



**Ordinary Council Meeting**

**2 May 2018**

Council Chamber, Town Hall, Sturt Street, Ballarat

**AGENDA**

**Public Copy**

**NOTICE IS HEREBY GIVEN THAT A MEETING OF BALLARAT CITY COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 2 MAY 2018 AT 7:00PM.**

<b>AGENDA</b>
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**The next Ordinary Meeting of the Ballarat City Council will be held on Wednesday 23 May 2018.**

**1. OPENING DECLARATION**

**Councillors:** *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

**Mayor:** *"I respectfully acknowledge the Wadawurrung and Dja Dja Wurrung People, the traditional custodians of the land, and I would like to welcome members of the public in the gallery."*

**2. APOLOGIES FOR ABSENCE**

**3. DISCLOSURE OF INTEREST**

**4. CONFIRMATION OF MINUTES**

**5. MATTERS ARISING FROM THE MINUTES**

## 6. PUBLIC QUESTION TIME

Note – all public representations will be heard before each item on the agenda.

### QUESTION TIME

- Question Time will be for a period of 30 minutes;
- Questions submitted must begin with the submitters name and suburb;
- No person may submit more than two questions at any one meeting;
- If two questions are submitted, the second question may be deferred until all other questions have been asked, or may not be asked if the time allotted for public question time has expired.
- A question may be disallowed if the chair determines that it:
  - Relates to a matter outside of Councils responsibility;
  - Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - Deals with a subject matter already answered;
  - Is aimed at embarrassing a Councillor or a member of Council Staff;
  - Relates to personnel matters;
  - Relates to the personal hardship of any resident or rate payer;
  - Relates to industrial matters;
  - Relates to contractual matters;
  - Relates to proposed developments;
  - Relates to legal advice;
  - Relates to matters affecting the security of Council property: and/or
  - Relates to any other matter which Council considers would prejudice Council or any other person.
- A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is taken on notice, the answer to it must be incorporated in the minutes of Council and a written copy of the answer sent to the person who asked the question: and
- A Councillor or the Chief Executive Officer may advise Council that an answer should be given in a meeting closed to members of the public and why.

### PUBLIC SUBMISSIONS

1. Representatives must register by 4:30pm on the day of a Council meeting by contacting the City of Ballarat on (03) 5320 5875. No unregistered public representative will be allowed to speak.
2. The Representative will be given three to five minutes to address the meeting, with extension of time at the discretion of the Chair.
3. Any Councillor can ask questions of the Representative.
4. The Chair may limit the number of representatives on any particular Agenda item.
5. All representations must relate to items on the Agenda and will be heard prior to each respective Agenda item.

**7. REPORTS FROM COMMITTEES/COUNCILLORS****8. ASSEMBLIES OF COUNCILLORS****8.1. ASSEMBLIES OF COUNCILLORS**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Sarah Anstis - Governance Administration Officer

**OFFICER RECOMMENDATION**

Council resolves to approve the report on Assemblies of Councillors as listed:

- 22 March 2018 Road Safety Advisory Committee Meeting
- 23 March 2018 Community Development Councillor Portfolio Meeting
- 28 March 2018 Strategic Briefing
- 11 April 2018 Community Safety Advisory Committee Meeting
- 12 April 2018 Clean Ballarat Committee Meeting No. 11
- 17 April 2018 Meeting Procedure Local Law Briefing
- 18 April 2018 Council Agenda Review Briefing

**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with copies of Assembly of Councillor Records as required under section 80A(2) of the *Local Government Act 1989*.

**RATIONALE**

Section 80A(2) of the *Local Government Act 1989* requires the record of an Assembly of Councillors to be reported at an Ordinary Council meeting. Assembly of Councillors Records are attached to this report.

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

- *Charter of Human Rights and Responsibilities Act 2006*;
- *Local Government Act 1989*; and
- City of Ballarat Council Plan 2017-2021.

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**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*.

**Social/Cultural** - The inclusion of the attached Assembly of Councillor Records in the Council Agenda and the availability to the community increase awareness of the activities of Council and could increase community involvement in decision making at Council level.

**Risk Management** - There are implications with regards to Council's compliance with the *Local Government Act 1989* of Assembly of Councillor Records are not reported to Council.

**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. 22 March 2018 Road Safety Advisory Committee **[8.1.1]**
2. 23 March 2018 Community Development Councillor Portfolio Meeting **[8.1.2]**
3. 28 March 2018 Strategic Briefing **[8.1.3]**
4. 11 April 2018 Community Safety Advisory Committee Meeting **[8.1.4]**
5. 12 April 2018 Clean Ballarat Committee Meeting No. 11 **[8.1.5]**
6. 17 April 2018 Meeting Procedure Local Law Briefing **[8.1.6]**
7. 18 April 2018 Council Agenda Review Briefing **[8.1.7]**

## 9. OFFICER REPORTS

### 9.1. COMBINED PLANNING SCHEME AMENDMENT C207 AND PLANNING PERMIT APPLICATION PLP/2017/444 BALLARAT AND CLARENDON COLLEGE MASTERPLAN STURT STREET, NEWINGTON

**Division:** Development and Planning  
**Director:** Terry Demeo  
**Author/Position:** Stephanie Durant – Senior Strategic Planner  
**Author/Position:** Lisa Kendal – Manager Strategic Planning

#### OFFICER RECOMMENDATION

Council resolves to:

1. **Request the Minister for Planning, pursuant to section 8A(3) of the *Planning and Environment Act 1987*, for Authorisation to prepare combined Planning Scheme Amendment C207 and Planning Permit Application PLP/2017/444, which was received pursuant to section 96A of the *Planning and Environment Act 1987*.**
2. **Place combined Planning Scheme Amendment C207 and Planning Permit Application PLP/2017/444 on exhibition pursuant to section 96C of the *Planning and Environment Act 1987*.**
3. **Proceed with an application for a road discontinuance for part of Ajax Street, part of Murray Street and the removal of the public highway over the pedestrian easement between Sturt and Murray Streets, concurrently with combined Planning Scheme Amendment C207 and Planning Permit Application PLP/2017/444 pursuant to schedule 10 clause 3 of the *Local Government Act 1989*.**

#### EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the combined Planning Scheme Amendment C207 (Amendment C207) and Planning Permit Application PLP/2017/444 (Planning Permit). The combined planning scheme amendment and planning permit application has been made at the request of Ballarat Clarendon College (The College).

Ballarat Clarendon College has developed a Master Plan for its Sturt Street Campus to guide future use and development of the campus until 2030, and to provide certainty to the school and community in relation to school boundaries and future growth plans for the school.

The amendment proposes to:

- rezone all land holdings of The College at their Sturt Street Campus to Special Use Zone - Schedule 17 (SUZ17 - Ballarat Clarendon College Sturt Street Campus); and
- include the Ballarat Clarendon College Sturt Street Campus Master Plan 2017-2030 (Master Plan) as a reference document in the planning scheme.



The Planning Permit proposes to implement stage 1 of the Master Plan, including:

- works to retain and reuse 15 Ajax Street as a school building associated with the open space sports facility;
- relocation (off-site) or demolition of three dwellings (21 and 23 Ajax Street and 1 Murray Street) subject to the Heritage Overlay;
- relocation of the dwelling at 19 Ajax Street onto 17 Ajax Street and associated works to retain and reuse the building as a pavilion;
- development of a multi-purpose hard-surface (synthetic grass) sports playing field including cricket nets with associated fencing, buffer planting along its eastern and southern boundaries and a 1 megalitre underground stormwater detention tank;
- demolition of the front section of the girls boarding house (consisting of a unit and carport) and the removal of existing tennis courts either side of the easement fronting Sturt Street;
- Removal of the easement that covers the pedestrian walkway between Sturt and Murray Street. (The removal of the easement that covers the pedestrian access will be dealt with through the *Planning and Environment Act 1987*, however the removal of public access to the pedestrian access will be dealt with separately through the *Local Government Act 1989*.);
- a combination of hard and soft landscaping treatments, including fencing within the front setback to Sturt Street, replacing the tennis courts and flat/carport; and
- development of a staff carpark in the south-western corner of the Campus at the corner of Wanliss Street and Junction Street in place of the existing cricket nets.

This report recommends Council seek authorisation from the Minister for Planning to place combined Amendment C207 and Planning Permit on public exhibition.

## **RATIONALE**

### Background

The College has prepared a Master Plan to guide future use and development of the Sturt Street Campus from 2017 to 2030. The Master Plan builds on an earlier plan prepared by Williams Boag Architects in 2003, which set the direction for the ongoing physical development of the Sturt Street campus. Many of works within the 2003 plan have now been completed. The need for a Master Plan was also identified by the Victorian Civil and Administrative Tribunal (VCAT) in the decision *Ballarat and Clarendon College v Ballarat CC [2012] VCAT 1105* (27 July 2012). The VCAT member stated:

*"The College has thought about future projects as evidenced in the plans provided as part of its submission. We would encourage the College to consider an approach that addresses the total school site in a manner that not only identifies future developments but also addresses the issues of car parking, vehicle and pedestrian access in a process that engages with Council and the nearby community.*

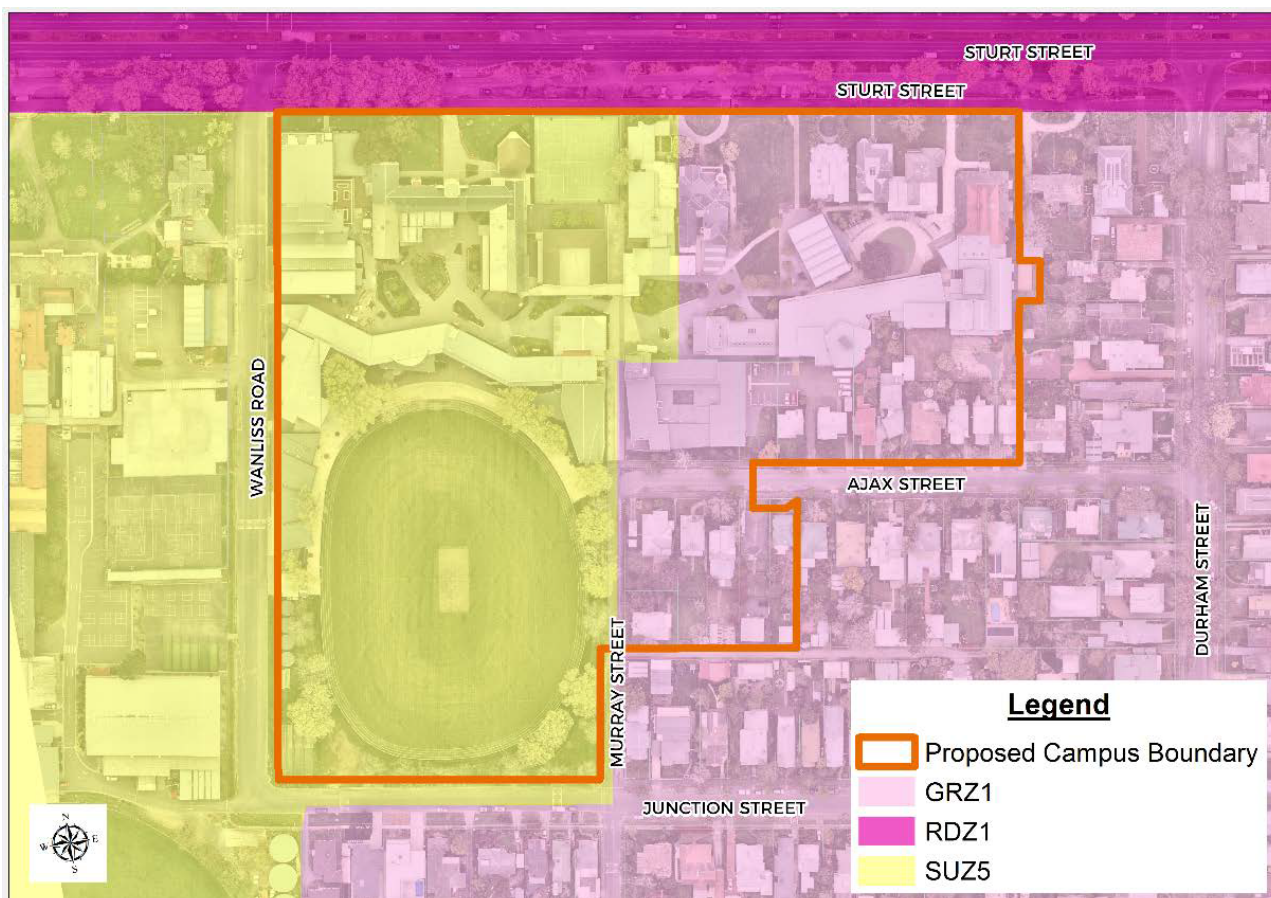
*This could be via a formal planning scheme amendment process that includes the land under an overlay control or a Special Use Zone or via preparation of a more informal master plan. We think either approach will provide a level of certainty to the College and nearby residents and avoid an ad hoc approach to development of the school. At the same time the importance of a master plan or overlay control should not be overstated. It will not eliminate the potential for change and the existence of a plan for the future should not create unrealistic expectations of certainty in an environment where education needs and College circumstances can change rapidly."*

### Subject Site

The Ballarat Clarendon College Sturt Street Campus is located in Newington, with the main entrance at 1425 Sturt Street. The Campus is set on approximately 6.4 hectares and is currently zoned Special Use Zone - Schedule 5, Private Education Establishment (SUZ5) and General Residential Zone 1 (GRZ1). All of the land is located within the West Ballarat Heritage

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Precinct Heritage Overlay and is partially covered by the Design and Development Overlay - Schedule 20, Ballarat Base Hospital Flight Paths Protection Area Outer Area (DDO20), Design and Development Overlay - Schedule 11, Urban Character Area 17 West of Pleasant Street (DDO11) and Vegetation Protection Overlay 2 - Urban Character Vegetation (VPO2).



**Figure 1: Current zoning**

The land is bound by Sturt Street to the north, Wanliss Road and St Patrick’s College to the west, Ajax Street, Junction Street and residential development to the south; and Murray Street and residential development to the east. Land use in the immediate vicinity of the site is varied in nature and includes St Patrick’s College to the immediate west, City Oval to the north-east and residential uses to the north, east and south.

**Proposed Master Plan and Staged Implementation**

Ballarat Clarendon College identified a range of issues that are impacting on their ability to respond to the future demand and evolving needs of providing education on the campus. These include inefficient use of buildings and land within the campus, uncertainty around the campus boundary, inadequate outdoor sports facilities, safety issues and campus protection, poor presentation to Sturt Street, lack of designated outdoor meeting or focal point within the campus, inadequate drop-off and pick-up facilities, lack of on-site car parking for staff and planning controls which do not match the established land use and proposed future development of the school.

The College has developed a Master Plan (Attachment 1) for the Sturt Street campus which responds to these issues, establishes The College’s vision and identifies site improvements and long-term functioning of the campus as an educational facility.

The purpose of the Master Plan is to achieve the following:

- continually improve the quality of facilities and education offered to students;
- clearly identify the landholdings of the College and guide the retention of existing built form and location of future facilities;
- identify the required built form and open space improvements to the Sturt Street campus, with an emphasis on the increasing importance of physical activity;
- improve the Sturt Street Campus's formal entrance and overall presentation to Sturt Street;
- improve the school entry and sense of address and improve Campus safety and access;
- increase transparency and an understanding between Ballarat Clarendon College, the Council and the community regarding the school's vision for the evolution of its Sturt Street Campus;
- ensure the education demands of an increasing population in Ballarat and the region can be met;
- confirm the future use, conservation of and improvements to the significant heritage assets and facilities of the school within the existing urban fabric and ensure the school's continued contribution to the social heritage of Ballarat;
- improve amenity and functioning of the school's internal gathering spaces;
- improve the way traffic associated with the school is managed, including improved residential amenity in surrounding residential streets and access to school facilities; and
- facilitate transparent decision making.

#### Implementation

The implementation of the Master Plan will be staged. Stage 1 is subject to the current planning permit application PLP/2017/144, and includes:

- works to retain and reuse 15 Ajax Street as a school building associated with the open space sports facility;
- relocation (off-site) or demolition of three dwellings (21 and 23 Ajax Street and 1 Murray Street) subject to the Heritage Overlay;
- relocation of the dwelling at 19 Ajax Street onto 17 Ajax Street and associated works to retain and reuse the building as a pavilion;
- development of a multi-purpose hard-surface (synthetic grass) sports playing field including cricket nets with associated fencing, buffer planting along its eastern and southern boundaries and a 1 megalitre underground stormwater detention tank;
- demolition of the front section of the girls boarding house (consisting of a unit and carport) and the removal of existing tennis courts either side of the easement fronting Sturt Street;
- a combination of hard and soft landscaping treatments, including fencing within the front setback to Sturt Street, replacing the tennis courts and flat/carport; and
- development of a staff carpark in the south-western corner of the Campus at the corner of Wanliss Street and Junction Street in place of the existing cricket nets.

All future stages of implementation of the Master Plan will require a planning permit under the Heritage Overlay which will continue to apply to the campus. The following buildings and works will form part of the subsequent stages of development:

- demolition of existing chapel;
  - demolition of Oswald Charles House to facilitate construction of new staff offices and staff room;
  - new landscape condition to Sturt Street entrance to create sense of address and improve college relationship with Sturt Street;
  - construction of new Girls Boarding House;
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- demolition of existing Staff Room to facilitate College 'Heart Space';
- construction and relocation of new gathering/contemplation space (Chapel);
- construction of new Administrative Building;
- construction of new Staff offices and Staff Room;
- creation of central College 'Heart Space'; and
- retention and repurposing of 2, 4, 6, 8 Ajax Street for school use.

The Master Plan also proposes roadworks involving the termination of vehicular access on Ajax Street with a court bowl, roadworks involving the termination of vehicular access on Murray Street with a T-head and removal of the public pedestrian access which runs north-south through the centre of the Campus between Sturt Street and Murray Street. These aspects of the proposal do not fall under the *Planning and Environment Act 1987* and will be dealt with separately through the *Local Government Act 1989*. The road discontinuance application will involve a public consultation process and it is anticipated that this will run concurrently with the amendment exhibition process. The decision on the road discontinuance will be considered through a report to council at a later time.

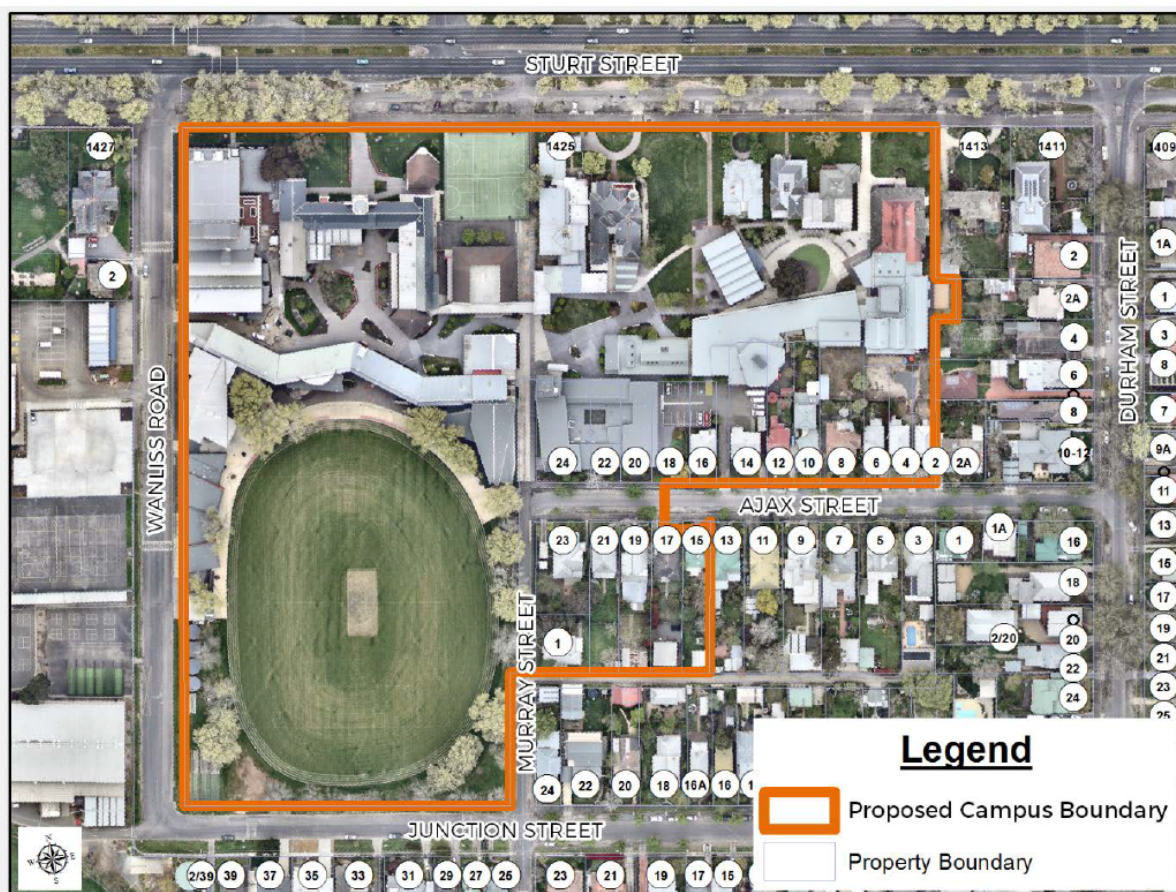


Figure 2: Subject site and proposed campus boundary

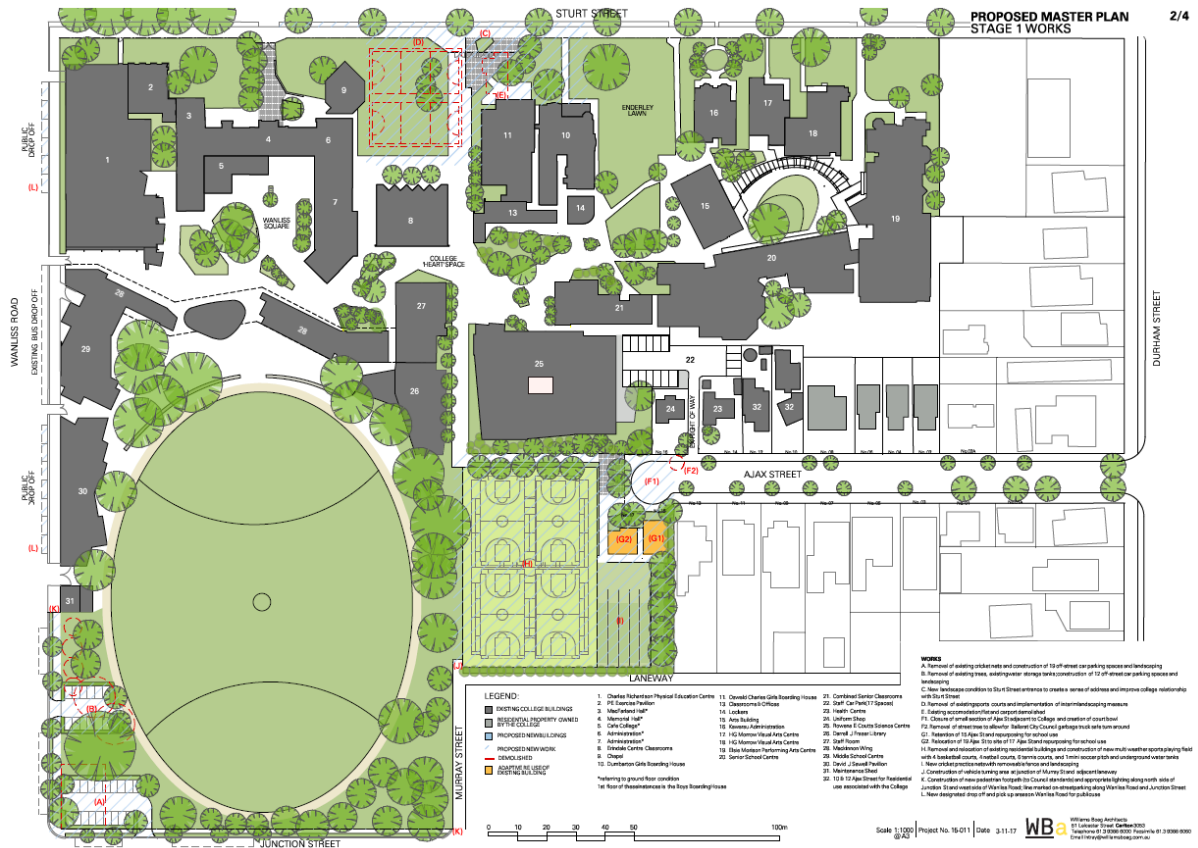


Figure 3: Stage 1 Works PLP/2017/444 Ballarat Clarendon Masterplan

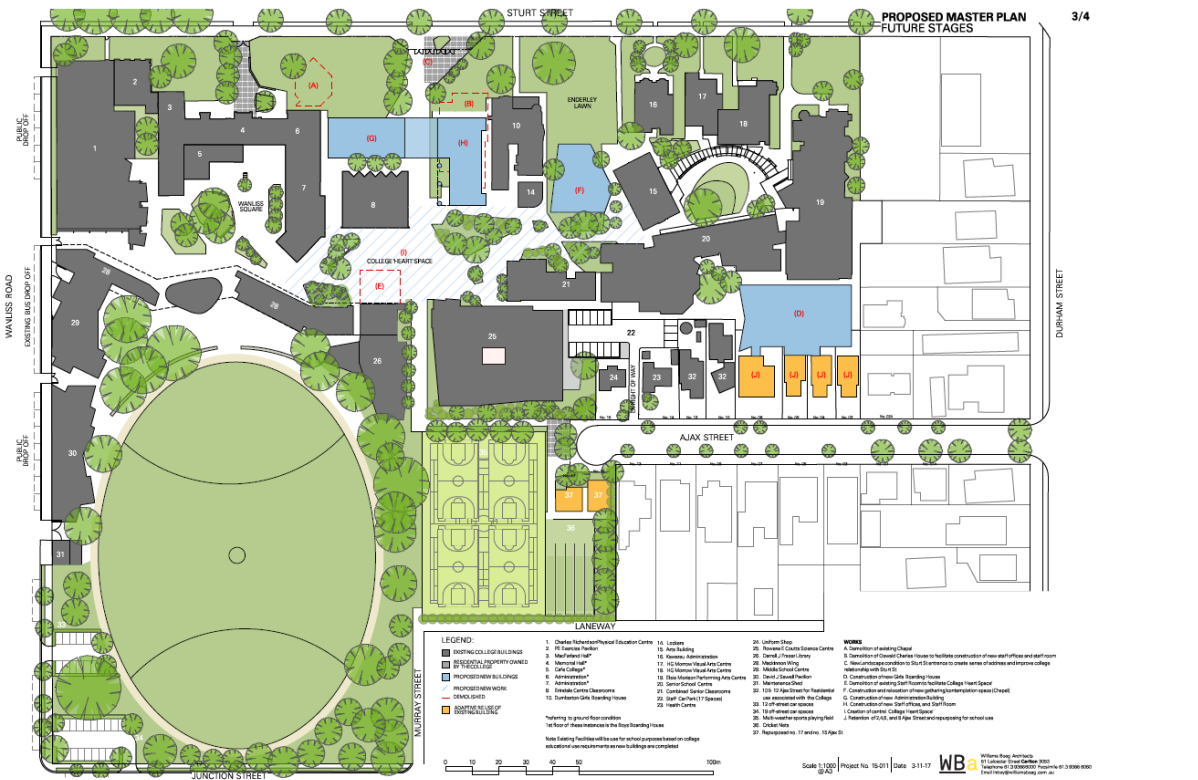


Figure 4: Future Stages Master Plan

### Proposed Amendment

Amendment C207 proposes to make the following changes to the Ballarat Planning Scheme:

- rezone all land within the Sturt Street Campus from a combination of Special Use Zone 5 (SUZ5) and General Residential Zone (GRZ1) to Special Use Zone 17 (SUZ17);
- amend planning scheme Map 22 to reflect new zoning;
- insert a new Schedule 17 – Ballarat Clarendon College Sturt Street Campus (SUZ17) to the Special Use Zone; and
- include the Ballarat Clarendon College Sturt Street Campus Master Plan 2017-2030 (Master Plan) as a reference document.

The Special Use Zone is considered the most appropriate zone for a private education establishment, and a new schedule to the zone will be tailored to allow use and development of the land for education and ancillary purposes in accordance with the approved Master Plan.

The preparation of the Master Plan and site specific SUZ for Ballarat Clarendon College will provide a level of strategic certainty to the school, community and Council of the future plans for the school. The rezoning of all the school land to a Special Use Zone and the preparation of a site-specific schedule is also supported as it will ensure that the school is in one zone and is responsive to the unique land use and development requirements of The College. It also allows the Master Plan to be referenced in the planning scheme.

### Planning Permit Application PLP/2017/444

The Planning Permit proposes to implement Stage 1 of the Ballarat and Clarendon College Masterplan, as detailed above.

The Master Plan, Planning Report, Landscape Plans and Elevation Plans are attached to this report (Attachments 1 to 4). Supporting documentation including a Traffic Impact Assessment, Traffic Management Plan, Heritage Assessment and Acoustic Report have also been submitted as part of the application.

The draft Planning Permit will be publicly exhibited as part of the combined Planning Scheme Amendment process under the provisions of section 96A of the *Planning and Environment Act 1987*. A copy of the draft Planning Permit is attached to this Report (Attachment 5).

### Feedback from internal stakeholders

The proposal has been informally referred to internal stakeholders.

The following feedback from internal Council referrals was provided. A response to how any issues raised will be addressed is detailed below.

### **Landscaping/Public Open Space**

- Avenue Street tree planting is not shown within the road reserve and retaining and enhancing the existing avenue with new tree plantings are critical to the continuity of the Sturt Street streetscape.
  - The landscape masterplan indicates new paving extending into the public footpath to the back of kerb. Council streetscape policies and practices do not support this. The existing footpath material must be retained across the entire frontage for continuity within the public domain.
  - A proposed garden bed as part of the new entry appears to extend beyond the building line into the footpath. This will need to be pulled back so it does not extend into the footpath for accessibility reasons.
  - Redundant crossovers over the bluestone channel in Sturt Street will need to be identified, rationalised and removed as part of the works.
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**Response:**

The draft planning permit includes a permit condition to submit more detailed landscape plans to address these issues.

**Design and Survey**

Vehicle crossing required to be constructed to Council requirements and standards. Vehicle crossing works require an issued vehicle crossing permit before any crossing works commence.

**Response:**

The draft planning permit includes these requirements as a note.

**Traffic**

- Car parking is set out and constructed in conformance with Clause 52.06-8 design standards for car parking.
- The College develops and implements a traffic & car park management plan which is to be periodically reviewed in line with the Traffic Consultant's recommendations.

Traffic has also provided advice on the proposed road discontinuance and pedestrian easement. As discussed previously this aspect of the proposal will be considered separately through the Application for a Road Discontinuance.

**Response:**

The draft planning permit includes these recommendations as conditions on the planning permit.

**Engineering**

The Traffic Impact Assessment submitted shows service vehicles needing to undertake a 3 point turn maneuver at the end of Ajax Street. These maneuvers are contrary to the Councils waste collection requirements and therefore the proposed court bowl should be suitably dimensioned to allow for a continuous movement for service vehicles.

Due consideration needs to be given to how existing infrastructure might be combined with future infrastructure and any drainage functionality must be protected.

**Response:**

Both of these aspects will be addressed via a permit condition in the planning permit.

**Heritage****Heritage Advisor Comments**

- From a heritage perspective the main issue is the loss of three contributory buildings, which will have an incremental impact on the heritage precinct.
  - If the contributory buildings are removed consideration should be given to relocating and adapting the buildings within Clarendon College campuses with due consideration to further impacts on heritage settings. The College has already considered the relocation of the buildings off-site and further clarification is required on how they propose to carry this out.
  - The proposed vehicle turnaround at the head of Ajax Street, as currently configured, will have a detrimental impact on the setting of the contributory buildings that are being retained.
  - Introducing car parking at the corner of Junction Street and Wanliss Road will have a detrimental impact on the setting of the oval and college buildings and on the mature trees and adjacent streetscapes.
  - There is some concern about the potential impact of the new buildings proposed in the Master Plan on the setting of the main college buildings. Therefore, to assist in the
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future development a Conservation Management Plan for the whole campus should be undertaken and a heritage impact assessment undertaken for each of the new building locations being proposed.

### Response

The current proposal results in the loss of three contributory buildings along Ajax Street. In order to minimise the impact on the setting of no. 15 and no.17 Ajax Street it is recommended that relocation of the court bowl to the north side of the street and the draft planning permit includes this as a condition of permit.

To minimise the impact of a new carpark at the corner of Junction Street and Wanliss Road on the setting of the oval and college buildings and on the mature trees and adjacent streetscapes, additional landscaping is required. The draft planning permit includes a permit condition to submit detailed landscape plans to address this issue.

The removal of the sport pitches and the front addition of the boarding house will improve the setting of the Sturt Street frontage. However, to ensure the setting of the heritage buildings aren't compromised by the proposed future development the requirement for a conservation management plan is warranted and it is recommended that this be a planning permit condition.

The Masterplan includes retaining and repurposing the dwellings at 2, 4, 6, 8 Ajax Street for school use.

Including the Master Plan as a reference document in the Planning Scheme will establish a firm boundary for the school Campus.

### Specific Considerations

The proposal aims to balance the future use and development needs of Ballarat Clarendon College with an acceptable impact on neighbourhood amenity, character and heritage. A number of issues have been identified and addressed by the Applicant in the development of the proposal as discussed below.

#### *Certainty about the campus boundary*

The proposed rezoning of all land owned by the College to SUZ17 and establishment of a firm campus boundary through this rezoning and inclusion of the Master Plan as a reference document will provide certainty to the school and community regarding future growth of the school. Any future changes to the school boundary would require a planning scheme amendment.

#### *Inadequate outdoor sports facilities*

The Colleges vision for outdoor sport is for an innovative educational program to address the issues of childhood obesity and low physical activity levels. Addressing childhood obesity and low physical activity levels is proposed to be a constant theme and driver for the implementation of restructured Co-curricular and Health and Physical Education program at the College.

Currently the College has 1.4 hectares of open space which equates to 14 square metres of open space per student. This is one of the lowest provisions of open space for schools within Ballarat (see Table 1 below), and it is also lower than the State Government's recommended 2.2 hectares of open space to be provided for secondary schools (*Building Quality Standards Handbook, Department of Education May 2017*).

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The proposed addition of the multi- purpose sports field will increase the area of open space to 1.7 hectares. At current student numbers this will result in 17 square metres per student, which is still under the recommended area of 2.2 hectares. By 2030, when student numbers have increased, this provision will again be 14 square meters per student. Without the provision of the additional open space the College will be unable to provide the level of open space that they currently provide. On this basis, at full capacity in 2030, the proposal will maintain the current open space provision per student.

SCHOOL	STUDENTS (2016)	OPEN SPACE (Ha)	OPEN SPACE / STUDENT (sqm)
Clarendon College	985	1.4	14
St Patricks	1376	6	44
Ballarat High School	1394	8	57
Ballarat Grammar	1386	5.4	39
Damascus College	1029	1.7	17
Loretto	895	0.6	7
<b>MULTI-PURPOSE SPORTS FIELD</b>			
	<b>STUDENTS (2018)</b>	<b>OPEN SPACE (Ha)</b>	<b>OPEN SPACE (sqm)</b>
Clarendon College	985	1.7	17
	<b>STUDENTS (2030)</b>	<b>OPEN SPACE (Ha)</b>	<b>OPEN SPACE (sqm)</b>
Clarendon College	1200	1.7	14

Table 1: Areas of Open Space Provision Ballarat Secondary Schools (SED Consulting)

The size, location, condition and configuration of the existing tennis courts results in limited opportunities for outdoor recreational activities for students. The College has given consideration to a range of alternative designs to accommodate the additional open space facilities on the current campus. The College has also considered the feasibility of utilising facilities off-site and has determined that for logistical and student safety reasons that this is not feasible. The proposal includes what it considers to be the smallest, lowest impact, functional facility that is co-located with other sporting facilities onsite. The proposed location also allows the school to demolish the existing courts and improve the frontage of the campus to Sturt Street.

#### Heritage protection

Prior to the final Heritage Advisor comments the applicant was asked to consider a less impactful scheme by reducing the footprint of the multi-purpose sports playing fields to keep the existing dwellings along the south side of Ajax Street but allowing development behind. This would require the removal of the contributory building on Murray Street and the relocation of 23 Ajax Street to the site of the non-contributory building at No. 19 Ajax Street. Three pitches and the cricket nets could then be accommodated. If the cricket nets were retained in their existing position and alternatives were found for car parking provision then 4 pitches could be accommodated in a different configuration.

The applicant considered these options but stated that the 4 multi-purpose pitches in the configuration proposed was necessary as an alternate layout would have significant implications on the design outcomes identified for the campus as they will:

- *result in school traffic accessing Murray St, the laneway and Ajax St which goes against the principle of removing school related traffic from local residential roads. This is a key outcome for local residents;*
- *impact the functionality of the multi-purpose sports field as the Master Plan design provides the most compact dimensions for the fields to achieve the outcomes required;*

- *not support better integration of multipurpose sports facilities on the campus with other school facilities;*
- *not support the functional activation of heritage dwellings for adaptive reuse by the College on the southern side of Ajax St; and*
- *not support the improvement of the Wanliss Rd street interface.*

Whilst it is considered that the removal of the contributory heritage buildings and the placement of the court bowl within the setbacks of no.15 and no. 17 Ajax is a heritage loss and will have an incremental effect on the heritage precinct of Ajax Street, this needs to be balanced against the demand for additional open space for The College and the limited options to provide this on campus.

The proposal also includes improved presentation of the campus to Sturt Street including the removal of two sports pitches and associated cyclone fencing and the demolition of an existing flat and carport at the front of the girls boarding house. These were later additions to the Campus, poorly designed and poorly sited within the setback to Sturt Street and their removal will improve the setting of the College's main historic buildings.

#### Access to the campus and parking

The proposal aims to resolve issues relating to traffic movement and parking associated with the campus, by providing onsite parking for staff and a traffic management plan. It is proposed to remove the pedestrian access to the campus from the south from Ajax Street. Whilst the removal of the pedestrian easement will be dealt with through a separate process, the retention of the pedestrian access for students and staff should remain from Ajax to ensure that pedestrians who are attending the campus can access the site from the south. This will be a permit condition.

## **LEGISLATION, COUNCIL PLAN, STRATEGY AND POLICY IMPLICATIONS**

### **State Planning Policy Framework (SPPF)**

- *Clause 11.07-1 Regional planning* states that settlements should be strengthened by ensuring that community facilities and services are concentrated in central locations.
- *Clause 15.01-1 Urban design* states that new development or redevelopment should contribute to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
- *Clause 18.01-1 Land use and transport planning* states that coordinating improvements to public transport, walking and cycling networks are required with the ongoing development and redevelopment of the urban area.
- *Clause 19.02-2 Education facilities* states that education facilities need to be integrated into local and regional communities. In planning for education facilities, consideration should include existing and future demand requirements, and the integration of facilities into communities.

### **Local Planning Policy Framework (LPPF)**

- *Clause 21.01-1 Municipal Context* identifies education as a key attractor to Ballarat, strengthening its role as a regional centre.
  - *Clause 21.01-2 Community Vision* includes the availability of excellent facilities and services as part of the community vision for Ballarat by 2040.
  - *Clause 21.06-2 Heritage* seeks to discourage the demolition of buildings and other elements of identified local, state and national heritage significance. It also seeks to ensure alterations to heritage places are carried out in a sympathetic manner with consideration to the 'Burra Charter'.
-

- *Clause 21.06-2 Heritage Implementation* states that the strategies will be implemented by ensuring permits for demolition of significant elements of a building are only granted where a permit has already been granted for the development of the land or where Council is satisfied it is required to achieve wider strategic objectives.
- *Clause 21.07-1 Economic growth* encourages the co-location of education in close proximity to the CBD to strengthen Ballarat's competitive and innovative capacity and its role in Western Victoria as a centre of knowledge, innovation and research.
- *Clause 21.07-2 Regionally significant precincts* identifies the Sturt Street Education Cluster as regionally significant with a strategic direction to facilitate ongoing expansion of high quality education services for Ballarat and Western Victoria through being responsive to the individual needs and aspirations of schools and tertiary institutions.
- *Clause 21.07-8 Regionally significant precincts implementation* states that strategies related to economic development will be implemented by (among others) working with education facility providers to plan for the provision of new facilities and the expansion of existing education facilities.

### **Today, Tomorrow, Together: The Ballarat Strategy (2015)**

The preparation of a masterplan and site-specific zoning for the long-term development of the Clarendon College Sturt Street Campus is considered to support the '10-minute City' which is a key principle of the Ballarat Strategy and the MSS. An initiative of the Ballarat Strategy is to work with schools to expand and better integrate their campuses with the urban fabric, facilitate ongoing expansion of high quality education services for Ballarat and Western Victoria being responsive to the individual needs and aspirations of schools and tertiary institutions. The strategy states-

*"Education is the foundation for innovation. Schools and institutions are crucial parts of the urban fabric and can service dual roles of education and acting as hubs of community life and activity. Many are limited by space, and opportunities need to be explored for expansion within established areas. Ballarat as a whole is a key regional centre for education and schooling excellence.*

*Ballarat Strategy addresses the key land use opportunities to ensure Ballarat moves towards a more vibrant education city of the future. Council will work with individual education sites and institutions to better understand their long-term aspirations and provide support where possible to better integrate those institutions to better understand their long-term aspirations and provide support where possible to better integrate those institutions into the built form and cultural fabric of the city."*

### **Our People, Culture and Place A Plan to Sustain Ballarat's Heritage 2017-2030**

Key Objectives of the Heritage Plan that are of relevance to this proposal include:

- *Ensure Ballarat is an adaptable, culturally vibrant, sustainable and appealing place that makes the most of our city's highly valued heritage.*
- *Ensure heritage is recognised as a key point of difference for Ballarat and is a priority in planning and decision-making and promoted through values-driven planning.*
- *Provide support, guidance and inspiration to developers, designers, property owners, tenants and businesses, recognising the significant role they play in conserving Ballarat's distinctive identity and its future. "*

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**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>	Yes	Yes
<b>Financial/ Resources</b>	Yes	No
<b>Risk Management</b>	No	No
<b>Implementation and Marketing</b>	No	No
<b>Evaluation and Review</b>	No	No

**Human Rights** - The Application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* and the Ballarat Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006*. Specifically:

- Freedom of Expression (part 2 section 15);
- A fair hearing (part 2 section 24);
- Entitlement to participate to public life (part 2 section 18); and
- Property Rights (part 2 section 20).

**Social/Cultural** - The amendment supports the future use and development of the Ballarat Clarendon College Sturt Street Campus as key educational facility in the Ballarat Education Cluster, which ensures the ongoing social and cultural contribution of the college to the Ballarat community and the region. The proposed facilities and improvements identified in the Master Plan will be an important addition to an already established education institution and secure the future of the school in its current location within Ballarat.

**Economic** – Ballarat and Clarendon College is a significant contributor to the local economy and the amendment will support the growth and future operations of the college to benefit the economic well-being of the community and support future local employment.

**Financial/Resources** – As the amendment has been requested by Ballarat Clarendon College all costs associated with the amendment including panel cost will be borne by Ballarat Clarendon College.

**CONSULTATION**

There has been some consultation by the proponent with the surrounding community relation to the Master Plan. This included two community information sessions on the draft master plan and one-on-one meetings (see Attachment 3). Through the combined Amendment C207 and Planning Permit process, a formal public exhibition period will take place.

**OFFICER DECLARATIONS OF INTEREST**

As CEO I Justine Linley declare that I have an indirect interest in this matter as my daughter is a recent past student of the college.

As Director Development and Planning, I Angelique Lush declare that I have an indirect interest in this matter as one of my children is a current student of the college.

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

## **ATTACHMENTS**

1. Attachment 1 a Clarendon College Masterplan **[9.1.1]**
2. Attachment 1 b Masterplan Drawings Stage One Works **[9.1.2]**
3. Attachment 1 c Masterplan Drawings Future Stages **[9.1.3]**
4. Attachment 1 d Final Masterplan **[9.1.4]**
5. Attachment 1 e Masterplan Existing Conditions **[9.1.5]**
6. Attachment 2 Masterplan Landscape Plans **[9.1.6]**
7. Attachment 3 Planning Report **[9.1.7]**
8. Attachment 4 a Sturt Street and Junctions Street Elevations **[9.1.8]**
9. Attachment 4 b Ajax Street Elevations **[9.1.9]**
10. Attachment 5 Draft Planning Permit PLP 2017 444 **[9.1.10]**
11. Attachment 6 a Zoning Map **[9.1.11]**
12. Attachment 6 b Special Use Zone Schedule 17 **[9.1.12]**

## 9.2. LISBON ICC CONFERENCE

**Division:** Community Development  
**Director:** Neville Ivey  
**Author/Position:** Jenny Fink - Executive Manager Learning and Community Hubs

### OFFICER RECOMMENDATION

**Council resolves to:**

- 1. That Council receives the report from the Executive Manager Learning and Community Hubs**

### EXECUTIVE SUMMARY

In November 2017, Council sent a representative to the Intercultural Cities Conference in Lisbon, Portugal. The conference celebrated the 10-year anniversary of the Council of Europe's Intercultural Cities Program. The Intercultural cities programme (ICC) supports cities in reviewing their policies through an intercultural lens. Developing comprehensive intercultural strategies to help them manage diversity positively and realise the diversity advantage.

The theme of the conference was *Urban policies for inclusive migrant integration and diversity advantage*. A copy of the agenda is attached to this report.

The Council of Europe contributed €1,500 (AU\$2,200) towards travel and accommodation expenses. The total cost to Council for an officer to attend the conference was **\$526**.

In 2016 the City of Ballarat became the first Council in Australia to receive accreditation as an Intercultural City and as such, has set the benchmark for Australian local government. The Cities of Maribyrnong, Melton and Brimbank in Victoria, and Logan in Queensland are currently working through the process of accreditation.

Australia is one of the most culturally diverse countries in the world:

- 49% of our population was born overseas
- We speak over 300 languages
- We practise over 100 religions
- We are made up of over 200 nationalities
- We have over 330 ancestries

If we look at Ballarat with an intercultural lens:

- 11% of our population was born overseas
- We speak 61 languages
- We practise 36 religions
- We are made up of 89 nationalities
- We have over 219 ancestries

Ballarat achieved ICC status because of Council's commitment to interculturalism. Interculturalism builds upon multiculturalism and is about creating a society for the long term - not just welcoming migrants and refugees into a community but preparing the community for arrival and then creating structures, over time, for full inclusion and participation.

## **RATIONALE**

The Council of Europe's Intercultural Cities Conference milestone event was held in Lisbon from 28 to 30 November 2017. The conference celebrated 10 years of inclusive integration and the theme was *Urban policies for migrant integration and diversity advantage*.

270 people of 31 nationalities, including Mayors, Deputy Mayors, State authorities, academics, intercultural experts and non-government organisations participated in the event.

The agenda of the conference focused on participating cities sharing their vision and understanding of intercultural integration. This included practical experience in diversity management of employment, business, education, community safety and urban planning. Discussion around anti-rumours training was also featured as part of the conference. Anti-rumours training is a Council of Europe initiative that contradicts uninformed ideas and judgements about immigrants, asylum seekers and refugees and combats discrimination. The City of Ballarat's Cultural Diversity unit has permission to use this program and is currently exploring funding that would enable the program to be rolled out in Ballarat.

Participants of the conference discussed and agreed on an expanded ICC policy model for the decade ahead, and committed to strengthen work for policy innovation, particularly in the fields of participatory democracy, active urban citizenship, human rights and non-discrimination, LGBTIQ rights, anti-rumours, and inclusive integration. These issues are recognised as useful mechanisms to counter inflammatory rhetoric and populism while promoting cohesion, trust in government, welfare and wellbeing.

The City of Ballarat's Executive Manager of Learning and Diversity, Jenny Fink was able to present on the CEEP (Culturally and Linguistically Diverse Employment, Education Pathways) program as an example of Australian best practice. This program has attracted a great deal of national and international interest and several ICC countries are now following this model with their own citizens.

Ballarat is recognised by the Intercultural Cities Program as having good/best practice in relation to Harmony Fest and the Multicultural Ambassadors program. We have also been asked to provide a further good practice example to the ICC network in relation to our Intercultural Gala dinner.

Ballarat's participation in the Intercultural Cities network and regular participation at conferences such as this one, builds knowledge, capabilities and exposes us to best practice examples and programs that we can use in this country. Ballarat is also showing leadership within local government of adopting inclusive, intercultural practice.

The City of Ballarat faces now, and into the future many of the same issues European cities grapple with, particularly in the areas of racism, community safety, employment and overarching Government immigration policy. Intercultural practice helps to bridge social capital in our community by:

- Building on the foundations of multiculturalism
- Respecting difference

- Acting at every opportunity to bring people of different culture, language and faith together
- Reducing the risk and opportunity for divisive politics
- Building relationships

The Intercultural Cities network is expected to expand to approximately 11 cities in the Asia Pacific region in the next year, which will give the City of Ballarat an opportunity to increase our own ICC network in Australia and with the neighbouring country of New Zealand.

The networks are open to staff and elected members throughout Council and include: economic development, community mediation, youth work, libraries, sport, parks and leisure, urban and social planning. The Council of Europe will partially cover expenses for the City of Ballarat to participate in an international conference on an annual basis.

## 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>	Yes	Yes
<b>Financial/Resources</b>	Yes	Yes`
<b>Risk Management</b>	No	No
<b>Implementation and Marketing</b>	No	No
<b>Evaluation and Review</b>	Yes	Yes

**Human Rights** – The Intercultural Cities network has a strong human rights focus. The Intercultural cities programme supports cities in reviewing their policies through an intercultural lens and developing comprehensive intercultural strategies to help them manage diversity positively and realise the diversity advantage. This report does not impact on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**Social/Cultural** – Attendance at the conference has given Council access to international programs and practices that assist with successful settlement of migrants, asylum seekers and refugees.

**Economic** – The diversity ‘advantage’ brings significant economic benefits to the Ballarat Community: in areas from tourism, education, business and global linkages to the less definable, but nonetheless important, assets of general community vibrancy, resilience and adaptability.

**Financial/Resources** – The Council of Europe contributed €1,500 (AU\$2,200) towards travel and accommodation expenses. The total cost to council for an officer to attend the conference was **\$526**. These expenses were taken from the current Cultural Diversity – cultural partnerships budget.



Item	Amount
Airfare (economy)	\$1,316
Accommodation and meals	\$1,131
Insurances	\$244
Transfers	\$35
<b>Total</b>	<b>\$2,726</b>
Council of Europe contribution	-\$2,200
<b>Cost to Council`</b>	<b>\$526</b>

**Evaluation and Review** – This report follows up on a previous Council report on this subject and gives an overview of the Intercultural Cities Conference attended by the Executive Manager of Learning and Community Hubs in Lisbon from 28-30 November 2017.

#### **OFFICERS DECLARATIONS OF INTEREST**

As the responsible manager, I have a direct interest in this Report. The nature of the interest is that I am responsible for the Cultural Diversity unit in Council and had input into the ICC accreditation and attended the ICC conference in Lisbon, 2017

#### **ATTACHMENTS**

1. ICC Coordinators Meeting Lisbon 2017 Agenda **[9.2.1]**
2. ICC Milestone event Lisbon 2017 Conference Agenda **[9.2.2]**

**9.3. RECOMMENDATION OF ARTWORK FOR NORTH GARDENS, LAKE WENDOUREE  
INDIGENOUS SCULPTURE PARK**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Kate Gerritsen - Public Art Coordinator

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

- **Accept the Public Art Advisory Committee recommendation for commission of the proposed artwork at North Gardens wetlands, Lake Wendouree**

**EXECUTIVE SUMMARY**

On 22 November 2017, Council adopted the Lake Wendouree Masterplan a strategic 20- year vision for the Lake and environs (R430/17). The Masterplan includes a recommendation to implement a sculpture park featuring the work of Aboriginal and Torres Straight Island Artists into the North Gardens wetlands as a method of identifying and educating the community about the significance of the Lake to the Wadawurrung and the Ballarat Indigenous community. Council's Public Art Advisory Committee has recently completed a selection process for the first sculpture proposed for commission at the North Gardens wetlands site.

**RATIONALE**

The North Gardens Indigenous Sculpture Park project has been developed by the City of Ballarat in consultation with Wadawurrung Traditional Owners and local Aboriginal representatives.

Ballarat has been a gathering place for Aboriginal people in south eastern Australia for centuries. The wetlands around Lake Wendouree have been identified as a specific location where gatherings have taken place. Subsequently, indigenous plantings have been a strong feature of the areas landscape design, which will be further supported by this \$90,000 public art project, provided from Council's Public Art budget.

Council officers are working with an Indigenous landscape design team to consult with Wadawurrung Elders and commission new landscape design elements and contemporary sculptures created by South East Australian Aboriginal artists for the wetlands area. The first artwork commission was designated for a Wadawurrung artist in order to respect and showcase the Traditional Owners of Ballarat, the Wadawurrung people. The artwork will provide cultural interpretation using a contemporary narrative and will retain the existing natural values of the site.

North Gardens could become a place for education, ceremony, tanderrum, storytelling, skills development or demonstration, and contemplation. A website and other digital platforms will be considered alongside sculpture and landscape elements as an educational, visitor experience guide.

Council's Public Art Advisory Committee (PAAC) considered and endorsed the proposal at its 5 February 2018 meeting.

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If approved, the artwork is scheduled for instalment in November 2018.

## 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	Yes
<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 report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**Social/Cultural** – The project has considered the unique relationship that Wadawurrung traditional owners have to the area and seeks to respectfully represent Wadawurrung values and those of other Aboriginal and Torres Strait islander community members.

**Environmental/Sustainability** – The artwork will have little environmental impact and has a lifespan of 25+ years.

**Economic** – The initial commission is funded through Council's Public Art budget. The ongoing project will seek external funding and has potential economic impact as a tourism and educational resource.

**Financial/Resources** – The \$90,000 project is within the allocated Public Art budget.

**Risk Management** – The proposed artist has identified risks and risk mitigation in response to the artist brief. Reputational risk has been minimised through extensive community engagement.

**Implementation and Marketing** – The project will be complete in line with the Sculpture Park landscape design project in 2018. The project is ongoing and future artworks are anticipated for commission over 10 years.

**Evaluation and Review** – The project will be reviewed and evaluated by the City of Ballarat and Deakin University researchers.

## **CONSULTATION**

The Lake Wendouree Masterplan which included an extended period of consultation, recommends development of a sculpture park featuring the work of Aboriginal and Torres Straight Island Artists. This recommendation was supported as a key project.

Council Officers have worked closely with the community to develop the overall concepts for the North Gardens Indigenous Sculpture Park.

Wadawurrung Community Members have met onsite with landscape design consultants and Council Officers to discuss the project. Officers have also consistently consulted with Council's Koori Engagement Action Group over the past three years.

## **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**

Submission documents in confidential agenda

## **ATTACHMENTS**

Nil

#### 9.4. AMENDMENT TO TERMS OF REFERENCE - AUDIT ADVISORY COMMITTEE

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Lorraine Sendall - Executive Assistant, Director Business Services

#### OFFICER RECOMMENDATION

Council resolves to:

1. Adopt the amended Terms of Reference for the Audit Advisory Committee.

#### EXECUTIVE SUMMARY

This report seeks Council's endorsement for an amended Terms of Reference for the Audit Advisory Committee.

#### RATIONALE

The Terms of Reference for the Audit Advisory Committee has not been reviewed since 2010.

The Audit Advisory Committee, at its meeting held on 21 February 2018 reviewed the Terms of Reference and endorsed the revised Terms of Reference. When amending the Terms of Reference, the Office of Local Government 'Audit Committees: A Guide to Good Practice for Local Government' was considered.

It is now necessary for Council to adopt the Terms of Reference for the Audit Advisory Committee 2018.

#### 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>	No	No
<b>Risk Management</b>	No	No
<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*.

## **CONSULTATION**

Audit Advisory Committee

## **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**

- Audit Advisory Committee Terms of Reference 2010
- A Guide to Good Practice for Local Government

## **ATTACHMENTS**

1. DRAFT Audit Advisory Committee TOR **[9.4.1]**

**9.5. AUDIT ADVISORY COMMITTEE MEETING - 21 FEBRUARY 2018**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Lorraine Sendall - Executive Assistant, Director Business Services

**OFFICER RECOMMENDATION**

**Council resolves to:**

- 1. Endorse the minutes of the Audit Advisory Committee of 21 February, 2018 and adopt the resolutions made therein.**

**EXECUTIVE SUMMARY**

This Report provides Council with the Minutes of the meeting of Council's Audit Advisory Committee (the Committee) held on 21 February, 2018.

**RATIONALE**

The Committee Terms of Reference state:

*"The Audit Committee shall after every meeting forward the minutes of that meeting to the next ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes."*

This Report provides the full Agenda and Attachments of the Committee as a Confidential Attachment. The items considered by the Committee at this meeting were as follows:

AC569	Pitcher Partners – Internal Audit Report – Landfill Management
AC570	Victorian Auditor General's Office – Results of 2016/17 Audits: Local Government
AC571	Draft – Internal Audit Charter / Terms of Reference
AC572	Tenders – Local Content
AC573	Safety, Risk and Compliance
AC574	Matrix of Outstanding Items

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

- *Charter of Human Rights and Responsibilities Act 2006;*
- *Local Government Act 1989;*
- City of Ballarat Council Plan 2017-2021; and
- Audit Advisory Committee Terms of Reference.

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**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>	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*.

**Social/Cultural** - The inclusion of the Minutes in the Council Agenda and the availability to the public will increase awareness of the activities of the Committee and could increase community involvement in decision making at Council.

**Financial/Resources** - As contained with the Confidential Attachment Report.

**Risk Management** - As contained with the Confidential Attachment Report.

**OFFICERS DECLARATION OF INTEREST**

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

**ATTACHMENTS**

1. Minutes Audit Committee 21 February 2018 **[9.5.1]**

Note: The agenda for the Audit Advisory Committee is attached as a confidential attachment.



**9.6. ADOPTION OF REVISED CITY OF BALLARAT PROCUREMENT POLICY (VERSION 7)**

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

**OFFICER RECOMMENDATION**

**Council resolves to:**

**1. Adopt the revised Procurement Policy (Version 7.0)****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 has been undertaken and subsequent amendments made pursuant to the *Local Government Act 1989*.

**RATIONALE**

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

1. Clause 8.1 Updated - Thresholds (also Clauses 9.3.2 and 9.3.3)
  - Requirement for three written quotes - threshold raised from \$15,000 to \$25,000 (inc GST)
  - Requirement for one written quote for purchases over \$5,000 up to \$25,000 (three verbal quotes deleted)
2. Clause 10.1.1 added - Occupational Health & Safety (OH&S)
  - Occupational Health & Safety Schedule updated to ensure a fair and impartial evaluation of compliance. Weightings added for each question (refer Appendix 3)
3. Clause 10.2 updated to include process for evaluation of Occupational Health & Safety
4. Definitions – Added definition of Emergency

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

As required by Section 186A (7) of the *Local Government Act 1989* (the Act), a review has been undertaken on the Ballarat City Council's Procurement Policy. This review took specific account of the following issues:

- Quotation accountability
- Evaluation requirements
- Victoria Local Government Best Practice Procurement Guidelines 2013
- *Charter of Human Rights and Responsibilities Act 2006*;
- *Local Government Act 1989*; and
- City of Ballarat Council Plan 2017-2021.

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**REPORTING AND COMPLIANCE STATEMENTS**

<b>Implications</b>	<b>Considered in Report?</b>	<b>Implications Identified?</b>
<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 V 7.2 Final **[9.6.1]**

**9.7. ROAD DISCONTINUANCE - UNUSED ROAD IN GOLDEN POINT**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Lani Smith - Place Names Officer

**OFFICER RECOMMENDATION**

**Council resolves to:**

- 1. Endorse the road reserve discontinuance of Crown Allotment 2088 Parish of Ballarat.**

**EXECUTIVE SUMMARY**

Pursuant to Schedule 10, section 206, and in accordance with Section 223 of the *Local Government Act 1989*, Council has the power to discontinue roads.

Council recently received a request to discontinue an unused area of land that was originally set aside as road. The request was received as there is a desire to purchase the land area given that the road is unused. The subject road reserve area is highlighted by hatching on the attachment to this report and is described as Crown Allotment 2088 Township of Ballarat East, Parish of Ballarat, a section of unused road reserve which transverses off Brittain Street in Golden Point.

Prior to initiating the process of a road closure, consultation occurred with the Executive Manager Infrastructure and Assets and officers responsible for management of Council roads to determine if the road was reasonably required for use. No objection was raised to the discontinuance of the unused road area and therefore a public notice calling for submissions to be considered in accordance with Section 223 of the *Local Government Act 1989* was placed in the Courier on Saturday 20 January with submissions closing on Monday 19 February (see attachment). No submissions were received during this period. Should Council endorse the proposal to discontinue this road reserve, a gazette notice will be placed in the Victorian Government Gazette advising the resultant land area will be sold by the Crown to an interested party. The Gazette notice will stipulate that any right, power or interest held by Central Highlands Water in relation to any sewers, drains or pipes under its authority will remain.

Road reserves that were created prior to 1988 become unalienated Crown land once their road reservation status is extinguished, meaning in this case that the resultant land area would be sold by the Department of Environment, Land, Water and Planning. Council does not derive financial benefit through the discontinuance and sale of these types of older government roads.

**RATIONALE**

The road reserve is deemed no longer reasonably required for use, having been unused as a road for many decades. The abutting property owner has no objection to the proposed discontinuance and has provided written confirmation. Should the road discontinuance be approved the resultant land area will be sold by DELWP to an interested party. Recommendation is therefore to support discontinuance of the road reserve status.

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## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- *Road Management Act 2004*
- *Local Government Act 1989*

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	No
<b>Social/Cultural</b>	Yes	No
<b>Environmental/Sustainability</b>	Yes	No
<b>Economic</b>	Yes	Yes
<b>Financial/Resources</b>	Yes	No
<b>Risk Management</b>	Yes	No
<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*.

**Economic** – The sale and subsequent purchase of surplus land allows for development which in turn contributes to the economic growth of Ballarat.

## CONSULTATION

Both external and internal consultation has taken place. The Executive Manager, Infrastructure and Assets, Council's Traffic Coordinator and Manager of Roads were consulted. No objections were raised to the discontinuance. A public consultation process was conducted in accordance with Section 223 of the *Local Government Act 1989*, again no objections were raised and no submissions made. A letter of approval from the abutting property owner has been received by the applicant and Council.

## 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

1. Notice Board 20-01-2018 T 82 [9.7.1]

**9.8. DEREGISTRATION OF MADE**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Jeff Johnson - Executive Manager Events and the Arts

**OFFICER RECOMMENDATION**

**Council resolves to:**

- 1. Authorise the City of Ballarat Chief Executive Officer to sign the Special Resolution of Member to formally deregister the company, Museum of Australian Democracy at Eureka (MADE).**

**EXECUTIVE SUMMARY**

The Company, MADE, requires the approval of the Member to the deregistration of the Company and the subsequent lodgement of ASIC form 6010 (Application for voluntary deregistration of company).

Council, acting in its capacity as the sole member of MADE, is required to provide this approval.

**RATIONALE**

In line with Council's resolution (R43/18) regarding the future operation of M.A.D.E, the M.A.D.E. Board has requested Council's approval to be voluntarily deregistered. In order for this to be achieved the M.A.D.E. Board has confirmed that it:

- is no longer conducting a business;
- does not have any assets;
- does not have any outstanding liabilities;
- is not involved in any legal proceedings;
- has paid all fees and penalties payable to the Australia Securities and Investments Commission (**ASIC**); and
- has closed all bank accounts in the name of the Company.

Section 249B of the *Corporations Act 2001* (Cth) provides that:

*a company that has only 1 member may pass a resolution by the member recording it and signing the record.*

The recommended resolution before Council will provide consent to the Company to deregister, and to authorise it to complete and lodge ASIC form 6010.

**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	No
<b>Risk Management</b>	Yes	No
<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*.

**Financial/Resources** – There are no financial implications or burdens for Council by approving the recommended resolution.

**Risk Management** – There is no risk to Council by approving the recommended resolution, but it is a legal requirement to do so in order for the Company to voluntarily deregister.

**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. Deregistration MADE Form **[9.8.1]**

**9.9. COUNCILLOR EXPENSE ENTITLEMENTS POLICY**

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

**OFFICER RECOMMENDATION****Council resolve to:**

- 1. Adopt the revised Councillor Expenses Entitlement Policy 2018.**

**EXECUTIVE SUMMARY**

This report recommends that Council approves amendments to the Councillor Expenses Entitlement Policy.

The intent of the policy is to establish the extent of Councillor entitlements including the reimbursement of expenses incurred while performing duties as a Councillor.

Section 75B of the *Local Government Act 1989* provides that a Council must adopt and maintain a policy in relation to reimbursement of expenses of Councillors and members of Council committees.

**RATIONALE**

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

The Councillor Expenses Entitlement Policy has been developed to provide an overview of how Council can provide assistance and support to the Mayor and Councillors when conducting council business. The policy is a requirement of the *Local Government Act 1989*.

Items covered and outlined in the policy include:

- Traveling Expenses
- International and Interstate Travelling Expenses
- Professional Development
- Stationary
- Memberships
- Apparel
- Attendance by Spouse / Partner at functions
- Child Care Expenses
- Communication Expenses and
- General Expenses

This review reflects the shifting demands and requirements placed on Councillors and community expectations.

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Section 75B of the *Local Government Act 1989* provides that a Council must adopt and maintain a policy in relation to reimbursement of expenses of Councillors and members of Council committees.

The following changes to the policy are proposed:

- Minor typographical and insignificant changes.
- Clarity to policy principles.
- Clarity to interstate and international travel.
- Alignment of expense reporting to *Local Government (Planning and Reporting) Regulations 2014*.

Since the policy was reviewed and adopted in 2017 an organisational restructure has occurred and these business unit name changes are reflected in the policy.

Refined principles have been included in the policy to provide clarity to Councillors when making an expense claim including providing Councillors the opportunity to reimburse Council for any expenditure incurred for non-Council related business.

As part of their duties the Mayor and Councillors 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.

Guidelines for interstate and international travel have been modified to provide clarity on the approval of travel and appropriate classes of travel. Travel must be undertaken in the most cost-effective manner and all travel plans must consider appropriate Occupational Health and Safety requirements. It is proposed the Chief Executive Officer approve all interstate and international travel of Councillors.

All travel must be within budget and directly related to the Council Plan objectives and where travel is by flight outside of Australia, the standard form of travel will be premium economy class.

Reporting on Councillor Expenses is governed by the *Local Government (Planning and Reporting) Regulations 2014*, the proposed changes align to these regulations.

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

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



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**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	Yes
<b>Implementation and Marketing</b>	Yes	Yes
<b>Evaluation and Review</b>	Yes	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*.

**Financial/Resources** – Expenses incurred in line with the policy detailed are all part of the Councillor Support annual budget.

**Risk Management** – The *Local Government Act 1989* provides for the reimbursement of “necessary out of pocket expenses” incurred while performing duties as a Councillor, more specifically Sections 75, 75A, 75B and 75C. The *Local Government (Planning and Reporting) Regulations 2014* provide that Council must report on this expenses annually.

**Implementation and Marketing** – The policies once adopted will be added to the City of Ballarat website for public viewing.

**Evaluation and Review** – Review of the policy is scheduled for 2020 unless required sooner.

**CONSULTATION**

The Councillor Entitlement Expenses Policy has been reviewed by City of Ballarat Councillors.

**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. Councillor Expenses Entitlement Policy 2018 18042018 **[9.9.1]**

**9.10. OUTSTANDING QUESTIONS**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Sarah Anstis -Governance Administration 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 Local Law No. 18 – Meeting Procedure 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**

- City of Ballarat Local Law No. 18 – Meeting Procedure.

**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. QT14/18 and QT15/18 - Mr Paul Murphy **[9.10.1]**
2. Outstanding Question Time Items **[9.10.2]**

## **10. NOTICE OF MOTION**

I hereby give notice that at the Ordinary Meeting of Council on Wednesday 2<sup>nd</sup> May 2018, I will propose the following motion:

**That Council:**

- 1. Resolves to live stream all Ordinary and Special Council Meetings, with the exception of any matters considered in camera; and**
- 2. Requests that the Chief Executive Officer to make all arrangement that are necessary to commence the live streaming of Ordinary and Special Council Meetings as soon as practicable.**

**Cr Belinda Coates**

## **ATTACHMENTS**

1. Cr Coates Notice of Motion **[10.1.1]**

**11. URGENT BUSINESS**

**12. SECTION 89 (IN CAMERA)**

**9. OFFICER REPORTS – CONFIDENTIAL ATTACHMENTS**

**9.1. AUDIT ADVISORY COMMITTEE AGENDA – 21<sup>ST</sup> FEBRUARY 2018**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Lorraine Sendall – Executive Assistant, Director Business Services

(Any other matter which the Council or Special Committee considers would prejudice the Council)

**9.2. RECOMMENDATION OF ARTWORK FOR NORTH GARDENS LAKE WENDOUREE INDIGENOUS SCULPTURE PARK**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Kate Gerritsen – Public Art Coordinator

(Contractual matters)

**12. SECTION 89 (IN CAMERA)**

**12.1. FERNERY RECONSTRUCTION PROJECT 2**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Robert Siemensma – Project Manager

(Contractual matters)

**12.2. BALLARAT SPORTS AND EVENTS CENTRE MANAGEMENT RIGHTS**

**Division:** Community Development  
**Director:** Neville Ivey  
**Author/Position:** Neville Ivey – Director Community Development

(Contractual matters)

**12.3. INSURANCE TENDER**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Darren Whitford - Coordinator Risk and Compliance

#### **12.4. REGIONAL GROWTH FUND APPLICATIONS**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Phillip Barnett – Strategic Grants Officer

(Contractual matters)

#### **13. CLOSE**