> C and early 20 <sup>th</sup> C and the archaeological site of a third farmhouse of c1890s on the east side of the entrance drive.	No	No	Yes, 2 Canary Island Palms	No	No	No	No	No

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HO213	Smythes Creek State School No. 1504 (former), 606 Glenelg Highway, Smythes Creek	No	No	No	No	No	No	No	No
HO214	House, 4 Hertford Street, Sebastopol	No	No	No	No	No	No	No	No
HO215	Redan State School No. 1289, 32-48 Hertford Street, Sebastopol	No	No	Yes, Lawson's Cypress planted in 1953	Yes – Jubilee Gates (cnr. Hertford & Albert Streets)	No	No	No	No
HO216	Copernicus Hall, 26-28 Orion Street, Sebastopol	No	No	No	Yes	No	No	No	No
HO217	Ploughman's Arms Hotel (former), 300 Tait Street, Bonshaw  The curtilage includes the extent of the fabric dating 1880s – 1920s including the larger timber building and rear timber extension and stables.	No	No	No	No	No	Yes	No	No
HO218	Interwar Bungalow Heritage Precinct 2: 90, 92, 94, 96, 98, 100 Albert Street, Sebastopol	No	No	No	Yes, All front fences	No	No	No	No
HO219	Cornish Row Heritage Precinct 363-377 Albert Street, Sebastopol	Yes, 371 & 373 Albert Street	No	No	No	No	No	No	No
HO220	Timber Mining Cottage Series: 133 Albert Street, Sebastopol 9, 37 & 49-51 Birdwood Avenue, Sebastopol 32 & 38 Charlotte Street, Sebastopol 21 & 23 Victoria Street, Sebastopol 10 Walker Street, Sebastopol	No	No	No	Yes	No	No	No	No

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	49 Wilsons Lane, Sebastopol 197 & 209 Yarrowee Street, Sebastopol								
HO221	Late Victorian Timber Residence Series: 77, 102, 155, 160, 168, 193, 208, 230, 240, 280 Albert Street, Sebastopol 140 Beverin Street, Sebastopol 3 Bridge Street, Sebastopol 100 & 114 Grant Street Sebastopol 1 & 7 Kent Street Sebastopol 101 & 103 Vickers Street, Sebastopol 62 & 73 Yarrowee Street, Sebastopol	No	No	Yes, three Canary Island Palms at 73, 160 and 168 Albert Street	Yes	No	No	No	No
HO222	Late Federation Residence Series: 166 & 226 Albert Street, Sebastopol	No	No	No	No	No	No	No	No
HO223	Redan Prince of Wales Store (former), 2 Albert Street, Sebastopol	No	No	No	No	No	No	No	No
HO224 <a href="#">Interim Control Expiry date:</a>	<a href="#">113 &amp; 135 Lofven Street, Nerrina</a>	No	No	No	No	No	No	No	No

Commented [VO1]: Ask Annabel – machinery components

23/08/2018  
GC95**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME****1.0****Incorporated documents**23/08/2018  
GC95

Name of document	Introduced by:
Alfredton West Precinct Structure Plan 2011	C150
Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, Standards Australia Limited, 2015	VC107
Ballarat & Queen's Anglican Grammar School Foundation Ltd, Lot 2 (PS622085) Gillies Road, Mount Rowan 9 April 2013	C169
Ballarat Base Hospital New Facilities Project, April 2013	C171
Ballarat GovHub Incorporated Document, January 2018	C209
Ballarat Heritage Precincts – Statements of Significance, 2006 (revised August 2014)	C164
Ballarat Heritage Precincts Study Part A 2006 – Incorporated Plan (revised June 2014)	C182
Ballarat Heritage Precincts Study Part A 2006 – Statements of Significance	C107
Ballarat Line Upgrade Incorporated Document, August 2018	GC95
Ballarat Planning Scheme Heritage Control 2004 – Incorporated Plan (revised October 2015)	C199
Ballarat Station Precinct Redevelopment Incorporated Document, August 2016 (Amended December 2016)	C205
Ballarat Strategy Plan 1998	NPS1
Ballarat Terminal Station Incorporated Document September 2017	C208
Ballarat Tourism Marketing Strategy 1995	NPS1
Ballarat West Development Contributions Plan July 2014 (Amended June 2017)	GC75
Ballarat West Groundwater Supply Project - Incorporated Plan	C112
Ballarat West Native Vegetation Precinct Plan 8 March 2012	C158
Ballarat West Precinct Structure Plan October 2016	C203
Ballarat Western Link Road (Stage 2) Incorporated Document, September 2016	C170
Burrumbeet Creek Catchment Local Floodplain Development Plan 2015 – Incorporated Document	C178
Central Victoria Livestock Exchange, Ballarat October 2015	C185
Eureka Stadium Upgrade Project Incorporated Document, March 2016	C197
Fibre Optic Project, Integrated Approval Requirements, December 2002	VC17
Goulburn-Murray Water Native Vegetation Code of Practice, February 2011	C153
Invermay Miniature Railway July 2002 - Incorporated Plan	C50
Invermay Regional Study and Land Management Plan 1991	NPS1
Koala Plan of Management - Koala Planning Map July 2006	C95
Lake Federation Resort Draft Master Plan A C511 CP 055b, dated August 2004	C64

Commented [VO1]: Check this – April 2019 – check with Wendy – amend most up to date

Name of document	Introduced by:
Lake Federation Resort Main Components Plan C511 CP 039c dated August 2004	C64
Lake Federation Resort Staging Plan C511 CP 037b dated August 2004	C64
Mildura –Geelong Rail Freight Upgrade Project September 2007	C120
Plan for the future development of the Western Freeway titled “Proposed Works Area” and dated 26/7/2000	C13
Rail Gauge Standardisation Project, Integrated Approval Requirements, December 2002	VC17
Regional Fast Rail Project, Integrated Approval Requirements, December 2002	VC17



## LIST OF AMENDMENTS

Amendment number	In operation from	Brief description
<b>VC6</b>	17 DEC 1998	Extends the expiry date of provisions for interim telecommunications facilities to 31 March 1999.  Adds "Railway" and "Tramway" to Section 1 of the Table of uses in the Public Use Zone.
<b>C1</b>	17 DEC 1998	Makes the Minister administering the Planning and Environment Act 1987 the responsible authority for land at Grenville Street South as well as reinstating the Minister as responsible authority for two pieces of land previously omitted from the scheme.
<b>C5</b>	11 MAR 1999	Introduces provisions into the Schedule to Clause 36.01, the Public Use Zone 1 – Service and Utility, for the use and development of a Water Treatment plant at the White Swan Reservoir.
<b>VC5</b>	25 MAR 1999	Introduces <i>A Code of Practice for Telecommunications Facilities in Victoria</i> , and updates <i>Code of Practice – Private Tennis Court Development</i> as incorporated documents, amends the gaming provisions to provide for lists of strip shopping centres where gaming is prohibited, recognises existing use rights of privatised utility service providers, defines "Railway station", provides for vegetation removal if the vegetation has been planted for pasture or other crops, formatting and other changes arising from panel reports and operational experience.
<b>C3</b>	3 JUN 1999	Includes 119 Albert Street, Ballarat within a Business 1 Zone.
<b>C2</b>	24 JUN 1999	Sets the minimum lot size for subdivision for land abutting Cummins Road, Mt Rowan, between Gillies Road and the Midland Highway, at 2 hectares.
<b>C6</b>	22 JUL 1999	Establishes the former Redemptorist Monastery site and land west of Gillies Street as a precinct in which bulky goods retailing activities are encouraged. The amendment includes the land within a Business 4 Zone. It also places a Heritage Overlay over the whole of the Redemptorist Monastery site as well as a Development Plan Overlay over the southern portion of the site and closes a lane running along part of the eastern boundary of the land.
<b>VC7</b>	16 AUG 1999	Makes changes to the SPPF relating to Melbourne Airport and brothels; clarifies that land identified in a schedule to the Public Park and Recreation Zone or the Public Conservation and Resource Zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land; introduces a new State Resources Overlay; amends the Airport Environs Overlay to establish the lessee of Melbourne Airport in decision guidelines and as a referral authority; extends the expiry date of major promotion signs displayed in accordance with a permit granted between 19 September 1993, and 18 September 1997; amends definitions in accordance with changes to the Prostitution Control Act 1994.
<b>C18</b>	2 SEP 1999	Includes CA 53B Sec A <sup>A</sup> Township of Nerrina within a Residential 1 Zone.
<b>C15</b>	9 DEC 1999	Includes 613 Creswick Road and 212 Lexton Street, Ballarat within a Mixed Use Zone.
<b>C25</b>	13 JAN 2000	Extends the period of operation of DDO Schedule 2 to 30 June 2000

Amendment number	In operation from	Brief description
<b>C4</b>	4 MAY 2000	Replaces Schedule 1 to the Vegetation Protection Overlay.
<b>C16</b>	4 MAY 2000	Amends the Local Planning Policy Framework to make reference to the Camp Street Project.
<b>C22</b>	4 MAY 2000	Includes those properties abutting the north side of Sturt Street between Raglan Street and Drummond Street within a Business 1 Zone.
<b>C24</b>	11 MAY 2000	Amends Map One to the Schedule to Clause 35.03 to include Lot One on Plan of Subdivision 416162E (Slatey Creek Road, Invermay) within an area of minimum lot size 2 hectares.
<b>C28</b>	11 MAY 2000	Makes the Minister administering the Planning and Environment Act 1987 the responsible authority for the Ballarat Post Office buildings on the corner of Sturt Street and Lydiard Street South, Ballarat being CA's 63, 64 & 65 Section C Township of Ballarat Vol 7438 Fol 529.
<b>VC9</b>	25 MAY 2000	Makes changes to the Settlement and Housing policies in the State Planning Policy Framework to recognise neighbourhood character.
<b>C23</b>	1 JUN 2000	Includes :- i. CA 1A Sec P Parish of Ballarat within a Rural Zone and the Environmental Significance Overlay; ii. CA 13E Sec 88A Township of Ballarat East (in Victory Lane) within a Residential 1 Zone; iii. CA 6B Sec 38A Township of Ballarat East (322 Clayton Street) within a Residential 1 Zone & iv. CA 8G Sec 67 Township of Ballarat East (in Bells Lane) within a Residential 1 Zone.
<b>VC8</b>	17 AUG 2000	Makes changes to the SPPF in relation to biodiversity; introduces an operations clause for the LPPF; amends the rural zones in relation to the construction of outbuildings; amends the residential and rural zones to accommodate the keeping of pet racing dogs; amends the flooding zones and overlays to require the incorporation of local floodplain development plans; amends subdivision and dwelling provisions in the Restructure Overlay; amends clause 52.01 to clarify its relationship with the Subdivision Act 1988; amends clause 52.03 to enable the schedule to prohibit a use or development on specific sites; makes formatting and other changes arising from panel reports and operational experience.
<b>C32</b>	21 AUG 2000	Includes all of the land being No.9 Hamilton Avenue, Ballarat within the Heritage Overlay.
<b>C8</b>	31 AUG 2000	Includes 5.1 hectare of land (part CA 24 Sec 1 Parish of Cardigan) fronting Wiltshire Lane, Ballarat in a Low Density Residential Zone.
<b>C26</b>	31 AUG 2000	Includes land on the west side of Giffard Street between Dundas and Albert Streets, Miners Rest, within the Residential 1 Zone
<b>C33</b>	22 SEP 2000	Deletes the provision making the Minister administering the <i>Planning and Environment Act</i> 1987 Responsible Authority for the Ballarat Post Office site.
<b>C17</b>	2 NOV 2000	Includes areas of high urban character, as identified under the <u>Ballarat Urban Character Study 1999</u> , within a Design and Development Overlay. Areas where canopy trees have been identified as significant to the character of the area are also included within a Vegetation Protection Overlay.
<b>C13</b>	23 NOV 2000	Reserves land for future construction of the Western Freeway between Leigh Creek and Woodmans Hill.
<b>VC10</b>	14 DEC 2000	Makes changes to the Table of uses in the Public Conservation and

Amendment number	In operation from	Brief description
		Resource Zone relating to Utility installation and makes typographical corrections.
<b>C36</b>	21 DEC 2000	Deletes the provision making the Minister administering the <i>Planning and Environment Act 1987</i> Responsible Authority for the Ballarat Post Office site.
<b>C20</b>	25 JAN 2001	Amends the schedule and maps to the Heritage Overlay to identify Buninyong Botanic Gardens, Former Women's Refuge, Eureka Historic Precinct and the Ballarat High School as places listed on the Victorian Heritage Register. The amendment also updates the description for a number of other sites already listed in the Overlay control to accord with the description on the Victorian Heritage Register
<b>C7</b>	1 MAR 2001	Includes 201 Wilson Street, Ballarat East, within an Environmental Audit Overlay.
<b>C38</b>	8 MAR 2001	Includes 108 Pleasant Street North in a Heritage Overlay.
<b>VC11</b>	29 MAR 2001	Introduces ability to require permits for outbuildings larger than a specified size in the Low Density Residential Zone; introduces ability to require permits for restaurants in specified areas in the Business 1 Zone; provides more flexibility in the purpose of the Specific Sites and Exclusions provisions; simplifies the operation of the Advertising Signs provisions; reorganises and clarifies the Car Parking provisions; corrects the referral provisions in Clause 61 relating to construction of building or works on land within 60 metres of a major electricity transmission line; introduces a new definition of Retirement village; and makes various formatting and typographical corrections.
<b>C40</b>	26 APR 2001	Introduces interim heritage precincts for Learmonth, Inner Ballarat, Buninyong – policies and Heritage Overlays, with an incorporated plan.
<b>C37</b>	14 JUN 2001	Rezones 105 and 109 Webster Street from Public Use Zone to Residential 1 Zone.  Rezones Crown Allotment 10A, Section 1, Parish of Ballarat (Kinnersley Avenue, Mt Clear) from Rural Living Zone to Residential 1 Zone.
<b>C31</b>	19 JUL 2001	Rezones land at 9 Tait Street, Sebastopol, located on the north-east corner of Tait and Hill Streets, from the Residential 1 Zone to the Industrial 1 Zone.
<b>C34 (Part 1)</b>	2 AUG 2001	Includes four properties on the intersection of Barkly Street and Grant Street within a Mixed Use Zone
<b>C35 (Part 1)</b>	2 AUG 2001	Includes Ballarat-Maryborough Road within the Road Zone (Category One) and removes the Road Zone from Coghills Creek Road and Lesters Road and replaces it with the Rural Zone.
<b>VC12</b>	24 AUG 2001	Makes changes to the SPPF, LPPF, Zones, Overlays, Particular Provisions, Definitions and list of Incorporated documents based on the general review of residential development provisions and the recommendations of the ResCode Advisory Committee. The changes include the introduction of schedules to four residential zones, a Neighbourhood Character Overlay, new residential development provisions in Clauses 54, 55 and 56 for dwellings and subdivision, and transitional arrangements for subdivision, medium-density housing and residential buildings. Corrects an inconsistency between Amendment S74 and the VPP in relation to public open space contributions in

Amendment number	In operation from	Brief description
		subdivision. Clarifies the definition of Trade supplies.
<b>C34 (Part 2)</b>	30 AUG 2001	Includes 6.6 hectares on the south-west corner of Gillies Street and Gregory Street West (being CA 1D Sec 3 Parish of Ballarat) within the Mixed Use Zone.
<b>C41</b>	30 AUG 2001	Includes 36 Victoria Street, Ballarat East (former Ballarat East Police Station) within the Residential 1 Zone.
<b>VC13</b>	27 SEP 2001	Introduces <i>Victorian Code for Broiler Farms</i> as an incorporated document; amends the SPPF and the Rural Zone and introduces a new Particular provision and definition relating to broiler farm; amends the Advertising signs provisions relating to major promotion signs, business logos and street numbers; includes domestic rainwater tanks as exempt buildings and works except in the Heritage Overlay; updates references in the Environmental Audit Overlay to amended sections of the <i>Environment Protection Act 1970</i> , following amendments to that Act; makes corrections to the Residential 1 Zone and Business 1 Zone; and updates the User Guide.
<b>VC14</b>	22 NOV 2001	Makes corrections to the Residential 1 Zone, Clause 54.04 and Clause 55.04.
<b>C39 (Part 1)</b>	6 DEC 2001	Rezones former public open space in Slatey Creek Road, Invermay from Public Park and Recreation Zone to Rural Living Zone.  Rezones land at rear of 412 – 414 Learmonth Street, Buninyong from Public Use Zone to Business 1 Zone.
<b>C43 (Part 1)</b>	20 DEC 2001	Includes the rear sections of 41 and 43 Hertford Street, Sebastopol and all of 12 and 14 Spencer Street, Sebastopol within the Residential 1 Zone.
<b>C46</b>	31 JAN 2002	Extends the period for which interim heritage precincts for Learmonth, Inner Ballarat, Buninyong – policies and Heritage Overlays, with an incorporated plan apply.
<b>C44</b>	16 MAY 2002	Includes the former Ranger Barracks Drill Hall, Curtis Street, Ballarat in the Ballarat Planning Scheme and includes the site in the Business 1 Zone.
<b>C49</b>	1 AUG 2002	Rezones nos. 40, 42, 44 and 46 Yarrowee Street Sebastopol from the Residential 1 Zone to the Business 1 Zone and amends the Business Policy in Clause 22.03.
<b>VC16</b>	8 OCT 2002	Restructures Clauses 11, 12 and 13 of the State Planning Policy Framework and amends zone maps of 17 Melbourne metropolitan fringe planning schemes to introduce an Urban Growth Boundary and a legend designation for land outside the Urban Growth Boundary; introduces a renewable energy policy in Clause 15 of the SPPF; introduces a new Particular provision and Land use term for Wind energy facility; includes Wind energy facility in the Table of uses in the Public Conservation and Resource Zone; includes a temporary anemometer in the list of buildings and works not requiring a permit; makes the Minister for Planning the responsible authority in planning schemes for considering Wind energy facilities with a capacity greater than 30 megawatts; and introduces Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria, 2002 as an incorporated document in planning schemes; amends Clause 18 of the SPPF to require the design of transport routes to provide for grade separation at railways.

Amendment number	In operation from	Brief description
<b>VC15</b>	31 OCT 2002	Updates reference to tourism guidelines in SPPF; clarifies the nature of "school" in the SPPF and Clause 56.07 and in conditions opposite various uses in the industrial and business zones; introduces a new Particular provision and Land use term for Shipping container storage; includes Shipping container storage in the Table of uses in the Industrial 1, Business 3 and Business 4 Zones; exempts outdoor swimming pools associated with dwellings from permit requirements in the Design and Development Overlay and Neighbourhood Character Overlay; exempts removal of native vegetation from permit requirements in the Heritage Overlay and Public Acquisition Overlay if it presents an immediate risk of injury or damage; amends Clause 52.01 to establish consistency with the <i>Subdivision Act 1988</i> and to clarify the Class 1 exemption for subdivision of residential buildings; extends the expiry date in Clause 52.04-3 for transitional arrangements for residential development; amends Standard C21 in Clause 56.06-4 to facilitate the use of building envelopes on lots in new subdivisions; amends definitions of Wall height, Materials recycling and Store; and makes minor format changes.
<b>C53 (Part 1)</b>	7 NOV 2002	Rezones the land on the south east corner of Birdwood Street and Kossuth Street, Sebastopol being part of Crown Allotment 1, Section 25, Township of Sebastopol from the Rural Zone to the Residential 1 Zone.
<b>C56</b>	7 NOV 2002	Includes land at Lot 2 Slatey Creek Road, Invermay in Map 1 to the Schedule to the Rural Living Zone thereby allowing a 2 hectare minimum lot size for the land.
<b>C59</b>	21 NOV 2002	Rezones No's. 921 – 927 Barkly Street, Mount Pleasant from the Industrial 1 Zone to the Residential 1 Zone.
<b>C61</b>	5 DEC 2002	Removes the Minister for Planning as the Responsible Authority for the 'former Water Board office' in Grenville Street South, being Lot 2 on Plan of Subdivision 406848Y. Vol. 10329 Fol. 438 from the schedule to Clause 61.01
<b>VC17</b>	24 DEC 2002	Provides permit exemption in the Public Acquisition Overlay for proposals that are consistent with the purpose for which the land was or is to be acquired; and provides permit exemptions and introduces an incorporated document for 3 Rail Infrastructure Projects (Rail Gauge Standardisation Project, Regional Fast Rail Project and Fibre Optic Project) in 23 planning schemes.
<b>C50</b>	16 JAN 2003	Includes the Invermay Miniature Railway Line Incorporated Plan within the schedule to the Public Park and Recreation Zone and modifies the schedule to clauses 61 to delete reference to a map not in the scheme and includes reference to the incorporated plan in the schedule to clause 81.
<b>C63</b>	30 JAN 2002	Replaces the Buninyong Interim Heritage Precinct Policy, the Learmonth Interim Precinct Heritage Policy and the Inner Ballarat Interim Heritage Precinct Policy with a new policy that refers to the Ballarat Stage 2 Heritage Study 2002 as a Reference document and changes the expiry clause for the policies to expire upon approval of Amendment C58; modifies the Heritage Overlay maps to include revised areas where the interim heritage precinct areas apply; amends the schedule to the Heritage Overlay (Clause 34.01) and Clause 81 by replacing references to the Ballarat Planning Scheme Interim Heritage Precincts 2002 - Incorporated Plan with the Ballarat Planning Scheme Interim Heritage Controls (2003) – Incorporated Plan which expires on

Amendment number	In operation from	Brief description
		the approval of Amendment C58; introduces a new Map '25HO' into the Ballarat Planning Scheme.
<b>C47</b>	27 FEB 2003	Includes part of land at 4-6 Windermere Street South, Ballarat within the Business 1 Zone.
<b>VC19</b>	24 JUL 2003	Makes changes to the SPPF and various Overlays and Particular provisions relating to Government policies and strategies on native vegetation management, coastal planning and management, highway management and Development Contributions Plans; introduces a Particular provision for satellite dishes; makes high rise residential development in residential zones subject to car parking requirements in Clause 52.06; provides permit exemptions for direction signs to emergency facilities at hospitals and buildings and works associated with a Dependent person's unit; clarifies that permit exemption for subdivision applies to an authority acquiring land rather than generally to an acquiring authority; amends the definition of Shop to clarify that it includes the sale of bread and other products baked on the premises; updates references to Ministers, Government departments and agencies; updates references to legislation and incorporated documents; and makes various formatting and typographical corrections.
<b>VC21</b>	9 OCT 2003	Corrects Clause 52.05-9 to restore provisions relating to High-wall signs deleted in Amendment VC19.
<b>C48</b>	20 NOV 2003	Rezones land at 37-47 Orion Street, Sebastopol from Public Use 1 (Service and Utility) and Residential 1 to Mixed Use and applies the Environmental Audit Overlay to all of the site except for an area comprising the full width of the site to a depth of 50 metres.
<b>C68</b>	22 JAN 2004	Changes the Heritage Overlay schedule to reference the inclusion of the following sites on the Victorian Heritage Register. <ul style="list-style-type: none"> <li>▪ Ranger Barracks (Curtis Street, Ballarat)</li> <li>▪ Former Unicorn Hotel façade and verandah (Sturt Street, Ballarat)</li> <li>▪ Old Curiosity Shop (7 Queen Street, Ballarat)</li> </ul>
<b>C70</b>	26 FEB 2004	Removes the Minister for Planning as the Responsible Authority for the 'former Water Board office' in Grenville Street South, being Lot 2 on Plan of Subdivision 406848Y. Vol. 10329 Fol. 438 from the schedule to Clause 61.01.
<b>C67 (Part 1)</b>	25 MAR 2004	Rezones lots 1 and 2 LP 41814, Hugh Street, Wendouree to the Mixed Use Zone.
<b>C66</b>	1 APR 2004	Rezones various parcels of land to remove privately owned land from public zones, to add public land to public zones and to remove public land from the public zone where an alternative zone is more appropriate.
<b>C69</b>	22 APR 2004	Includes 9 Brewery Tap Road, Warrenheip, within the Mixed Use Zone.
<b>VC24</b>	11 JUN 2004	Introduces the Farming Zone and Rural Activity Zone in the VPP and amends Clause 17.05 in the SPPF, the Low Density Residential Zone and the Rural Living Zone.
<b>VC25</b>	1 JUL 2004	Removes reference to 4 Star energy rating in Standard B10, Clause 55.03-5 to ensure consistency between the VPP and the 5 Star energy rating in the Building Regulations.

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<b>C72</b>	8 JUL 2004	Rezones part Lot 1, PS 419637, Simpson Street, Buninyong and part of Davies Street and Yuille Street road reserves from Residential 1 to SUZ10 (Recreation); and  Rezones part Lot 1, Section 58, Township of Buninyong in Scott Street, Buninyong from SUZ10 (Recreation) to Residential 1.
<b>C67 Part 2</b>	22 JUL 2004	Rezones the land at 613A and 615 Skipton Street, Redan, from Residential 1 Zone to Mixed Use Zone.
<b>VC26</b>	26 AUG 2004	Makes changes to the SPPF to implement recommendations of the Live Music Task Force; removes anomalies that allow dwellings to be constructed or extended on common property and existing dwellings to be internally altered and converted to multiple dwellings without permits; updates references to current transport legislation; makes corrections to the Advertising sign provisions; amends the list of incorporated documents to refer to updated documents; restructures the list of incorporated documents in Clause 81 and the Schedule to Clause 81.
<b>C53 (Part 2)</b>	2 SEP 2004	Rezones Crown Allotment 22, Section 1 and Lot S5 PS435065, Parish of Cardigan (Greenhalghs Road, Delacombe) from Rural Zone to Residential 1 Zone.
<b>VC27</b>	9 SEP 2004	Establishes all referral and notice requirements in Clause 66 and schedules to Clause 66.
<b>VC28</b>	6 OCT 2004	Introduces a Particular provision, Clause 52.34, for Bicycle facilities.
<b>VC29</b>	4 NOV 2004	Makes a change to Clause 52.17 to clarify that the exemption from the need for a planning permit for the removal, destruction or lopping of native vegetation for farm structures does not include the establishment or operation of a central pivot irrigation system.
<b>VC31</b>	25 NOV 2004	Introduces a new Residential 3 Zone; introduces a new Particular provision and amends Clause 19 to require an urban context report and design response for residential development of four (4) or more storeys; includes a reference to <i>Design Guidelines for Higher Density Housing</i> in Clause 19; and amends the ResCode provisions at Clauses 54.03-2 and 55.03-2 to give effect to residential height provisions.
<b>VC32</b>	23 DEC 2004	Makes changes to Clause 15.08 of the SPPF to refer to the land use and development policies expressed in the <i>Great Ocean Road Region – A Land Use and Transport Strategy</i> .
<b>C71</b>	6 JAN 2005	Modifies the Schedule to the Rural Living Zone to include the land at 185 Millers Road, Invermay within the 2 hectare minimum subdivision area.
<b>C73 Part 1</b>	6 JAN 2005	Rezones land at 201 Gillies Street, Wendouree, (Crown Allotment 10B Section 3, Parish of Dowling Forest) from Public Use Zone 4 to Industrial 1 Zone.
<b>C65</b>	7 APR 2005	Replaces the Municipal Strategic Statement with a new Municipal Strategic Statement that has been developed following the first three year review.
<b>C64</b>	21 APR 2005	The amendment relates to two parcels of land straddling Old Western Highway. The first parcel of land is to the south of the Highway, extending to Cuthberts Road, between the Ballarat-Skipton Rail Trail and east of Whites Road. The second parcel of land is to the north of the Highway extending to the Ballarat - Ararat Railway line between

Amendment number	In operation from	Brief description
		<p>Draffins Road and Dowling Road.</p> <p>The amendment rezones the land from a Rural Zone to a Comprehensive Development Zone Schedule 1.</p> <p>The amendment also modifies Schedule 1 to the Significant Landscape Overlay, the Schedule to the Erosion Management Overlay, and Clause 21 as these provisions relate to the Lake Federation land.</p> <p>The amendment also Incorporates the documents 'Lake Federation Resort Main Components Plan C511 CP 039c dated August 2004', 'Lake Federation Resort Draft Master Plan A C511 CP 055b, dated August 2004' and 'Lake Federation Resort Staging Plan C511 CP 037b dated August 2004' into the Planning Scheme.</p>
<b>C83</b>	7 JUL 2005	Implements Section 48 of the <i>Heritage Act</i> 1995 by identifying places listed on the Victorian Heritage Register on the Planning Scheme Maps and Schedule to the Heritage Overlay, in accordance with their listing on the Victorian Heritage Register. The place is Eureka Memorials, Ballarat Cemetery (VHR H1007 & HO182).
<b>C73 Part 2</b>	21 JUL 2005	Rezones the land at Lot 4 PS 346969S on the corner of Napier Avenue and Learmonth Street, Alfredton from Special Use Zone 10 to Industrial 3 Zone.
<b>C80</b>	11 AUG 2005	Includes the former Commonwealth land in Russell Street, Ballarat in the Ballarat Planning Scheme and includes the land within the Residential 1 Zone and the Environmental Audit Overlay, deletes the existing Design and Development Overlay Schedules 11 and 12 over the site, and applies a new Design and Development Overlay Schedule 16 over the land.
<b>VC33</b>	1 SEP 2005	Removes the requirement for a Clause 54 assessment for Heritage Overlay applications in a residential zone.
<b>C76</b>	15 SEP 2005	Rezones land on the west side of Vale Street and south side of Leopold Street, Alfredton from Special Use Zone 10 (Recreation) to Residential 1 Zone.
<b>VC34</b>	22 SEP 2005	Introduces a new Clause 12 with consequential changes to other clauses in the SPPF, including Clauses 14, 15, 17, 18 & 19; includes reference to <i>Alpine Resorts 2020 Strategy</i> in Clause 15.13 and <i>Activity Centre Design Guidelines</i> and <i>Safer Design Guidelines</i> in Clause 19.03-3; amends subdivision requirements in Clauses 35.04, 35.05, 35.06; makes changes to provisions in Clause 35.06 and Clause 57.01 regarding Wind energy facilities; amends advertising sign controls along railway corridors in Clause 36.01-7; amends Clauses 43.05-3, 55 & 56 to refer to the Residential 3 Zone; amends Clause 44.05 to broaden the range of minor buildings and works that do not require a permit; amends Clauses 44.01, 44.02, 44.03, 44.04, 44.05, 45.01, 45.02 and 45.05 to introduce exemptions from notice and review for permit applications; Clarifies requirements for extractive industry and private tennis courts in Clauses 52.09, 52.21 and 66.05; introduces definition for Metropolitan Melbourne in Clause 72; introduces a "Tramway" definition and deletes reference to "lightrail"; introduces a new incorporated document, <i>Activity Centres and Principal Public Transport Network Plan, 2003</i> in Clause 81.
<b>C75</b>	13 OCT 2005	Amends Maps 15 to include land on the north side of Howitt Street and east of Dowling Street within the Mixed Use zone. Amends Map 27 to expand the Sebastopol North Neighbourhood Centre by including land



Amendment number	In operation from	Brief description
		to the east and south within the Business 1 Zone. Amends the Municipal Strategic Statement and Local Planning Policy on Business to incorporate recommendations of the Ballarat Retail Development Strategy 2003.
<b>VC35</b>	15 DEC 2005	Includes a reference to the <i>Planning Guidelines for Land Based Aquaculture in Victoria</i> in Clause 17; makes Education centre a prohibited use in green wedge areas; includes Emergency services facility as a Section 2 use in Clauses 35.06 and 35.07; makes Business identification signs permissible for private land owners in Clause 45.07; removes the need to consider operational guidelines in Clause 52.17; amends the re-subdivision requirements in Clause 57.01-2; introduces an "Emergency services facility" definition.
<b>VC36</b>	22 DEC 2005	Amends Clause 62 to provide exemption from planning scheme requirements for events on public land.
<b>VC37</b>	19 JAN 2005	Amends the format of the Victoria Planning Provisions and all planning schemes to facilitate the ZAPP electronic amendment administration system.
<b>VC38</b>	16 MAR 2006	Makes changes to Clauses 15.09, 52.17, 66.02 and 72 to provide for a new approach to native vegetation management.
<b>C79</b>	20 APR 2006	Includes 16 Colpin Avenue and 306 Wendouree Parade, Lake Wendouree in the Heritage Overlay
<b>C94</b>	8 JUN 2006	Introduces the Industrial 3 Zone and schedule into the planning scheme.
<b>C82</b>	13 JUL 2006	Rezones the land known as 300B Gillies Street, Wendouree (being Lot S4 PS 428237G) from the Residential 1 Zone to Business 2 Zone.
<b>C91</b>	13 JUL 2006	Rezones land at the north west corner of Pleasant and Lonsdale Streets, Redan from Industrial 1 Zone to Residential 1 Zone and applies the Environmental Audit Overlay to the land to facilitate the future residential development of the land.
<b>C100</b>	17 AUG 2006	The amendment places heritage controls over two properties located at 705A Macarthur Street, Ballarat and 707 Macarthur Street, Ballarat.
<b>VC40</b>	30 AUG 2006	Makes changes to the Clauses 32.01, 32.02, 32.04, 32.05, 32.06, 34.01, 34.02, 34.03, 34.04, 34.05, 43.01, 44.02, 62, and 72 to exempt various minor works from requiring a planning permit.
<b>VC41</b>	1 SEP 2006	Amends the metropolitan growth areas strategies in Clause 12 of the SPPF by introducing the <i>Growth Area Framework Plans</i> as an incorporated document.
<b>VC42</b>	9 OCT 2006	Introduces the Sustainable Neighbourhoods Provisions for residential subdivision, including changes to Clauses 19, 55.03 and 56 to 56.09; Introduces new transitional arrangements for subdivision at Clause 56.10; modifies subdivision application requirements in the residential zones; applies Clause 56 provisions as subdivision application requirements to the Comprehensive Development Zone, Priority Development Zone, Incorporated Plan Overlay and Development Plan Overlay; Amend the coastal areas policies in Clause 15.08 to give effect to the land use and development strategies of the <i>Victorian Coastal Strategy 2002</i> ; Makes changes to the VPP to provide for geothermal energy extraction in Clauses 35.06, 35.07, 35.08, 42.01, 42.02, 42.03, 44.01, 44.02, 52.08, 52.17, 62, 66, 74 and 75; Amends Clause 52.29 to introduce a decision guideline for road network safety

Amendment number	In operation from	Brief description
		and efficiency regarding access to adjoining properties to respond to the Road Management Act 2004; Introduces a new Particular Provision - Clause 52.36 that includes the Director of Public Transport as a referral authority; and Makes other administrative changes, updates and corrections to the VPP.
<b>VC39</b>	18 OCT 2006	Amends the provisions relating to gaming in clauses 19.02, 52.28 and 72 to implement Government policy and to accord with the Gambling Regulation Act 2003.
<b>C58</b>	27 OCT 2006	Amends the schedule and the maps to the heritage overlay to identify 19 heritage precincts in inner Ballarat, Buninyong and Learmonth and deletes the interim controls applying to these localities. The amendment includes changes to the LPPF and the introduction of new incorporated documents.
<b>VC43</b>	31 OCT 2006	Introduces provisions for the further protection of green wedges in Clauses 35.04, 35.05 and 35.06; and clarifies the term ' <i>in conjunction with</i> ' in Clause 64. Amends SPPF Clauses 12 and 16 to introduce state-wide affordable housing policies and makes other administrative corrections to the VPP and various planning schemes.
<b>C112</b>	18 NOV 2006	Modifies the Schedule to Clause 52.03 to exempt the 'Ballarat West Groundwater Supply Project' on Ring Road and Gregory Street West from permit requirements and amends the Schedule to Clause 81.01 to include the 'Ballarat West Groundwater Supply Project' as an incorporated document in the Ballarat Planning Scheme.
<b>VC44</b>	14 NOV 2006	Introduces additional exemptions in Clause 52.17 for the removal of native vegetation near buildings used for <i>Accommodation</i> to manage risks to life and property from wildfire.
<b>C84</b>	23 NOV 2006	Rezones 21-53 Learmonth Road, Wendouree from Industrial 1 to Business 4 Zone and applies Schedule 2 to the Development Plan Overlay to the land.
<b>C88 (Part 1)</b>	23 NOV 2006	Rezones a number of former Industrial 1 land parcels to an Industrial 3, Residential 1, Mixed Use, Low Density Residential or Business 1 Zone and applies the DPO3 and DPO4 to vacant residential and industrial land and the EAO to land that has been rezoned from industrial to residential.
<b>C105</b>	23 NOV 2006	Applies the Rural Conservation Zone, (Schedule 1), Environmental Audit Overlay and Vegetation Protection Overlay to land known as the Ballarat Rifle Range at Elsworth Street, Ballarat.
<b>C106</b>	7 DEC 2006	Introduces the St Aidan's Interim Heritage Precinct, the Colpin Avenue Interim Heritage Precinct, the Dowling Street Interim Heritage Precinct, the Old Showgrounds Interim Heritage Precinct, the Creswick Road/Macarthur Street Interim Heritage Precinct and the Barkly Street/Humffray Street South Interim Heritage Precinct into the Heritage Overlay, and introduces associated local planning policies and incorporated documents into the scheme.
<b>C39 (Part 2)</b>	14 DEC 2006	Rezones part of the municipal reserve in Ealing Avenue, Wendouree from Public Park and Recreation Zone to Residential 1 Zone.
<b>C86</b>	14 DEC 2006	Rezones land at 115A Mansfield Avenue, Mt Clear from Public Park and Recreation Zone to Residential 1 Zone.
<b>C74</b>	1 FEB 2007	Introduces Clause 45.02 Airport Environs Overlay and applies AEO1 and AEO2 to land which is or will be subject to high levels of aircraft

Amendment number	In operation from	Brief description
		noise from the Ballarat Aerodrome; applies DDO17 and DDO18 to ensure that building height does not adversely effect the operations of the aerodrome; makes changes to Clause 21.06-4 to support application of new overlays; amends Clause 61.03 to reflect new overlay maps; amends the schedule to Clause 66.04 to reference new section 55 referrals listed in AEO1 and AEO2; and incorporates <i>Australian Standard AS 2021-2000, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction</i> by including it in the schedule to Clause 81.01.
<b>VC30</b>	14 MAY 2007	Amends Clause 18 to update reference to the <i>Australian Noise Exposure Forecast (ANEF)</i> and relevant reference documents; deletes reference to Melbourne Airport in Clause 45.02-5; deletes Clause 45.02-6 and provides in Clause 66.05 for notice of permit applications to be given to the airport lessee of Melbourne airport.
<b>C96</b>	17 MAY 2007	Rezone land at 512 Clayton Street and 4-6 Butt Street, Ballarat East, from Public Park and Recreation Zone to Industrial 1 Zone, rezone land at Lot 55 Peregrine Court, Ballarat North, from Road Zone Category 1 to Residential 1 Zone, remove Public Acquisition Overlay Schedule 2 and apply Public Acquisition Overlay Schedule 1 at Ballarat-Cargnham Road, Ballarat West, rezone the land at 64-66 Park Street, Wendouree, from Public Park and Recreation Zone to Residential 1 Zone, rezone the land at 235 Albert Road, Sebastopol, from Special Use Zone to Residential 1 Zone, apply Heritage Overlay 151 over correct area at Corner Creswick Road and Doveton Street, Ballarat and remove the Environmental Audit Overlay at 201-209 Seymour Street, Soldiers Hill.
<b>C116</b>	5 JUL 2007	Amends Schedule 2 to the Environmental Significance Overlay and the schedule to Clause 52.17 Native Vegetation to facilitate the construction of the Goldfields Superpipe project.
<b>C125</b>	2 AUG 2007	Introduces the Farming Zone into the Scheme and rezones all land in the Environmental Rural Zone to Rural Conservation and all land in the Rural Zone to the Farming Zone. The Environmental Rural Zone and Rural Zone are deleted from the Scheme.
<b>VC45</b>	17 SEP 2007	Amends Clauses 12, 15, 17, 19, 35.04, 35.05, 43.01, 52.09, 52.17, 52.18, 52.32 & 57 to give effect to the operation of the Aboriginal Heritage Act 2006; amends the schedule to Clause 61.01 to refer to Division 1A of Part 4 of the Act; deletes reference to 'local provisions page header' in Clause 61.03; updates reference to the Development Contribution Guidelines in Clause 18.12; corrects reference to the Victorian Commission for Gambling Regulation in Clause 52.28; includes the document relating to Rail Infrastructure Projects in Clause 81.01 of the Ballarat, Greater Geelong and Wyndham planning schemes; updates reference to the amended Mineral Resources (Sustainable Development) Act 1990 in Clauses 17, 42.01, 42.02, 42.03, 44.01, 44.02, 52.08, 52.17 and 66.02; updates list of reference documents relating to soil contamination under Clause 15.06; amends the definition for Restricted retail premises in Clause 74; introduces a new purpose in the Rural Activity Zone, which provides for a specific purpose to be included in a schedule to the zone and amends the schedules in the Mansfield & Bass Coast Planning Schemes to include new purpose statements; amends Clause 52.04 (satellite dish) to include reference to the R3Z; amends Clauses 17.07, 52.18 & 81.01 to reflect the updated Timber Code; makes Veterinary centre a Section 2 use in the Farming Zone; includes new provisions for electronic billboard signage to Clause 52.05, including making VicRoads a

Amendment number	In operation from	Brief description
		referral authority under Clause 66.03 and a new definition in Clause 73; extending the expiry date for major promotion signage from 18/09/07 to 18/09/08 under Clause 52.05; and makes other administrative changes, other minor updates and corrections to the VPP and planning schemes.
<b>C81</b>	27 SEP 2007	The amendment rezones approximately 101 hectares of land bounded by Sturt Street, Ring Road, Gregory Street and Lake Garden Estate from Public Park and Recreation Zone, Rural Zone, Industrial 1 Zone, and Public Use Zone 4 (Transport) to part Residential 1 Zone and part Special Use Zone 11 (Ballarat Golf Club Redevelopment) and introduces a Development Plan Overlay and a Vegetation Protection Overlay to facilitate the construction of a golf course and residential subdivision.
<b>C120</b>	11 OCT 2007	Introduces a specific provision under Clause 52.03 and applies an Incorporated Document, <i>Mildura –Geelong Rail Freight Upgrade Project September 2007</i> to allow the use and development of land along the railway corridor between Gheringhap and Mildura for upgrading and maintenance in accordance with the Incorporated Document.
<b>C113</b>	25 OCT 2007	Implements the recommendations of a review of the application of the Environmental Audit Overlay in Alfredton and removes the EAO from a property where a Statement of Environmental Audit has been issued.
<b>VC46</b>	4 FEB 2008	Introduces an exemption in Clauses 42.01, 42.02, 42.03, 44.01, 44.02 and 52.17 for the removal of native vegetation to construct strategic fuelbreaks of up to 40 metres width for wildfire protection.
<b>VC47</b>	7 APR 2008	Translates provisions from the <i>Melbourne Docklands Area Planning Provisions, September 2006</i> into Clause 37.05; and introduces new purpose statements and decision guidelines to Clause 52.27 to address cumulative impact of licensed premises.
<b>C111</b>	17 APR 2008	Amends the 'Ballarat Planning Scheme Heritage Control 2004 – Incorporated Plan' to refer to the correct date of the 'Ballarat Heritage Precincts Statements of Significance 2006', to list the trees not exempted from planning permits in alphabetical order, to clarify exemptions for new outbuildings and minor development to 'significant' places, to delete reference in the Incorporated Plan for an exemption for planning approval to externally paint a building in the Victoria Street Heritage Precinct (HO177) and West Ballarat Heritage Precinct (HO164) ; amends clause 43.01s by deleting duplicated heritage listings; deletes redundant interim heritage precincts from the heritage overlay; makes minor corrections to the boundary of H0172 Creeks and River Channels Precincts; deletes the redundant HO103 Sturt Street Precinct from the maps and schedule as this has been replaced with HO164 West Ballarat Heritage Precinct and HO167 Sturt Street Heritage Precinct.
<b>C103(Part 1)</b>	24 APR 2008	Rezones land being Lot 1 on PS 607929D, Lot 2 on PS 607929D, and Lot S2 on PS 403452S at Cuthberts Road, Alfredton from Farming Zone to Residential 1 Zone and applies a Development Plan Overlay to the land and a Heritage Overlay to an identified scar tree.
<b>C92</b>	01 MAY 2008	Establishes the Mair Street Medical Precinct where medical centre uses are encouraged, rezones the St John of God Hospital to Special Use Zone and applies policy to encourage the location of medical centre uses within the Mair Street Medical Precinct and discourage non residential uses from residential areas.

Amendment number	In operation from	Brief description
<b>C108</b>	01 MAY 2008	Rezones land between Dowling Road and Gillies Street from Industrial 1 Zone to Public Use Zone 4 (Transport) and land between Doveton Street and Armstrong Street from Business 1 Zone to Public Use Zone 4 (Transport) and introduces an exemption for native vegetation removal to both sites to facilitate the development of the Wendouree railway station and the Doveton Street car park.
<b>VC48</b>	10 JUN 2008	Introduces the Urban Growth Zone (UGZ) and accompanying schedule at 37.07 to the VPP and applies the UGZ to five planning schemes (Cardinia, Casey, Hume, Melton & Wyndham); amends reference to Precinct Structure Plans in Clauses 12 and 14 and amends Clause 66.03 to include a referral requirement in the new UGZ.
<b>C88(Part 2)</b>	26 JUN 2008	Implements the recommendations and findings of a review of industrial land in Ballarat and in particular: makes a number of changes to the MSS relating to industrial development in the municipality; replaces Clause 22.05 with a new industry policy; makes a number of rezonings primarily of former Industrial 1 land parcels to an Industrial 3, Residential 1 or Mixed Use Zone; applies the DPO3 and DPO4 to vacant residential and industrial land; and applies the EAO to land that has been rezoned from industrial to mixed use and residential zones.
<b>VC49</b>	15 SEP 2008	Exempts further 'minor matters' from requiring a planning permit to streamline Victoria's planning system and improve the workability of provisions; refines referral requirements for Director of Public Transport, Country Fire Authority and VicRoads; introduces new referral requirements under the UGZ for the City of Greater Geelong; Clarifies the notice provisions under the MAEO; introduces the Public Transport Guidelines for Land Use and Development as a reference document; changes the advertising sign provisions under Clause 52.05, including new decision guidelines and application requirements; provides a final extension of time to 31 December 2008 for lodgement of applications for existing Major promotion signs allowed under the continuance provision in Clause 52.05-5; changes the UGZ Part A advertising sign controls from Category 4 to Category 3; introduces new exemptions under the Clause 52.17 native vegetation provisions to improve their operation; introduces a new particular provision for native vegetation precinct plans in Clause 52.16; and makes other administrative changes, updates and corrections to the VPP.
<b>C110</b>	9 OCT 2008	Rezones the eastern portion of the former Loreto College site generally known as 3-11 Dawson Street North (including rear portion 20 & 21A Lyons Street North) from Special Use Zone Schedule 5 (Private Education Establishment) to Business 1 Zone and rezones the western portion of the former Loreto College site generally known as 2-4 Lyons Street North from Special Use Zone Schedule 5 (Private Education Establishment) to Residential 1 Zone.
<b>VC50</b>	15 DEC 2008	Introduces new provisions for residential aged care facilities in Clause 16, the residential zones and in Clauses 74 and 75; makes certain minor buildings and works associated with an Education centre exempt from the requirement for a planning permit in Clause 62.02; makes corrections and clarifications to the native vegetation provisions; specifies advertising sign requirements for situations where the PUZ4 and RDZ abut each other; introduces new dry stone wall provisions in Clause 52.37 together with decision guidelines for post boxes and dry stone walls and inserts the schedule to Clause 52.37 in all planning schemes and specifies a permit requirement for dry stone walls in 12 planning schemes.

Amendment number	In operation from	Brief description
<b>C130</b>	18 DEC 2008	Amends the Schedule to the Heritage Overlay to extend the lapse date for interim heritage controls to 31 October 2009.
<b>VC52</b>	18 DEC 2008	Amends the coastal areas policies in Clause 15.08 of the SPPF to give effect to the land use and development strategies of the <i>Victorian Coastal Strategy 2008</i> .
<b>C102</b>	22 JAN 2009	Inserts the Wildfire Management Overlay to implement new fire risk mapping.
<b>VC53</b>	23 FEB 2009	Introduces a new particular provision, <i>Clause 52.38 - 2009 Bushfire Recovery</i> and amends Clause 62.02-1 to include a permit exemption for buildings and works carried out by or on behalf of a municipality with an estimated cost of \$1,000,000 or less.
<b>VC54</b>	12 MAR 2009	Amends Clause 44.06-1 of the Wildfire Management Overlay to make rebuilding a dwelling damaged or destroyed by the 2009 bushfires exempt from the requirement for a permit if it is sited in the same location on the land.
<b>VC57</b>	14 MAY 2009	Introduces a new particular provision, Clause 52.39 - 2009 Bushfire - replacement buildings providing a permit exemption for specified uses and buildings and works that were damaged or destroyed by bushfire in 2009. Amends the schedule to Clause 53 of the Yarra Ranges Planning Scheme to exempt buildings and works to which Clause 52.39 applies.
<b>VC56</b>	22 MAY 2009	Introduces a new particular provision, Clause 52.40 - Government Funded Education Facilities, providing a permit exemption for specified government funded buildings and works. Amends the Schedule to Clause 61.01 to establish the Minister for Planning as the responsible authority associated with clause 52.40. Introduces a new particular provision, Clause 52.41 - Government Funded Social Housing providing a permit exemption for specified government funded accommodation. Amends the schedule to Clause 61.01 to establish the Minister for Planning as the responsible authority associated with Clause 52.41. Corrects the general provisions, Clause 62.02-2 dot point 6, replaces the first word of the provision, 'building' with the word 'furniture'.
<b>C118</b>	11 JUN 2009	Implements Section 48 of the <i>Heritage Act</i> 1995 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.
<b>C134</b>	6 AUG 2009	Amends the Public Acquisition Overlay (PAO1) to include certain land required for the Western Highway Duplication Project – Ballarat to Burrumbeet in accordance with the previously approved road reservation under the Ballarat (Shire) Planning Scheme.
<b>C136</b>	6 AUG 2009	Implements Section 48 of the <i>Heritage Act</i> 1995 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.
<b>C117</b>	3 SEP 2009	Replaces Clause 21.03 'Vision for Ballarat', replaces Clause 21.05 'Settlement', replaces Clause 21.06 'Economic Development', replaces Clause 21.08 'Reference Documents', and deletes the content of Clause 22.12 'South-West Sebastopol', to provide policy recognition to the "Ballarat West Growth Area Plan 2009".
<b>C133</b>	3 SEP 2009	Introduces Clause 37.07 'Urban Growth Zone' into the Scheme and applies the Urban Growth Zone to land within the Farming Zone in the

Amendment number	In operation from	Brief description
		Ballarat West Growth Area.
<b>VC61</b>	10 SEP 2009	Introduces a new particular provision, <i>Clause 52.43 - Interim measures for bushfire protection</i> , providing an exemption from planning scheme and planning permit requirements for the removal, destruction or lopping of vegetation for bushfire protection. Amends the schedule to Clause 53 of the Yarra Ranges Planning Scheme to exempt the removal, destruction or lopping of vegetation to which Clause 52.43 applies.
<b>VC60</b>	21 SEP 2009	Amends Clause 15.14 to provide an overarching renewable energy statement, Clause 74 and 75 to include a new land use term and group for renewable energy facility, Clause 35.06 (RCZ), 35.07 (FZ) and 36.03 (PCRZ) to include a renewable energy facility as a permit required use. Introduces a new particular provision Clause 52.42 – Renewable energy facility. Amends Clause 15 and 81 to update the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria to the 2009 guidelines. Amends Clause 52.32 Wind Energy Facility and the reference to wind energy facilities in the schedule to Clause 61.01 to be consistent with the new guidelines. Amends the definition of anemometers in Clause 72 and Wind Energy Facility in Clause 74. Amends Clause 62.02 to make the installation of solar energy systems exempt from a permit. Amends Clause 12.05 to include a new maritime precinct policy, including two new reference documents. Amends Clause 15, 44.03 (FO) and 44.04 (LSIO) to include reference, purposes and decision guidelines regarding river health strategies and regional wetland plans. Amends Clause 16, 17 and 81.01 to include reference to the new Victorian Code for Broiler Farms 2009, amends Clause 52.31, 66.05 and 74 to reference the new code and introduce new notice requirements and update the definition for broiler farms. Amends Clause 52.17 (Native vegetation) regarding existing buildings and works in the Farming Zone and Rural Activity Zone to clarify that the extent of permit exemptions. Amends Clause 64 to allow a permit application to be made for the subdivision of land in more than one zone. Amends the permit exemptions in Clause 62.02-2 to include cat cages and other domestic animal enclosures. Amendment VC60 Introduces a number of administrative changes amending: 52.13, 56.06, 66.03, 66.02-9, 37.07, 43.04, 52.19, 34.01 to correct wording discrepancies, clarify the provisions or remove unnecessary requirements.
<b>C123</b>	24 SEP 2009	Rectifies various mapping and ordinance anomalies within the Ballarat Planning Scheme.
<b>VC58</b>	1 OCT 2009	Amends Clause 56.05-2 Residential subdivision, Public open space to include reference to the Precinct Structure Plan Guidelines and amends the objectives and standards of Clause 56.05-2. The amendment includes new and amended public open space objectives, distribution and standards, for active open space, local parks, open space links and linear parks.
<b>C95</b>	12 NOV 2009	Implements the recommendations of the Canadian Valley Outline Development Plan 2005, the Ballarat Comprehensive Koala Plan of Management 2006 and the City of Ballarat Native Vegetation Mapping and Review of the Vegetation Protection Overlay (VPO1) and references them by amending the MSS, inserting new policies for the Canadian Valley and Koala and Koala Habitat, updates the mapping of significant vegetation for the whole municipality, introduces mapping of core koala habitat for the whole municipality, amends the Vegetation Protection Overlay Schedule 1, introduces a new Environmental

Amendment number	In operation from	Brief description
		Significance Overlay Schedule 5 and rezones land to implement the recommendations of the Canadian Valley Outline Development Plan 2005.
<b>C107</b>	26 NOV 2009	Introduces the St Aidan's Heritage Precinct, the Colpin Avenue Heritage Precinct, the Dowling Street Heritage Precinct, the Old Showgrounds Heritage Precinct, the Creswick Road/Macarthur Street Heritage Precinct and the Barkly Street/Humffray Street South Heritage Precinct within the Heritage Overlay, and introduces associated local planning policy and incorporated documents into the scheme.
<b>VC64</b>	23 DEC 2009	Amends Clause 52.27 – Licensed Premises to remove the requirement for a permit where the change in a liquor licence is solely as a result of the changes to the licence categories to be introduced on 1 January 2010.
<b>VC65</b>	22 JAN 2010	Amends Clause 52.43 – <i>Interim Measures for Bushfire Protection</i> to clarify that the permit exemptions for vegetation removal apply to existing and not proposed buildings. The amended provision further clarifies that an existing building specifically refers to an existing building constructed before the operation of Clause 52.43 (10 September 2009) or is an existing building constructed after that date, but approved by a planning permit or building permit before the operation of Clause 52.43.
<b>C137</b>	18 MAR 2010	A policy-neutral amendment which restructures and simplifies the form and content of the Local Planning Policy Framework (LPPF), updates factual information in the municipal profile, incorporates a number of local policies into the Municipal Strategic Statement (MSS), and makes minor corrections to existing local policies and ordinance.
<b>VC70</b>	14 MAY 2010	Amends Clause 52.38 to: reinstate planning scheme exemptions for bushfire recovery until 31 March 2011; extend the time by which uses must be brought into compliance with the planning scheme until 31 March 2012; and to clarify its purpose and operation.
<b>VC62</b>	18 JUN 2010	Clarifies the status of the Secretary to the Department of Sustainability and Environment in various overlays and Clauses 52.16, 52.17, 52.18 and 66.02; removes a permit requirement relating to greenhouse gas sequestration in most zones, various overlays and Clauses 52.08, 52.16, 52.17 and 62.02-2; amends Clause 66.02-2 to include the Secretary administering the Greenhouse Gas Geological Sequestration Act 2008 as a referral authority; amends Clause 12 and 18 to incorporate the Victorian Cycling Strategy 2009; makes an Emergency Services Facility a Section 2 use in Clause 36.03; amends Clause 44.01 and the schedules to Clause 44.01 in the Mornington Peninsula Planning Scheme to change certain standard exemptions for buildings and works; makes minor changes to Clause 56.06, 64.03 and 74.
<b>VC66</b>	27 JUL 2010	Makes changes to Clauses 12 and 14 of the SPPF to give effect to the land use and development strategies of <i>Ready for Tomorrow: A Blueprint for Regional and Rural Victoria</i> .
<b>VC69</b>	2 AUG 2010	Makes changes relating to waste management to Clauses 12.07 and 18.10 of the SPPF. Introduces a particular provision for resource recovery (Clause 52.45), revises Clause 52.10 and changes land use terms for 'Materials recycling' and 'Refuse transfer station' throughout the VPP. Prohibits a Transfer station and Materials recycling in the Mixed Use Zone. Introduces a permit requirement for a Transfer



Amendment number	In operation from	Brief description
		Station in the Township Zone, the Industrial 1 Zone, the Business 3 and 4 Zones and the Farming Zone.
<b>VC68</b>	6 AUG 2010	Amends the Casey, Hume, Melton, Mitchell, Whittlesea and Wyndham planning schemes to expand Melbourne's Urban Growth Boundary (UGB). Changes the definition of Metropolitan Melbourne (Clause 72) to include part of the Mitchell planning scheme. Introduces a particular provision 'Statement of Underlying Provisions' (Clause 52.44) and an associated incorporated document in relevant planning schemes. Applies the Public Acquisition Overlay to identify and reserve land for the Regional Rail Link (RRL), Outer Metropolitan Ring/E6 Transport Corridor and Western Grasslands Reserves in relevant planning schemes (schedule to Clause 45.01). Makes the Minister for Planning the Responsible Authority for the RRL (schedule to Clause 61.01) and enables land to be used and developed in accordance with a new incorporated document for the RRL (schedule to Clauses 52.03 and 81.01). Introduces five new schedules to the Environmental Significance Overlay (Clause 42.01) in relevant planning schemes. Introduces a new incorporated document - The Truganina Cemetery Environmental Management Plan in the Wyndham Planning scheme. Removes the Restructure Overlay from land rezoned to Urban Growth Zone in the Mitchell Planning Scheme.
<b>VC73</b>	31 AUG 2010	Extends the expiry date of the particular provision, <i>Clause 52.43 - Interim measures for bushfire protection</i> , until 1 March 2012.
<b>VC63</b>	13 SEP 2010	Amends Clause 52.15 to exempt heliports and helipads in association with agricultural use and emergency operations from the permit requirement of the Clause. Changes references to the Extractive Industries Development Act 1995 to refer to the Mineral Resources (Sustainable Development) Act 1990. Clarifies references to the Secretary to the Department of Sustainability and Environment in Clauses 42.01, 42.02, 52.16 and 52.17. Amends Clause 62 to exempt extractive industry from the need for a planning permit where an exemption exists under the Mineral Resources (Sustainable Development) Act 1990. Removes the permit requirement for Greenhouse gas sequestration and Greenhouse gas sequestration exploration in the Urban Growth Zone. Makes changes to the nesting of the terms Geothermal energy extraction, Greenhouse gas sequestration and Greenhouse gas sequestration exploration in Clause 74 and Clause 75 and makes associated updates to the table of uses in the Urban Growth Zone, Rural Activity Zone, Farming Zone and Rural Conservation Zone. Updates the local provisions of 36 planning schemes to establish consistent use of the term Transfer station, in line with Clause 74.
<b>VC71</b>	20 SEP 2010	Replaces Clauses 10 to 19 of the SPPF with new revised Clauses 10 to 19 and redistributes the existing policies under the following new SPPF themes: Settlement, Environmental and landscape values, Environmental risk, Natural resource management, Built environment and heritage, Housing, Economic development, Transport and Infrastructure. The revised SPPF updates references to various Government documents. Introduces new policies into the SPPF to give effect to The Victorian Integrated Housing Strategy (Clause 16) and Melbourne 2030: A planning update Melbourne @ 5 Million (Clauses 11, 12, 16, and 19). Amends Clause 52.02 Easement, restrictions and reserves to introduce a new objective and decision guideline as a consequential change to the SPPF review. Introduces a new Clause 52.46 Brothels as a consequential change to the SPPF review with a

Amendment number	In operation from	Brief description
		new requirement to place a condition on permit for a brothel. Updates the incorporated document Activity Centres and Principal Public Transport Network 2010 in Clause 81.01.
<b>VC74</b>	25 OCT 2010	Amends Clause 52.27 to include a permit exemption for variation of liquor licence prescribed under the Liquor Control Reform Regulations 2009. Amends Clause 66 to make the Director of Liquor Licensing a referral authority and the Victoria Police a notice authority for an application under Clause 52.27 in association with a hotel, tavern or nightclub that is to operate after 1am.
<b>C139</b>	28 OCT 2010	<p>The amendment applies to land at 23-51 Learmonth Avenue and 7-9 Grandlee Drive, Wendouree (the subject site) and:</p> <ul style="list-style-type: none"> <li>• Rezones 7-9 Grandlee Drive, Wendouree from Industrial 1 Zone to Business 4 Zone;</li> <li>• Applies the Development Plan Overlay, Schedule 2 to include the land at 7-9 Grandlee Drive, Wendouree; and</li> </ul> <p>Provides for a planning permit to be granted for the use and development of the land for Landscape gardening supplies, a reduction in the number of statutory car parking spaces required, alteration of access to a Road Zone Category One and a reduction in the end of trip bicycle facilities (shower and change room), in accordance with endorsed plans.</p>
<b>VC76</b>	19 NOV 2010	Amends Clause 52.43 to introduce a new planning permit exemption for buildings and works associated with a private bushfire shelter.
<b>VC75</b>	16 DEC 2010	Amends references in Clause 16 of the SPPF that relate to the location of residential development and strategic redevelopment sites.
<b>VC78</b>	15 MAR 2011	Removes the Minister's decision-making powers regarding a Wind energy facility with a capacity of 30 megawatts or greater in Clause 61.01; amends Clause 19.01 and the application requirements and decision guidelines of Clause 52.32 to support consideration of local amenity impacts of a Wind energy facility. Updates the <i>Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria</i> and substitutes the 1998 New Zealand Standard for Wind Farm Noise - NZS6808 with the 2010 edition; introduces transitional arrangements for pre-existing Wind energy facility permits.
<b>VC79</b>	8 APR 2011	Amends Clause 52.27 to require a planning permit to use land to sell packaged liquor; clarify the circumstances when a planning permit is required under the Clause; and improve the readability of the Clause.
<b>C150</b>	2 JUN 2011	Implements the Alfredton West Precinct Structure Plan by introducing Schedule 1 (Alfredton West Precinct Structure Plan) to the Urban Growth Zone (UGZ1), applying the UGZ1 to the Alfredton West Precinct and including the 'Alfredton West Precinct Structure Plan 2011' as an incorporated document in the planning scheme.
<b>VC82</b>	29 AUG 2011	Amends Clause 52.32 to identify locations where a Wind energy facility is prohibited, include additional application requirements and permit the use and development of an anemometer for more than three years. Amends Clause 37.07 to prohibit a Wind energy facility. Amends Clause 19.01 and Clause 52.32 to reference the updated <i>Policy and planning guidelines for development of Wind energy facilities in Victoria (August 2011)</i> , and removes the current guidelines from the list of incorporated documents in Clause 81.01. Amends Clause 36.03 to clarify the condition that relates to land described in the <i>National Parks Act 1975</i> .

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<b>C145</b>	15 SEP 2011	Specifies the Minister for Planning as the responsible authority for the issuing of planning certificates within the City of Ballarat.
<b>VC77</b>	23 SEP 2011	Amends Clause 52.17 to exempt DSE and Parks Victoria from permit requirements on public roads. Amends Clause 37.07 to exempt applications from notice and review which are in accordance with a precinct structure plan. Amends Clause 74 and 75 to include flow measurement devices in the definition of Minor Utility Installation and Utility Installation and updates and includes new terminology and definitions for Earth and energy resources, Greenhouse gas sequestration and Geothermal energy extraction. The uses Earth and energy resources, Greenhouse gas sequestration and Geothermal energy extraction, Circus, Carnival, Apiculture, Telecommunications facility, Natural Systems and Road are deleted in Section 1 of all zones and included in Clause 62. Makes administrative changes or corrections to clauses 11.04, 17.03, 18.02, 18.03, 19.03, 45.08, 52.04, 52.19, 52.28, 81.01. Amends existing Extractive Industry schedules to Clause 37.01 in 21 Planning Schemes. Amends the Banyule Planning Scheme to remove Aboriginal Affairs Victoria as a referral authority in Schedule 1 to Clause 42.01.
<b>C119</b>	10 OCT 2011	Rezones 193 Swinglers Road, Invermay from Special Use Zone 5 – Private Education Establishment (SUZ5) to Rural Living Zone (RLZ) and makes subsequent changes to Map 1 to the Schedule to the Rural Living Zone.
<b>C128</b>	20 OCT 2011	Amends the Public Acquisition Overlay (PAO1) and the schedules to Clauses 42.01-2 (Environmental Significance Overlay 2), 44.01 (Erosion Management Overlay) and 52.17 (Native Vegetation) to facilitate the acquisition of land and the duplication of the Western Highway, between Ballarat and Burrumbeet. Corrects a mapping anomaly in the Schedule to Clause 61.03 to accurately reflect current planning scheme maps.
<b>VC83</b>	18 NOV 2011	Introduces a new bushfire planning policy in the SPPF to replace Clause 13.05; Introduces a new Bushfire Management Overlay (BMO) to replace the Wildfire Management Overlay at Clause 44.06; Introduces a new particular provision for Bushfire Protection at Clause 52.47 that applies objectives, standards and decision guidelines under the provisions of the BMO; Introduces a new particular provision at Clause 52.48 that consolidates and updates planning permit exemptions for bushfire protection purposes (the Interim Measures at Clause 52.43 have been amended to only apply to Yarra Ranges Planning Scheme); Amends Clauses 42.01, 42.02, 42.03, 44.01, 44.02, 52.16 and 52.17 to address vegetation removal when creating defendable space and reducing the risk from bushfire; Introduces a range of consequential changes that include defining defendable space, changing WMO references to BMO and updating wildfire references to bushfire.
<b>VC86</b>	18 NOV 2011	Amends particular provisions, Clause 52.38 (2009 Bushfire recovery) and Clause 52.39 (2009 Bushfire – Replacement buildings) to extend the timeframes to 30 April 2013.
<b>VC88</b>	20 JAN 2012	Amends the definition for Restricted retail premises in Clause 74 to expand the types of goods that can be sold; Deletes the land use term for a Lighting shop from Clauses 74 and 75; Amends Clauses 33.01, 33.03, 34.03 and 34.04 to remove floor space restrictions related to Restricted retail premises.

Amendment number	In operation from	Brief description
<b>C147</b>	9 FEB 2012	Removes the Public Acquisition Overlay Schedule 2 from land on the southern side of Elsworth Street East, Canadian.
<b>C153</b>	29 MAR 2012	Amends the schedules to Clause 52.17 and Clause 81.01 to insert the Goulburn-Murray Water Native Vegetation Code of Practice, February 2011 as a Utility installation code of practice. A planning permit is not required to remove destroy or lop native vegetation that accords with the Goulburn-Murray Water Native Vegetation Code of Practice, February 2011.
<b>C104</b>	19 APR 2012	The amendment rezones part of the road reserve of Lofven Street, Nerrina and part of land at 8 and 12 Church Street, Nerrina which is incorrectly zoned as Road Zone – Category 1 to Residential 1 Zone.
<b>C155</b>	10 MAY 2012	The amendment rezones land at 2 East Terrace, Mount Helen from Public Use Zone 2 to Business 2 Zone and applies the Development Plan Overlay Schedule 8 to allow for the expansion of the existing University of Ballarat Technology Park to the east towards the university. It also updates clauses 21.08 and 22.03.
<b>C152</b>	31 MAY 2012	Updates the Municipal Strategic Statement to reflect the recommendations of Making Ballarat Central – The CBD Strategy 2011 in subclause 21.04-4 Retail/Commercial and include it as a reference document in Clause 21.10 – Reference Documents. Clause 21.10 is also updated to remove Ballarat Central Business Area Strategy Plan, November 1995.
<b>VC90</b>	5 JUN 2012	Changes the VPP to introduce a new Clause 45.09 – Parking Overlay. Changes the VPP and all planning schemes to amend Clause 52.06 – Car Parking and amends Clauses 54.03 and 55.03 to remove references to car parking rates and design. Amends Clause 37.05 of the VPP and the Melbourne planning scheme to align references to sub-clause numbers between the new Clause 52.06 and Clause 37.05.
<b>VC92</b>	29 JUN 2012	Amends Clause 11.04-4 Central Melbourne of the VPP and all planning schemes to introduce a new objective and strategy for major development opportunities that support Central Melbourne's capital city functions.
<b>VC94</b>	4 JUL 2012	The amendment introduces new strategies in Clause 13.01 Climate change impacts related to sea level rise. Changes Clause 18.03 Ports to strengthen the objective and strategies related to planning for ports and their environs. Changes Clause 52.06 Car parking to clarify instances where the car parking provisions do not apply.
<b>C138</b>	26 JUL 2012	Amends Clauses 21.03 – Ballarat's Strategic Framework, 21.04 – Land Uses, 21.09 – Further Strategic Work, 21.10 – Reference Documents and 22.02 - Industry to update direction for future industrial land use and introduces the <i>Ballarat Review of Future Industrial Areas 2009</i> as a reference document.
<b>VC91</b>	31 JUL 2012	Amends Clause 52.32 Wind energy facility to clarify the application requirement, to obtain written consent from dwelling owners located within two kilometres of a turbine, does not apply to a proposed turbine in a residential, an industrial, a business or a special purpose zone.
<b>VC87</b>	8 AUG 2012	Aligns the provisions of Clauses 52.08 and 52.09 with the <i>Mineral Resources Amendment (Sustainable Development) Act 2010</i> . Differentiates between a dry cleaner and a dry cleaning agent and defines a laundromat. Clarifies that a land use listed in Clause 62.01 is permissible in the Rural Conservation Zone, the Farming Zone, the

Amendment number	In operation from	Brief description
		Urban Floodway Zone and the Urban Growth Zone, if the relevant condition is not met. Makes minor administrative and clerical changes to terminology introduced in Amendment VC77.
<b>VC96</b>	15 OCT 2012	Changes the VPP and all planning schemes to amend Clause 11 Settlement of the SPPF to protect and enhance the significant river corridors of Metropolitan Melbourne. Changes the Boroondara Planning Scheme to strengthen the planning provisions along the Yarra River corridor.
<b>C158</b>	1 NOV 2012	Implements the Ballarat West Precinct Structure Plan by introducing Schedule 2 (Ballarat West Precinct Structure Plan) to the Urban Growth Zone (UGZ2), applying the UGZ2 to the Ballarat West Precinct and including the 'Ballarat West Precinct Structure Plan 2012' and 'Ballarat West Native Vegetation Precinct Plan 2012' as incorporated documents in the planning scheme, and other consequential changes.
<b>C143</b>	15 NOV 2012	Rezones Lot 2 TP683964H, part 1503 Geelong Road, Mt Clear from Farming Zone to Residential 1 Zone and updates framework and development plans in Clauses 21.03, 21.04 and 21.08.
<b>C146</b>	15 NOV 2012	Implements Section 48 of the <i>Heritage Act</i> 1995 to ensure that heritage places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.
<b>C135</b>	6 DEC 2012	Rezones land east of Cardigan Village, known as Lot 1 on Title Plan 740513D, Lot 1 & 2 on Title Plan 846222A and Part Lot A on Plan of Subdivision 339040X, from a Farming Zone to a Township Zone and applies a Development Plan Overlay over site.
<b>C149</b>	6 DEC 2012	Rezones land adjacent to Dowling Forest Racecourse to Special Use Zone Schedule 13, amends Clauses 21.09 and 21.10 and the Schedule to the Farming Zone to implement the 'Dowling Forest Precinct Master Plan' and the 'Implementation of Dowling Forest Precinct Master Plan'.
<b>VC93</b>	18 DEC 2012	Amends Clause 52.31 to allow on outdoor range area to establish on existing lawfully established broiler farms; and amends Clauses 52.15, 62, 74 and 75 to no longer require a permit for a helicopter landing site that meets amenity requirements.
<b>C159</b>	14 FEB 2013	Rezones 1131 and 1133 Norman Street and 68 and 70 Park Street, Wendouree from Residential 1 Zone to Business 1 Zone and applies the Road Closure Overlay to the northern end of the Park Street road reserve, Wendouree.
<b>VC81</b>	18 FEB 2013	Amends Clause 33.03 to prohibit a materials recycling or transfer station within 30 metres of a residential zone, Business 5 Zone or land used or to be acquired for a hospital or education centre. Amends the schedule to Clause 45.01 in the Wyndham, Melton, Greater Geelong and Moorabool planning schemes to replace Department of Sustainability and Environment (DSE) as the current acquiring authority with 'the Minister responsible for administering Part 2 of the Crown Land (Reserves) Act 1978'. Amends Clause 52.05 to remove the permit requirement for changing the content of an animated or internally-illuminated sign. Amends Clause 52.17 to remove the permit requirement for removing native vegetation by or on behalf of DSE and where it is on Crown land managed by DSE. Amends Clause 52.27 to clarify that a planning permit is not required for a packaged liquor outlet that had a liquor licence before 8 April 2011. Amends clauses 52.27 and 66 to update the title of the 'Director of Liquor Licensing' with the

Amendment number	In operation from	Brief description
		'Victorian Commission for Gambling and Liquor Regulation'. Amends Clause 52.48 so that a building constructed to replace a dwelling or dependent persons unit damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009 can access these exemptions. Amends Clause 66 to replace the current referral and permit condition requirements for telecommunications facilities with mandatory standard permit conditions on subdivision permits. Amends Clauses 62 and 81.01 to replace references to the outdated <i>Apiary Code of Practice, May 1997</i> with <i>Apiary Code of Practice, May 2011</i> .
<b>VC89</b>	5 MAR 2013	Removes Clause 52.43 (Interim measures for bushfire protection) from the <i>Victoria Planning Provisions (VPP)</i> and all planning schemes. Amends the schedule to Clause 53.01 (Upper Yarra Valley and Dandenong Ranges Region) in the Yarra Ranges Planning Scheme to exempt buildings and works of this schedule for any building and works to which Clause 52.48 (Bushfire protection: exemptions) applies. Amends the schedule to Clause 53.01 (Upper Yarra Valley and Dandenong Ranges Region) in the Yarra Ranges Planning Scheme to introduce an exemption to enable the removal, destruction or lopping of any vegetation to reduce fuel loads on roadsides without a planning permit and undertaken in accordance with the written agreement of the Secretary to the Department of Sustainability and Environment.
<b>VC97</b>	5 MAR 2013	Amends Clause 52.38 (2009 Bushfire recovery) to extend the timeframe for continued use of a building for temporary accommodation without a planning permit to 30 April 2014. Amends Clause 52.39 (2009 Bushfire - Replacement buildings) to extend the timeframe for submitting a site plan to the responsible authority for rebuilding a dwelling, dependent person's unit or building used for agriculture to 30 April 2014.
<b>C148</b>	7 MAR 2013	Amends Clauses 21.00, 21.02, 21.03, 21.04, 21.06, 21.09, 21.10, the Schedule to the Rural Living Zone and the Schedule to the Farming Zone and introduces a new local policy at Clause 22.13 to implement the Ballarat Rural Land Use Strategy, November 2010 and correct minor anomalies in the Municipal Strategic Statement. The Amendment also amends the Schedule to the Heritage Overlay and the Schedule to Clause 61.03 to correct anomalies created by Amendments C146 and C135.
<b>VC85</b>	14 MAR 2013	Amends all local schedules to Clause 43.01 (Heritage Overlay) to reference the correct clause in the sixth column header from 43.01-4 to 43.01-3. Amends Clause 52.36 (Integrated Public Transport Planning) and Clause 66 (Referral and Notice Provisions) to change references of the 'Director of Public Transport'/'Public Transport Division' to 'Public Transport Victoria'. Amends Clause 62 (Uses, buildings, works, subdivisions and demolition not requiring a permit) in accordance with Amendment VC93. Amends Clause 66 (Referral and Notice Provisions) to read 'The subdivision of land into lots each containing an existing dwelling or car parking space.' Amends the Schedule to Clause 45.01 (Public Acquisition Overlay) in the Melton Planning Scheme in accordance with Amendment C125.
<b>VC95</b>	19 APR 2013	The amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by amending Clauses 18, 52.06 and 55.03.  The amendment changes all planning schemes by deleting the schedule to Clause 52.06.

Amendment number	In operation from	Brief description
		<p>The amendment changes the VPP and the Melbourne Planning Scheme by deleting the parking precinct plan from the schedule to Clause 81.01; replacing Clause 45.09 Parking Overlay with a new Clause 45.09 and inserting schedules to the overlay.</p> <p>The amendment changes the Banyule, Campaspe, Casey, Glen Eira, Greater Dandenong, Greater Shepparton, Manningham, Moira, Monash, Surf Coast, Wangaratta and Wodonga planning schemes by deleting parking precinct plans as incorporated documents from the schedule to Clause 81.01; inserting Clause 45.09 Parking Overlay; inserting schedules to the Parking Overlay.</p> <p>The amendment changes the Baw Baw and Boroondara Planning Schemes by inserting Clause 45.09 Parking Overlay and schedules to the overlay.</p> <p>The amendment changes the Boroondara Planning Scheme by deleting Clause 22.03.</p> <p>The amendment changes the Glen Eira Planning Scheme by replacing schedule 2 to Clause 37.06 with a new schedule 2.</p> <p>The amendment changes the Surf Coast Planning Scheme by replacing schedule 2 to Clause 43.05 with a new schedule 2.</p>
<b>C151</b>	26 APR 2013	Amends Clauses 21.04 and 21.10 to implement the <i>Ballarat Activity Centres Strategy, 2012</i> .
<b>C157</b>	26 APR 2013	Rezones part of 48 Cummins Road, Mount Rowan from Farming Zone to Rural Living Zone and amends the Schedule to the Rural Living Zone to provide for a 2 hectare minimum lot size for subdivision and the minimum area for which no permit is required to use land for dwelling.
<b>C161</b>	26 APR 2013	Applies the Public Acquisition Overlay (PAO1) to 1187, 1189 and 1191 Ballarat-Buninyong Road, Mount Clear for the purpose of road construction or widening and amends the Schedule to Clause 61.03.
<b>C156</b>	9 MAY 2013	Amends Clause 21.10, the schedule to the Heritage Overlay and the schedule to Clause 61.03 to apply the Heritage Overlay (HO195) to the Former St. James Presbyterian Church at 10 Creswick Street, Miners Rest.
<b>C141</b>	23 MAY 2013	The amendment implements the <i>Ballarat Open Space Strategy Volume 1 and 2 2008</i> by amending Clauses 21, 21.02, 21.04, 21.06, 21.09 and 21.10 and amends the Schedule to Clause 52.01 to introduce contributions for public open space.
<b>C166</b>	27 JUN 2013	Updates the Municipal Strategic Statement at Clauses 21.04, 21.07, 21.09 and 22.02 to include references to the Ballarat West Employment Zone; includes the Ballarat West Employment Zone Master Plan Document 2012 as a reference document at Clause 21.10; introduces a new Special Use Zone Schedule 14 and a new Development Plan Overlay Schedule 10 applying to the Ballarat West Employment Zone; deletes Heritage Overlay HO193.
<b>VC100</b>	15 JUL 2013	<p>The amendment changes the <i>Victoria Planning Provisions (VPP)</i> and all planning schemes to introduce reformed zones.</p> <p>Amends Clause 32.03 Low Density Residential Zone and schedules to 10 planning schemes to specify a minimum lot size for land connected to reticulated sewerage. Amends Clause 32.04 Mixed Use Zone and schedule to 53 planning schemes and Clause 32.05 Township Zone</p>

Amendment number	In operation from	Brief description
		<p>and schedule to 52 planning schemes to align them with the three residential zones introduced by Amendment V8.</p> <p>Amends Clause 33.01 Industrial 1 Zone and schedule to 73 planning schemes, Clause 33.02 Industrial 2 Zone and introduces a new schedule to 16 planning schemes and Clause 33.03 Industrial 3 Zone and schedule to 53 planning schemes to remove the default 500 square metre floor area cap for an Office use and to allow a local cap to be specified. Amends Clause 33.03 Industrial 3 Zone to allow a supermarket up to 1800sqm and associated shops without a permit, if conditions are met.</p> <p>Introduces a new Clause 34.01 Commercial 1 Zone and Clause 34.02 Commercial 2 Zone to the VPP. Replaces Clause 34.01 Business 1 Zone, Clause 34.02 Business 2 Zone and Clause 34.05 Business 5 Zone and schedules with the new Commercial 1 Zone and schedule in planning schemes. Replaces 34.03 Business 3 Zone and 34.04 Business 4 Zone and schedules with the new Commercial 2 Zone in planning schemes.</p> <p>Makes consequential changes to Clauses 15 and 17 of the State Planning Policy Framework, Clauses 52, 54, 55, 56 and 57 of the Particular Provisions and to other zones and overlays.</p> <p>Amends the Maribyrnong Planning Scheme by rezoning three Footscray properties in the port environs from Business 3 to Special Use Zone - Schedule 3.</p>
<b>C169</b>	18 JUL 2013	<p>The Amendment amends the Schedule to Clause 52.03 to provide site specific use and development of an education facility and amends the Schedule to Clause 81.01 to introduce 'Ballarat and Queen's Anglican Grammar School Foundation Ltd, Lot 2 (PS622085) Gillies Road, Mount Rowan, 9 April 2013' as an incorporated document.</p>
<b>VC104</b>	22 AUG 2013	<p>The amendment changes the <i>Victoria Planning Provisions</i> and planning schemes by amending Clause 32.07 - Residential Growth Zone, Clause 32.08 - General Residential Zone and Clause 32.09 - Neighbourhood Residential Zone to include transitional provisions to exempt an existing application to construct or extend a residential development of four storeys from the requirements of clause 55 gazetted in Amendment VC100.</p> <p>Amending Clause 32.09 – Neighbourhood Residential Zone to include transitional provisions ensuring that approved development is not prohibited from being subdivided (Clause 32.09-2) and that existing applications lodged, but not yet decided, are not subject to the maximum number of dwellings (Clause 32.09-3) and maximum building height provisions (Clause 32.09-8).</p> <p>Amending Clause 32.01 - Residential 1 Zone and Clause 32.02 - Residential 2 Zone to update the reference for development exempted from Clause 55 from four to five storeys to be consistent with other residential zones.</p> <p>Amending Clause 34.01 - Commercial 1 Zone to ensure that neighbourhood and site description and design response plans are provided for residential development subject to Clause 55 and to delete an unnecessary reference to precinct structure plans.</p>
<b>VC103</b>	5 SEP 2013	<p>The amendment changes the Victoria Planning Provisions (VPP) and planning schemes to introduce reformed rural zones. It amends Clause 35.03 – Rural Living Zone, Clause 35.04 – Green Wedge Zone, Clause</p>



Amendment number	In operation from	Brief description
		<p>35.05 – Green Wedge A Zone, Clause 35.06 – Rural Conservation Zone and schedules to 49 planning schemes, Clause 35.07 – Farming Zone and Clause 35.08 – Rural Activity Zone.</p> <p>Makes consequential changes to Clause 11 and Clause 16 of the State Planning Policy Framework to support the reformed rural zones.</p> <p>Amends Clause 57 of the Particular Provisions to align with the provisions of the reformed rural zones and to give affect to changes applying to green wedge land.</p> <p>Amends Clause 62 of the General Provisions to exempt crop support and protection structures from permit requirements.</p> <p>Amends Clause 74 relating to the definitions of host farm, rural industry and primary produce sales.</p>
<b>C171</b>	17 OCT 2013	<p>Inserts a new incorporated document titled “Ballarat Base Hospital New Facilities Project, April 2013” in the Schedule to Clause 52.03 and the Schedule to Clause 81.01 to allow the use and development of specified new medical and health facilities and services on the hospital land at 1 Drummond Street North, Ballarat. Inserts new schedules 19 and 20 to the Design and Development Overlay at Clause 43.02 and applies the Design and Development Overlay mapping to properties within the vicinity of the proposed helipad to manage obstacle heights. Amends the Schedule to Clause 66.04 to identify the Secretary of the Department of Health Victoria as a referral authority under Schedules 19 and 20 to Clause 43.02.</p>
<b>VC102</b>	28 OCT 2013	<p>The amendment changes the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ amending Clause 52.01 – Public open space contribution and subdivision</li> <li>▪ amending Clause 52.29 – Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</li> <li>▪ amending Clause 66 – Referral and notice provisions.</li> </ul> <p>The amendment changes the VPP and some planning schemes by amending Clause 45.01 – Public Acquisition Overlay.</p> <p>The amendment changes all planning schemes by amending the schedule to Clause 66.04 – Referral of permit applications under local provisions.</p> <p>The amendment changes the schedule to Clause 45.01 – Public Acquisition Overlay in 69 planning schemes.</p>
<b>C154</b>	21 NOV 2013	<p>The Amendment implements the Ballarat Gaming Policy Framework, 2011 by amending Clauses 21.04 and 21.10, the Schedule to Clauses 52.28-3 and 52.28-4 and introducing Clause 22.14 Gaming.</p>
<b>VC99</b>	10 DEC 2013	<p>The amendment changes the Victoria Planning Provisions and all planning schemes by modifying Standards A10, A11 and A13 in Clauses 54.04-1, 54.04-2 and 54.04-4 and Standards B17, B18 and B20 in Clauses 55.04-1, 55.04-2 and 55.04-4 to:</p> <ul style="list-style-type: none"> <li>▪ Increase the distance between a wall and a side or rear boundary threshold from 150mm to 200mm for the wall to be considered a wall on boundary.</li> <li>▪ Increase the average maximum height of a wall on boundary from 3.0 metres to 3.2 metres.</li> </ul>

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> <li>▪ Update Diagrams A1 and B1 – Side and rear setbacks and Diagrams A3 and B3 – North-facing windows to include dimensions up to 13.5 metres.</li> </ul>
<b>VC105</b>	20 DEC 2013	<p>The amendment implements reforms to Victoria’s native vegetation and biodiversity provisions by:</p> <ul style="list-style-type: none"> <li>▪ Amending Clause 12.01 (Biodiversity) to reflect the new ‘no net loss’ approach rather than the previous ‘net gain’ approach.</li> <li>▪ Amending Clause 52.16 (Native vegetation precinct plan) to reflect the intent of the native vegetation and biodiversity reform package; and</li> <li>▪ Amending Clause 52.17 (Native vegetation) to rationalise information requirements, implement the new risk-based assessment pathways, include a simplified approach for applications under a low-risk based pathway and streamline the determination of offset requirements.</li> <li>▪ Amending Clause 66.02-2 (Native Vegetation - Referral and Notice Provisions) to require the class of application in the high risk pathway as defined in the document ‘Permitted clearing of native vegetation – Biodiversity assessment guidelines’ (Department of Environment and Primary Industries, September 2013) be referred to the Secretary to the Department of Environment and Primary Industries as a recommending referral authority; and</li> <li>▪ Amending Clause 81.01 (Table of incorporated documents in this scheme) to replace ‘Victoria’s Native Vegetation – Framework for Action’ with a new incorporated document ‘Permitted clearing of native vegetation – Biodiversity assessment guidelines’ (Department of Environment and Primary Industries, September 2013).</li> </ul> <p>The amendment also updates outdated references to the Department of Sustainability and Environment to reflect the department’s new name, the Department of Environment and Primary Industries in relevant clauses.</p>
<b>VC115</b>	4 APR 2014	<p>Changes the Victoria Planning Provisions and relevant planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ providing that the permit exemptions at Clauses 62.01, 62.02-1 and 62.02-2 do not apply to permit requirements in Clause 36.03 ‘Public Conservation and Resource Zone’;</li> <li>▪ amending Clause 36.03-1 ‘Tables of Uses’ to require a use listed in Clause 62.01 be subject to conditions that a use must be conducted by, on behalf of a public land manager or be specified in an incorporated plan; and</li> <li>▪ amending Clause 36.03-3 to require an application for a permit to be accompanied by the written consent of the Secretary to the Department of Environment and Primary Industries where there is no public land manager for the subject land.</li> </ul>
<b>VC108</b>	16 APR 2014	<ul style="list-style-type: none"> <li>▪ Amends Clause 52.38 (2009 Bushfire recovery) to extend the timeframe for continued use of a building for temporary accommodation without a planning permit to 30 April 2015.</li> <li>▪ Amends Clause 52.39 (2009 Bushfire – Replacement buildings) to extend the timeframe for submitting a site plan to the responsible authority for rebuilding a dwelling, dependent person’s unit or building used for agriculture to 30 April 2015.</li> </ul>
<b>VC111</b>	16 APR 2014	<p>Amends Clause 37.07 – Urban Growth Zone in “Part A – Provisions for land where no precinct structure plan applies” to align with the reformed Farming Zone approved by VC103 by:</p> <ul style="list-style-type: none"> <li>▪ Reducing the restrictions for alterations and extensions to</li> </ul>

Amendment number	In operation from	Brief description
		<p>dwelling, out-buildings and farm buildings.</p> <ul style="list-style-type: none"> <li>▪ Removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved.</li> <li>▪ Removing the prohibition on camping and caravan park, funeral parlour, helicopter landing site, industry (other than rural industry), landscape gardening supplies, market, motor racing track, pleasure boat facility, service station, trade supplies, transport terminal, warehouse (other than rural store) and any use listed in Clause 62.01 if any requirement is not met.</li> <li>▪ Removing conditions restricting group accommodation, place of assembly (other than carnival, circus and place of worship), residential hotel, restaurant and store (other than freezing and cool storage and rural store).</li> <li>▪ Removing permit requirements for primary produce sales, rural industry (other than abattoir and sawmill) and rural store, if the condition opposite the use is met.</li> <li>▪ Increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit.</li> <li>▪ Making amusement parlour and nightclub prohibited.</li> <li>▪ Requiring applications for warehouse and industry uses to be to the Metropolitan Planning Authority (for applications within metropolitan Melbourne) or the Department of Transport, Planning and Local Infrastructure (for applications outside metropolitan Melbourne) referred in accordance with section 55 of the <i>Planning and Environment Act 1987</i> (the Act).</li> </ul> <p>The Amendment also amends Clause 66 – Referral and Notice Provisions to replace “Growth Areas Authority” with “Metropolitan Planning Authority” to reflect the creation of the new planning authority.</p>
VC106	30 MAY 2014	<p>The <i>Victoria Planning Provisions</i> (VPP) and all planning schemes are amended to recognise <i>Plan Melbourne</i> and Victoria’s regional growth plans by:</p> <ul style="list-style-type: none"> <li>▪ Inserting a new clause 9, which requires any references in the planning scheme to <i>Melbourne 2030</i> and <i>Melbourne 2030: A planning update Melbourne @ 5 Million</i> (Department of Planning and Community Development, 2008) to be disregarded and requires planning and responsible authorities to consider and apply <i>Plan Melbourne</i>.</li> <li>▪ Deleting clauses 11.04-1 to 11.04-5 in the State Planning Policy Framework (SPPF), which set out planning objectives and strategies from <i>Melbourne 2030</i>, and introducing new clauses 11.04-1 to 11.04-6 which set out objectives and strategies taken from the vision in <i>Plan Melbourne</i>. Existing clauses 11.04-6 to 11.04-8 have been renumbered as 11.04-7 to 11.04-9 respectively.</li> <li>▪ Inserting clauses 11.06 – 11.13 in the SPPF which set out the objectives and strategies of Victoria’s eight regional growth plans.</li> <li>▪ Removing references to <i>Melbourne 2030</i>, <i>Melbourne 2030: A planning update Melbourne @ 5 Million</i>, the Activity Centres and Principal Public Transport Network Plan, 2010 and <i>Ready for Tomorrow – a Blueprint for Regional and Rural Victoria</i> from the following clauses in the State Planning Policy Framework: <ul style="list-style-type: none"> <li>• clause 11 (Settlement);</li> <li>• clause 16 (Housing);</li> <li>• clause 17 (Economic Development);</li> <li>• clause 18 (Transport); and</li> </ul> </li> </ul>

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> <li>• clause 19 (Infrastructure).</li> <li>▪ Deleting the Activity Centres and Principal Public Transport Network Plan, 2010 from the list of incorporated documents in clause 81.01.</li> </ul>
<b>VC116</b>	1 JUL 2014	<p>Amendment VC116 changes the VPP and all planning schemes by replacing the User Guide and Clauses 52.04, 52.06, 52.35, 54, 55 and 56 to delete references to the Residential 1 Zone, Residential 2 Zone and Residential 3 Zone; deletes Clause 32.01 - Residential 1 Zone from the VPP and 24 planning schemes; deletes Clause 32.02 - Residential 2 Zone from the VPP and 6 planning schemes; deletes Clause 32.06 - Residential 3 Zone from the VPP and 3 planning schemes; amends Clause 32.08 - General Residential Zone to include the following words “shown on the planning scheme map as GRZ, R1Z, R2Z and R3Z with a number (if shown)” in the VPP and 59 planning schemes; amends Clause 43.03 – Incorporated Plan Overlay to delete references to the Residential 1 Zone, Residential 2 Zone and Residential 3 Zone from the VPP and 24 planning schemes; amends Clause 43.04 – Development Plan Overlay to delete references to the Residential 1 Zone, Residential 2 Zone and Residential 3 Zone from the VPP and 71 planning schemes; amends Clause 43.05 – Neighbourhood Character Overlay to delete references to the Residential 1 Zone, Residential 2 Zone and Residential 3 Zone from the VPP and 14 planning schemes; amends Clause 57 to delete references to the Residential 1 Zone, Residential 2 Zone and Residential 3 Zone from the VPP and 17 planning schemes; changes the Ararat, Ballarat, Banyule, Brimbank, Darebin, Greater Geelong, Greater Shepparton, Knox, Latrobe, Maribyrnong, Moonee Valley, Moorabool, Moreland, Nillumbik, Port Phillip, Southern Grampians, Whitehorse and Yarra planning schemes by introducing Clause 32.08 - General Residential Zone and inserting Schedules to the General Residential Zone which replicate Schedules for any of the deleted Residential 1, Residential 2 and Residential 3 Zones; changes the Cardinia, Frankston, Greater Geelong, Kingston, Melton, Mornington Peninsula and Whittlesea planning schemes by inserting or amending Schedules to the General Residential Zone to replicate Schedules for any of the deleted Residential 1, Residential 2 and Residential 3 Zones.</p>
<b>VC109</b>	31 JUL 2014	<p>The amendment changes the <i>Victorian Planning Provisions</i> (VPP) and all Victorian planning schemes by amending:</p> <ul style="list-style-type: none"> <li>▪ Clause 44.06 ‘Bushfire Management Overlay’ (BMO) to move the application requirements to Clause 52.47 and include a new mandatory condition for bushfire bunkers.</li> <li>▪ Clause 52.17 ‘Native Vegetation’ to enable the clearing of native vegetation to be undertaken by private landholders on Crown land with the written permission of the Secretary of the Department of Environment and Primary Industries for the purposes of maintaining wild dog exclusion fences.</li> <li>▪ Clause 52.47 ‘Planning for bushfire’ to provide approved and alternative bushfire safety measures for new single dwellings, replacement or extension to an existing dwelling and other buildings.</li> <li>▪ Clause 52.48 ‘Bushfire Protection: Exemptions’ to provide exemptions for the provision of defensible space for a dwelling approved under the BMO.</li> <li>▪ Clause 66 ‘Referral and Notice Provisions’ to change the referral authority status for relevant fire authorities for some development</li> </ul>

Amendment number	In operation from	Brief description
		from determining to recommending referral authority.
<b>VC113</b>	31 JUL 2014	The amendment changes the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by amending Clause 52.32 – Wind energy facility to enable minor amendments to be made to a Wind energy facility planning permit issued prior to 15 March 2011.
<b>VC117</b>	22 AUG 2014	The amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes in Victoria by introducing a new Clause 11.14 – Planning for distinctive areas and including the <i>Mornington Peninsula Localised Planning Statement</i> (Victorian Government, 2014) as a policy guideline.
<b>VC118</b>	22 AUG 2014	<p>The amendment changes the <i>Victoria Planning Provisions</i> (VPP) and all Victorian planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Amending Clause 52.09 to correct errors.</li> <li>▪ Replacing references to the “Prostitution Control Act 1994” with the “Sex Work Act 1994” in Clause 52.46 and Clause 72 in the to reflect the change to the name of that Act.</li> <li>▪ Replacing the reference to “Clause 55.09-1” with “Clause 56.09-1” in Clause 56.09.</li> <li>▪ Deleting the expired Clause 56.10</li> <li>▪ Replacing the number “3” with the word “three” in Clause 62 to improve the grammatical form of that clause.</li> <li>▪ Amending Clause 66 to correct outdated references to planning scheme provisions and to update references to regulations.</li> <li>▪ Deleting the reference to “Laundromat” from the definition of “Service Industry” in Clause 74. Amendment VC87 moved “Laundromat” to the “Shop” definition but omitted to remove it from the “Service Industry definition”.</li> <li>▪ Amending the list of land uses under the definition of “Earth and Energy Industry” in Clause 74 to remove minor technical errors.</li> </ul> <p>Amends a condition in the use ‘Supermarket’ in the section 2 table to Clause 34.02-1 in the VPP and all relevant planning schemes to remove an inadvertent error.</p> <p>Deletes the reference to ‘Clause 52.05-6’ in Clause 37.04-5 of the Capital City Zone in the VPP and all relevant planning schemes because Clause 52.05-6 does not specify a category of advertising control.</p> <p>Updates and corrects the descriptions of people, bodies or departments in:</p> <ul style="list-style-type: none"> <li>▪ The schedule to Clause 66.04 - Referral of permit applications under local provisions, in the Latrobe, South Gippsland and Wellington planning schemes.</li> <li>▪ Schedule 1 to the State Resource Overlay (SRO) in the Latrobe and Wellington Planning Schemes.</li> </ul>
<b>VC120</b>	4 SEP 2014	The Amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes by introducing a new Clause 52.43 Live music and entertainment noise.
<b>VC114</b>	19 SEP 2014	<p>The amendment changes the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by :</p> <ul style="list-style-type: none"> <li>▪ Introducing a new Clause 90 to create a new section in the VPP for the VicSmart planning assessment provisions.</li> </ul>

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> <li>▪ Introducing a new Clause 91 which sets out the planning assessment process for VicSmart applications.</li> <li>▪ Introducing a new Clause 92 which sets out the classes of application that are a State VicSmart application and the relevant provision of Clause 93 that contains the information requirements and decision guidelines that apply to each class of State VicSmart application.</li> <li>▪ Introducing a new Clause 93 which sets out the information requirements and decision guidelines for each class of State VicSmart application.</li> <li>▪ Introducing a new Clause 94 to provide the ability to specify classes of local VicSmart applications and the relevant clause or schedule that contains the information requirements and decision guidelines that apply to each class.</li> <li>▪ Introducing a new Clause 95 which sets out the information requirements and decision guidelines for each class of local VicSmart application.</li> <li>▪ Amending the Schedules to Clause 61.01 to specify the Chief Executive Officer of the council as the responsible authority for deciding a VicSmart application in the planning scheme. For the French Island and Sandstone Island Planning Scheme, Port of Melbourne Planning Scheme and Alpine Resorts Planning Scheme specify the Minister for Planning as the responsible authority for deciding a VicSmart application in the planning scheme.</li> <li>▪ Making consequential changes to the VPP User Guide to recognise the new VicSmart provisions and to turn off consideration of Clause 65 decision guidelines for a VicSmart application.</li> </ul> <p>The amendment changes the Ballarat Planning scheme by:</p> <ul style="list-style-type: none"> <li>▪ Introducing a schedule to Clause 94 to create local VicSmart classes of application for buildings and works and subdivision affected by Clause 42.02-2 Design and Development Overlay Schedules 1 and 3-16 (inclusive).</li> <li>▪ Introducing a schedule to Clause 95 to create information requirements and decision guidelines for the local VicSmart classes of application.</li> </ul> <p>The amendment changes the Greater Geelong Planning scheme by:</p> <ul style="list-style-type: none"> <li>▪ Introducing a schedule to Clause 94 to create additional local VicSmart classes of application for the following applications under the Activity Centre Zone: <ul style="list-style-type: none"> <li>▪ Boundary realignment</li> <li>▪ Subdivision of an existing building or car space</li> <li>▪ Subdivision of land into two lots</li> <li>▪ Buildings and works up to \$250,000</li> <li>▪ Advertising signs</li> <li>▪ Reducing car parking spaces</li> <li>▪ Licensed premises.</li> </ul> </li> <li>▪ Introducing a schedule to Clause 95 to create information requirements and decision guidelines for the local VicSmart classes of application: <ul style="list-style-type: none"> <li>▪ Buildings and works up to \$250,000</li> <li>▪ Licensed premises.</li> </ul> </li> <li>▪ The State information requirements and decision guidelines set out in Clause 93 are used for the other local VicSmart classes of</li> </ul>

Amendment number	In operation from	Brief description
		application.
<b>C177</b>	9 OCT 2014	The amendment implements the reformed residential zones by amending the Schedule to the General Residential Zone, introducing and applying the Schedule 1 to the Residential Growth Zone and Neighbourhood Residential Zone, updating Clauses 21.04, 21.05 and 22.01, Schedules 1 and 2 to the Urban Growth Zone and Schedule 3 to the Development Plan Overlay. The amendment also updates the maps to translate the commercial zones.
<b>C160</b>	16 OCT 2014	The amendment rezones land known as Waterford Drive, Miners Rest from a Farming Zone to General Residential Zone and Public Park and Recreation Zone, and is combined with a planning permit for a 35 lot subdivision. The amendment also makes consequential changes to the framework plans in Clauses 21.03 and 21.04 to reflect the rezoning.
<b>C181</b>	16 OCT 2014	The amendment corrects minor anomalies in the Municipal Strategic Statement, Schedule 1 to the Vegetation Protection Overlay and the Schedule to the Heritage Overlay and deletes the redundant 'Medical Centre Code of Practice - October 1995' from the list of incorporated documents at the Schedule to Clause 81.01.
<b>C167</b>	30 OCT 2014	Inserts the Development Contributions Plan (DCP) Overlay Clause, Schedule 1, maps, and a new incorporated document titled " <i>Ballarat West Development Contributions Plan, July 2014</i> " at Clause 81.01. The amendment also proposes some consequential changes to Clause 21.07 and Schedule 2 to 37.07 to recognise the DCP and provide for the payment towards infrastructure provision within the Ballarat West Growth Area (BWGA).
<b>C180</b>	30 OCT 2014	Amends Clause 37.01 – Schedule 14 – Ballarat West Employment Zone to reduce the subdivision requirement for residential lots size from 0.4 hectares to 0.2 hectares.
<b>VC123</b>	13 NOV 2014	The amendment changes the <i>Victoria Planning Provisions</i> and most planning schemes in Victoria by amending Clause 34.02 – Commercial 2 Zone to make small scale supermarkets (up to 1800 square metres) adjoining, or with access to, a Road Zone not requiring a planning permit in the City of Greater Geelong (consistent with the treatment of supermarkets in this zone in metropolitan Melbourne). Supermarkets greater than 1800 square metres will require a planning permit in the City of Greater Geelong (consistent with metropolitan Melbourne). Other non-metropolitan planning schemes supermarkets larger than 1800 square metres are prohibited in the C2Z.
<b>C190</b>	20 NOV 2014	Introduces a Neighbourhood Residential Zone and a new Schedule 2 to land in the General Residential Zone within the Buninyong Township south of Learmonth Street, east of Inglis Street and adjacent to and west of Winter Street. The new Schedule 2 to the Neighbourhood Residential Zone specifies a permit requirement to construct or extend a dwelling on a lot of less than 800 square metres; site coverage, permeability and set back requirements; and a maximum of one dwelling on a lot.
<b>C168</b>	27 NOV 2014	Amends the Schedule to the Public Park and Recreation Zone (PPRZ) to include all land in the zone in Signage Category 3 – High Amenity Areas. Clause 21.10 Reference documents is also amended to reference the updated version of the Ballarat Advertising Sign Guidelines, July 2013.
<b>C176</b>	27 NOV 2014	Updates Clause 21.06 to introduce the sign guidelines for Public Park

Amendment number	In operation from	Brief description
		and Recreation Zone areas from the <i>Ballarat Advertising Sign Guidelines, July 2013</i> .
<b>C187</b>	19 FEB 2015	Amends the Schedule to Clause 43.01 of the Heritage Overlay to include HO196, specifying that the control will expire on 31 October 2015. It also amends Map No. 15HO to include HO196 over the property located at 436 Wendouree Parade, Ballarat.
<b>VC124</b>	2 APR 2015	<p>The amendment changes the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Amending Clause 19.01-1 'Provision of Renewable Energy' to reference the updated Policy and planning guidelines for development of wind energy facilities in Victoria (Guidelines).</li> <li>▪ Amending Clauses 42.01 'Environmental Significance Overlay', 42.02 'Vegetation Protection Overlay', 42.03 'Significant Landscape Overlay', 44.01 'Erosion Management Overlay', 44.02 'Salinity Management Overlay', 52.16 'Native Vegetation Precinct Plan' and 52.17 'Native Vegetation' to introduce an exemption from requirements to obtain a permit to remove, destroy or lop vegetation and to update references to the name of a government department. The permit exemption applies to vegetation removed, destroyed or lopped on Crown land and by a person acting under and in accordance with an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010.</li> <li>▪ Amending Clause 52.32 'Wind Energy Facility' to <ul style="list-style-type: none"> <li>• reduce the allowable distance of a turbine to a dwelling from two kilometres to one kilometre (consent is required from the owner of a dwelling to locate a turbine closer than one kilometre to the dwelling)</li> <li>• clarify the application of the one kilometre rule to applications for minor amendments to existing permits</li> <li>• reference the updated Guidelines.</li> </ul> </li> <li>▪ Amending Clause 61.01-1 'Minister is the Responsible Authority' to make the Minister for Planning the responsible authority for all new planning permit applications for the use and development of land for the purpose of a Wind energy facility.</li> </ul>
<b>VC119</b>	30 APR 2015	<p>The Amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ amending Clause 52.38 (2009 Bushfire recovery) to extend the timeframe for continued use of a building for temporary accommodation without a planning permit to 30 September 2018;</li> <li>▪ amending Clause 52.39 (2009 Bushfire – Replacement buildings) to extend the timeframe for submitting a site plan to the responsible authority for rebuilding a dwelling, dependent person's unit or building used for agriculture to 30 September 2017.</li> </ul>
<b>C164</b>	28 MAY 2015	The amendment affects land at 200, 200A and 200B Victoria Street, Ballarat East, rezoning the site from Special Use Zone Schedule 5 (Private Education Establishment) to a mix of General Residential Zone, Commercial 1 Zone and Mixed Used Zone. The amendment applies the Environmental Audit Overlay and Development Plan Overlay Schedule 9 to the whole site and amends HO177. Related changes are also made to Clauses 21.03, 21.04, 21.10 and the Schedules to Clauses 61.03 and 81.01.
<b>VC125</b>	11 JUN 2015	<p>The amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes by amending:</p> <ul style="list-style-type: none"> <li>▪ Amending Clause 19.01-1 'Provision of Renewable Energy' to</li> </ul>



Amendment number	In operation from	Brief description
		<p>reference the updated Policy and planning guidelines for development of wind energy facilities in Victoria (Guidelines).</p> <ul style="list-style-type: none"> <li>▪ Amending Clause 52.32 'Wind energy facility' to reference the updated Guidelines and update the application requirements to address the electricity transmission or distribution system.</li> <li>▪ Amending Clause 74 'Land Use Terms' to change the definition of Wind energy facility to include the use of the transmission or distribution system of power lines to connect the wind energy facility to the electricity network.</li> </ul>
<b>C188</b>	25 JUN 2015	The Amendment alters the Schedule to Clause 43.01 Heritage Overlay to delete interim HO196#1 and insert HO196 as a permanent control and amends Clause 21.10 to include a new reference document ' <i>Heritage Assessment – Former Selkirk House, 436 Wendouree Parade, Ballarat Oct 2014</i> '.
<b>C182</b>	6 AUG 2015	The amendment corrects anomalies and errors in the ordinance, mapping and incorporated plans; Ballarat planning Scheme Heritage Control 2004- Incorporated Plan (revised June 2014), and the Ballarat Heritage Precincts Study PART A 2006 Incorporated Plan (revised June 2014).
<b>C173</b>	17 SEP 2015	The amendment makes changes to the Ballarat Planning Scheme to guide the long term development of the Woodmans Hill Gateway Precinct by: amending the Local Planning Policy Framework at Clauses 21.03, 21.04, 21.05, 21.08, 21.09 and 21.10; rezoning land south of the Western Highway from Mixed Use Zone to Rural Living Zone; applying the Design and Development Overlay Schedule 2 to additional lots north and south of the Western Highway and amending the Design and Development Overlay Schedule 2.
<b>VC128</b>	8 OCT 2015	<p>The Amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Amending Clause 18.04-1 (Melbourne Airport) and Clause 18.04-2 (Planning for airports) to include the National Airports Safeguarding Framework (NASF) as a policy guideline.</li> <li>▪ Amending Clause 18.04-1 (Melbourne Airport) to update the policy guidelines by replacing Melbourne Airport Master Plan (Australia Pacific Airports (Melbourne) Pty Ltd, September 2008) with Melbourne Airport Master Plan, 2013.</li> <li>▪ Amending Clause 11.14-1 (Localised planning statements) to include the Bellarine Peninsula Localised Planning Statement (Victorian Government, 2015) (BPLPS) as a policy guideline.</li> </ul>
<b>VC101</b>	29 OCT 2015	<p>The Amendment:</p> <ul style="list-style-type: none"> <li>▪ Removes the following reference documents from the VPP and all planning schemes: A Vision for Victoria to 2010; Growing Victoria Together (Department of Premier and Cabinet, 2005) from Clause 11 (Settlement); <i>Alpine Development Code 1997</i> from Clause 12 (Environmental and Landscape Values) and from Clause 21.03 (Key planning strategies) in the Alpine Planning Scheme; <i>Growing Victoria Together</i> (Department of Premier and Cabinet, 2001) from Clause 11 (Settlement); and <i>Ready for Tomorrow – a Blueprint for Regional and Rural Victoria</i> (State Government of Victoria, 2010) from Clause 14</li> </ul>

Amendment number	In operation from	Brief description
		<p>(Natural resource management).</p> <ul style="list-style-type: none"> <li>▪ Updates a number of reference and incorporated documents with new versions in the VPP and all planning schemes, by:           <p>Updating the reference document <i>Apiary Code of Practice</i> (May 1997) to <i>Apiary Code of Practice</i> (May 2011) in Clause 14 (Natural resource management) and Clause 62 (Uses, buildings, works, subdivisions and demolition not requiring a permit);</p> <p>Updating the reference document <i>Alpine Resorts 2020 Strategy</i> to <i>Alpine Resorts Strategic Plan</i> (State Government of Victoria, Alpine Resorts Co-ordinating Council 2012) in Clause 12 (Environmental and landscape values) and in schedules 1 and 2 to Clause 37.02 (Comprehensive Development Zone) in the Alpine Resorts Planning Scheme;</p> <p>Updating the incorporated document <i>Code of Practice for Fire Management on Public Land</i>, (Department of Sustainability and Environment, 2006) to <i>Code of Practice for Bushfire Management on Public Land</i> (Department of Sustainability and Environment, 2012) in Clause 81.01 (Table of documents incorporated in this scheme);</p> <p>Updating the incorporated and reference document <i>Code of Practice for Timber Production</i> (Department of Sustainability and Environment, 2007) to <i>Code of Practice for Timber Production</i> (Department of Environment and Primary Industries, 2014) in Clause 14 (Natural resource management), Clause 52.18 (Timber Production) and Clause 81.01 (Table of documents incorporated in this scheme);</p> <p>Updating the incorporated and reference document Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.2, EPA, 2008) to Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.3, EPA, February 2013) in Clause 19 (Infrastructure) and Clause 81.01 (Table of documents incorporated in this scheme);</p> <p>Updating the reference document Guidelines for planning permit applications in open, potable water supply catchment areas (Department of Planning and Community Development, 2009) to Guidelines for planning permit applications in open, potable water supply catchment areas (Department of Sustainability Environment, 2012) in Clause 14 (Natural resource management) and Clause 19 (Infrastructure);</p> <p>Updating the reference document Victorian Cycling Strategy (State Government of Victoria, 2009) with Cycling into the Future 2013-23 (State Government of Victoria, 2012) in Clause 18 (Transport).</p> </li> <li>▪ Removes Particular Provisions 52.40 (Government funded education facilities) and 52.41 (Government funded social housing) from the VPP and all planning schemes as these provisions expired on 30 June 2012 and supported the Commonwealth's completed Nation Building Economic Stimulus Plan.</li> <li>▪ Makes a number of corrections, clarification and updates to the VPP and all planning schemes including:           <p>Updating Clause 19 (Infrastructure) and 52.32 (Wind Energy</p> </li> </ul>

Amendment number	In operation from	Brief description
		<p>Facility) to insert the publication information for the <i>Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria</i>;</p> <p>Updating Clause 52.06 (Car parking) to remove a double reference to the car parking demand assessment;</p> <p>Updating Clause 52.33 (Shipping container storage) to reflect that in addition to land in a Special Use Zone established for port-related activities, the Particular Provision also does not apply to land in the Port Zone;</p> <p>Updating Clause 52.36 (Integrated public transport planning) and Clause 66 (Referral and notice provisions) to ensure the Public Transport Development Authority is referred to by its correct legal title (rather than Public Transport Victoria);</p> <p>Updating Clause 62.01 (Uses, buildings, works, subdivisions and demolition not requiring a permit) correct the name of the Urban Floodway Zone; and</p> <p>Updating Clause 63.07 (Compliance with codes of practice) to remove the repealed Section 55 of the Conservation Forests and Lands Act 1987.</p> <ul style="list-style-type: none"> <li>▪ Makes a number of corrections, clarifications and updates to some planning schemes including:</li> </ul> <p>Updating Schedule 3 to Clause 37.01 (Special Use Zone) in the Maribyrnong Planning Scheme to correct an error in the land description; and</p> <p>Updating the schedules to Clause 61.03 (What does this scheme consist of?) in the Banyule, Baw Baw, Boroondara, Campaspe, Casey, Greater Dandenong, Greater Shepparton, Manningham, Melbourne, Monash, and Wodonga planning schemes to ensure the Parking Overlay maps are referenced.</p> <ul style="list-style-type: none"> <li>▪ Updates government department names to their current titles as a result of machinery of government changes in the VPP User Guide, Clause 12 (Environmental and landscape values), Clause 14 (Natural resource management), Clause 36.03 (Public Conservation and Resource Zone), Clause 44.01 (Erosion Management Overlay), Clause 44.02 (Salinity Management Overlay), 52.15 (Heliport and helicopter landing site), Clause 52.18 (Timber production), Clause 52.24 (Community care unit), Clause 56.07 (Integrated water management) and Clause 66 (Referral and notice provisions).</li> <li>▪ Updates government department names in the schedules to Clause 66.04 (Referral of permit applications under local provisions) in the Alpine Resorts, Ararat, Ballarat, Bass Coast, Baw Baw, Buloke, Campaspe, Cardinia, Casey, Colac Otway, Darebin, French Island / Sandstone Island, Glenelg, Greater Bendigo, Greater Dandenong, Greater Shepparton, Hume, Kingston, LaTrobe, Macedon Ranges, Manningham, Maroondah, Melbourne, Melton, Mitchell, Moira, Moonee Valley, Moorabool, Mornington Peninsula, Mount Alexander, Moyne, Murrindindi, Port Phillip, South Gippsland, Southern Grampians, Surf Coast, Swan Hill, Wellington, West Wimmera, Whittlesea, Wodonga and Wyndham planning schemes.</li> <li>▪ Updates government department names in the schedules to Clause 66.06 (Notice of permit applications under local provisions) in the Alpine Resorts, Ararat, Bass Coast, Brimbank, Colac Otway,</li> </ul>

Amendment number	In operation from	Brief description
		Greater Bendigo, Horsham, Loddon, Maribyrnong, Melbourne, Mount Alexander, Northern Grampians, Port Phillip, Pyrenees, Queenscliffe, Swan Hill, Wyndham, Yarra and Yarriambiack planning schemes.
<b>VC107</b>	26 NOV 2015	<p>The Amendment makes changes to the Victoria Planning Provisions (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Amending Clause 19.01-1 (Provision of Renewable Energy) to reference the updated Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (guidelines);</li> <li>▪ Amending Clause 52.32 (Wind energy facility) to reference the updated guidelines and make changes to wording;</li> <li>▪ Amending Clause 61.01-1 (Minister is Responsible Authority) to make the Minister for Planning the responsible authority for all new planning permit applications for use or development of land for the purpose of a utility installation and minor utility installation used to transmit or distribute electricity generated by a Wind energy facility; and</li> <li>▪ Amending Clause 74 (Land Use Terms) to change the definition of Wind energy facility to remove reference to the use of the transmission or distribution systems of power lines to connect the wind energy facility to the electricity network.</li> <li>▪ Amending Clause 18.04-2 (Planning for airports) to include the recently approved Avalon Airport Master Plan (Avalon Airport Australia Pty Ltd, September 2015) as a policy guideline; and</li> <li>▪ Amending Clause 45.02 (Airport Environs Overlay) and Clause 45.08 (Melbourne Airport Environs Overlay) to replace reference to <i>Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction</i>, with the 2015 revision issued by Standards Australia Limited.</li> <li>▪ Amending schedules to Clause 81.01 in some planning schemes applying an Airport Environs Overlay or Melbourne Airport Environs Overlay to update the list of incorporated documents to replace reference to <i>Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction</i>, with the 2015 revision issued by Standards Australia Limited.</li> </ul>
<b>VC121</b>	21 DEC 2015	The amendment changes the State Planning Policy Framework (SPPF) of the Victoria Planning Provisions (VPP) and all planning schemes by relocating an updated Clause 11.04-9 (River corridors) to a new Clause 12.05 (Rivers), and introduces a new Clause 12.05-2 (Yarra River protection).
<b>C185</b>	21 JAN 2016	<p>The amendment proposes to rezone land adjoining the Sunraysia Highway and Western Highway in Miners Rest (Lot 1 and 2 TP840697 and Lot 2 PS341031) from Farming Zone to Special Use Zone; introduces and applies Schedule 15 to the Special Use Zone; and amends the Schedules to Clause 52.03 and 81.01 to introduce an Incorporated Document titled '<i>Central Victoria Livestock Exchange, October 2015</i>' to facilitate the new Ballarat Saleyards.</p> <p>The amendment is a combined Planning Scheme Amendment and EPA Works Approval Application. A Works Approval Application has been prepared and is being processed concurrent to this Planning Scheme Amendment. The Works Approval Application is required as the livestock saleyards is a 'scheduled premises' under B02, pursuant to the Environment Protection (Scheduled Premises and Exemptions) Regulations 2007.</p>
<b>VC126</b>	28 JAN 2016	The Amendment changes the <i>Victoria Planning Provisions (VPP)</i> and

Amendment number	In operation from	Brief description
		<p>all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Amending Clause 52.32 (Wind energy facility) to: <ul style="list-style-type: none"> <li>• exempt an application to amend a permit for a wind energy facility made under section 97I of the Planning and Environment Act 1987 (the Act) from requirements in section 97E (if the amendment of the permit does not increase the number of turbines or change the location of a turbine in specified circumstances),</li> <li>• clarify that the location of a turbine is measured from the centre of its tower at ground level for the purpose of provisions relating to the amendment of a permit,</li> <li>• update the reference to the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (the guidelines), which have been amended to reflect the amendments to Clause 52.32, and</li> <li>• make minor corrections.</li> </ul> </li> <li>▪ Amending Clause 19.01-1 (Provision of renewable energy) to update the reference to the guidelines and delete reference to the outdated Renewable Energy Action Plan (Department of Sustainability and Environment, July 2006).</li> <li>▪ Amending Clause 61.01 (Administration and enforcement of this scheme) to remove the Minister for Planning's designation as the responsible authority for matters under expired Clauses 52.40 (Government funded education facilities) and 52.41 (Government funded social housing).</li> </ul>
<b>VC127</b>	4 FEB 2016	<p>The Amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Amending Clauses 11 (Settlement), 12 (Environmental and Landscape Values) and 13 (Environmental Risks) of the State Planning Policy Framework to update reference to the <i>Victorian Coastal Strategy</i> (Victorian Coastal Council, 2008) with reference to the 2014 version.</li> <li>▪ Amending Clause 52.23 (Shared Housing) to clarify that only the use of land and not development is exempt from a permit under the provision.</li> </ul> <p>The Amendment changes the Bass Coast, Bayside, Colac-Otway, Corangamite, East Gippsland, Frankston, French Island and Sandstone Island, Glenelg, Greater Geelong, Hobsons Bay, Kingston, Mornington Peninsula, Moyne, Port Phillip, Queenscliffe, Warnambool, Wellington and Wyndham Planning Schemes by amending any local policies that refer to any outdated Victorian Coastal Strategy with reference to the 2014 version.</p>
<b>C186</b>	25 FEB 2016	<p>Rezoned land at 208 and 210 Lexton Street, Wendouree from General Residential Zone – Schedule 1 (GRZ1) to Mixed Use Zone (MUZ) with a combined planning permit application for the Use and Development of a retail premises (car sales), business identification signage and variation to the requirements of Clause 52.14 to allow additional crossovers, greater office floor area, vehicle repairs and modifications to landscape buffer requirements.</p>
<b>C189</b>	17 MAR 2016	<p>Rezoned land at 30 King Street and 3-5 Otway Street North, Ballarat from Special Use Zone Schedule 5 (Private Education) and General Residential Zone Schedule 1 to Residential Growth Zone Schedule 1, applies the Environmental Audit Overlay, and combines a planning permit PLP/2014/573 for the development of the land for a residential aged care facility comprising: 105 residential aged care beds and 30</p>

Amendment number	In operation from	Brief description
		assisted living units oriented to front King Street North; alterations and additions to the building at the corner of Otway Street North and Gent Street including removal of non-original additions; the demolition of existing school buildings and tennis courts; the removal of all existing trees with the exception of the Liquidambar on Otway Street North; and a dispensation of 12 car parking spaces (providing 28 spaces).
<b>C199</b>	17 MAR 2016	The Amendment corrects minor anomalies in Schedules 1 and 2 to the Urban Growth Zone; updates the 'Ballarat Planning Scheme Heritage Control 2004-Incorporated Plan (revised October 2015)' and the Schedule to Clause 81 Incorporated documents to reflect the updated document and makes corrections to the Schedule to Clause 94 (Local VicSmart applications).
<b>C191</b>	5 MAY 2016	Rezones land at CA 2050, Township of Ballarat East, from Public Use Zone 2 (PUZ2) to Residential Growth Zone Schedule 1 (RGZ1), along with rezoning a strip of road reserve to the west of the allotment from Commercial 1 Zone (C1Z) to Residential Growth Zone 1 (RGZ1) and removes the Heritage Overlay Schedule 176 (HO176) from the road reserve and combines a planning permit PLP/2014/829 for a 5 lot subdivision and development of multi dwellings (multi storey apartments and townhouses), site clearing and associated vegetation removal, waiver of carparking requirements at Clause 52.06 and creation of easements.
<b>C197</b>	2 JUN 2016	Amends the Schedules to Clause 52.03 and Clause 81.01 to include a new incorporated document titled "Eureka Stadium Upgrade Project Incorporated Document, March 2016" to exempt use and development associated with the project from the requirement for a planning permit.
<b>VC130</b>	4 JUL 2016	The Amendment changes the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by amending Clause 52.32 (Wind energy facility) to delete clause 52.32-8.
<b>C198</b>	8 SEP 2016	Applies planning controls to facilitate redevelopment of the Ballarat Station Precinct.
<b>VC131</b>	24 NOV 2016	The amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes by amending Clause 52.19 - <i>Telecommunications</i> facility, to exempt a permit application for a telecommunications facility funded (or partly funded) under the Commonwealth Government's <i>Mobile Black Spot Programme</i> from the notice and review requirements of the <i>Planning and Environment Act 1987</i> .
<b>C183</b>	1 DEC 2016	Improve the effectiveness of the Ballarat Planning Scheme by deleting redundant planning provisions; correcting ordinance and map errors and anomalies; and amending the Environmental Significance Overlay Schedule 3 mapping to align with the Central Highlands Water Catchment boundary and protect special water catchment areas.
<b>C194</b>	22 DEC 2016	Inserts a new Local Planning Policy Framework, including a new Municipal Strategic Statement to implement the recommendations of the <i>Ballarat Planning Scheme Review 2015</i> and to give effect to <i>Today, Tomorrow: the Ballarat Strategy 2015</i> , a long term strategy for managing growth and change in the City of Ballarat to 2040.
<b>C193</b>	12 JAN 2016	Apply the heritage overlay to elements of 'Arranmore' 80 Howe Street, Miners Rest, amend Clause 21.10, Clause 43.01 Schedule and Clause 61.03 Schedule to insert a new reference document and new planning scheme map 5HO.

Amendment number	In operation from	Brief description
<b>C205</b>	12 JAN 2016	The amendment corrects errors in the description of affected land in the schedules to Clauses 52.01, 52.03 and 61.01 and in the <i>Ballarat Station Precinct Redevelopment Incorporated Document, August 2016</i> (incorporated document).
<b>VC110</b>	27 MAR 2017	Implements the government's response to the recommendations of the Managing Residential Development Advisory Committee by amending Clause 72 to introduce a new general term, "garden area" and amending the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone and Township Zone.
<b>VC135</b>	27 MAR 2017	The amendment introduces additional classes of application into the VicSmart provisions, and increases the 'cost of development' threshold of some existing VicSmart buildings and works classes of application.
<b>VC134</b>	31 MAR 2017	The Amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes in Victoria by introducing the new Metropolitan Planning Strategy and making corresponding updates to the State Planning Policy Framework. It also restructures Clause 11, includes policy-neutral updates and administrative changes and introduces new and updated incorporated and reference documents.
<b>C200</b>	6 APR 2017	The amendment implements the recommendations of the <i>Sebastopol Heritage Study Stage 2 (revised 2015)</i> and the <i>City of Ballarat Heritage Assessments: Sebastopol 2013 (updated 2016)</i> by amending Clause 21.10, the Schedule to Clause 43.01, planning scheme maps 4HO, 27HO, 33HO and 36HO and the Schedule to Clause 61.03 to insert new planning scheme map 32HO.
<b>VC136</b>	13 APR 2017	Amendment VC136 introduces state-wide planning requirements for apartment developments. The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes in Victoria by: <ul style="list-style-type: none"> <li>▪ Inserting a new Particular Provision at Clause 58 (Apartment developments) to introduce new requirements for apartment developments of five or more storeys (excluding a basement) in a residential zone and all apartment developments in other zones.</li> <li>▪ Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to include new requirements for apartment developments.</li> <li>▪ Deleting Clause 52.35 (Urban context report and design response for residential development of five or more storeys). The content of Clause of 52.35 is translated into Clause 58.01.</li> <li>▪ Amending clauses 32.04 (Mixed Use Zone), 32.05 (Township Zone), 32.07 (Residential Growth Zone) and 32.08 (General Residential Zone) to: <ul style="list-style-type: none"> <li>• Require an application for an apartment development of five or more storeys (excluding a basement) to meet the requirements of Clause 58.</li> <li>• Update the decision guidelines to require the responsible authority to consider the objectives, standards and decision guidelines of Clause 58 before deciding on an application for an apartment development of five or more storeys (excluding a basement).</li> <li>• Specify application requirements for an apartment development in the Residential Growth Zone and the General Residential Zone.</li> <li>• Include transitional provisions for applications lodged before the approval date of this Amendment.</li> </ul> </li> </ul>

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> <li>▪ Amending Clause 32.09 (Neighbourhood Residential Zone) to include transitional provisions for applications lodged before the approval date of this Amendment.</li> <li>▪ Amending clauses 34.01 (Commercial 1 Zone), 37.01 (Special Use Zone), 37.02 (Comprehensive Development Zone), 37.04 (Capital City Zone), 37.05 (Docklands Zone), 37.06 (Priority Development Zone) and 37.08 (Activity Centre Zone) to: <ul style="list-style-type: none"> <li>• Require an application for an apartment development to meet the requirements of Clause 58.</li> <li>• Update the decision guidelines to require the responsible authority to consider the objectives, standards and decision guidelines of Clause 58 before deciding on an application for an apartment development.</li> <li>• Specify application requirements for an apartment development.</li> <li>• Include transitional provisions for applications lodged before the approval date of this Amendment.</li> </ul> </li> <li>▪ Amending Clause 43.05 (Neighbourhood Character Overlay) to prevent Standards B35 to B49 (inclusive) of Clause 55 from being modified in a schedule to the overlay.</li> <li>▪ Amending Clause 72 (General Terms) to introduce a definition for the term 'Apartment'.</li> </ul>
<b>VC133</b>	25 MAY 2017	<p>The Amendment corrects inconsistencies and improves the structure of planning schemes to enable their migration into the Planning Scheme Information Management System (PSIMS) to improve access to, and more efficient amendment of, the planning schemes in Victoria.</p> <p>The changes are administrative and technical corrections and will align with a new <i>Ministerial Direction on The Form and Content of Planning Schemes</i> issued under section 7(5) of the <i>Planning and Environment Act 1987</i> (the Act).</p>
<b>C170</b>	1 JUN 2017	<p>The Amendment facilitates the Ballarat Western Link Road Project (Stage 2) by applying the Public Acquisition Overlay to allow the acquisition of land for the road and incorporating the document <i>Ballarat Western Link Road (Stage 2) Incorporated Document, September 2016</i> into the Ballarat Planning Scheme to allow for the use and development of the road without a planning permit, subject to conditions.</p>
<b>C206</b>	15 JUN 2017	<p>The amendment corrects obvious errors in the Schedules to Clause 52.03 and Clause 61.01.</p>
<b>C178</b>	6 JUL 2017	<p>The Amendment implements the findings of the Burrumbeet Floodway Investigation (Water Technology Pty Ltd 2013) by applying Land Subject to Inundation Overlay and Floodway Overlay to properties within the Burrumbeet Creek Catchment. The amendment introduces an incorporated document 'Burrumbeet Creek Local Floodplain Development Plan 2015 Incorporated Document' and a revised Clause 21.04 - Environmental Resilience (Municipal Strategic Statement) to ensure risks associated with flooding are addressed.</p>
<b>VC137</b>	27 JUL 2017	<p>The amendment introduces additional classes of application into the VicSmart provisions for residential zones.</p>
<b>C203</b>	10 AUG 2017	<p>The Amendment amends planning scheme maps 26 and 32, and deletes map 20 (removing the Environmental Audit Overlay), amends schedule 2 to Clause 37.07 (Urban Growth Zone) to reflect recommendations of the <i>Ballarat West Precinct Structure Plan Review</i>:</p>



Amendment number	In operation from	Brief description
		Planning Summary Report, ERM, July 2016 (BWSP 2016), updates clauses 61.03 and 81.01 accordingly.
<b>VC139</b>	29 AUG 2017	<p>The amendment:</p> <ul style="list-style-type: none"> <li>▪ Introduces new planning requirements for racing dog keeping and training facilities;</li> <li>▪ Introduces new guidelines for apartment developments;</li> <li>▪ Removes redundant references to the <i>Guidelines for Higher Density Residential Development</i> (Department of Sustainability and Environment, 2005), <i>Design Guidelines for Higher Density Residential Development</i> (Department of Sustainability and Environment, 2004), <i>Safer Design Guidelines for Victoria</i> (Crime Prevention Victoria and Department of Sustainability and Environment, 2005) and <i>Activity Centre Design Guidelines</i> (Department of Sustainability and Environment, 2005) in the State Planning Policy Framework (SPPF) and zones and inserts references to the <i>Urban Design Guidelines for Victoria</i> (Department of Environment, Land, Water and Planning, 2017) in the SPPF; and</li> <li>▪ Introduces a new State planning policy for Healthy neighbourhoods.</li> </ul>
<b>VC132</b>	19 SEP 2017	Amendment VC132 is a general amendment that makes a number of administrative corrections and other changes to the Victoria Planning Provisions (VPP) and all planning schemes in Victoria.
<b>GC13</b>	3 OCT 2017	<p>The Amendment updates the mapping and ordinance for the Bushfire Management Overlay across Victoria by:</p> <ul style="list-style-type: none"> <li>▪ Inserting updated BMO maps into 64 planning schemes.</li> <li>▪ Inserting schedules to Clause 44.06 in 47 planning schemes</li> <li>▪ Deleting redundant references to the Wildfire Management Overlay (WMO)</li> <li>▪ Deleting the BMO (maps and ordinance) in some areas where the vegetation no longer meets the criteria as set out in Advisory Note 46.</li> <li>▪ Amending schedules to clause 61.03 for planning schemes to update the maps listed in the scheme.</li> </ul>
<b>GC75</b>	9 NOV 2017	<p>The Amendment makes changes to the Community Infrastructure Levy (CIL) payable in 43 existing Development Contributions Plans (DCPs) across 13 planning schemes. The Amendment changes the 13 planning schemes to:</p> <ul style="list-style-type: none"> <li>▪ Amend 36 schedules to Clause 45.06 (DCPO) and incorporated DCPs to update the CIL payable and include a provision that the CIL can be varied in specific circumstances.</li> <li>▪ Amend 2 schedules to Clause 45.06 (DCPO) and incorporated DCPs to change the CIL payable from an amount payable per hectare to an amount payable per dwelling consistent with the Planning and Environment Act 1987 and include a provision that the CIL can be varied in specific circumstances.</li> <li>▪ Amend 5 schedules to Clause 45.06 (DCPO) and incorporated DCPs to include a provision that the CIL can be varied in specific circumstances.</li> <li>▪ Amend 13 schedules to Clause 81.01 to update the references to the incorporated DCPs.</li> </ul>
<b>VC141</b>	21 NOV 2017	<p>The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> <li>• Amending Clause 19.01-1 – updating policy guidelines to the</li> </ul>

Amendment number	In operation from	Brief description
		<p>revised document Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (Department of Environment, Land, Water and Planning, November 2017)</p> <ul style="list-style-type: none"> <li>• Amending Clause 43.01 – Heritage Overlay, to ensure that an application to subdivide land for a place which is included in the Victorian Heritage Register is referred to the Executive Director under the Heritage Act 2017.</li> <li>• Amending Clause 52.19 – Telecommunications facility, to exempt a permit application for a telecommunications facility funded (or partly funded) under the Commonwealth Government's Mobile Black Spot Program from the notice and review requirements of the Planning and Environment Act 1987 (the P&amp;E Act).</li> <li>• Amending Clause 52.32 – Wind Energy Facilities, to reflect changes proclaimed through the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017 in relation to an amendment to a planning permit for a windfarm.</li> <li>• Amending Clause 66 – Referral and Notice Provisions, to include the Executive Director specified in the Heritage Act 2017 as a determining referral authority for an application to subdivide a heritage place included in the Victorian Heritage Register.</li> <li>• Amending the VPP to update the style and format based on the revised Ministerial Direction on the Form and Content of Planning Schemes (updated April 2017) issued under section 7(5) of the P&amp;E Act.</li> </ul>
<b>C208</b>	30 NOV 2017	<p>The Amendment amends the Schedules to Clause 52.03 and Clause 81.01 of the Ballarat Planning Scheme to include an Incorporated Document titled 'Ballarat Terminal Station Incorporated Document September 2017', to allow the use and development of a 30 megawatt battery storage facility at 124 Coulsons Road, Warrenheip.</p>
<b>VC138</b>	12 DEC 2017	<p>The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes in Victoria to implement reforms relating to the Victorian Government's review of the planning provisions for native vegetation removal following the release of <i>Protecting Victoria's Environment - Biodiversity 2037</i>.</p>
<b>VC140</b>	12 DEC 2017	<p>The Amendment makes the State Planning Policy Framework for Bushfire clearer and more directive to enable a resilient response to settlement planning for bushfires.</p> <p>The Amendment makes changes to the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Inserting an updated State Planning Policy Framework at <i>Clause 10 Operation of the State Planning Policy Framework</i></li> <li>▪ Inserting an updated State Planning Policy Framework at <i>Clause 13 Environmental Risks</i></li> </ul>
<b>VC142</b>	16 JAN 2018	<p>The Amendment includes a wide range of reforms across the VPP that generally remove permit triggers, expand permit exemptions for land uses and buildings and works, remove superfluous and outdated provisions, update references, improve and update definitions, clarify common points of confusion and improve the usability of the VPP.</p>
<b>VC144</b>	27 FEB 2018	<p>The Amendment changes the Victoria Planning Provisions and all planning schemes by:</p>

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> <li>▪ Amending Clause 52.05 (Advertising signs) to:               <ul style="list-style-type: none"> <li>• specify 'electronic sign' in Section 2 of Category 3 - High amenity areas (Clause 52.05-9), with a condition that the advertisement area must not exceed three square metres</li> <li>• increase the size of the permitted maximum advertisement area of a 'promotion sign' in Section 2 of Category 3 from two to three square metres.</li> </ul> </li> <li>▪ Amending Clauses 52.05 and 73 to replace the term 'home occupation' with 'home based business'.</li> <li>▪ Correcting minor errors in Clauses 52.05 and 62.</li> </ul>
<b>VC145</b>	28 MAR 2018	<p>The amendment amends the <i>Victorian Planning Provisions (VPP)</i> and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Amending Clause 11.05-2 – <i>Distinctive areas of state significance</i>, to reference the Yarra Ranges Localised Planning Statement;</li> <li>▪ Amending Clause 43.01 – <i>Heritage Overlay</i>, to reinstate administrative corrections that were made in Amendment VC132 but inadvertently removed by Amendment VC141;</li> <li>▪ Amending Clause 52.19 – <i>Telecommunications Facility</i>, to clarify notice and review exemptions for telecommunications facility permit applications that are funded (or partly funded) by the Victorian or Commonwealth government; and</li> <li>▪ Separating clauses and subclauses into separate documents and the consequential renumbering and rationalisation of certain clauses to enable their migration into the Planning Scheme Information Management System (PSIMS).</li> </ul>
<b>C209</b>	12 APR 2018	<p>The amendment facilitates the Ballarat GovHub project by inserting the <i>Ballarat GovHub Incorporated Document, January 2018</i> into the Ballarat Planning Scheme and amending the schedule to Clause 61.01 of the scheme to make the Minister for Planning the responsible authority for the land.</p>
<b>VC143</b>	15 MAY 2018	<p>The Amendment changes the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Amending Clause 32.07 (Residential Growth Zone) to remove Food and drink premises and Shop from Section 1 – Permit not required and make them Section 2 – Permit required uses subject to conditions.</li> <li>▪ Amending Clause 32.08-4 (General Residential Zone) to enable an area to be exempt from the minimum garden area requirement through a schedule to the zone.</li> <li>▪ Amending Clauses 32.08-3 (General Residential Zone) and 32.09-3 (Neighbourhood Residential Zone) to:               <ul style="list-style-type: none"> <li>▪ Exclude the creation of a vacant lot of 400 square metres or greater from the minimum garden area requirement.</li> <li>▪ Clarify that the minimum garden area requirement does not apply to:                   <ul style="list-style-type: none"> <li>▪ The creation of a vacant lot less than 400 square metres where there is a precinct structure plan or equivalent strategic plan.</li> <li>▪ The creation of a vacant lot less than 400 square metres where there is an incorporated plan or approved development plan.</li> <li>▪ The creation of a vacant lot less than 400 square metres where there is an approved residential development.</li> </ul> </li> </ul> </li> </ul>

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> <li>▪ Amending clauses 32.08-4 (General Residential Zone) and 32.09-4 (Neighbourhood Residential Zone) to: <ul style="list-style-type: none"> <li>▪ Remove the minimum garden area requirement from applying to the construction or extension of a dwelling or residential building where a planning permit is not required.</li> <li>▪ Remove the reference to garden area being required to be provided at ground level.</li> <li>▪ Clarify that the minimum garden area requirement does not apply to: <ul style="list-style-type: none"> <li>▪ A medium density housing site in an approved precinct structure plan or equivalent strategic plan.</li> <li>▪ A medium density housing site in an incorporated plan or approved development plan.</li> <li>▪ An existing building that did not meet the minimum garden area requirement prior to approval of Amendment VC110.</li> </ul> </li> </ul> </li> <li>▪ Amending the Garden area definition at Clause 72 (General Terms) to provide greater clarity about garden area inclusions and exclusions.</li> </ul>
<b>VC146</b>	15 MAY 2018	Amendment VC146 implements the Infrastructure Contributions Plan (ICP) public land contributions model by introducing a new overlay, Clause 45.11 (Infrastructure Contributions Overlay), into the <i>Victoria Planning Provisions</i> . The amendment includes consequential changes to the State Planning Policy Framework to recognise the new ICP system.
<b>C210</b>	7 JUN 2018	<p>The Amendment removes the Public Acquisition Overlay (PAO) from land acquired by VicRoads at 1189 Geelong Road, Mount Clear and rezones land along Ballarat-Buninyong Road which has been declared as arterial road under the Road Management Act 2004 to the Road Zone – Category 1 (RDZ1).</p> <p>The Amendment also corrects the title of the <i>Ballarat West Development Contributions Plan 2014</i> in the schedule to Clause 81.01 to <i>Ballarat West Development Contributions Plan 2014 (Amended June 2017)</i> to reinstate changes introduced by Amendment GC75 and inadvertently reversed through the gazettal of Amendment C208. Other administrative form and content changes have been made to the schedules to clauses 61.03 and 81.01.</p>
<b>VC148</b>	31 JUL 2018	<p>The amendment changes to the <i>Victoria Planning Provisions</i> and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Deleting the State Planning Policy Framework (SPPF) and replacing it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19.</li> <li>▪ Deleting Clauses 1.0 (Preliminary) 2.0 (User Guide).</li> <li>▪ Moving the planning scheme purposes from Clause 1.0 to new Clause 01 (Purposes of this planning scheme) and inserting new Clause 00 (Purpose and Vision).</li> <li>▪ Moving the operational provisions for the Local Planning Policy Framework (LPPF) to new Clauses 23.02 and 23.03 and inserting a new Clause 23.01 to explain the relationship between the LPPF and the PPF.</li> <li>▪ Amending provisions (including schedules) to update references to the new MPS and PPF and as a result of the restructure and reorganising of provisions.</li> </ul>

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> <li>▪ Amending Clauses 37.03 (Urban Floodway Zone); 42.01 (Environmental Significance Overlay); 42.02 (Vegetation Protection Overlay); 42.03 (Significant Landscape Overlay); 43.01 (Heritage Overlay); 43.02 (Design and Development Overlay); 43.04 (Development Plan Overlay); 44.01 (Erosion Management Overlay); 44.02 (Salinity Management Overlay); 44.03 (Floodway Overlay); 44.04 (Land Subject to Inundation Overlay); 44.05 (Special Building Overlay and 52.28 (Gaming) to enable schedules to specify additional matters.</li> <li>▪ Amending Clause 43.01 (Heritage Overlay) to require the schedule to the overlay to specify a statement of significance for each heritage place included in the schedule and the ability to incorporate heritage design guidelines for a heritage place.</li> <li>▪ Amending Clause 43.04 (Development Plan Overlay) to clarify when an application is exempt from the notice and review requirements.</li> <li>▪ Introducing the Specific Controls Overlay (Clause 45.12).</li> <li>▪ Organising particular provisions into three new categories at Clauses 51, 52 and 53.</li> <li>▪ Inserting a new section, 'Operational provisions' (Clauses 70 to 74) that consolidates operational, administrative and other provisions.</li> <li>▪ Making various changes to advertising signs provisions at Clauses 32.04 (Mixed Use Zone), 52.05 (Signs), 62.02, 62.01 and at newly numbered Clauses 73.02 (Sign terms) and 73.03 (Land use terms).</li> <li>▪ Amending Clause 52.29 (Land Adjacent to a Road Zone 1, Category 1, or a Public Acquisition Overlay for a Category 1 Road) to exempt an application from notice and review requirements and to clarify permit exemptions.</li> <li>▪ Amending Clause 33.01 (Industrial 1 Zone) to remove the requirement to obtain a planning permit to use land for a 'convenience shop' and 'take away food premises'.</li> <li>▪ Amending Clause 33.03 (Industrial 3 Zone) to remove the requirement to obtain a planning permit to use land for a 'service industry' (in certain circumstances) and a 'take away food premises'.</li> <li>▪ Deleting Clause 52.12 (Service station).</li> <li>▪ Amending Clauses 33.01 (Industrial 1 Zone) and 32.04 (Mixed Use Zone) to ensure impacts of service stations are considered.</li> <li>▪ Deleting Clauses 52.13 (Car wash) and 52.14 (Motor vehicle, boat or caravan sales).</li> <li>▪ Amending Clause 52.06 (Car parking) to change the planning permit requirements and number of spaces to be provided in certain circumstances.</li> <li>▪ Introducing incorporated document <i>Principal Public Transport Network Area Maps</i> (State Government of Victoria, 2018).</li> <li>▪ Deleting the VicSmart provisions in Clauses 90 to 95 and consequently: relocating classes of State VicSmart applications to the applicable zones, overlays and particular provisions, local VicSmart provisions to a new Clause 59 (VicSmart applications and requirements) and operational provisions to new Clause 71.06.</li> <li>▪ Making consequential changes to the schedules of applicable particular provisions in planning schemes, including inserting new schedules.</li> </ul>
<b>VC151</b>	6 AUG 2018	The amendment corrects obvious and technical errors in the <i>Victoria Planning Provisions</i> and all planning schemes by replacing the incorporated document <i>Principal Public Transport Network Area Maps</i> (State Government of Victoria, 2018) with a corrected version of the

Amendment number	In operation from	Brief description
		document. The reference to the corrected document is updated in Clause 72.04 (Documents incorporated in this planning scheme).
<b>GC95</b>	23 AUG 2018	The amendment inserts an amended incorporated document titled <i>the Ballarat Line Upgrade Incorporated Document, August 2018</i> , in the schedule to Clause 51.01, 72.01 and 72.04 in the Ballarat, Melton and Moorabool planning schemes. The amendment facilitates the continual delivery of the Ballarat Line Upgrade by including additional land and works within the project to improve the overall efficiency of the line.
<b>VC147</b>	14 SEP 2018	<p>The amendment makes administrative changes to the Victoria Planning Provisions (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> <li>• Making style, format and technical changes to improve presentation and operation;</li> <li>• Correcting inconsistencies and clerical errors; and</li> <li>• Changing the operation of amendment date stamps located next to clause numbers. VC147 will not be added to the clause date stamps due to its administrative nature.</li> </ul> <p>The Amendment enables the online publishing of planning schemes through the Department of Environment, Land, Water and Planning's (DELWP) new Amendment Tracking System (ATS). The Amendment does not change the operation of policy or the effect of provisions in planning schemes.</p>
<b>VC150</b>	21 SEP 2018	<p>The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Introducing clear land use definitions and risk-based planning controls for animal industries;</li> <li>▪ Removing the <i>Piggeries Code of Practice 1992</i>;</li> <li>▪ Referencing the 2018 amendments to the <i>Victorian Code for Broiler Farms 2009</i>;</li> </ul> <p>to implement actions outlined in the Victorian Government's <i>Planning for Sustainable Animal Industries</i> report.</p>
<b>VC149</b>	4 OCT 2018	<p>The Amendment changes the Victoria Planning Provisions (VPP) by inserting a new Commercial 3 Zone at Clause 34.03.</p> <p>The Amendment also amends the VPP and all planning schemes to:</p> <ul style="list-style-type: none"> <li>▪ Introduce new requirements for the assessment of residential solar energy facility overshadowing.</li> <li>▪ Implement the wind energy facility recommendations of the Independent Inquiry into the Environment Protection Authority.</li> </ul>
<b>VC153</b>	4 OCT 2018	Amends Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 30 September 2019.
<b>VC152</b>	26 OCT 2018	<p>Amendment VC152 amends the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes to:</p> <ul style="list-style-type: none"> <li>▪ insert new objectives and strategies for major hazard facilities in Clause 13.07 (Amenity)</li> <li>▪ amend Clause 16.01-6S (Crisis accommodation and community care units) to reflect the new land use terminology and policy support for community care accommodation and rooming houses</li> <li>▪ amend the table of uses in all residential zones, Clause 34.01 (Commercial 1 Zone) and Clause 35.03 (Rural Living Zone) to include permit exemptions for 'Community care accommodation' and 'Rooming house' land uses</li> </ul>

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> <li>▪ amend Clause 35.08 (Rural Activity Zone) to delete the reference to 'Backpackers' lodge'</li> <li>▪ amend Clause 37.07 and Clause 52.34 (Bicycle facilities) to delete references to 'Nursing home'</li> <li>▪ amend Clause 52.06 (Car parking) to specify a car parking rate for a 'Rooming house'</li> <li>▪ delete Clause 52.22 (Crisis accommodation) and Clause 52.23 (Shared housing) and replace them with a new Clause 52.22 (Community care accommodation) and Clause 52.23 (Rooming house)</li> <li>▪ delete Clause 52.24 (Community care unit)</li> <li>▪ amend Clause 53.06 (Live music and entertainment noise) to include 'Community care accommodation' and 'Rooming house', and delete 'Boarding house' and 'Nursing home', in the definition of noise sensitive residential uses</li> <li>▪ insert a new particular provision at Clause 53.17 (Residential aged care facility)</li> <li>▪ amend Clause 73.03 (Land use terms) and Clause 73.04 (Nesting diagrams) to introduce 'Community care accommodation' and 'Rooming house' land uses, nest 'Residential aged care facility' under 'Accommodation', and delete 'Backpackers' lodge', 'Boarding house', 'Hostel', 'Nurses' home', 'Nursing home' and 'Residential college' land uses.</li> </ul>
<b>VC154</b>	26 OCT 2018	<p>Amendment VC154 changes the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Deleting Clause 14.02-3S (Water conservation) and integrating these policy statements into a new Clause 19.03-3S (Integrated water management).</li> <li>▪ Amending Clause 19.03-3S (Water supply, sewerage and drainage) to update and broaden water, drainage and stormwater policies to integrated water management policies.</li> <li>▪ Deleting Clause 19.03-4S (Stormwater) and integrating this policy into the new Clause 19.03-3S (Integrated water management), with consequential renumbering throughout Clause 19.03.</li> <li>▪ Inserting a new particular provision at Clause 53.18 for 'Stormwater management in urban development'.</li> <li>▪ Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to provide transitional provisions for residential development applications to be assessed against the Clause 55 provisions as they existed before the approval date of Amendment VC154.</li> <li>▪ Amending Clause 55.03-4 (Permeability) to rename the standard "Permeability and stormwater management' and amend the standard to include a new stormwater purpose, requirements and decision guidelines.</li> <li>▪ Amending Clause 55.07 (Apartment developments), Clause 56.07 (Integrated water management) and Clause 58.03 (Site layout) to generally align with the new particular provision.</li> <li>▪ Amending Clause 73.01 (General terms) to insert a new general term and definition for 'stormwater'.</li> </ul>
<b>VC155</b>	26 OCT 2018	<p>Amendment VC155 amends the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> <li>▪ Amending Clause 15.03-1S (Heritage conservation) to include an additional strategy and policy guideline.</li> </ul>

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> <li>▪ Amending Clauses 54.03-5 (Energy efficiency protection), 55.03-5 (Energy efficiency) and 55.07-1 (Energy efficiency) to replace the word 'capacity' with 'performance' and specify that a rooftop solar energy facility must exist at the time an application is lodged.</li> </ul>
<b><u>C211</u></b>	<b><u>3 APR 2019</u></b>	<p><b><u>Amendment C211 amends the Ballarat Planning Scheme by:</u></b></p> <ul style="list-style-type: none"> <li>▪ <u>Amending Clause 43.01 (Heritage Overlay) to include HO224 on an interim basis until 3 April 2021.</u></li> <li>▪ <u>Amending Clause 72.04 (Documents incorporated in this Planning Scheme)</u></li> </ul>



## BALLARAT PLANNING SCHEME AMENDMENT **C211** EXPLANATORY REPORT

### Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

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

### Land affected by the amendment

Land located across the boundary of 113 and 135 Lofven Street, Nerrina VIC 3350. The site identified for heritage protection is shown in Figure 1 below.

Commented [VO1]: Should we mention ownership? Private and Crown Land?



Figure 1: Location of site identified for heritage protection.

### What the amendment does

The Amendment applies an interim Heritage Overlay (HO224) to the site identified in Figure 1. The site is located across the boundary of 113 and 135 Lofven Street, Nerrina VIC 3350.

The proposed Amendment makes the following changes to the Ballarat Planning Scheme:

- Amend the Schedule to Clause 43.01 (Heritage Overlay) to include HO224 on an interim basis until 3 April 2021.
- Amend Planning Scheme Map 18HO to include HO224 on an interim basis until 3 April 2021.

- Amend Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to incorporate *Heritage Citation: Shed and foundations, 113 and 135 Lofven Street, Nerrina.*

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

A Statement of Significance identified that the site is of local level significance and is not currently protected by a Heritage Overlay. An interim Heritage Overlay ensures the shed and curtilage are protected while a permanent Heritage Overlay is being considered through a subsequent Amendment to the Ballarat Planning Scheme.

### **How does the Amendment implement the objectives of planning in Victoria?**

The amendment is consistent with the objectives of planning in Victoria, in particular the objective detailed in Section 4(1)d of the Planning and Environment Act 1987 (the Act), being:

*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.*

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

The amendment will have a positive environmental impact by protecting places of historic Significance. The amendment will have a positive social effect through the preservation of historically significant places which reflect social history, for the benefit of current and future generations. The amendment is not expected to have significant economic impacts, although it may impose some additional costs on the owners or developers of some of the affected properties where a planning permit will be required for buildings and works which previously did not trigger the need for a planning permit.

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

The land affected by the amendment is not subject to bushfire risk or a Bushfire Management Overlay, and the amendment 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 Minister's Direction applicable to the amendment?**

The amendment is consistent with Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment is consistent with Ministerial Direction 11 – Strategic Assessment of Amendments.

### **How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?**

The proposed Amendment supports and implements Clause 15 (Built Environment and Heritage) in the Planning Policy Framework (PPF).

More specifically, the Amendment supports the Planning Policy Framework as follows:

Clause 15.03-1S Heritage Conservation

Objective

- To ensure the conservation of places and heritage significance

Strategies

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*

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

The Local Planning Policy (LPP) recognises the contribution heritage places make to the character of the City of Ballarat and the need for conservation of these heritage places.

By applying the interim protection controls and a permanent Heritage Overlay to protect places of identified heritage significance the amendment supports and implements the LPPF, particularly Clause 21.06-2 (Heritage) of the Municipal Strategic Statement which includes the objective:

- *To protect, conserve and enhance areas, features, structures and sites of historic, aboriginal, natural and cultural significance.*

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

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

The views of DELWP have been sought through preparation of this Amendment.

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

The Amendment will not have any significant impact on the objectives and decision-making principles of the *Transport Integration Act 2010*.

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

The Amendment will not have any negative impact on the administrative costs of the responsible authority.

### **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 The Phoenix Building 25 Armstrong Street South Ballarat VIC 3350 And on the City of Ballarat website [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au).

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

*Planning and Environment Act 1987*

**BALLARAT PLANNING SCHEME**

**AMENDMENT C211**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Minister for Planning.

The Ballarat Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of one attached map sheet.

***Overlay Maps***

1. Amend Planning Scheme Maps No 18HO in the manner shown on the attached map marked "Ballarat Planning Scheme, Amendment C211".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

2. In Overlays – Clause 43.02, include HO224 on an interim basis
3. In Incorporated Documents in this Planning Scheme – Clause 72.04, **replace the Schedule with a new Schedule in the form of the attached document.**

End of document

**11.4. FRIENDS OF BOTANICAL GARDENS - MOU REVIEW**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Terry Demeo – Director Infrastructure and Environment

**OFFICER RECOMMENDATION**

**Council resolves to:**

- 1. Note the request made by the Friends of the Ballarat Botanical Gardens for an amendment to the recently approved Memorandum of Understanding (MoU);**
- 2. Advise the Friends of the Ballarat Botanical Gardens that the MoU as approved by Council in August 2018 for a five year period will remain unchanged; and**
- 3. Continue to work in cooperation with the volunteers, members and office holders of the Friends of the Ballarat Botanical Gardens for the ongoing benefit of the gardens and community.**

**EXECUTIVE SUMMARY**

The City of Ballarat recognises the important contribution made by the Friends of the Ballarat Botanical Gardens (the Friends) towards the development of the Ballarat Botanical Gardens precinct. The City has a strong desire to maintain and enhance the ongoing partnership with the Friends for the mutual benefit of both organisations and the wider community.

The Council resolved at its meeting of 1 August 2018 to commit to a further MoU with the Friends following a number of months of revision and discussion, however the Friends group have subsequently requested a further amendment before they will sign the MoU.

The request for an amendment is specifically to add the words “on the other hand the City of Ballarat will advise the Friends in a timely manner of the release of any publicity relating to the Ballarat Botanical Gardens which may impact on any joint projects being undertaken between the Friends and the City of Ballarat”.

It is recommended that Council notes the request only and does not alter the recently approved MoU.

**RATIONALE**

The matter of extending the MoU with the Friends of the Ballarat Botanical Gardens (the Friends) was dealt with at Council on 1 August 2018 where Council resolved to enter into a new MoU with the Friends, the detailed rationale contained in this earlier report is reproduced below in full for Councillors’ information.

Having committed to this course of action, the Mayor and Chief Executive Officer met with the President of the Friends group to formally sign the MoU. However, given concerns around the announcement of a builder for the fernery project from the Friends group, they requested an amendment to the MoU to the effect of “on the other hand the City of Ballarat will advise the Friends in a timely manner of the release of any publicity relating to the Ballarat Botanical

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Gardens which may impact on any joint projects being undertaken between the Friends and the City of Ballarat”.

The Mayor has no discretion to amend an MoU which was formally agreed via a Council decision and hence the matter has been brought back to Council for further consideration.

In short, it is considered that the request is beyond the intent and purpose of the MoU on the basis that it would be inappropriate for Council to be required to refer to the Friends of the Ballarat Botanical Gardens in relation to any media issues in accord with the request. It is considered this would be difficult to adhere to given the extent of activity, events and works undertaken in the Ballarat Botanical Gardens. The MoU is intended to formalise the arrangement for the Council and the Friends to work collaboratively to advance the interests of the Gardens. There is already contained in the approved MoU a clause relating to public relations. This wording is considered appropriate as it provides discretion for the curator (or nominated representative) to manage the public relations process.

Obviously, Council has stewardship responsibilities for the Gardens ongoing and to that end require the Friends of the Ballarat Botanical Gardens to be advised of all media regarding joint projects in the Gardens is considered to be unmanageable and beyond the context of the relationship which has been now operable for many years.

In January 2014, the first Memorandum of Understanding (MoU) between the City of Ballarat and the Friends of the Ballarat Botanical Gardens (the Friends) was signed to formally recognise the ongoing relationship between the City and the Friends. The MoU listed the management aims and operational responsibilities both for the City and the Friends and formalised the strong desire to forge a constructive partnership between both organisations.

The term of the MoU was for five years and this period is due to expire in January of next year.

The Friends of the Ballarat Botanical Gardens are a voluntary organisation which was founded in 1982 and became an incorporated body in 1993. Currently there are approximately 300 financial members with around 40 who are actively involved in the group.

As an organisation the Friends provide an avenue for members of the community to be able to participate in various aspects of horticulture and gardening while providing opportunities for social interaction and passive recreation with associated health and wellbeing benefits and to be involved in the Gardens.

The Friends occupy the George Longley Building within the Botanical Gardens which is used as their office and meeting room. They are the sole occupants of this building and have been provided with an area inside the Gardens nursery enclosure to use to propagate and raise plants for sale to the public for fund raising.

In the past five years the friends have achieved some major milestones including the development of the Ballarat Botanical Gardens Visionary Plan.

The Friends are passionate supporters of the redevelopment of the Fernery site and the fern collection and have contributed through advocacy and fund raising to progress this project.

The Friends were able to secure the original Gate Keepers Cottage and contribute to its relocation back into the Botanical Gardens where it will eventually be used as an education resource.

The Friends have a number of active sub groups that include:

- The Guiding Group who provide regular tours of the gardens;
- The Growing Group who sell plants that are grown in their nursery area providing one of the main sources of income for the Friends;
- The History Group who research and promote the history of the gardens; and
- The Botanikids Group who run a number of educational programs for younger children.

The Friends actively participate in the Ballarat Begonia Festival each year providing activities with a focus on developing young people's interests in horticulture and gardening.

The Memorandum of Understanding addresses and determines:

- The aims and objectives of the Friends; *Extracted from the Friends Charter.*
- The management aims of the City for the Botanical Gardens;
- The term of the MoU; *Five Years from signature.*
- The Responsibilities of the City; *Provision of appropriate levels of resources for a Botanical Garden.*
- The Responsibilities of the Friends; *To undertake fundraising and promotional activities and to maintain an Incorporated Association status.*
- Tenure; *Confirms the location and access to the George Longley Building.*
- Communication protocols; *Formalises the process for general communication between the Friends and the City.*
- Meeting processes; *Formalises the participation of the City in the Friends general meetings.*
- Activities of the Friends:
  - *Defines access to Council facilities.*
  - *Code of Conduct. Workplace*
  - *Health and Safety.*
  - *Public relations.*
  - *Support from the City.*
  - *Operational expenditure.*
  - *Friends events.*
  - *City events.*
  - *Equipment*
- Capital expenditure; *Final project decisions to be made by Council.*
- Reporting; *Friends annual financial reporting.*
- Variations to the MoU; *By either party and*
- Termination; *By either party.*

In summary the partnership between the Friends and the City of Ballarat has resulted in positive development and outcomes for the Ballarat Botanical Gardens and to continue this positive relationship the MoU has been reviewed and updated to reflect the current status of the partners.

## **LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS**

- *Charter of Human Rights and Responsibilities Act 2006*
- *City of Ballarat Council Plan 2017-2021*

**REPORTING AND COMPLIANCE STATEMENTS**

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	No
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	Yes	No
<b>Economic</b>	Yes	Yes
<b>Financial/Resources</b>	Yes	Yes
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	No	Yes
<b>Evaluation and Review</b>	No	Yes

**Human Rights** – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**Social/Cultural** – The Friends provide opportunities for social connection, education, participation and community involvement through membership, events and functions.

**Economic** – The Friends through fundraising and volunteer activities will contribute both financially and through provision of physical services to the functioning and development of the Gardens.

**Financial/Resources** – The City may provide limited financial support to the Friends usually in the form of ‘in kind’ services such as access to office equipment, assistance from staff for Friends activities and other assistance at the discretion of Council officers.

**Risk Management** – Nothing in the MoU is intended to give rise to any legally enforceable rights or obligations between the parties. Members who provide physical services within the Gardens have undertaken the City’s Volunteer Induction program.

**Implementation and Marketing** – Publicity generated by the Friends will promote the CoB and the Gardens in a positive manner. All promotional material will acknowledge the support of the City of Ballarat. Media releases will be submitted for approval by the CoB’s Media and Communications section, where deemed necessary by the Curator or nominated representative.

**Evaluation and Review** – The MoU has a defined lifetime of five years with biannual review by nominated representatives of both parties prior to the anniversary of signing.

**CONSULTATION**

Council to continue to liaise directly with the Friends group and look to strengthen the partnership ongoing.

**OFFICERS DECLARATIONS OF INTEREST**

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.



## REFERENCE DOCUMENTS

- MOU between Friends of Botanical Gardens and City of Ballarat.

## ATTACHMENTS

1. MoU Friends of the Ballarat Botanical Gardens between CoB Draft 2018 v1 **[11.4.1]**
2. Memorandum of Understanding with Friends of the Ballarat Botanical Gardens 01-08-2019 **[11.4.2]**

# MEMORANDUM OF UNDERSTANDING

Between

Friends of the Ballarat Botanical Gardens Inc

and

The City of Ballarat

Signed: \_\_\_\_\_

**Cr Samantha Macintosh**

Mayor  
City of Ballarat.

Signed: \_\_\_\_\_

**Robert Selkirk**

President  
Friends of the Ballarat Botanical Gardens

**THIS MEMORANDUM OF UNDERSTANDING** is made on the..... day of  
..... In the year of 2018.

BETWEEN

**THE FRIENDS OF THE BALLARAT BOTANICAL GARDENS INC.** [ABN 32 346 573 092.]  
an Incorporated Association, PO Box. 33W Ballarat West VIC 3350  
[“THE FRIENDS”]

AND

**THE CITY OF BALLARAT.** [ABN 37 601 599 422] PO Box 655, Ballarat VIC 3353.  
[“CoB”]

## **1. Background**

The Friends of the Ballarat Botanical Gardens Inc. (the Friends) was formed in 1983 and became an incorporated association in 1993. The City of Ballarat (CoB) recognizes the important contribution made by the Friends towards the development of the Ballarat Botanical Gardens (Botanical Gardens). The CoB has a strong desire to maintain and enhance the ongoing partnership with the Friends for the mutual benefit of both organizations and the wider community.

This Memorandum of Understanding (the Memorandum) has been drafted so that both the CoB and the Friends understand the rights and responsibilities of the respective organizations. It is expected that from the signing of the Memorandum, the two parties will work cooperatively in establishing a shared vision for the Gardens and its surrounding precinct.

Nothing in this Memorandum is intended to give rise to legally enforceable rights or obligations between the parties.

## 2. The Parties

The parties to this Memorandum of Understanding are:

- The Friends of the Ballarat Botanical Gardens Inc.
- The City of Ballarat

The aims and objectives of the Friends are:

- To assist in the promotion of the Ballarat Botanical Gardens, and to undertake activities for the benefit of the Gardens.
- To stimulate interest and community awareness in the activities of the Ballarat Botanical Gardens.
- To involve the community in the scientific, educational, historical, cultural and recreational functions of the Gardens.
- To initiate and coordinate special interest groups of the Friends for the benefit of the Gardens and the Friends.
- To raise funds to utilise for the benefit of the Gardens and the Friends.
- Under direction of CoB representatives, to undertake such work as necessary to further the stated management aims for the Gardens.
- To serve as a link between the City and the wider community, and to promote, support and contribute to the development of the Gardens.
- To promote and support horticultural and botanical science and associated interests.

The management aims of the CoB for the Ballarat Botanical Gardens are:

- To maintain and preserve the Crown Reserve as a Botanical and Public Gardens in keeping with the purpose the reserve was established by the Crown.
- To continue to maintain Committee of Management status over Crown Allotment CA 2023 which encompass the areas known as the Ballarat Botanical Gardens, the North Gardens, the South Gardens and part of the Lake Wendouree Reserve.
- To cultivate and display plant species of ornamental, economic, cultural and conservation value to the Ballarat region.
- To develop the horticultural collection in line with Councils goals.
- To keep appropriate records to ensure the scientific and cultural values of the collection.
- Provide interpretive services for the horticultural collections to educate the public on their uses, potential and distribution.
- To provide opportunities for the public to learn about the environment generally.
- Ensure that staff are appropriately experienced, qualified, trained and resourced to undertake the duties associated with a Botanical Gardens.
- To utilize sustainable methods of horticultural maintenance.
- To enhance, conserve and promote the historical asset collections within the Gardens
- To assist educational and scientific institutions to provide educational programs.
- To provide a regionally significant facility that is safe and accessible to all residents and visitors of Ballarat.
- To promote the Botanical Gardens as a unique and major tourist attraction for the City and the region.
- To create a high quality outdoor precinct for passive recreation for local residents and visitors.
- To provide quality recreational opportunities within the Gardens precinct.
- To utilize the Friends as a reference body in Gardens related matters.

### **3. Term of Memorandum**

This Memorandum of Understanding shall represent the agreement between the parties for a period of five (5) years from the date of signing by both parties.

The parties to this Memorandum of Understanding hereby agree to the following:

### **4. Responsibilities of the City of Ballarat**

CoB will provide the necessary financial and staffing resources to maintain the Ballarat Botanical Gardens to a standard determined by Council and with the intent of enabling the Gardens to meet its stated management aims as given above. CoB retains the absolute right to make all decisions concerning the management, staffing and operation of the Gardens.

### **5. Responsibilities of the Friends of the Ballarat Botanical Gardens**

The Friends will undertake fundraising and promotional activities to assist the Ballarat Botanical Gardens to meet its stated management aims and to further the aims and objectives of the Friends as given above.

The Friends will maintain their Incorporated Association status as per the requirements of the Department of Consumer Affairs Victoria.

### **6. Tenure**

The George Longley Building is the 'home' of the Friends and is to be accessible to the Friends at all times under normal circumstances. Access out of regular hours may need to be confirmed with the Curator who may have regard to safety and security issues.

A tenancy agreement for the George Langley Building to occupy its current site will be developed with input from Council's Executive Manager Property Services and Facilities, the Curator and the Friends to comply with Councils tenancy requirements.

It is recognized in this MoU that access to the former Gate-keepers Cottage is currently restricted due to ongoing construction and restoration works. It is understood that tenancy of this building will not be permitted until all works and relevant permit conditions are completed.

## **7. Communication**

Communication between the Friends and CoB will be primarily undertaken by:

- The Curator Ballarat Botanical Gardens, representing the CoB and
- The President, the Friends of the Ballarat Botanical Gardens Inc. representing the Friends, unless otherwise noted in this Memorandum.

The Friends may nominate another spokesperson to be the main contact person with the CoB, so that all information or requests are provided via a single conduit. Initial contact should be through the Curator of the Gardens in the first instance, then the Coordinator Parks and Gardens.

The nominated Friends representative should meet informally on a regular basis with the Curator of the Ballarat Botanical Gardens to maintain information exchange between the parties.

The Friends will be given an opportunity to comment on actions or activities which may affect the level of service delivered at the Botanical Gardens. Initial comment may be made informally to the Curator. Any formal response to such actions or activities will be made in writing addressed to the Coordinator Parks and Gardens.

## **8. Meetings**

Committee meetings of the Friends are generally held monthly in the George Longley Building. The Curator of the Ballarat Botanical Gardens, or a nominated representative, will be invited to attend Friends of Ballarat Botanical Gardens Committee meetings, for presentation of reports, updates and general business, however, is not considered a voting member.

The Friends will also continue to be represented on the Lake Wendouree and Gardens Advisory Committee. The LWGAC meets regularly throughout the year, and any matters relating to the lake and gardens precinct should be tabled at this meeting.

### **8.1 Decisions**

The Committee of the Friends shall give due regard to the opinion of the Curator (or nominee), however it is recognized that there may be times that in the opinion of the Curator (or nominee) that a proposal being considered by the Friends is not in the best interests of the Botanical Gardens. If the Friends and the Curator are unable to reach agreement the following will apply:

- If the matter solely concerns the internal operations of the Friends and the matter is not referred to in this Memorandum, then the Friends may proceed, noting the objections of the CoB.
- If the matter has any impact on the Gardens or is referred to in this Memorandum, then a formal written report from the President of the Friends will be made to Council's Coordinator Parks and Gardens.

## 9. Activities of the Friends

### 9.1 Access to Council Facilities

The Friends will have access to and will maintain in a neat, tidy and safe condition a section of the Nursery grounds to produce plants for sale or display for various purposes.

The Robert Clark Horticultural Centre will be available for the Friends use in accordance with the normal booking arrangements applicable to the venue.

The Robert Clark Conservatory will be available for the Friends to provide displays, promotional items, plant sales and functions with the agreement of the Curator and in accordance with the normal booking arrangements applicable to the venue.

Other Gardens buildings will be made available with the agreement of the Curator.

### 9.2 Code of Conduct

Members of the Friends will follow proper organizational procedure with any issues escalated to the President or nominated representative to liaise with the Curator in the first instance for resolution.

Members of the Friends will comply with CoB's Codes of Conduct while undertaking any activity within the Gardens.

Members of the Friends will conduct themselves in a professional manner when dealing with members of the public and promote the CoB, the Friends and the Gardens in a positive manner.

### 9.3 Workplace Health and Safety

The Friends utilize the skills and capacities of many of its members to undertake activities that meet the definition of voluntary services, this includes guiding visitors, working on projects and displays in the Gardens and propagating and growing plants for sale.

The Friends will ensure that all members involved in volunteer type activities undertake a Council Induction program covering all relevant Council policies, procedures and Occupational Health and Safety processes. Members of the Friends will comply with the Workplace Health and Safety Act and regulations, relevant Codes of Practice and CoB's WHS Policies and Procedures. Members will comply with instructions given by the Curator or other CoB employees in respect to the Health and Safety of themselves and other persons.

Commented [SVO1]: The Friends are Volunteers to the CoB as they are undertaking activities on public land for CoB

### 9.4 Public Relations

Publicity generated by the Friends will promote the CoB and the Gardens in a positive manner. All promotional material will acknowledge the support of the City of Ballarat. Media releases will be submitted for approval by the CoB's Media and Communications section, where deemed necessary by the Curator or nominated representative.

#### 9.5 Support from the CoB

The CoB may provide limited financial support to the Friends usually in the form of 'in kind' services.

The City of Ballarat will provide assistance from Gardens staff for the conduct of Friends activities when possible, subject to prior approval by the Curator.

The Friends will be provided access to reasonable use of CoB office equipment (e.g. photocopier, binder, laminator) with prior approval from the Curator.

#### 9.6 Operational Expenditure

The Friends shall meet any day to day costs associated with the general operations of a community organization.

The Friends are to provide building and contents insurance for the George Longley Building and appropriate public liability insurance for functions and events.

#### 9.7 Friends Events

COB will provide use of the facilities of the Gardens for events conducted by the Friends subject to the conditions in Section 8.1 and any terms and conditions required as due to an event application. The CoB may provide other support according to the discretion of the Coordinator Parks and Gardens.

The Friends will be responsible for all other event expenditure and will retain the revenue from such events. Events may include: guest speakers, film nights, music performances, horticultural demonstrations, guided tours and plant sales.

The Friends may conduct other activities within the boundary of the Botanical Gardens Precinct subject to prior approval from the Curator.

#### 9.8 City of Ballarat Events

Where an event is an initiative of CoB, such as the Ballarat Begonia Festival, and it is agreed by both parties that the Friends participation will be beneficial to the event, CoB will provide the Friends with appropriate space within the Gardens and the Friends will be responsible for their own activities, including any associated expenditure and revenue.

#### 9.9 Equipment

The Friends will supply their own administrative and IT support equipment such as telephones, computer equipment etc.

Equipment purchased by the Friends for their own use will be maintained and upgraded where necessary by the Friends.

Items donated to Council by the Friends such as horticultural books, will be available for use by the Friends as required.



Fixtures or fittings requiring connection to CoB buildings and facilities are to be approved by the Curator.

#### **10. Capital Expenditure**

Council, through the Curator, agrees to consult or inform the Friends in relation to Council funded Capital Projects and works at the Gardens. Final decisions on projects will be made by Council.

In the case of Friends sponsored Capital Proposals, final decisions will be made by Council.

#### **11. Reporting**

The Friends will provide an annual report to the CoB within three months of the end of each financial year i.e. by 30th September each year. The report will outline major achievements and activities, a financial summary of the operations of the Friends and a detailed financial report on the operation of the Friends.

#### **12. Variations**

Proposed variations to the Memorandum of Understanding may be initiated, in writing, by either party. Any variation will require the agreement of both parties, re-drafting of this Memorandum and re-signing by both parties.

#### **13. Termination**

Either party may elect to terminate this Memorandum of Understanding by writing to the other party and advising the decision and reasons for doing so.



{title-auto-inserted-by-system}

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Daryl Wallis – Coordinator Parks and Gardens

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## **OFFICER RECOMMENDATION**

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{recommendation-start}

### **Council resolves to:**

- 1. Reconfirm the ongoing relationship with the Friends of the Ballarat Botanical Gardens through an updated Memorandum of Understanding for a further period of five years.**
- 2. Note the achievements of the Friends of the Ballarat Botanical Gardens during the period of the previous Memorandum of Understanding.**

{recommendation-end}

## **EXECUTIVE SUMMARY**

The City of Ballarat recognises the important contribution made by the Friends of the Ballarat Botanical Gardens (Friends) towards the development of the Ballarat Botanical Gardens precinct. The City has a strong desire to maintain and enhance the ongoing partnership with the Friends for the mutual benefit of both organisations and the wider community.

The first Memorandum of Understanding was signed in 2014 for a term of five years and is due to expire in January 2019.

The Memorandum of Understanding has been reviewed and an updated version has been prepared and is ready for formal signing by both partner organisations.

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## **RATIONALE**

In January 2014, the first Memorandum of Understanding (MoU) between the City of Ballarat and the Friends of the Ballarat Botanical Gardens (the Friends) was signed to formally recognise the ongoing relationship between the City and the Friends. The MoU listed the management aims and operational responsibilities both for the City and the Friends and formalised the strong desire to forge a constructive partnership between both organisations.

The term of the MoU was for five years and this period is due to expire in January of next year.

The Friends of the Ballarat Botanical Gardens are a voluntary organisation which was founded in 1982 and became an incorporated body in 1993. Currently there are approximately 300 financial members with around 40 who are actively involved in the group.

As an organisation the Friends provide an avenue for members of the community to be able to participate in various aspects of horticulture and gardening while providing opportunities for social interaction and passive recreation with associated health and wellbeing benefits and to be involved in the Gardens.

The Friends occupy the George Longley Building within the Botanical Gardens which is used as their office and meeting room. They are the sole occupants of this building and have been provided with an area inside the Gardens nursery enclosure to use to propagate and raise plants for sale to the public for fund raising.

In the past five years the friends have achieved some major milestones including the development of the Ballarat Botanical Gardens Visionary Plan.

The Friends are passionate supporters of the redevelopment of the Fernery site and the fern collection and have contributed through advocacy and fund raising to progress this project.

The Friends were able to secure the original Gate Keepers Cottage and contribute to its relocation back into the Botanical Gardens where it will eventually be used as an education resource.

The Friends have a number of active sub groups that include:

- The Guiding Group who provide regular tours of the gardens;
- The Growing Group who sell plants that are grown in their nursery area providing one of the main sources of income for the Friends;
- The History Group who research and promote the history of the gardens; and
- The Botanikids Group who run a number of educational programs for younger children.

The Friends actively participate in the Ballarat Begonia Festival each year providing activities with a focus on developing young people's interests in horticulture and gardening.

The Memorandum of Understanding addresses and determines:

- The aims and objectives of the Friends; *Extracted from the Friends Charter.*
- The management aims of the City for the Botanical Gardens;
- The term of the MoU; *Five Years from signature.*
- The Responsibilities of the City; *Provision of appropriate levels of resources for a Botanical Garden.*
- The Responsibilities of the Friends; *To undertake fundraising and promotional activities and to maintain an Incorporated Association status.*
- Tenure; *Confirms the location and access to the George Longley Building.*
- Communication protocols; *Formalises the process for general communication between the Friends and the City.*
- Meeting processes; *Formalises the participation of the City in the Friends general meetings.*
- Activities of the Friends:
  - *Defines access to Council facilities.*
  - *Code of Conduct. Workplace*
  - *Health and Safety.*
  - *Public relations.*
  - *Support from the City.*
  - *Operational expenditure.*
  - *Friends events.*
  - *City events.*
  - *Equipment*
- Capital expenditure; *Final project decisions to be made by Council.*
- Reporting; *Friends annual financial reporting.*
- Variations to the MoU; *By either party and*
- Termination; *By either party.*

In summary the partnership between the Friends and the City of Ballarat has resulted in positive development and outcomes for the Ballarat Botanical Gardens and to continue this positive relationship the MoU has been reviewed and updated to reflect the current status of the partners.

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	No
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	Yes	No
<b>Economic</b>	Yes	Yes
<b>Financial/Resources</b>	Yes	Yes
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	No	Yes
<b>Evaluation and Review</b>	No	Yes

**Human Rights** – It is considered that this report does not impact on any human rights identified in the Charter of Human Rights and Responsibilities Act 2006.

**Social/Cultural** – The Friends provide opportunities for social connection, education, participation and community involvement through membership, events and functions.

**Economic** – The Friends through fundraising and volunteer activities will contribute both financially and through provision of physical services to the functioning and development of the Gardens.

**Financial/Resources** – The City may provide limited financial support to the Friends usually in the form of ‘in kind’ services such as access to office equipment, assistance from staff for Friends activities and other assistance at the discretion of Council officers.

**Risk Management** – Nothing in the MoU is intended to give rise to any legally enforceable rights or obligations between the parties. Members who provide physical services within the Gardens have undertaken the City's Volunteer Induction program.

**Implementation and Marketing** – Publicity generated by the Friends will promote the CoB and the Gardens in a positive manner. All promotional material will acknowledge the support of the City of Ballarat. Media releases will be submitted for approval by the CoB's Media and Communications section, where deemed necessary by the Curator or nominated representative.

**Evaluation and Review** – The MoU has a defined lifetime of five years with biannual review by nominated representatives of both parties prior to the anniversary of signing.

## **OFFICERS DECLARATIONS OF INTEREST**

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

## **ATTACHMENTS**

{attachment-list}  
{remove-from-minutes-end}

## 11.5. RURAL COUNCIL TRANSFORMATION PROGRAM

**Division:** Innovation and Organisational Improvement  
**Director:** Cameron Gray  
**Author/Position:** Matthew Swards – Manager Business Improvement

### OFFICER RECOMMENDATION

Council resolves to:

1. Note that the City of Ballarat is a participant in a grouping of councils that have made an application for funding under the Victorian Government Rural Councils Transformation Program (RCTP) for the following initiative, namely the '*Central Highlands Delivery of Regional Shared Services Project*', in conjunction with Ararat Rural City, Central Goldfields Shire, Golden Plains Shire, Hepburn Shire, Moorabool Shire, Pyrenees Shire with the City of Ballarat as the lead council;
2. Notes that for an RCTP application to be eligible for consideration, the following criteria must be met:
  - a. Submission of a joint business case by 31<sup>st</sup> March 2019.
  - b. Each council must pass an accompanying resolution committing to implement the business case, if approved for funding. The resolution must be lodged with Local Government Victoria by 30<sup>th</sup> April 2019;
3. Approve the submission of the business case as the lead council, noting that the submission will be lodged by 31<sup>st</sup> March 2019; and
4. Approve implementation of the projects and initiatives within the submitted business case by the City of Ballarat subject to the application being approved for RCTP funding.

### EXECUTIVE SUMMARY

The Victorian Government through its Rural Councils Transformation Program has committed \$20 million of funding in the 2018-19 financial year for the implementation of large-scale transformation projects at a regional level. The program aims to improve the sustainability of rural and regional councils who would otherwise not be able to invest in large-scale transformative projects.

The City of Ballarat Council Plan 2017-2021, under the goal of accountability, specifies that Council will develop an action plan for the implementation of shared services with regional and rural councils.

The City of Ballarat is leading the submission of a transformative project with seven of the eight Central Highlands Councils Victoria members (Ballarat City Council, Ararat Rural City, Central Goldfields Shire, Golden Plains Shire, Hepburn Shire, Moorabool Shire and Pyrenees Shire).

The project will assist in the delivery of shared service models throughout the Central Highlands region underpinned by a new digital platform. The program will benefit our regional communities through improving the financial sustainability of its Councils by reducing duplication of service functions across the region and embedding savings into improving service delivery. Through collaboration and innovation, Councils will work together to redesign

our services to meet our communities needs and expectations, and provide a new digital platform, focusing on the needs of our customers by being able to transact with Councils online at any time.

Delivering this project will deliver on the City of Ballarat Digital Services Strategy, by developing online services that are citizen centric and integrated from the customer's perspective, harnessing technology to enhance and support innovation within council business units, and achieve best value for ratepayers by focusing on cost efficiency and cost transparency.

A full business case has been developed in partnership with the participating Councils and consultants that the Victorian Government have contracted EY (previously known as Ernst and Young). The funding requested through the program is \$5.5 million and if successful the project will provide significant savings and service improvements.

## **RATIONALE**

Rural and regional Councils like the City of Ballarat are facing the challenge of growing asset renewal costs, service funding gaps, increasing community expectations and increasing difficulties in attracting specialised workforces. Central Highlands Councils Victoria has been working to formulate a program of transformation to improve the underlying sustainability of our Councils and communities, and to look beyond municipal boundaries to take a regional approach to delivering local services to our communities of over 230,000 people.

Central Highlands Councils Victoria members have been investigating a range of opportunities for transformative collaborations for the previous four years, alongside a history of regional collaboration and procurement for over a decade.

An expression of interest was submitted to participate in the Rural Councils Transformation Program. With the successful expression of interest, the Central Highlands Councils, along with partner EY, are developing a full business case for regulatory and specialised services to be shared across the region.

The costs associated with contracting EY have been borne by the Victorian Government.

If successful, the funding will provide numerous benefits to our communities, including but not limited to:

- Improving the financial sustainability of the Central Highlands Victoria Councils members;
- Improving service delivery and better meeting our communities needs and expectations, through new digital transaction channels, giving customers visibility of their interactions with Council, and streamlined service delivery through consistent processes and service models across the region;
- Reducing risk to the Central Highlands Victoria Councils members by utilising specialist skills and market leading digital solutions;
- Enhancing the attractiveness of working within the Central Highlands region, attracting specialised workforces, and increasing the reach of utilising specialised resources using cloud technologies available anywhere, anytime; and
- Enhancing career and skill development opportunities for our regional workforces

The delivery of shared services has been identified as a strategy through previous service reviews in facing the challenges identified by Central Highlands Councils. Shared services models will vary depending on the service to be shared throughout the region. Models of

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delivery include sharing of resources, seeking joint tenders and contracts for works and services, combining resources to provide joint provision of services, and managing services via a separate authority.

It is proposed that services identified to be shared by the Central Highlands Councils will be delivered on market leading shared cloud technology solutions. Utilising these solutions allows our workforce to work from anywhere within the region, enhancing the potential for the workforce of any one Council to live and work within another in the region. Integration of workforces across the region are a key enabler of collaboration and innovation, as well as career development for our staff. The cloud solution will also allow Councils to access numerous delivery partners, which can lead to reduced support and delivery costs.

Through the adoption of this shared cloud technology, Central Highlands Councils will be able to reduce the duplication of processes in service delivery, and reduce the ever-increasing risks associated with cyber security and compliance. Cloud enterprise solutions will also support collaboration and innovation throughout the Central Highlands region, resulting in a better and more efficient experience for our communities.

The Central Highlands Council members are committed to delivering better experiences for our communities through a shared services program, and the Rural Councils Transformation Program allows the opportunity to formally progress initiatives resulting in these benefits to our communities.

Should Council be successful in receiving funding through this program the Council may need to participate in the formation and operation of a separate legal entity or entities. If this is required the Council will need to consider the risks involved, the investment involved, and total risk exposure of Council at that time in accordance with section 193 of the *Local Government Act 1989*.

At this stage of the project there is no investment from Council or no requirement to form an entity.

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- *Local Government Act 1989*
- City of Ballarat Digital Services Strategy 2016-2020

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	Yes
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	Yes	No
<b>Economic</b>	Yes	Yes
<b>Financial/Resources</b>	Yes	Yes
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	Yes	Yes
<b>Evaluation and Review</b>	Yes	Yes

**Human Rights** – It is considered that this project, should funding be successful, may have impacts on human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*, namely that of privacy. Data collection processes will be conducted during this project. Council will take all reasonable steps to ensure that privacy is protected in accordance with the *Privacy and Data Protection Act 2014*.

**Social/Cultural** – This project will enhance service delivery outcomes for communities throughout the region and ensure the communities Councils are sustainable into the future.

**Economic** – This project delivers to a wider innovation and collaboration program strengthening the region. It will help attract and retain talent, investment and economic activity throughout our region.

**Financial/Resources** – Funding has been requested through the Rural Councils Transformation Program. This funding will deliver a program over five years. Ongoing costs after the delivery of this program are to be provided in subsequent Council budgets. Full financial details are provided in the business case. There is no requirement for Council to co-contribute to this project or funding application.

**Risk Management** – A detailed risk and mitigation strategy has been developed as part of the Central Highlands Councils business case.

**Implementation and Marketing** – An implementation plan has been developed over the period of five years. An implementation plan is included in the business case.

**Evaluation and Review** – A full framework for evaluating and assessing the outcomes of the proposal, as well as assessing the viability of a model that can be replicated is included in the business case.

## **CONSULTATION**

Extensive consultation has occurred between the participating Councils and staff, Local Government Victoria and EY. Consultation with communities will occur during development stage should funding be provided.

The six other participating Central Highlands Councils Victoria members are also considering the business case and project at this time.

## **OFFICERS DECLARATIONS OF INTEREST**

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

## **REFERENCE DOCUMENTS**

- Rural Councils Transformation Program Funding Guidelines
- Business Case to be attached

## **ATTACHMENTS**

Nil

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**11.6. ADOPTION OF REVISED CITY OF BALLARAT PROCUREMENT POLICY (V8)**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Trevor Harris - Procurement Coordinator

**OFFICER RECOMMENDATION**

**Council resolves to adopt the revised Procurement Policy (Version 8.0).**

**EXECUTIVE SUMMARY**

Pursuant to Section 186A (7) of the Local Government Act 1989: "At least once in each financial year, a Council must review the current procurement policy and may, in accordance with this section, amend the procurement policy"

A review of the City of Ballarat Procurement Policy and associated procedures has been undertaken and subsequent amendments made pursuant to the Local Government Act 1989.

It is recommended that the Council note the review and adopt the revised Procurement Policy (Version 8.0).

**RATIONALE**

A review of the City of Ballarat Procurement Policy is required to be undertaken at least once in each financial year. This review has been undertaken.

In addition to the formal requirements of the review, the CEO facilitated a broader operational review of procurement and contracting processes and procedures, taking into consideration a renewed focus on compliance, on meeting the stated objectives in the Council Plan 2017-21, on Fraud Prevention and Detection and on ethical practice and integrity. A series of procedural reforms have already been implemented as a result of the operational review including the requirement for a non-scoring observer to be present at all tender evaluation panel meetings and changes to include more detail in the records system used to generate tender evaluation reports.

In addition, the need to better inform potential tenderers of the contract requirements, particularly in relation to Occupational Health and Safety and other regulatory, risk and compliance matters, was identified in the operational review. It is intended that a series of forums and pre-tender briefings be held prior to the release of the tender scope and/or the Council's works program for the forthcoming year. Further the Council's Economic Development team will facilitate business forums, together with organisations such as the Industrial Capability Network (ICN), on tendering for government projects and the importance of properly filling in tender documentation.

A summary of changes made to Procurement Policy following the review are:

1. Clause 8.1 updated to bring public tendering thresholds in line to those prescribed under Section 186(1) of the Local Government Act 1989. Currently \$150,000 for goods and services and \$200,000 for works. This also affects Clauses 9.1, 9.3 and 16.1 of the Procurement Policy

2. Clause 8.5 Cumulative spend to be measured over a twelve month period and deleted paragraph authorising the CEO to approve purchases up to State Legislated amount (clause no longer relevant as Council threshold is as legislated)
3. Clause 10 added requirement for independent non-scoring observer (representative appointed by Procurement Unit) to be included at all tender evaluation meetings
4. Clause 10.1 updated mandatory evaluation weighting for Price to forty percent (40%)
5. Appendix One – consolidated Local Content Schedule and BIPP (Ballarat Industry Participation Program). Updated to reduce required paperwork from tenderers and to give greater relevance to Local Content requirements

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Victorian Local Government Best Practice Procurement Guidelines 2013*
- *Purchasing limits set by the Act:*
  - *\$150,000 for the purchase of goods and services*
  - *\$200,000 for the carry out of works*
- *Charter of Human Rights and Responsibilities Act 2006;*
- *Local Government Act 1989;* and
- *City of Ballarat Council Plan 2017-2021.*

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	No
<b>Social/cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	No	No
<b>Economic</b>	No	No
<b>Financial/Resources</b>	No	No
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	No	No
<b>Evaluation and Review</b>	No	No

**Human Rights** - It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

## OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

## REFERENCE DOCUMENTS

- *Victorian Local Government Best Practice Guidelines 2013*

## ATTACHMENTS

1. Procurement Policy V8.0 March 2019 Final Draft for approval [11.6.1]



# **Procurement Policy**

*(Version 8.0)*

*Updated February 2019*

*Ratified ???*

**BALLARAT CITY COUNCIL**  
Town Hall  
Sturt St  
Ballarat VIC 3350  
Tel. 5320 5500

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## 2 DOCUMENT CONTROL INFORMATION

<b>Policy Name</b>	<b>Procurement Policy</b>
<b>Business Unit</b>	<b>Finance</b>
<b>File Location</b>	
<b>Document status</b>	<b>Draft</b>
<b>Version</b>	<b>8.0</b>
<b>Version Date</b>	<b>February 2019</b>
<b>Next Review date</b>	<b>January 2020</b>

## 3 DOCUMENT HISTORY

	<b>Version</b>	<b>Date</b>	<b>Author</b>
<b>Initial Draft</b>	8.00	23/01/2019	Trevor Harris
<b>Review Draft</b>			
<b>Review Draft</b>			
<b>Final Draft</b>			
<b>Approved</b>			

### Updates:-

- Definition of BIPP altered
- Clause 8.1 spend thresholds updated to state legislated amounts
- Clause 8.3.1 added “or works”
- Clause 8.5 Cumulative Spend – allow cumulative spend to be measured over a 12 month period.
- Clause 8.5 deleted paragraph giving CEO authority to approve works up to State legislated amounts (clause no longer relevant)
- Clause 9.1 updated threshold limits
- Clause 9.3 updated threshold limits
- Clause 9.4 added requirement for ‘written’ approval if only one quotation received
- Clause 10 added requirement for independent non-scoring observer for all evaluation meetings
- Clause 10.1 Changed the evaluation weighting for price to 40%

- Clause 10.4 BIPP – Deleted
- Clause 16.1 updated thresholds
- Appendix 1 updated – new schedule incorporating Local Content and BIPP
- Appendix 2 updated – change weighting on Price

## **4 POLICY STATEMENT**

### **4.1 Intent**

Ballarat City Council recognises that a procurement strategy and appropriate best practice contract and procurement principles, policies, processes and procedures, will enhance achievement of Council objectives such as socially responsible procurement, value for money, achieving innovation and providing best value services to the community.

In November 2008, amendments to the Local Government Act 1989 were passed which included a new section 186a that requires Council to ‘prepare and approve a Procurement Policy’. A Procurement Policy must include any prescribed matter and Council must have regard to Ministerial Guidelines made under the section when preparing its policy. Council must review its procurement policy annually and make it available for public inspection.

### **4.2 Objectives**

The objectives of this Policy are to:

- establish a procurement framework for Council to achieve value for money and continuous improvement in the provision of services for the community
- ensure that council resources are used efficiently and effectively to improve the overall quality of life of people in the local community;
- achieve compliance with relevant legislative requirements;
- achieve high standards of probity, transparency, accountability and risk management;
- give preference to the procurement of environmentally sustainable goods, services and works;
- give preference to the procurement of goods, services and works from within City of Ballarat and surrounding municipalities where price, quality, services standards and delivery is comparable to other suppliers

### **4.3 Statement**

This policy encompasses all elements of the procurement of goods and services and requires compliance from Councillors, Special Committee members, Staff, Contractors, Consultants and other members as required by the Chief Executive Officer.

#### **4.4 Legislative Compliance Standards**

Council's procurement activities shall be carried out to the professional standards required by best practise and in compliance with the key legislative requirements including:

- Council's policies,
- Council's Code of Conduct
- Section 186 of the Act (Power to enter into Contracts)
- Section 186A of the Act (Procurement Policy)
- Section 3C of the Act (Objectives of a Council)
- Sections 208C of the Act (Best Value Principles)
- Sections 77A, 77B, 78, 78A to 78E, 79 79B to D, 80, 80A to C and 95 of the Act (Conflict of Interest)
- Section 98 of the Act (Delegations)
- Section 140 of the Act (Accounts and Records)
- The relevant provisions of the Competition and Consumer Act 2010

Council will adhere to all these provisions in all procurement matters consistent with the Victorian Local Government Best Practice Procurement Guidelines

#### **4.5 Section 186 – Restriction on power to enter into contracts**

(1) Before a Council enters into a contract for the purchase of goods or services, or for the carrying out of works, to the value of \$100 000 (or such higher amount as may be fixed by Order in Council) or more, it must—

- (a) give public notice of the purpose of the contract and invite tenders from any person wishing to undertake the contract; or
- (b) give public notice of the purpose of the contract or the project to which the contract relates and invite expressions of interest from any person interested in undertaking the contract or all, or any part of, the project.

(2) If a Council invites expressions of interest—

- (a) it must register those expressions of interest; and
- (b) when it is ready to enter into the contract, it must invite tenders from some or all of those who registered their interest in undertaking the contract (or the part of the project to which the contract relates).

#### **4.5.1 Orders in Council (*Victorian Government Gazette - 7 August 2008 – 1908 G32*)**

**Local Government Act 1989**

**ORDER FIXING THE VALUE OF  
CONTRACTS FOR WHICH A  
PRIOR PUBLIC TENDER IS TO BE  
CONDUCTED BY LOCAL COUNCILS**

**Order in Council**

The Governor in Council under section 186(1) of the **Local Government Act 1989** sets the value of –

- a) \$150,000 for contracts for the purchase of goods and services; and
- b) \$200,000 for contracts for the carrying out of works,

for which a Council must, before entering into the contract, give public notice of the purpose of the contract and invite tenders from any person wishing to undertake the contract, or give public notice of the purpose of the contract or the project to which the contract relates and invite expressions of interest from any person interested in undertaking the contract or all, or any part of, the project.

This Order comes into operation on the day it is made.

Dated 5 August 2008

Responsible Minister

RICHARD WYNNE MP

Minister for Local Government

RYAN HEATH

Clerk of the Executive Council

## **5 OWNER**

The owner of this policy is the Chief Executive Officer. Enquiries regarding this policy should be directed to Council's Manager Revenue & Procurement Services.

## 6 DEFINITIONS

Term	Meaning
<i>Act (The):</i>	Local Government Act 1989 (as amended)
<i>Ballarat Industry Participation Program (BIPP)</i>	A program adopted by the Ballarat City Council which seeks to maximise the local content achieved through Council's procurement processes.
<i>Commercial in Confidence</i>	Information that, if released, may prejudice the business dealings of a party eg: discounts, rebates, profits, methodologies and process information. It is information provided for a specific purpose that is not to be used for any other purpose than set out in the initial document
<i>Conflict of Interest</i>	In Victorian local government, the law provides that a staff member holding a delegation or advising council or a special committee has a conflict of interest which they must disclose in writing when they have a personal or private interest of the type specified in the legislation
<i>Contract</i>	An agreement between two or more authorised persons on behalf of their organisations to perform or not perform a specific act/s that is enforceable in law. A contract may be verbal or written or inferred by conduct. A contract is to be distinguished from a 'contract pursuant to section 186 of the Local Government Act'
<i>Contract Documents</i>	Documents construed together as an instrument of contract. They may include terms & conditions, specifications, drawings, tender responses, delivery schedules and payment schedules
<i>Contract Management:</i>	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
<i>Contractor</i>	Respondent (person, firm etc) whose tender/quotation offer has been accepted by the council with or without modification
<i>Council Staff:</i>	Includes full time and part-time Council officers, and temporary employees, contractors and consultants while engaged by the Council.
<i>CSR Practices:</i>	Corporate Social Responsibility. Relates to Council's supply chain being ethical, knowledgeable, reputable and where possible supporting green and sustainable products.
<i>Emergency</i>	<ul style="list-style-type: none"> <li>• Any urgent circumstance which may present a risk to public health and/or safety</li> <li>• The failure of a 'key service provider'</li> <li>• Significant damage to municipal building (where it is no longer safe)</li> <li>• Major business disruptions such as an extensive IT failure resulting in a loss of services to the community</li> </ul>
<i>Evaluation Criteria</i>	The criteria used to evaluate the compliance and/or relative ranking of tender responses. All evaluation criteria must be clearly stated in the request documentation
<i>Expression of Interest:</i>	A response to an open approach, usually by public advertisement, to the market requesting submissions from prospective suppliers interested in procurement. The list of potential suppliers who have

	provided expressions of interest may be used as the basis for conducting a select tender process
<i>Late Tender</i>	A late tender is one that it is not received in the Tender Box prior to the advertised closing date/time.
<i>Local Content</i>	Defined as labour, materials, plant and supervision which are sourced from within the following municipalities: <ul style="list-style-type: none"> <li>• Ararat Rural City Council,</li> <li>• Ballarat City Council,</li> <li>• Golden Plains Shire Council,</li> <li>• Hepburn Shire Council,</li> <li>• Moorabool Shire Council,</li> <li>• Pyrenees Shire Council.</li> </ul>
<i>Prepayment</i>	A payment made for goods/services prior to any works being undertaken
<i>Probity:</i>	A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
<i>Procurement:</i>	Procurement is the whole process of acquisition of goods, services and works. It can include planning, design, standards determination, specification writing, preparation of quotation and tender documentation, selection of suppliers, financing, contract administration, disposals and other related functions. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
<i>Specification</i>	The statement which clearly and accurately describes the essential requirements for goods, services or works. It may also include the procedures by which it will be determined that the requirements have been met and performance required in a contract
<i>Standing Offer Agreement</i>	A contract that sets out rates for goods and services that are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.
<i>Sustainability:</i>	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
<i>Tender</i>	An offer in writing to supply goods and/or services, usually submitted in response to a public or selective invitation such as a Request for Tender
<i>Tender Opening Panel</i>	Will consist of three Council officers, ideally one of which should be a Senior Manager
<i>Tender Process:</i>	The process of inviting parties to submit a quotation or tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.

<i>Treatment of GST</i>	All monetary values stated in this policy include GST; unless specifically stated otherwise.
<i>Value for Money:</i>	Value for Money in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> <li>• contribution to the advancement of the Council’s priorities, including the Ballarat Industry Participation Program;</li> <li>• non-cost factors such as fitness for purpose, quality, service and support; and cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.</li> </ul>
<i>Variance</i>	Is an alteration to the scope of works in a construction contract in the form of an addition, substitution or omission from the original scope of work.

## **7 PROCEDURE AND GUIDANCE NOTES**

### **Effective Legislative and Policy Compliance and Control - Ethics and Probity**

#### **7.1 Requirement**

This Policy represents the principles, processes and procedures that will be applied to the purchase of all goods, service and works by council. The scope of this Policy commences from when council has identified a need for procurement requirements. It continues through to the delivery of goods or completion of works or services.

This Policy will apply to Councillors, council staff and all persons undertaking procurement on council’s behalf and they are accountable for complying with all relevant procurement legislative and policy requirements.

#### **7.2 Conduct of Councillors and Council staff**

Councillors and members of staff (and all persons engaged in procurement on Council’s behalf) must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny.

All members of staff have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest (Section 95 Local Government Act 1989).

In procurement matters:

- Treat potential and existing suppliers with equality and fairness;
- Maintain confidentiality of Commercial in Confidence matters and information such as contract prices and other sensitive information;
- Members of staff must disclose a direct or indirect interest (and the type of interest) before providing advice or reports (or any other matter) (Section 80C LGA)
- Council officers delegated Council powers or duties are prohibited from exercising those powers, duties or functions if they have conflicts of interest (Section 80B LGA).
- A Councillor must comply with the Primary Principle of Councillor Conduct and avoid conflicts between his or her public duties as a Councillor and his or her personal

interests and obligations. (Section 76BA LGA). Councillors (and members of audit committees) must disclose a conflict of interest (Section 79 LGA).

- Councillors must also comply with the Councillor Code of Conduct.
- Councillors must not improperly direct or improperly influence a member of council staff in the exercise of any power on/ in the performance of any duty or function. (Section 76E LGA)
- Members of staff must also comply with the Code of Conduct for Council Staff (Section 95AA LGA)
- All staff engaged in the evaluation of quotation or tender evaluations must adhere to this Policy and complete and lodge a Conflict of Interest Declaration and a Deed of Confidentiality.
- All Councillors and Staff must adhere to councils Gifts and Hospitality Policy in matters of procurement.

Councillors and staff members should make their interests known in any situation where it could be perceived that an interest might unduly influence them.

### **7.3 Tender Processes**

All tender processes shall be conducted in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

### **7.4 Conflict of Interest**

Councillors and Council staff shall at all times avoid situations in which private interest's conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council staff must not participate in any action or matter associated with the arrangement of a contract (i.e. evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a significant interest or holds a position of influence or power in a business undertaking tendering for the work.

The onus is on the Councillor and the member of Council staff involved being alert to and promptly declaring an actual or potential conflict of interest to Council.

### **7.5 Fair and Honest Dealing**

During a public tender process, all prospective contractors and suppliers must be afforded an equal opportunity to tender or quote. Impartiality must be maintained throughout the procurement process so that it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

### **7.6 Accountability and Transparency**

Accountability in procurement means being able to explain and evidence what has happened. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.



Therefore, the processes by which all procurement activities are conducted will be in accordance with the Council's procurement policies and procedures as set out in this policy and related Council policies and procedures.

Additionally:

- The responsible Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council;
- Where necessary, brief tenderers regarding the documented decision-making process, and
- All procurement activities are to leave an audit trail for monitoring and reporting purposes.

### **7.7 Gifts and Hospitality**

No Councillor or member of Council staff shall, either directly or indirectly solicit or accept gifts or presents from any member of the public who is involved, either directly or indirectly, with any matter that is connected with the duties of the officer, or in which Council is interested.

Councillors and Council staff must exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings.

Councillors and Council staff should also avoid the ambiguous situation created by visiting the premises of a contractor, organisation, firm or individual uninvited and/or not on official business.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how insubstantial the evidence available), must be promptly brought to the attention of the CEO.

### **7.8 Disclosure of Information**

Information received by Council that is Commercial in Confidence must not be disclosed and is to be stored in a secure location. Councillors and Council staff are to protect, by refusing to release or discuss information to the extent that it is Commercial in Confidence.

This may include:

Information disclosed by organisations in tenders, quotation or during tender negotiations:

- Pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations,
- Councillors and Council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests,
- Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier,
- At no stage should any discussion be entered into with any tendering party or its representative or agent that could have potential contractual implications prior to the contract approval process being finalised, other than authorised pre-contract negotiations.

## 7.9 Governance Structure

Council shall:

- Establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all procurement decisions made over the lifecycle of all goods, services and works purchased by Council.

Ensure that Council's procurement structure is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council.

Ensures that prospective contractors and suppliers are afforded an appropriate opportunity to tender/quote;

- Encourages competition; and
- Ensures that policies that impinge on the purchasing policies and practices are communicated and implemented.

## 7.10 Methods of Purchasing

Council's standard methods for purchasing goods, services and works shall be by:

- Flexi-Purchase Card;
- Purchase order following a quotation process;
- Under contract following a tender process; or
- Where Council is satisfied that Value for Money requirements have been satisfied, under purchasing schemes including collaborative purchasing arrangements with other Councils and commercial schemes such as provided by Procurement Australia, the Municipal Association of Victoria and the State Government Purchasing Panel;
- Unless other arrangements otherwise authorised by Council or the CEO on a needs basis as required by abnormal circumstances such as emergencies.

Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders. Typically, a multi-stage tender process will commence with a registration of interest stage followed by a tender process involving the organisations selected as a consequence of the registration of interest stage.

A Council Director, Executive Manager or Manager may determine to seek **Expressions of interest** (Section 186(1) of the Act) where:

- there is likely to be many tenderers and tendering will be costly or the procurement is complex; and council does not wish to impose the costs of preparing full tenders on all tenderers
- there is uncertainty as to the willingness and/or interest of parties or vendors to offer the potential products or services or to undertake the proposed works
- The requirement is complex, difficult to define, unknown or unclear,
- The requirement is capable of several technical solutions
- The requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

An **Expression of Interest** process can be undertaken where determined by the CEO, a Director, Executive Manager or Manager and where Council advertises publicly

- the purpose and nature of the contract
- the date by which it will invite tenders.

Tenders and Expression of Interests should not be used to compensate for a lack of understanding as to a council's needs. If uncertain what is required; a simple **Request for Information** should be undertaken. A Request for Information may be undertaken for reasons which include establishing:

- the availability of technologies, products or service available in the market place to meet council needs
- whether proposed terms and conditions or deliverable expectations are acceptable in the market place
- whether proposed budgets are adequate to meet non-standard procurement needs – inadequate budgets should not become apparent when tenders are opened

A Request for Information should be used rather than a Request for Tender or Expression of Interest in order to improve understanding of needs, availability and likely costs.

A Request for Information will be undertaken similar to an Expression of Interest and advertised accordingly. Care must be taken when writing a specification for a Request for Information to ensure there is no commitment to purchase inadvertently included.

### **7.11 Responsible Financial Management**

The principle of responsible financial management must be applied to all procurement activities. Accordingly, to give effect to this principle: the availability of existing funds within an approved budget, or source of funds, must be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council staff must not authorise the expenditure of funds in excess of their financial delegation. Council staff that breach their delegated authority may face action under Council's Discipline and Termination Policy (the decision to initiate disciplinary action or other action will be taken by the CEO based on a recommendation by the Director Business Services following consultation with the relevant Director or Executive Manager).

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

## 8 PROCUREMENT THRESHOLDS AND COMPETITION REQUIREMENT

Council will from time to time decide and publish in this policy clear guidelines for minimum spend competition thresholds. These will be dependent on the size and complexity of the proposed procurement activities.

### 8.1 Minimum Spend Competition Thresholds (Inclusive of GST)

Financial Thresholds (AUS\$ inc GST)	Requirements			
	Process Managed by	Market Engagement	Agreement Type	Documentation
< \$5,000	Business Unit	1 Verbal Quote	P-Order P-Card	Quotes must be Registered*
\$5,001 to \$25,000		1 Written Quote <sup>#</sup>		
\$25,001 to \$150,000 for goods & services or \$200,000 for works <sup>1</sup>		3 Written Quotes <sup>#</sup>		
> \$150,00 for goods & services and > \$200,00 for works	Procurement Unit	Tender	Contract	Evaluation Report

\*Quotes over \$25,000 must be registered in eBMS system

<sup>#</sup> A minimum of one of the three quotes **must be** obtained from a local supplier/provider wherever possible.

### 8.2 Threshold Margin

If a procurement budget is within 5% of the nearest threshold, then the greater threshold requirements must be adhered to. eg: Budget for item is \$119,000 (inc GST), then the requirement for 3 quotes is superseded by the requirement to Tender.

### 8.3 Payments

Payment for Works or Services will be made by the Principal on submission of Tax invoices by the Contractor in accordance with Council's payment policies.

Payment of all claims shall be subject to approval by the Principal's Authorised Officer that requested the works. All invoices shall be submitted in accordance with the Schedule of Rates forming part of the contract.

#### 8.3.1 Prepayments

Prepayments for any goods, services or works cannot be made without the prior approval of the Director Business Services or the Chief Executive Officer

<sup>1</sup> As set under the Local Government Act 1989 Section 186(1)  
<https://ballarat.sharepoint.com/sites/Revenue/Shared Documents/Procurement/POLICIES/COB Procurement Policy 2019 March/Procurement Policy V8.0 March 2019.docx>

#### **8.4 Use of Agents**

Council encourages (when available) the services of a third-party agent such as MAV Procurement or Procurement Australia to undertake the Tender process on behalf of Council where it can be shown that Best Value for Money would be achieved.

The Act allows for councils to form groups for the procurement of goods, services or works with one member of the group, acting as an agent for the other councils, undertaking a single competitive process. Each of the members of this group are able to enter into a contract with the preferred service provider identified through this competitive process. Council encourages group tenders with surrounding municipalities, particularly where it can be shown that Best Value for Money would be attained.

When procurement is being planned, due diligence should be undertaken to evaluate if Best Value for Money can be achieved by using an Agent or a collective group tender.

Procurement Unit is to be notified when a third-party agent is appointed.

#### **8.5 Total Cumulative spend**

Care should be taken when reviewing the limits at 8.1 (above). In order to comply with the requirements of the Act where significant sums are spent in aggregate with one supplier or on one service, it is necessary to structure procurement proposals (as requests for tenders, quotations or prices) in order to achieve greatest value and supplier performance by leveraging this cumulative spend, rather than treating each discrete arrangement as a separate procurement exercise. Council has determined that the Cumulative expenditure to a supplier or for a specific product/service for a period of up to one year is to be taken into account unless the exemption is approved by the Chief Executive Officer.

Should the CEO consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for the council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below the thresholds set under this Policy.

#### **8.6 Preferred Suppliers (Panel)**

A Preferred Supplier is a contractor/company that has been appointed following an open Tender process. Preferred Suppliers cannot be appointed in any other manner.

Unless specified during a tender process no minimum quantity of sales or turnover is guaranteed to a Preferred Supplier Panel member.

Benefits of appointing a Panel of Preferred Suppliers may include:-

- Savings in time and money
- Provide higher level of quality
- Faster turnaround times
- Increased confidentiality

Council's Preferred Suppliers should always be utilised whenever possible. A full list is available from the Intranet (BOB). When utilising Preferred Suppliers "best value for money" should always be the first consideration.

If a Preferred Supplier has provided a Schedule of Rates for services during the Tender process, there is no requirement to obtain three quotes; a direct appointment can be made. If a Schedule of Rates was not provided the quoting requirements outlined in Clause 8.1 must be adhered to. Any single purchase greater than \$125,000 must go to Tender.

## **9 DETERMINING THE PROCUREMENT VEHICLE**

### **9.1 Tender**

The acquisition of goods and services for which the estimated expenditure exceeds \$150,000, and carrying out of works for which the estimated expenditure exceeds \$200,000<sup>2</sup> must be undertaken by public tender.

### **9.2 Expression of Interest**

An expression of interest is a two-step process. When the thresholds are met an Expression of Interest process does not replace the need to call tenders. It simply precedes the calling of tenders and generally seeks to constrain the number of, and focus the quality and detail, of tenders received. An Expression of Interest process is generally structured with the following components:

- overview of requirements
- invitation to submit
- criteria for evaluating
- form of (respondents form)

An expression of interest should be used in circumstances where –

- there is likely to be many tenderers, tendering will be costly or the procurement is complex
- there is uncertainty as to the interest of suppliers or vendors to offer the potential products or services or to undertake the proposed work

### **9.3 Quotations**

Purchase of goods and services up to \$150,000 and \$200,000 for works in a single contract or supply arrangement may be undertaken using the procurement by quotation method as described below. Payment for these purchases to your delegated financial authority may either be by City of Ballarat Purchase Card or through Accounts Payable (A purchase order must be raised if using Accounts Payable).

#### **9.3.1 Items of value up to \$5,000**

To achieve best value for the City of Ballarat the seeking of verbal and/or written quotations is encouraged. As a minimum one verbal quotation should be obtained.

#### **9.3.2 Items with a value – \$5,001 to \$25,000**

One written quotation must be obtained

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<sup>2</sup> As set under the Local Government Act 1989 Section 186(1)

### **9.3.3 Items with a value – \$25,001 up to \$150,000 for goods and services and \$200,000 for works**

Three written quotations to be obtained, one of the three quotes (as a minimum) must be obtained from a local supplier wherever possible. In the event that this is not possible the purchasing officer is to advise the Economic Development Unit so that supply gaps can be tracked.

Public advertising is not required but should be used when judged to be sufficiently advantageous to Council.

Quotations returned by the nominated closing date must be evaluated and a recommendation made in favour of the supplier offering the best value for money outcome. All Quotes over \$25,000 must be registered in the eBMS system.

Reasons for any non-conformance to this requirement must be documented and filed within Council's records system for audit purposes.

### **9.4 Insufficient Quotations**

The situation may arise where insufficient quotations are received to satisfy the above requirements. This may occasionally occur where there are few suppliers for the goods, services or works being sought. In this case, the details of the contacted suppliers must be recorded in eBMS or recommendation and an appropriate comment recorded.

There may be occasions when only one quotation may be received. Such occasions would require written approval of the Chief Executive Officer or the Director Business Services, and would generally be considered under the following circumstances:

- In the event of emergency works for safety reasons
- When there is only one known and reputable supplier.

## 10 TENDER EVALUATION

- Late tenders will not be accepted under any circumstances. **\*CLARIFICATION\*** If an electronic tender submission has been commenced using Tenderlink prior to the closing date/time, and the transmission is interrupted due to tender closing time; and the commencement of submission transfer can be verified by Tenderlink the submission will be deemed to be received
- A Tender evaluation panel will be established to evaluate each tender against the selection criteria and its composition will be determined by the respective Director or Executive Manager.
- Evaluation Panel must have a minimum of three members (minimum two Council staff) and may include external consultants who are specialist in the area
- Evaluation Panel must have an independent (non-scoring) member as appointed by the Procurement Unit
- The evaluation process must be robust, systematic and unbiased
- Once a preferred tenderer is selected negotiations may be conducted in order to obtain the optimal solution and commercial arrangements, providing they remain within the intent and scope of the tender. Such negotiations must be exhausted with one tenderer before beginning with another tenderer
- Tender evaluation panels will produce a written report of their evaluation using the appropriate prescribed template.
- Tender Evaluation must be updated in eBMS Tender & Contract Management System

### 10.1 Evaluation Criteria

To ensure the Best Value for Money outcome is achieved for Council; the Evaluation Criteria is based on individual project/procurement priorities and must be included in the Request for Tender documentation. The following Mandatory Evaluation Criteria must be included in all tender evaluations and for transparency reasons, must also be clearly identified in the Request for Tender documents:

Mandatory Criteria	Weight
Price	40%
Level of Local Content provided or likely to be provided in the event the Applicant is successful in the Tender <i>(updated May 2013)</i>	10%
The financial viability of the Applicant to ensure the completion of the delivery of the goods and services applicable to the Tender. Financial assessment is to be undertaken by an independent organisation appointed by Council	Pass/Fail
Occupational Health and Safety	Pass/Fail



### **10.1.1 Occupational Health & Safety (OH&S)**

OH&S is a mandatory evaluation criterion with a pass/fail weighting. The determination if a company meets the required standard is determined by the responses provided by the contractor from the information provided in the returned OH&S Schedule (Appendix 3).

In addition to the above Mandatory Criteria (50%) the Discretionary Criteria (50%) which is project specific must also be included in the Request for Tender documents. Evaluation Criteria must be justifiable and quantifiable.

### **10.2 Evaluation Process**

1. Evaluation Panel to review OH&S Schedule to ensure conforming. If not conforming the submission will be considered to fail the mandatory requirements and will not be evaluated further
2. Evaluation Panel to review all submissions received and rate each submission based on the Mandatory (Price and Local Content) and Project Specific criteria
3. eBMS Tender & Contract Management System to be updated with Evaluation scores
4. Top two (2) submissions from previous step to have Financial Assessment undertaken – contact Procurement Unit or Finance Unit to organise
5. Result of Financial Assessment will be reviewed by Procurement and Finance Units and will be classified as either Pass or Fail
  - a. A pass indicates that the Financial Assessment has shown the financial ability of the applicant to provide goods/services
  - b. A fail indicates that the Financial Assessment has shown the inability of the applicant to provide goods/services
6. Dependant on the outcome of the Financial Assessment the Evaluation Panel will either finalise the evaluation process and proceed with relevant reporting, or, on the off chance Financial Assessment fail for the tested applicants; readdress the evaluation process
7. Financial Assessment should be completed prior to Recommendation being submitted to the Contracts Committee or Council. If not, recommendation will be “subject to positive Financial Assessment”
8. Due to the confidentiality of the Financial Assessment the documents will be held by the Procurement Unit electronically and not distributed.

The Financial Assessment process will add an additional five (5) to seven (7) working days to the evaluation process and is conducted by an independent external company, currently Corporate Score Card.

For projects where the same applicants submit and are awarded contracts; the Financial Assessment process would only need to be undertaken on an annual basis. An example of this would be road works/Infrastructure.

### **10.3 Non-Conforming Tenders**

All tender submissions on receipt will be reviewed by the “Tender Opening Panel” to ensure that required schedules have been submitted.

A tender submission will be deemed non-conforming if:-

1. Required schedules have not been included or incomplete
2. Submission has not met specification requirements

A tender submission may be deemed as non-conforming during the Evaluation process, the evaluation panel should quarantine the submission and advise Procurement Unit for further review/confirmation.

Council may sometimes receive tenders which offer one or more alternatives where these were not sought in the tender documentation. Council should always be open to innovative proposals as they may offer excellent opportunities for improvements and are consistent with the legislative objectives for councils to achieve continual improvement. Tender documentation where innovative solutions are sought should specifically invite non-conforming tenders which council can consider along with all other tenders.

A Tenderer submitting a non-conforming tender shall fully detail the extent of any variance from the tender documents in tender Schedule headed “Statement of Conformance”. If the “Statement of Conformance” is not correctly completed the tender may not be further considered.

### **10.4 Acceptance of Tenders:**

The chairperson of the evaluation panel will:

- maintain detailed records of all commercial-in-confidence negotiations, if any occur
- obtain approval for public tenders according to the below Delegation of Authority Requirements.

### **10.5 Delegation of Authority Requirement**

Delegations define the limitations within which Council staff are permitted to work. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

As such, Council has delegated responsibilities as detailed below relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for contract management activities.

### **10.6 Delegations Reserved for the Council**

#### **10.6.1 Council Staff**

Council shall maintain a documented scheme of procurement delegations, identifying the Council staff authorised to make such procurement commitments in respect of goods, services and works on behalf of Council and their respective delegations contained in financial delegation’s policies:

- Acceptance of tenders;
- Acceptance of quotes;
- Contract term extensions (within authorised budget);
- Contract amendment (financial and non-financial);
- Appointment to register of pre-qualified suppliers;
- Flexi purchase Card purchases; and
- Procedural exceptions.

#### **10.6.2 Delegations Reserved for the Council**

Commitments and processes which exceed the CEO's delegation, and which must be approved by Council are:

- Signing and sealing of contract documents; and
- Tender recommendations and Contract approval for all expenditure over \$250,000 for goods and services and capital works in value.

#### **10.7 Internal Controls**

Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- A clearly documented audit trail exists for procurement activities;
- Appropriate authorisations are obtained and documented;
- Systems are in place for appropriate monitoring and performance measurement.
- All persons engaged in procurement processes must diligently apply all internal controls.

#### **10.8 Commercial Information**

Procurement activities will be carried out in a way that supports Council staff in meeting their obligations - to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant Council guidelines.

### **11 TENDER/CONTRACT MANAGEMENT**

#### **11.1 Risk Management**

Council will manage all aspects of its procurement processes in accordance with its adopted Risk Management Policy and in such a way that all risks are identified, analysed, evaluated, treated, monitored and communicated to the standard required by the law, in accordance with Australian Standards and council policy.

#### **11.2 Health and Safety**

To ensure the health and safety of our workers and visitors, procurement will be undertaken in accordance with requirements set out in the City of Ballarat Health and Safety Management System and approved policies (eg. HS-12 Contractor Management / HS-32 Chemical Management / HS-34 Plant & Equipment) and as required by the law.

#### **11.3 Supply by Contract**

The provision of goods, services and works by contract, potentially exposes the Council to risk. Council will minimise its risk exposure by measures such as:

- Standardising contracts to include current, relevant clauses;
- Requiring Bank Guarantees or Security Deposits where appropriate;
- Referring specifications to relevant experts;
- Requiring contractual agreement before allowing the commencement of work;
- Use of or reference to relevant Australian Standards (or equivalent); and
- Effectively managing the contract including monitoring and enforcing performance.

#### **11.4 Contract Terms**

All contractual relationships must be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be sought from the Director Business Services. A request for such an approval should be supported with procurement and legal advice as relevant.

To protect the best interests of Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose Council to risk and thus must be authorised by the appropriate member of Council staff listed in the delegation's section above.

#### **11.5 Endorsement**

Council staff must not endorse any products or services. Individual requests received for endorsement must be referred to Director Level or above.

#### **11.6 Dispute Resolution**

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes escalating to legal action.

#### **11.7 Contract Management**

The purpose of contract management is to ensure that Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- Establishing a system reinforcing the performance of both parties' responsibilities and obligations under the contract; and
- Providing a means for the early recognition of issues and performance problems and the identification of solutions.

All Council contracts are to include contract management requirements.

Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure Council receives value for money.

## **11.8 Variances**

During the course of a contract there may be valid reason(s) when the contract needs to be varied; this variance to the contract normally comes with a cost. All claims for variances must be in writing and approved by the officer with delegated authority as set out in Clause 10.6. Any variance greater than ten percent (10%) of the original contract price must be authorised by the following, dependant on the initial approval:-

- Director
- Contracts Committee or Council

## **12 DEMONSTRATE SUSTAINED VALUE, INTEGRATION WITH COUNCIL STRATEGY**

Council's procurement strategy shall support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- Feeling safe,
- Living in a clean and pleasant environment, and
- Receiving good quality well managed Council services that are Value for Money

### **12.1 Achieving Best Value for Money**

The Council's procurement activities will be carried out on the basis of obtaining Best Value for Money. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinate of Best Value for Money.

### **12.2 Approach**

This will be facilitated by:

- Developing, implementing and managing procurement strategies that support the coordination and streamlining of activities throughout;
- Effective use of competition;
- Using centralised contracts and Standing Offers Agreement where appropriate;
- Identifying and rectifying inefficiencies in procurement processes;
- Developing cost efficient tender process including appropriate use of e-solutions;
- Council staff responsible for providing procurement services or assistance within Council providing competent advice in terms of available products and agreements; and
- Working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.

## **13 ROLE OF SPECIFICATIONS**

Specifications used in quotations, tenders and contracts are to support and contribute to Council's Best Value for Money objectives through being written in a manner that:

- Ensures impartiality and objectivity;
- Encourages the use of standard products;
- Encourages sustainability;

- Eliminates unnecessarily stringent requirements; and
- Wherever possible specifies technical standards and requirements that are within the capabilities of local and other suppliers.

#### **14 PERFORMANCE MEASURE AND CONTINUOUS IMPROVEMENT**

Appropriate performance measures are to be established and reporting systems will be used to monitor performance and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within Council and performance against these targets will be measured and reviewed regularly to support continuous improvement. The performance measurements developed will be used to:

- Highlight trend and exceptions where necessary to enhance performance;
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers;
- Facilitate relevant programs to drive improvement in procurement to eliminate waste and inefficiencies across key expenditure categories.

#### **15 SUSTAINABILITY**

Council is committed to achieving sustainability and ensuring it monitors and reports on Council activities and programs that have an impact on or contribute to the environment including but not limited to:

- Waste management,
- Recycling,
- Energy management,
- Emission management,
- Water conservation,
- Green building design, and
- Procurement.

##### **15.1 Sustainable Procurement**

Sustainable procurement is the acquisition of necessary goods and services that have least impact on the environment and human health, within the purchaser's capacity to do so.

The City of Ballarat recognises it has an implicit role in furthering sustainable development, through its procurement of goods, and services and works.

In addition, the City of Ballarat recognises the potential impact this spend has on the environment and where applicable will integrate sustainability, environmental and social issues into the procurement process. The Council aims to achieve this by:

- Taking into account the need to minimise emissions and reducing the negative impacts of transportation when purchasing goods and services

- Taking steps to minimise carbon dioxide and other greenhouse gas emissions through the detailed consideration of products and services procured
- Considering the environmental performance of all suppliers and contractors, and encouraging them to conduct their operations in an environmentally sensitive manner
- Considering the basic life cycle analysis of products to minimise the adverse effects on the environment resulting directly or indirectly from products
- Selecting products / services that have minimal effect on the depletion of natural resources and biodiversity
- Working more effectively with local suppliers to ensure they are encouraged to bid for the Council’s business in line with the Procurement Policy
- Ensuring all relevant procurement contracts and tenders contain sustainability specifications as appropriate to the product or service being procured.

### **15.2 Environmental Purchasing<sup>3</sup>**

Environmental purchasing is the inclusion of environmental factors in decisions on the purchase of products and/or services. It is sometimes called “green”, “sustainable” or “environmentally preferable” purchasing. The aim of considering environmental factors is to buy products or services that have less impact on the environment and human health than otherwise comparable products or services. Environmental purchasing can achieve a number of benefits:-

- reduce energy and water consumption (which can reduce costs)
- improve resource use efficiency
- reduce waste (which can reduce waste disposal costs)
- reduce environmental health impacts of products and services
- reduce pollution
- provide markets for new environmentally preferable products
- “close the loop” on recycling, improving the viability of recycling
- provide leadership to the community
- encourage industry to adopt cleaner technologies and produce products with lower environmental impacts

## **16 Support of Local Business**

Council is committed to buying from local businesses where such purchases may be justified on Best Value for Money grounds.

Wherever practicable, Council will fully examine the benefits available through purchasing goods, services or works from suppliers/contractors within the Ballarat Region. Council will also seek from prospective suppliers/contractors where applicable what economic contribution they will make to the Ballarat region. All quotes should allow a ten percent (10%) evaluation allowance for local businesses.

<sup>3</sup> Excerpt from the Commonwealth of Australia Environmental Purchasing Guide  
<https://ballarat.sharepoint.com/sites/Revenue/Shared Documents/Procurement/POLICIES/COB Procurement Policy 2019 March/Procurement Policy V8.0 March 2019.docx>

### **16.1 Purchases \$25,000 to \$150,000 for goods and services and \$200,000 for works**

Council will endeavour to obtain a minimum of one of the three quotes for purchases between \$25,000 and \$150,000 for goods and services and \$200,000 for works from a local supplier. In the event that this is not possible, the purchasing officer will advise the Economic Development Unit so that supply gaps can be tracked and matched with future business opportunities.

### **16.2 Purchases over \$150,000 for goods and services and \$200,000 for works**

For purchases above those limits set under the Local Government Act 1989 Clause 186(1) requires that a public tender process is undertaken. All 'Request for Tender' documents must include a Local Content Statement<sup>4</sup> which incorporates the BIPP statement. This allows tenderers to accurately calculate the local content of their tender. The Tender Evaluation Criteria Matrix<sup>5</sup> will include a mandatory weighting of ten (10) percent for local content/BIPP.

## **17 SOCIAL PROCUREMENT**

Social procurement involves using procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works. For Local Government, social procurement builds on initiatives already undertaken by the sector in enhancing sustainable and strategic procurement practice, enabling procurement to effectively contribute to building stronger communities. Social procurement is a key mechanism by which to generate wider social benefits by providing a mechanism for linking and integrating social and economic agendas.

City of Ballarat supports social procurement when engaging local suppliers, contractors and/or service providers and would seek Ministerial Exemption when the required works provide value for money to Council and would be advantageous to any of the following:-

- Employment of disadvantage groups
- Employment of Apprentices
- Employment of recognised Youth Traineeships
- Employment of Youth labour
- Benefits to local community

## **18 DIVERSITY**

Promoting equality through procurement can improve competition, Best Value for Money, the quality of public services, satisfaction among users, and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

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<sup>4</sup> Appendix 1 – Schedule B Local Content / Ballarat Industry Participation Policy

<sup>5</sup> Appendix 2 – Evaluation Matrix



## **19 APPLY A CONSISTENT AND STANDARD APPROACH**

Council will provide effective and efficient commercial arrangements for the requisition of goods and services.

## **20 STANDARD PROCESSES**

Council will provide effective commercial arrangements covering standard products and provision of standard services across Council to enable employees to source requirements in an efficient manner.

This will be achieved via establishing the following:

- Pricing where relevant;
- Processes, procedures and techniques;
- Tools and business systems (e.g. implementing the appropriate e-catalogue arrangements or e-sourcing arrangements);
- Reporting requirements;
- Application of standard contract terms and conditions.

## **21 PERFORMANCE INDICATORS**

A list of performance indicators will be developed to measure procurement performance.

They will include criteria such as:

- The proportion of expenditure against corporate contracts;
- User and supplier satisfaction levels;
- Knowledge and skill of Council employees in procurement process;
- Level of compliance and understanding of Council procurement policies.

## **22 MANAGEMENT INFORMATION**

Council seeks to improve its performance by capturing and analysing procurement management information in a variety of areas, including:

- Volume of spend;
- Number of transactions per supplier;
- Supplier performance;
- User satisfaction;
- Category management; and
- Green spend

Council will also use external sources of management information to assist with the procurement decision making process including:

- Benchmarking data;
- Information from professional bodies such as the Chartered Institute of Purchasing and Supply Australia;
- Supplier reports.

## **23 BUILD AND MAINTAIN SUPPLY RELATIONSHIPS**

Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate 'channel to market' should be undertaken – whether to go to market on its

own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means. Council will consider supply arrangements that deliver the best value outcomes in terms of time, expertise, cost, value and outcome.

### **23.1 Developing and Managing Suppliers**

Council recognise the importance of effective and open working relationships with its suppliers, and is committed to the following:

- Managing existing suppliers, via the appropriate development programs and performance measurements to ensure the benefits are delivered,
- Maintaining approved supplier lists,
- Developing new suppliers and improving the capability of existing suppliers where appropriate.

### **23.2 Supply Market Development**

A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations, offering business diversity include:

- Local businesses
- Green suppliers
- Small to medium sized enterprises
- Social enterprises
- Ethnic and minority business
- Voluntary and community organizations.
- Local Content.

### **23.3 Relationship Management**

Council is committed to developing constructive long-term relationships with suppliers. It is important that Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across Council;
- Criticality of goods / services supplier, to the delivery of Council's services;
- Availability of substitutes;
- Market share and strategic share of suppliers.

### **23.4 Communication**

External communication is very important in ensuring a healthy interest from potential suppliers and partners to Council. The external website will provide:

- Information about Council and how to become an approved supplier,
- A list of existing and forthcoming contract opportunities, projected over a number of years,
- Guidelines for doing business with Council,
- Standard documentation used in the procurement process,
- Links to other relevant sites.

## 24 CONTINUAL IMPROVEMENT

Council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

## 25 COMPLIANCE RESPONSIBILITIES

- Council staff
- Councillors
- Special Committees
- Contractors

## 26 CHARTER OF HUMAN RIGHTS COMPLIANCE

Council will ensure that all of its procurement operations are fully consistent with the prescribed rights and responsibilities and that they respect the fundamental rights within the Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic).

## 27 REFERENCES AND RELATED POLICIES

Acts	Local Government Act 1989
Regulations	
Codes of Practice	Victorian Government Procurement Board, July 2010 Victorian Audit-General, Report Tendering and Contracting in Local Government, tabled in Parliament, 24 February 2010.
Guidance notes	DPCD: Circular No. 06/2006, Local Government Procurement and Capacity to Appoint Agents. DPCD Local Government Best Practice Procurement Guidelines, 2013 Social Procurement: A Guide for Victorian Local Government
Australian Standards	
Related Policies	Councillor Code of Conduct HR-07 Code of Ethics and Conduct Ballarat Industry Participation Program GV-04 Gift and Hospitality Policy

## 28 Appendix 1 – Statement of Local Content/BIPP

### SCHEDULE B

#### Local Content / Ballarat Industry Participation Policy (BIPP)

Tenderers are required to accurately calculate the Local Content of their tender. These values shall be provided in percentage and monetary terms in the table below. **Failure to do so will result in 0% weighting in the evaluation process.**

#### Definitions:

“**Local** ” within the boundaries of the following municipalities:

*Ballarat City Council*

*Hepburn Shire Council*

*Ararat Rural City Council*

*Moorabool Shire Council*

*Golden Plains Shire Council*

*Pyrenees Shire Council*

“**Local Content**” labour, materials; plant and supervision which are sourced from within the above municipalities

“**EFT**” – Equivalent Full Time

### 1 Employment

Provide details of employment opportunities that will be created/maintained in the region as a result of the contract

How many EFT local jobs will be maintained over the period of project? \_\_\_\_\_

How many EFT local jobs will be created over the period of project? \_\_\_\_\_

### 2 Location of depot / store / office

Address: \_\_\_\_\_

Length of time at this location? \_\_\_\_\_

### 3 Local Content

Using the three categories shown below (A,B,C), outline **the major** local purchases by project component including estimated purchase value: -

**A** = Locally made - installed by local labour

**B** = Components sourced from local suppliers but not manufactured locally - installed on site by local labour

**C** = Components sourced from non-local suppliers - installed on site by local labour

Item (specify)	Supplier	Category A/B/C <i>(per above)</i>	Estimated \$ Value sourced locally at Tender	Actual \$ Value sourced locally (see below note)*
eg: sand & soil	XYX Pty Ltd	A	\$20,000	
<b>(a) Total Local Value</b>			\$	

Additional lines may be added as required

Specify the level of local value-added activity, expressed as a percentage of the overall contract price.

$$\text{LOCAL CONTENT} = \frac{\text{Total Local Value (a)}}{\text{Contract Value}} \times 100 = \text{_____ percent}$$

(%)

Above Table must be completed to substantiate level of Local Content

**\* NOTE - Successful contractor may be requested to verify the actual local spend prior to Practical Completion sign off.**

## 29 Appendix 2 – Evaluation Matrix

<b>Criteria</b>	<b>Score</b>	<b>Weighting</b>	<b>Weighted Score</b>
<b>1. Mandatory Criteria</b>			
• Price	<b>/ 40</b>	<b>40%</b>	<b>N/A</b>
• The level of Local Content provided or likely to be provided in the event the Applicant is successful in the Tender	<b>/ 10</b>	<b>10%</b>	<b>N/A</b>
• The financial viability of the Applicant to ensure the completion of the delivery of the goods and services applicable to the Tender			<b>Pass / Fail</b>
• Occupational Health & Safety Compliance			<b>Pass / Fail</b>
<b>TOTAL MANDATORY CRITERIA</b>	<b>/ 50</b>	<b>50%</b>	<b>N/A</b>

### 30 Appendix 3 – Occupational Health & Safety Schedule

		YES	NO
1.1	Does your organisation have >\$20 Million <b>Public Liability Insurance</b> ? If Yes, please provide a copy of Certificate of Currency	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Where applicable to the works or services being provided does your organisation have <b>Product Liability Insurance</b> ? If Yes, please provide a copy of Certificate of Currency	<input type="checkbox"/>	<input type="checkbox"/>
1.3	Where applicable to the services being provided, does your company have <b>Professional Indemnity Insurance</b> ? If Yes, please provide a copy of Certificate of Currency	<input type="checkbox"/>	<input type="checkbox"/>
1.4	Is your organisation <b>WorkCover Certified</b> ? If Yes, please provide a copy of Certificate of Currency	<input type="checkbox"/>	<input type="checkbox"/>
1.5	Does the works being tendered for require High Risk Licences? If Yes, please provide copies.	<input type="checkbox"/>	<input type="checkbox"/>

		YES	NO
2.1	Do you currently have an accredited OH&S System to <b>AS/NZS 4801, OHSAS 18001 or ISO 45001</b> ? If Yes, please provide a copy of your certification and evidence of most recent audit	<input type="checkbox"/> 15 Points	<input type="checkbox"/> 0 Points

**If yes move to section 4**

		YES	NO
3.1	<b>MANDATORY</b> - Do you have an Occupational Health & Safety Policy? If Yes, provide a copy of the policy	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.2	Do you have and use an OH&S Manual or Work Plan? If Yes, provide a copy of the front page and contents page	<input type="checkbox"/> 2.0 Points	<input type="checkbox"/> 0 Points
3.3	Do you use a SWMS (Safe Work Method Statement), JSA (Job Safety Analysis) or SOP (Safe Operating Procedure) for the proposed works? If Yes, please provide a copy.	<input type="checkbox"/> 1.5 Points	<input type="checkbox"/> 0 Points
3.4	Are records kept of operator training, inductions and competencies, such as licences and qualifications? If Yes, please provide a register of relevant qualifications and Licenses	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.5	Do you have and use procedures for identifying, assessing and controlling manual handling risks? If Yes, please provide a copy of procedure.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.6	Do you have and use procedures for storing and handling hazardous substances? This also includes office based substances. If Yes, please provide a copy of hazardous substance register.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.7	Do you have a Roles & Responsibility Plan? If Yes, please provide a copy.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.8	Is there a formal mechanism for OH&S consultation in your Organisation? If Yes, please provide a copy of recent OH&S minutes or toolbox meeting.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.9	Do you have and use procedures by which employees can report hazards? If Yes, please provide details below and a recent example.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.10	When a hazard is identified, do you conduct a risk assessment of that hazard?	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points

	If Yes, please provide a copy of your Risk Assessment form.		
3.11	Do you have an Incident Investigation Procedure and Incident Reporting form? If Yes, please provide a copy of each.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.12	Do you use Equipment inspection checklists? If Yes, please provide a copy of inspection checklist.	<input type="checkbox"/> 1.5 Point	<input type="checkbox"/> 0 Points
3.13	Do you use workplace inspection checklists? If Yes, please provide a copy of inspection checklist.	<input type="checkbox"/> 1.0 Point	<input type="checkbox"/> 0 Points
3.14	Does your business have and use any permit to work systems? <i>For example, hot works, electrical isolation and working at heights etc.</i> If Yes, please provide an example of a recent permit.	<input type="checkbox"/> 1.0 Point	<input type="checkbox"/> 0 Points
3.15	Do you have elected Health & Safety Representatives (HSR)? If so, please provide names(s) and details of initial training and any refresher training, if not listed in training register from 6.3	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points

		Number	Points
4.1	Have you had any prosecutions for breaches of the OHS Act 2004 in the last 5 years?  Detail:	0 1 2 3+	10 5 1 0
4.2	Have you had issued any enforceable undertakings in the last 5 years?  Detail:	0 1 2 3+	10 5 1 0
4.3	Value of enforceable undertaking:  \$	\$0-10,000 <\$50,000 <\$100,00 >\$100,000	10 5 1 0
4.4	How many improvement notices or prohibition notices have you had in the last 5 years:  Number:	0-5 6-10 11-15 16-20 20+	10 9 8 7 5
4.5	How many notices in the last 5 years have you had that required you to cease work until issue was rectified:  Number:	0 1 2 3+	10 5 1 0
		Total = X/10	



**11.7. INTERNATIONAL TRAVEL - SHENZHEN SMART CITIES FORUM, NEXUS: NANJING-VICTORIA START UP SUMMIT AND VICTORIA-JIANGSU SISTER STATE ANNIVERSARY SUMMIT**

**Division:** Innovation and Organisational Improvement  
**Director:** Cameron Gray  
**Author/Position:** Cameron Gray – Director Innovation and Organisational Improvement

**OFFICER RECOMMENDATION****Council resolves to:**

- 1. Approve International Travel for the Mayor, or Councillor delegate, and a Council Officer to attend the Shenzhen Smart Cities Forum, NEXUS: Jiangsu-Victoria Start Up Summit and Victoria-Jiangsu sister state anniversary summit in the People's Republic of China.**
- 2. Invite two (2) business participants of StartUp Ballarat to also attend the NEXUS: Jiangsu-Victoria Start Up Summit.**
- 3. Continue to explore funding and co-contribution opportunities from agencies locally and overseas to reduce the cost of the delegation.**

**EXECUTIVE SUMMARY**

LaunchVic, the State Government's agency for business and industry development, together with the Lord Mayor of Melbourne, the Rt. Hon. Sally Capp, has been preparing for a senior delegation to China in May 2019.

An invitation has been received for the City of Ballarat to participate in this delegation and it is proposed that the Mayor, or Deputy Mayor, or a Councillor delegate, and the Director Innovation and Organisational Improvement, travel to the People's Republic of China to attend the Shenzhen Smart Cities Forum, NEXUS: Jiangsu-Victoria Start Up Summit and the Victoria-Jiangsu sister state anniversary events.

The City of Ballarat is a partner with Runway Ballarat, Commerce Ballarat, Federation University and LaunchVic in the implementation of the Ballarat StartUp business program.

As part of the funded project it is further proposed to offer two business participants from StartUp Ballarat the opportunity to participate in the NEXUS: Jiangsu-Victoria Start Up Summit, in addition to any businesses who are successful in gaining a position on the delegation as part of the Pitch activity currently underway in Ballarat, Geelong and Melbourne.

The cost of participation is approximately \$6,000 to \$8,000 covering 4 participants (Councillor, Officer, and two Ballarat-based businesses) and is to be funded from the Ballarat StartUp Business program.

**Benefits to participation**

There are a number of benefits from participating in the international component of the Ballarat StartUp program, namely:

- Unlock business opportunities for Ballarat businesses in China.
- Supporting Ballarat Business StartUps with the opportunity to compete for a total of A\$100,000 in prizes and investments, as well as the chance to pitch businesses and investment to Chinese venture capitalists.
- Position the City of Ballarat as a regional innovation leader and pursue the opportunity to host the NEXUS: Jiangsu-Victoria Start Up Summit in 2020 which would provide a positive economic return for the City calculated to be in the order of \$11,000 of direct tourism benefit as estimated by REMPLAN modeling.
- Support Ballarat entrepreneurs and technology businesses to access investment and export opportunities in the Chinese marketplace.
- Promote Ballarat as a destination for investment and visitation and an innovation and creative city leader.
- Strengthen the city-to-city relationships the City of Ballarat has with friendship cities in the Jiangsu Province including Yangzhou and Wuxim.
- Collaborate with the City of Melbourne to encourage and advance co-operation between Victorian local governments and deliver tangible outcomes that international engagement brings including networking, positioning and investment attraction.
- Costs of participating can be included as part of the LaunchVic funded project.

**Costs to participation**

The costs of this program can be included within the scope of the \$120,000 LaunchVic StartUp Ballarat project, which has been co-funded by the Victorian Government.

The proposed total cost for flights to China and related expenses is approximately \$6,000 to \$8,000 covering 4 participants (Councillor, Officer, and two Ballarat-based businesses).

It is expected that the hosts and collaborative partners will cover most costs associated with travel within China and accommodation as travel plans are finalised, should Council approve participation.

**RATIONALE**

As part of their duties the Mayor, Councillors and Officers will be required to undertake interstate and international travel on behalf of Council. Representation of Council at national and international levels is an important part of developing, communicating and implementing Council policy including the Council Plan 2017-2021.

Ballarat has an important role to play internationally in the context of smart cities, innovation and liveable cities. Following the receipt of an invitation it is proposed that the Mayor, or Deputy Mayor, or another Councillor, and the Director, Innovation and Organisational Improvement

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travel to the People's Republic of China to attend the Shenzhen Smart Cities Forum, NEXUS: Jiangsu-Victoria Start Up Summit and Victoria-Jiangsu sister state anniversary summit.

It is also proposed to offer two business participants from StartUp Ballarat the opportunity to participate in the NEXUS: Jiangsu-Victoria Start Up Summit.

The purpose of the delegation is to strengthen the city-to-city relationships the City of Ballarat has with friendship cities in China and to unlock business opportunities for Ballarat businesses, particularly in support of those Ballarat-based businesses participating in the delegation.

The City of Ballarat has a friendship city agreement with Yangzhou and has received delegations from Jiangyin, Xinghua, Tianjin, all of which are within the Jiangsu Province of China.

### **NEXUS Jiangsu-Victoria Startup Summit**

A strong focus of the delegation is attendance at the NEXUS Jiangsu-Victoria Startup Summit 2019, the theme of which is *Future City: More intelligent, More liveable*. This event is being hosted by the Nanjing Government with collaborative partners the City of Melbourne and Australia China Association of Scientists and Entrepreneurs.

The event provides an opportunity for startups to present their ideas internationally.

Fifteen Victorian startups will be selected to participate in a unique two-day program in China – including the Future City Hackathon, Mayors' Forum and Investors' Forum, and the Victoria-Jiangsu 40th Sister State Anniversary Gala Dinner in May.

It is proposed that at least three (3) Ballarat StatUp businesses participate in this opportunity, two (2) funded by the City of Ballarat and one (1) funded through a regional pitch competition being offered by City of Melbourne, Nanjing Government and the Australia China Association of Scientists and Entrepreneurs.

These businesses will have the opportunity to compete for total of A\$100,000 in prizes and support as well as a chance to pitch their start-up to Chinese venture capitalists.

### **Other Opportunities**

City of Ballarat is recognised as a Smart City and has been invited to participate in the Shenzhen Smart Cities Forum and Mayors forum which will provide a platform for international engagement on issues and opportunities' in building a smart city that is safe and liveable as well as providing public services through digital platforms. It is proposed that the City of Ballarat also participate in this Forum.

Victoria-Jiangsu Mayor's Forum will bring together Mayors from both states for a discussion on themes and issues aligned to the NEXUS Summit including unlocking investment. This opportunity further provides a chance for the City of Ballarat to position itself as a regional innovation leader and pursue the opportunity to host the NEXUS: Jiangsu-Victoria Start Up Summit in 2020.

Jiangsu Victoria Sister State 40<sup>th</sup> Anniversary Gala Dinner will also be held at this time and enable networking and constructive exchanges between Mayors advancing the sister-state relationship and build substantive co-operation in many areas of mutual benefit including

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tourism and visitor attraction, further positioning Ballarat as one of Victoria's prime tourism destinations.

During this period there is also the opportunity to attend the 3<sup>rd</sup> World Intelligence Congress, which is focused on artificial intelligence (AI). This event will showcase the use of AI science and technology globally and its potential uses in a Local Government context.

Mayors from across Victoria's regional cities have also been invited to attend this program.

### **StartUP Ballarat**

In 2018 the City of Ballarat received funding from the Victorian Government's LaunchVic program to run StartUp Ballarat. This program, with a total budget of \$120,000 aims to work with and assist Ballarat community members that have a business or entrepreneurial idea and support them to develop that idea into a successful business.

StartUp Ballarat provides a series of development opportunities including coworking days, meetups, and masterclasses which introduce community members with ideas to other like-minded people, providing them with the opportunity to make new business connections and equip them with skills and knowledge to take a business idea to the next stage.

Participation and costs of travel can be included as part of this LaunchVic funded project.

### **Economic Benefit for Ballarat**

It is intended that the NEXUS Start Up Summit would become an annual event whereby opportunity to host would alternate between Victoria and Jiangsu as part of the broader sister-state relationship.

The City of Melbourne has indicated that Ballarat would be well placed to host the reciprocal NEXUS Start Up Summit in 2020.

Should the City of Ballarat accept this opportunity the costs associated with hosting could be included in the operational budget in 2019/20.

These costs would be shared with other stakeholders and collaborative partners and extend to the cost of venue hire, catering and event planning, some of which could be provided in-kind.

The City of Ballarat, should it be successful in securing the hosting opportunity, would also seek funding from LaunchVic and other Victorian Government departments to ensure that the costs to the City of Ballarat are reduced and that Ballarat receives maximum economic benefit through the efficient allocation of resources.

Hosting the summit would be a positive economic benefit to Ballarat bringing both Chinese and Victorian innovation and startup partners to the City, further cementing Ballarat's place as a regional innovation hub.

This report is not requesting Council to agree to be a host, but the opportunity is provided for information at this stage. An analysis of this opportunity will form a separate report to Council at a later date.

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Engagement with these cities and province continues to provide the City the opportunity to promote and nurture opportunities for local businesses economic and industry growth through international expansion.

Ongoing international engagement presents the opportunity to add significant value to the local economy. This is identified in the City of Ballarat Economic Program 2015-2019

This proposed delegation will strengthen Ballarat's relationship with cities to capitalise on collaborative opportunities in the areas of smart cities, innovation and liveability, key elements and goals of the Council Plan 2017-2021.

Victoria's exports to China are anticipated to increase by over \$5 billion over the next 10 years while the state's share of Chinese investment into Australia is expected to increase from 8% to 20% by 2026.

These figures provide a compelling argument to develop and implement an international engagement strategy focused on China. Key areas to be addressed include improving the support to local businesses to help them enter and access this key international market and building and maintaining our trusted relationships.

The visit is being developed in partnership with other regional cities and the City of Melbourne as well as key partners including the Victorian Government, AusTrade and DFAT and the People's Government of Nanjing and Shenzhen, to maximise the economic benefits of the delegation and ensure efficient allocation of resources.

### **Travel Policy**

The City of Ballarat's *Councillor Expense and Entitlements Policy* requires that any International Travel is approved by Council.

In carrying out their civic and statutory functions and duties the Mayor and Councillors accept a range of roles and responsibilities in representing the City, its community and stakeholders at a local, national and international level.

Overseas travel plays an essential part in representing Ballarat globally and to help develop the city as a regional leader in innovation and investment.

### **OPTIONS**

There are a number of options that Council may wish to consider:

**Option A.** Accept the invitation to participate in the delegation and approve travel for the Mayor or delegate and an Officer (**recommended**). This option provides the opportunity for Council to strengthen its relationship with sister cities in China and most importantly to support local small businesses who will be participating in the delegation.

**Option B.** Decline the invitation to participate. This option acknowledges some community view that Council should not participate in international delegations.

**Option C.** Decline the invitation to participate and request a review of Councils travel policies, strategies and plans that provide the strategic framework for international engagement. This option acknowledges that this Council may wish to review and reset the current strategic parameters that promote international engagement as a priority of the City.

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- City of Ballarat Economic Program 2015-2019
- *Local Government (General) Regulations 2015*
- Councillor Expenses and Entitlements Policy
- Travel and Related Expenses Policy

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	No
<b>Social/Cultural</b>	No	No
<b>Environmental/Sustainability</b>	No	No
<b>Economic</b>	No	No
<b>Financial/Resources</b>	Yes	No
<b>Risk Management</b>	Yes	No
<b>Implementation and Marketing</b>	Yes	No
<b>Evaluation and Review</b>	No	No

**Human Rights** – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**Financial/Resources** – The proposed cost to Council for flights and related expenses to China are approximately \$6,000-\$8,000 for four (4) participants (\$1,500-\$2,000 per person).

It is expected that the hosts and collaborative partners will assist in the coverage of some of the costs associated with travel within China and events. The costs associated with the delegation can be budgeted for within Victorian Government funded StartUp Ballarat project which is included in the Budget 2018/19.

**Implementation and Marketing** – Following Council approval all International Travel is communicated to the community as per Council's travel approval processes. All international travel is recorded on travel registers which Council must maintain in accordance with its obligations under the *Local Government (General) Regulations 2015*.

## CONSULTATION

Initial consultation has been undertaken with partner organisations and local businesses including the City of Melbourne regarding this trip. Councillors were provided a briefing on the proposed travel.

## OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

**REFERENCE DOCUMENTS**

- Councillor Expenses Entitlement Policy.
- Travel and Related Expenses Policy.

**ATTACHMENTS**

1. Lord Mayor Invitation to Nanjing **[11.7.1]**



The Rt. Hon. The Lord Mayor of Melbourne

### **Lord Mayor's Invitation to Victorian Mayors**

I am delighted to invite you to a couple of remarkable events in Nanjing, China, on 15 May, 2019.

As you would be aware, 2019 is the 40<sup>th</sup> anniversary of Victoria-Jiangsu sister state relations. Accordingly, I have made Nanjing, the capital of Jiangsu, the centre piece of my visit to China in May.

In discussing this trip with some of our colleague Mayors, we thought it would be a good opportunity to work together and develop a few events with a strong Victoria story. In consultation with the Victorian and Jiangsu governments, we have arranged a Victoria-Jiangsu Mayors' Forum bringing together Mayors from both states, for the afternoon of 15 May. We are still looking at the themes and issues to shape that summit, and will welcome your insights and advice.

The Jiangsu Victoria Mayors' Forum will be followed by a 40<sup>th</sup> Anniversary Gala Dinner to further enable networking and constructive exchanges between Mayors. We expect this will greatly advance Victoria-Jiangsu relations, and build substantive co-operation in many areas of mutual benefit.

In parallel to the Mayors' Forum, the inaugural Nexus: Jiangsu-Victoria Start-up Summit will take place 14-15 May. We have at least fifteen Victorian start-ups going to Nanjing for this important two day event, including a minimum of five from regional areas across Victoria. Arrangements will be made for Mayors attending the Summit to engage with the Nexus Summit. Our expectation is that the Nexus Summit will be an annual event, held consecutively in Jiangsu and Victoria in regional cities. We look forward to fostering this important link in innovation between Victoria's and Jiangsu's cities.

These events in Nanjing are being curated by the City of Melbourne, the Victorian Government, the Nanjing City Government and Government of Jiangsu Province. There will be no cost to you for your participation, other than your own travel, accommodation arrangements and incidentals.

We look forward to the 15<sup>th</sup> of May in Nanjing being a highly productive and valuable day, not just for bilateral relations, but for the core interests of Melbourne's metropolitan and regional councils. In particular, there are great prospects for advancing our shared interests in smart cities, innovation, and start-ups. We could also feature other issues, such as waste management, tourism and investment in our Jiangsu-Victoria dialogue.

Melbourne, like many of the cities and councils of Victoria, has long-standing and deep relations with China. The Nanjing program provides a valuable opportunity to transact other business in China and the region during your trip. For example, on 16 May, Tianjin is hosting the 3<sup>rd</sup> World Intelligence Conference, which is focused on artificial intelligence.

**City of Melbourne**  
GPO Box 1603 Melbourne  
Victoria 3001 Australia  
Telephone 61 3 9658 9825  
Facsimile 61 3 9654 2628





In advance of the trip, we will arrange a time for participants to meet. We could spend some time going through the program, learning key phrases in Chinese and a bit about Chinese culture. We could also work together to refine the program and themes for the Mayors' Forum to ensure it properly reflects our shared interests and delivers maximum benefit to our councils.

I hope you can join us. Please feel free to contact me directly if you have any questions. RSVPs will be welcomed by 4 April, and can be directed to the Council's contact officer, [REDACTED]

Yours sincerely

A handwritten signature in blue ink that reads "Sally Capp".

**Sally Capp**  
Lord Mayor - Melbourne

**11.8. INTERNATIONAL TRAVEL - 15TH WORLD CONGRESS OF THE ORGANISATION OF WORLD HERITAGE CITIES**

**Division:** Innovation and Organisational Improvement  
**Director:** Cameron Gray  
**Author/Position:** Angelique Lush – Director Development and Planning

**OFFICER RECOMMENDATION****Council resolves to:**

- 1. Note Ballarat's leadership role with the 13 Local Governments of the Central Highlands Region to achieve recognition of the Central Victorian Goldfields as a UNESCO World Heritage site and use it as a platform leverage major long-term investment in local goldfields communities.**
- 2. Approve International Travel for the Mayor and Council Officer to attend the 15<sup>th</sup> World Congress of the Organisation of World Heritage Cities in Kraków, Poland.**
- 3. Explore funding and co-contribution opportunities from agencies locally and overseas to reduce the cost burden of the trip.**

**EXECUTIVE SUMMARY**

The Cities of Ballarat and Bendigo are jointly leading the bid for UNESCO World Heritage Listing of the Central Victorian Goldfields on behalf of the 13 local government authorities which are the members of the Loddon-Campaspe and Central Highlands Regional Partnerships. All Councils in the group are committed to working together to advance the World Heritage Listing nomination bid and to grow jobs and the regional economy. World Heritage Listing is considered a major economic opportunity for local communities in this region, expected to unlock major new investment, local job creation, be a platform for addressing social disadvantage and leveraging local community pride for major social benefit. In this project, Ballarat and Bendigo are leading a coalition which represents close to half a million people spread over nearly 40,000 square kilometres, 17% of the state.

Comparative sites to the Victorian Goldfields that have achieved World Heritage Listing have seen major benefits for local communities, particularly in disadvantaged regions – both economically in terms of investment and job creation, and socially in terms of civic pride, local empowerment, and development of local skills and training. It is a major platform for renewal and the long-term prosperity of the Central Goldfields region.

A bid for international recognition of this region requires targeted international travel to advocate to key international decision-makers at UNESCO, form partnerships and relationships with those whom can help maximise future local benefits, and to position the 13-member Council's for short-term international visitation, trade and investment opportunities.

It is proposed that the Mayor and an Officer travel to Kraków, Poland to attend the 15th World Congress of the Organization of World Heritage Cities (2-5 June, 2019). The purpose of the trip is to participate in the congress and to promote the World Heritage serial listing of the Central Victorian Goldfields Region internationally, gain exposure to new global World Heritage networks, and advocate for membership of the UNESCO Creative Cities Network.

An invitation would also be extended to invite representatives from City of Greater Bendigo to jointly participate.

The City of Ballarat *Councillor Expense and Entitlements Policy* requires that any Councillor or Officer seeking approval for any International Travel is approved by Council.

It is recommended that Council attend the congress and work with the Greater City of Bendigo to pursue the Central Victorian Goldfields Heritage Region Serial Listing project as part of the congress.

## **RATIONALE**

The City of Ballarat is currently working with 12 other Councils to secure a UNESCO World Heritage Serial Listing for Central Victorian Goldfields region. As the biggest cultural tourism brand in the world, UNESCO listing would lead to the attraction of tourists and new businesses to Ballarat and our region. On behalf of the 13 Councils, the bid is being led by the Cities of Ballarat and Bendigo who are working together to advance this shared common agenda.

Ballarat has an important role to play internationally in the context of the World Heritage serial listing and cultural heritage, more broadly. The serial listing of the Central Victorian Goldfields requires extensive promotion and exposure of the goldfield's bid to an international cohort of experts, organisations and governments. The City is also a member of several international programs including the League of Historical Cities, UNESCO Historic Urban Landscape pilot program and the Intercultural Cities Programme which are being leveraged to support the World Heritage bid. These initiatives add great value to the capacity of Council in its role as the capital of western Victoria and as a strong regional leader. They provide global exposure and an exclusive competitive edge for local and regional projects.

The participating Councils continue to seek a formalised partnership with the State Government, including a co-contribution funding model, to progress the business case for the bid. As a continued demonstration of the partnership between the major Cities, should Council approve international travel, an invitation would also be extended to the City of Bendigo to join and participate in the event.

The 15th World Congress of the Organisation of World Heritage Cities is the principle international event of UNESCO World Heritage Listed Cities. This congress provides the City of Ballarat a unique opportunity to continue to lobby international stakeholders and advance the Central Victorian Goldfields listing. In addition, there are opportunities for Ballarat to advance towards membership of the UNESCO Creative Cities Network, which also has major tourism and cultural benefits for member cities. The travel would enable collaboration with existing member cities of the UNESCO Creative Cities Network at the event in Krakow with the possibility of targeted travel to comparable cities, depending on the final itinerary.

### **Benefits to participation**

- The financial benefits to the Central Victorian Goldfields Region of World Heritage Listing has been identified as up to \$68m per annum in added income which will flow to jobs and local economies.
- It is estimated for every 1% increase in tourism in the Central Victorian Goldfields Region, \$11m is added to the regional economy.
- The nine Councils involved in a successful World Heritage Listing of the Cornwall West Devon Mining Landscape (a comparable listing to the Central Victorian Goldfields) has

leveraged more than £90m of new investment in the area directly related to the UNESCO World Heritage designation, and quantified major local benefits to often highly disadvantaged communities regarding:

- Increased levels of partnership activity – where local residents and visitors benefit from more co-ordinated service delivery and promotion of the area
- Additional funding – leverage State and Federal Government, private sector and philanthropic or commercial funding opportunities linked to achieving internationally recognised outcomes
- Tourism – increased brand awareness, international marketing opportunities, increased overnight stays, enhanced quality of visitor experiences, greater local story-telling and increased tourism industry sector training and development
- Regeneration – World Heritage designation acting as a catalyst for regeneration of sites and stimulating new investment
- Civic Pride – increased confidence and improved quality of life for local people in local communities, particularly those with limited economic opportunity and a limited range of job opportunities
- Social Capital – World Heritage status is recognised as having the potential for providing increased social unity and cohesion through increasing opportunities for interaction and engagement within the local community
- Education, training and learning – increased learning and knowledge at listed sites, benefiting education and school groups both from within the local area and for those who visit.

Leveraging a UNESCO World Heritage Listing to achieve these types of benefits locally requires a level of international engagement. Not engaging internationally greatly limits the ability of the region to achieve international recognition through UNESCO and reduces the capacity of the region to leverage the goldfields story for local benefit.

#### **POLICY ALIGNMENT OF THE WORLD HERITAGE LISTING BID**

- *The Victorian Visitor Economy Strategy (2016)*: The Visitor Economy is one of 11 priority industries and sectors the Government is supporting to drive economic growth and jobs with a goal of increasing visitor spending to \$36.5 billion by 2025, priorities including:
  - Build on the potential of regional and rural Victoria
  - Improved branding and marketing
  - Better tourism infrastructure
  - Skilled and capable sector
  - More effective coordination
- *Victoria's Regional Tourism Strategy 2013-2016*
- *Regional Strategic Plans*
  - Central Highlands
  - Loddon-Mallee South
- *Regional Development Australia (RDA) Committees*
  - Grampians
  - Loddon-Mallee
- *Regional Growth Plans*
  - Central Highlands

- Loddon-Mallee South
  - Council Plans (various)
  - *Victorian Goldfields Tourism Executive (VGTE) Strategic Plan 2013-2016*
  - *State Parliamentary Inquiry into Heritage Tourism and Ecotourism- Rec.23 “deliver world class tourism experiences” and 34 – “WHL listing for Castlemaine Diggings”.*

### **Costs to participation**

As part of their duties the Mayor, Councillors and Officers are from time to time required to undertake interstate and international travel on behalf of Council. Representation of Council at national and international levels is an important part of developing, communicating and implementing Council policy including the Council Plan 2017-2021.

The proposed cost to Council for flights to Kraków, Poland and related expenses is approximately \$13,000 for two (2) participants and is within budget parameters in the Development and Planning Divisional budget 2018/19. Council will seek from hosts, collaborative partners and other sources a funding contribution to these costs. Expenses incurred will be covered by the City of Ballarat in accordance with our Councillor Expense and Entitlements Policy and Travel and Related Expenses Policy.

### **OPTIONS**

There are several options that Council may wish to consider:

**Option A.** That Council agree to attend the Congress and approve travel for the Mayor and an Officer (**recommended**). This option provides the opportunity for Council to progress the World Heritage serial listing bid for the Central Victorian Goldfields Region on behalf of the 13-member municipalities.

**Option B.** Participate subject to the cost of travel being funded externally. This option acknowledges the importance of continuing to seek alternative ways of funding travel, however noting that it is very unlikely that there is external funding available on this occasion.

**Option C.** Decline to participate. This option acknowledges some community views that Council should not participate in international travel.

**Option D.** Decline the invitation to participate and request a review of Council’s travel policies, strategies and plans that provide the strategic framework for international engagement. This option acknowledges that this Council may wish to review and reset the current strategic parameters that promote international engagement as a priority of the City.

### **LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS**

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021

**REPORTING AND COMPLIANCE STATEMENTS**

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	No
<b>Social/Cultural</b>	No	No
<b>Environmental/Sustainability</b>	No	No
<b>Economic</b>	No	No
<b>Financial/Resources</b>	Yes	Yes
<b>Risk Management</b>	Yes	No
<b>Implementation and Marketing</b>	Yes	Yes
<b>Evaluation and Review</b>	No	No

**Human Rights** – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**Financial/Resources** – Officers have and will continue to explore the opportunities to have the costs of flights and related expenses covered by other funding partners. If this is not successful, the proposed cost of this travel to Council is approximately \$13,000 and is within budget parameters in the Development and Planning Divisional budget 2018/19.

Expenses incurred will be covered by the City of Ballarat in accordance with our Councillor Expense and Entitlements Policy and Travel and Related Expenses Policy.

**Implementation and Marketing** – Following Council approval, all International Travel is communicated to the community as per Council's travel approval processes. All international travel is recorded on travel registers which Council must maintain in accordance with its obligations under the *Local Government (General) Regulations 2015*.

**CONSULTATION**

No external consultation has been undertaken regarding this report. Councillors were provided a briefing on the travel and itineraries for this trip.

**OFFICERS DECLARATIONS OF INTEREST**

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

**REFERENCE DOCUMENTS**

- Councillor Expenses Entitlement Policy as amended on 12 December 2018.
- Travel and Related Expenses Policy as amended on 14 January 2019.

**ATTACHMENTS**

Nil

**11.9. LIVE BROADCASTING**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Cameron Montgomery – Executive Manger Safety, Risk and Compliance Services

**OFFICER RECOMMENDATION****Council resolves to:**

- 1. Proceed with live broadcasting commencing the first Ordinary Council meeting in May 2019, with the recording and publishing of Ordinary and Special Council meetings, excluding matters to be considered in camera, where meetings are conducted in the Council Chambers, Town Hall, Sturt Street, Ballarat.**

**EXECUTIVE SUMMARY**

At the Ordinary meeting held on 12 September 2018, Council resolved (R257/18) to approve in principle to live broadcast Ordinary, Special and other Council meetings excluding matters to be considered in camera, where meetings are conducted in the Council Chambers, Town Hall, Sturt Street; Ballarat and to authorise the Chief Executive Officer to make the necessary arrangements in preparation to proceed.

Council Officers have arranged for equipment to be installed and following testing at two Ordinary Council meetings, 20 February 2019 and 13 March 2019 are seeking approval to proceed to live broadcast, record and publish Council meetings.

**RATIONALE**

Council has resolved in principle to develop and implement live broadcasting of Council meetings. To deliver this outcome, several key actions have been undertaken. This report provides an outline of the steps taken, communications management, emerging risks and compliance controls identified.

**Infrastructure and platform:**

- A 4k high resolution camera, digital decoder and mixer have been installed, tested and delivering high quality video and audio output; and
- Broadcast platform hosted by third party has been developed and two live tests have been completed.

**Marketing and communications:**

- Question and answer sessions completed with management and key community engagement personnel; and
- Communications plan developed for pre and post first official meeting of Council.

**Risk and Compliance:**

- To enhance transparency regarding Councils administration of live broadcasting and recording of meetings, an administrative procedure has been developed (outlining key risks and public notices) and is proposed to be published in the location where the live broadcasting content is hosted on Council's website.

- In accordance with clause 78 of Meeting Procedure Local Law 2018, Council must resolve to record proceedings of a Council meeting.

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	Yes
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	No	No
<b>Economic</b>	No	No
<b>Financial/Resources</b>	Yes	Yes
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	Yes	Yes
<b>Evaluation and Review</b>	No	No

**Human Rights** – It is considered that the provision of live broadcasting would have a positive impact and enhance section 15 ‘Participation in Public Life’ as outlined in the *Charter of Human Rights and Responsibilities Act 2006*.

**Social/Cultural** – Currently the only record of Council meetings available to the public is via the public minutes posted on the City of Ballarat website. Whilst these documents provide an accurate record of all resolutions from Council meetings, it does not reflect the level of detailed discussion and debate that Councillors engage in prior to coming to a decision.

By live broadcasting and publishing the video recordings of Council meetings, the community has greater access to Council’s decision-making process.

**Financial/Resources** – The costs associated with hardware and equipment cost \$16,000 to set up and then \$1200 a month in ongoing costs. These expenses were already budgeted for in the 2018/19 Council budget.

**Risk Management** – There are several key risk considerations related to live broadcasting of Council meetings that have previously been provided to Council for consideration, including: defamation; infringement of copyright; breach of privacy/disclosure of personal information; publishing of offensive material; offensive behaviour on basis of race, colour or national or ethnic origin; and vilification or inciting hatred.

To mitigate the risks associated, a procedure has been developed (attached) with suitable controls that provides specific guidance for managing live broadcasting processes for reducing the associated risks, which includes:

- Placement of signage at the entrance to the Council Chamber advising that the meeting is being recorded and that the gallery will not be visible during the recording, only Councillors and Council employees;
- The meeting Chair (or Council Officer nominated by the Chair) making a statement to the gallery at the commencement of each meeting to ensure all attendees are aware that the meeting is being recorded;



- A similar statement being included in the meeting agenda;
- Posting a disclaimer on Council's web site to address any potential defamation and privacy concerns; and
- The meeting Chair or Chief Executive Officer also having the ability at any time during a meeting to request that a live broadcast and/or recording be terminated.

**Implementation and Marketing** – if live broadcasting is adopted, promotion of the initiative would be promoted in accordance with Council's Community Engagement Framework.

## **CONSULTATION**

Significant consultation has been undertaken with key internal stakeholders to develop a communication and engagement plan that will promote live broadcasting of Council meetings pre and post the first meeting. The plan includes: radio interviews, media briefing, public notices in The Ballarat Times and on Council's website, along with detailed questions and answers on the Council's website.

## **OFFICERS DECLARATIONS OF INTEREST**

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.





## **REFERENCE DOCUMENTS**

Nil

## **ATTACHMENTS**

1. Live Broadcasting and Recording Procedure **[11.9.1]**

**Document #:** GOV – 021  
**Version #:** 1  
**Owner:** Executive Manager, Safety, Risk and Compliance  
**Functional Area:** Risk and Compliance  
**Approved by:**  
**Approval Date:** \_\_\_/\_\_\_/2019  
**Review Date:** \_\_\_/\_\_\_/20\_\_\_

<p><b>Essentials</b></p>  <p><b>Read me first</b></p>	<ol style="list-style-type: none"> <li>1. Live broadcasting is only applicable for public Ordinary meetings and Special meetings conducted by Ballarat City Council.</li> <li>2. Public notice must be given where a Council meeting will be live broadcast.</li> <li>3. Confidential Council meetings, or confidential sections of Council Meetings will not be live broadcast or recorded.</li> <li>4. In recognition of the legal and reputational risk to Council, the Chief Executive Officer may determine in their sole discretion not to publish a recording if it is reasonably believed to contain inappropriate information or where exceptional circumstances are apparent from the recording.</li> <li>5. Council does not accept any responsibility for the comments made or information provided during Council Meetings</li> </ol>
<p><b>Context</b></p> 	<p>This procedure will apply to all public Ordinary Meetings and Special Meetings conducted by Ballarat City Council (Council) to be live broadcast or recorded and published in accordance with this procedure. The procedure does not extend to any meetings closed to the public in accordance with Section 89(2) of the Local Government Act (Vic) 1989.</p>
<p><b>Purpose</b></p> 	<p>This procedure outlines the requirements associated with the live broadcasting and publishing recordings of Ordinary and Special Council Meetings via Council's website.</p> <p>The application of this procedure will be utilised to inform members of the public and Councillors on Council's processes to live broadcast Council meetings.</p>
<p><b>Requirements</b></p> 	<p><b>Notification of image recorded and/or broadcast</b></p> <p>Council will use its best endeavours to ensure images of people in the public gallery of a Council Meeting are not live broadcast or recorded and published. These people must be given appropriate notice of the possibility of their image being recorded and published and/or broadcast however includes that no assurances to people present in the public gallery of a Council Meeting that their image won't be recorded and published or live broadcast.</p> <p>When a Council Meeting is to be recorded and/or live broadcast:</p> <ul style="list-style-type: none"> <li>• prominent signage informing all attendees of the Council Meeting that the meeting will be recorded and broadcast live in the terms set out in <b>Attachment 1</b> must be provided;</li> <li>• at the commencement of each Council Meeting to be recorded and/or broadcast live, the Chairperson shall provide a statement to notify the attendees of the Council Meeting that the meeting will be recorded and/or broadcast live in the terms set out in <b>Attachment 2</b>;</li> <li>• notice will also be given in the Council Meeting agenda as set out in <b>Attachment 3</b>; and</li> </ul>

- where the recording is to be published on Council's website, notice will also be given on Council's website in the terms set out in **Attachment 4**;
- a copy of this procedure will be referenced in all online notices given under this clause.

All members of the public are reminded that they are solely responsible for their own comments made during Council Meetings and that these comments made, may result in an individual who suffers loss and damage as a result of those comments, to pursue retribution through a court of appropriate jurisdiction.

The Chief Executive Officer, in their discretion, may from time to time update the terms of the notices to be given under this clause without updating this procedure.

### **Technical Disclaimer**

There may be situations where, due to technical difficulties a live broadcast of the Council Meeting may not be available.

Technical issues may include, but are not limited to:

- the availability of the internet connection;
- device failure or malfunction;
- unavailability of social media platforms; and/or
- power outages.

Where live broadcasting is the subject of a disruption, Council will notify the public on both its social media channels and Council's website (if those channels have not been functionally compromised).

### **Termination of live broadcasting in Exceptional Circumstances**

The Chairperson and/or the Chief Executive Officer has/have the discretion and authority at any time to direct the termination or interruption of live broadcasting of a Council Meeting where there are exceptional circumstances; or the content of the Council Meeting is considered by the Chairperson to contain inappropriate information.

### **Upload, access and Storage of Files**



The decision to upload or publish a recording of a Council meeting will be made taking into consideration the content of the material and the potential for Council to be liable for any loss and damage suffered by a person as a result of the published comments.


In recognition of the potential legal risk to Council, the Chief Executive Officer may determine in their sole discretion not to upload or publish a recording of a Council Meeting if it is reasonably believed it may contain inappropriate information or where exceptional circumstances arise.

All recordings will be uploaded to Council's website within five business days of the meeting whereby members of the public will be given access to watch the recording.

These recordings of the Council Meetings will be published and available on Council's website for a period of up to 12 months.

All recordings of Council meetings will be maintained in accordance with Council's Records and Document Management control related policies and procedures.

<p><b>Supporting Definitions</b></p> 	<p><b>Chairperson</b> has the same meaning as defined in Council’s Meeting Procedure Local Law 2018.</p> <p><b>Council</b> means the ‘Ballarat City Council’ and ‘City of Ballarat’.</p> <p><b>Council Meetings</b> means Ordinary Meetings and Special Meetings that aren’t Confidential Council Meetings.</p> <p><b>Confidential Council Meeting</b> means a Meeting of the Council which has been closed to members of the public under Section 89(2) of the Local Government Act 1989.</p> <p><b>Defamation</b> means words which convey a meaning (or “imputation”) about a person that lowers the person’s reputation in the eyes of reasonable members of the community, or causes the person to be ridiculed, avoided or despised by members of the general public.</p> <p><b>Exceptional Circumstances</b> means circumstances where there is:</p> <ul style="list-style-type: none"> <li>• a risk or threat to public health and safety;</li> <li>• a threat of violence or aggression by one or more people attending the Council Meeting against others;</li> <li>• unlawful conduct by an attendee of the Council Meeting;</li> <li>• significant disruption of the Council Meeting by the conduct of an attendee; and/or</li> <li>• a reputational risk to the Council.</li> </ul> <p><b>Inappropriate Information</b> means information which amounts to, or could be perceived to amount to:</p> <ul style="list-style-type: none"> <li>• Defamation;</li> <li>• infringement of copyright;</li> <li>• breach of privacy;</li> <li>• offensive behaviour including discrimination;</li> <li>• vilification or inciting hatred;</li> <li>• confidential or privileged; or</li> <li>• misleading.</li> </ul> <p><b>Ordinary Meeting</b> means an Ordinary Meeting of the Council, as defined in Section 83(a) of the Local Government Act 1989, held at Town Hall.</p> <p><b>Privacy Breach</b> means unauthorised access to, or collection, use or disclosure of personal information in accordance with the Privacy and Data Protection Act (Vic) 2014.</p> <p><b>Special Meeting</b> means a Special Meeting of the Council, as defined in Section 83(b) of the Local Government Act 1989, held at Town Hall.</p> <p><b>Town Hall</b> means the Council Conference and Reception Centre, Sturt Street, Ballarat.</p>
<p><b>Accountability</b></p> 	<p>Council is updated bi-annually with information about the numbers of people accessing the live broadcast or published recordings of Council Meetings.</p>

<p><b>Supporting Documents and References</b></p> 	<p><b>Acts</b></p> <p><i>Local Government Act (Vic) 1989</i> <i>Privacy and Data Protection Act (Vic) 2014</i> <i>Freedom of Information Act (Vic) 1983</i> <i>Copyright Act (Cth) 1968</i> <i>Defamation Act (Vic) 2005 (or its equivalent)</i></p> <p><b>Policies and Procedures</b></p> <p><b>Nil</b></p> <p><b>Council related Document</b></p> <p><i>Meeting Procedure Local Law 2018</i> Councillor Code of Conduct Staff Code of Conduct</p>
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## APPENDIX

### Attachment 1

#### Public Gallery Notice

The following will be posted in a prominent location at a Council Meeting that is to be recorded or broadcast live:

*This meeting is being publicly broadcast on the internet and the recording will be published on Council's website [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au) after the meeting.*

*As a visitor in the public gallery, you may be filmed. By remaining in the public gallery, you consent to being filmed and for the recording of you to be made publicly available by the Council.*

*Details about the broadcasting and recording of Council meetings is available in Council's Broadcasting and Recording of Council Meetings Procedure which is available in hard copy at this meeting and electronically on the Council's website.*

*If you have any questions about the Council's procedure, please speak with one of the City of Ballarat staff here tonight.*

### Attachment 2

#### Meeting Chairperson's Statement

The following statement is to be read by the Chairperson at the commencement of each Council Meeting which is to be recorded and/or broadcast live:

*This meeting is being broadcast on the internet and the recording of the meeting will be published on Council's website.*

*As a visitor in the public gallery, you may be filmed. By remaining in the public gallery, you consent to being filmed and for the recording of you to be made publicly available by the Council.*

*A copy of Council's Broadcasting and Recording of Council Meetings Procedure is available in hard copy at this meeting and on the Council's website. Please speak with one of our staff members if you have any questions.*

## **Attachment 3**

### **Agenda Notice**

The following statement is to be included at the start of the agenda of any Council Meeting which is to be recorded and/or broadcast live:

*This meeting is being broadcast live on the internet and the recording of this meeting will be published on Council's website [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au) after the meeting.*

*Members of the public attending this meeting may be filmed. By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by Council.*

*Information about the broadcasting and publishing recordings of Council meetings is available in Council's Broadcasting and Publishing Recordings of Council Meetings Procedure is available on the Council's website.*

## **Attachment 4**

### **Website Disclaimer**

*The opinions or statements made during the course of a Council meeting are those of the particular individuals, and not necessarily the opinions or statements of City of Ballarat. The City of Ballarat does not necessarily endorse or support the views, opinions, standards or information contained in the live broadcasting or recording of the Council meetings.*

*The City of Ballarat does not accept any responsibility for the comments made or information provided during Council Meetings and does not warrant nor represent that the material or statements made during Council meetings are complete, reliable or accurate. The City of Ballarat does not accept any responsibility or liability for any loss, damage, cost or expense that might be incurred howsoever arising as a result of or in connection with the use or reliance on information or statements made in the live broadcasting or published recordings of Council meetings.*

*Whilst Council will use its best endeavours to ensure the live broadcasting and Council's website are functioning, technical issues may arise and the City of Ballarat cannot guarantee that the live broadcast will always be available, or that recordings of Council meetings will be complete.*

**11.10. OUTSTANDING QUESTION TIME ITEMS**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Sarah Anstis -Administration Officer Statutory Compliance

**OFFICER RECOMMENDATION**

**That Council endorses the Outstanding Question Time report.**

**EXECUTIVE SUMMARY**

This report provides Council with an update of response to questions taken on notice and outstanding unanswered questions from Council Question Time.

**RATIONALE**

The City of Ballarat Meeting Procedure Local Law calls for a standard agenda item at each Council Meeting that reflects unanswered questions from Public Question Time.

**LEGISLATION, COUNCIL PLAN, STRATEGY AND POLICY IMPLICATIONS**

- Meeting Procedure Local Law

**OFFICERS DECLARATION OF INTERESTS**

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this report.

**ATTACHMENTS**

1. Outstanding Question Time Items **[11.10.1]**
2. QT07/19 - Mr Fitzgerald **[11.10.2]**

## Outstanding Question Time Items

Meeting	Status	Requested	Question	Officer Responsible	Response
13/03/2019 QT07/19	Closed	Mr Gary Fitzgerald Ballarat East	Mr Fitzgerald commented that March has been a busy month with events in Ballarat such as the Begonia Ball for the opening of Civic Hall and asked what the balance of the Civic Hall budget is and if all the money has been spent?	Angelique Lush Director Development and Planning	Ms Angelique Lush provided a written response to Mr Fitzgerald (see attached).
13/03/2019 QT09/19	Open	Mr Frank Williams Invermay Park	Mr Williams stated that there is a risk to the safety of pedestrians crossing the roads at the Creswick Road and Market Street round-about, which will only get worse with the car park being built on Creswick Road. Mr Williams asked if Council could investigate painting white lines on the three intersections for pedestrian crossings or at install least caution signs.	Terry Demeo Director Infrastructure and Environment	Taken on notice.
13/03/2019 QT10/19	Open	Mr Frank Williams Invermay Park	Mr Williams asked if the City of Ballarat can install a community barbeque in the Jack Greville Reserve in Magpie Street, Golden Point in the near future?	Terry Demeo Director Infrastructure and Environment	Taken on notice.

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**From:** Angelique Lush

**Sent:** Thursday, 14 March 2019 11:14 PM

**To:** [REDACTED] >

**Cc:** Katrina Ring [REDACTED]

**Subject:** Re: Question Time 13/3/2019

Hi Gary

Thanks for following up. There is an easy explanation for the \$6mill vs \$4mill question. The larger amount is the total project budget. The lesser amount is the main contract with the construction company. There were other contracts associated with the Civic Hall renovation which make up the balance as mentioned by the Mayor last night. As planned, the budget has been fully expended and we are very excited to have the hall operational.

Kind regards

Angelique Lush

Sent from my Samsung Mobile on the Telstra Mobile Network

**12. NOTICE OF MOTION**

Nil

**13. URGENT BUSINESS**

**14. SECTION 89 (IN CAMERA)**

**11.5. RURAL COUNCIL TRANSFORMATION PROGRAM**

**Division:** Innovation and Organisational Improvement  
**Director:** Cameron Gray  
**Author/Position:** Matthew Swards – Manager Business Improvement

(Personnel matters)

**14.1. TENDER NO. 2018/19 - 80. EASTERN OVAL LIGHTING UPGRADE**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Trent Bursill - Project Manager

(Contractual matters)

**15. CLOSE**