



**Special Council Meeting**

**26 June 2019**

Council Chamber, Town Hall, Sturt Street, Ballarat

**AGENDA**

**Public Copy**

**NOTICE IS HEREBY GIVEN THAT A SPECIAL MEETING OF BALLARAT CITY COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 26 JUNE 2019 AT 7:00PM.**

**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.**

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## **AGENDA**

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**The next Ordinary Meeting of the Ballarat City Council will be held on Wednesday 3 July 2019.**

## 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. OFFICER REPORTS****4.1. ADOPTION OF 2019/20 BUDGET**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Glenn Kallio - Director Business Services

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

1. It has considered all submissions and presentations made to Council at its Special Meeting held on 19 June, 2019.
2. Pursuant to Section 130 of the *Local Government Act 1989*, to accept the Draft 2019/20 Budget and Strategic Resource Plan 2019/20 to 2022/23.
  - 2.1 Discloses that as at 30 June 2019 the total amount borrowed by Council is \$39.627 million
  - 2.2 Proposes that the total amount proposed to be borrowed during the financial year other than borrowings to refinance loans is \$10 million.
  - 2.3 Projects that \$3.910 million will be redeemed during the financial year;
  - 2.4 Projects that as at 30 June 2020 Council borrowings will total \$45.717 million.
  - 2.5 Projects that the cost of servicing the borrowings during the financial year will be \$2 million.
  - 2.6 Proposes that rates in the dollar for each type of rate to be levied for the 12 month period from 1 July 2019 to 30 June 2020 are:

TYPE OF RATE	RATE IN THE \$ ON CIV
Residential	0.003922 cents
Commercial	0.010658 cents
Industrial	0.011013 cents
Rural Residential	0.003428 cents
Farm	0.002809 cents
Recreation - 1	0.003273 cents
Recreation - 2	0.011195 cents

- 2.7 Proposes that no municipal charge be declared; and**
- 2.8 Proposes that a Service Charge of \$363.10 per service be levied for the 12 month period from 1 July 2019 to 30 June 2020 on residential and other permitted properties for the collection, removal and disposal of refuse and recyclables where the service is provided.**
- 2.9 Proposes that a Service Charge of \$70.30 per service be levied for the 12 month period from 1 July 2019 to 30 June 2020 for collection, removal and disposal of greenwaste on all residential properties with a detached house (including houses and granny flats and bungalows) on land sized between 250m<sup>2</sup> and 4,000m<sup>2</sup>, where the service is provided.**
- i) Properties eligible for a greenwaste service may apply for additional service(s) subject to approval by Council's Waste Services Unit. Any additional service(s) will be charged an additional Greenwaste Service Charge.**
  - ii) Properties that do not meet the criteria for a Greenwaste service may apply to opt into the service provided that the property is located on an existing collection route. Applications to opt in to such service will be subject to approval by Council's Waste Services Unit.**
- 3. In accordance with the provisions of section 171 of the *Local Government Act 1989*, Council will waive \$92.50 of the Rates levied for the 2019/20 on properties were the ratepayer:**
- a) Is an eligible recipient within the meaning of the *State Concessions Act 2004* and has qualified for a waiver under section 171(4) of the *Local Government Act*, and,**
  - b) Who lives alone in their own home and is solely responsible for the payment of rates and charges on that property.**

**The objective of this waiver is to provide assistance to Pensioners who are the sole ratepayer and are recipients of the pension.**

- 4. In accordance with the provisions of section 171 of the *Local Government Act 1989*, Council will waive the Rates levied for the 2018/19 year on properties where the property is classified as Recreational 1 for rating purposes.**

**The objective of this waiver is to provide financial assistance to those sporting and recreational clubs that are required to pay rates.**

## **EXECUTIVE SUMMARY**

This report addresses the legislative requirements for Council to formally adopt the 2019/20 Budget and Strategic Resource Plan 2019/20 to 2022/23 for the City of Ballarat.

**RATIONALE**

Pursuant to the Victorian *Local Government Act 1989* (the Act), each Council is required to prepare a budget to deliver Council's Strategic Plan.

The Annual Budget has been developed within an overall planning framework, which guides the Council in identifying community needs and aspirations over the long term (Community Plan), medium term (Council Plan) short term (Annual Budget) and then holding itself accountable (Audited Statements).

The Strategic Resource Plan summarises the financial and non-financial impacts of the objectives and strategies and determines the sustainability of these objectives and strategies. The Annual Budget is then framed within the Strategic Resource Plan, considering the objectives and initiatives included in the Annual Budget which contribute to achieving the strategic objectives specified in the Council Plan.

Following the formulation of the 2019/20 budget, Council placed the 2019/20 budget on public display for comment for a period of 28 days. During the exhibition period 20 submissions were received with two submitters requesting the opportunity to present their submission to Council.

The preparation of the budget begins with Officers preparing the operating and capital components of the budget during January and February. The various components of the budget are then prepared and discussed with Council at informal briefings. A proposed budget is then prepared in accordance with the Act and the following steps followed to review and adopt the budget in June:-

- Step 1: Officers to prepare the annual budget in accordance with the Act and submit the "proposed" budget to Council for approval in "principle".
- Step 2: Council is then required to give 28 days notice of its intention to adopt the proposed budget and make the budget available for inspection at its Offices.
- Step 3: Individuals have the right to make a submission on any proposal contained in the budget and any submission must be considered before adoption of the budget by Council.
- Step 4: Council is to formally adopt the budget after receiving and considering any submissions from interested parties.

The budget is required to be adopted by 30 June each year. The 2019/20 budget is for the year 1 July 2019 to 30 June 2020 and is prepared in accordance with the Local Government Act 1989, Local Government (Planning and Reporting) Regulations 2014 and Australian Accounting Standards.

This report also includes detailed information about the rates and charges to be levied and other financial information which Council requires to make an informed decision about the adoption of the budget.

The budget includes consideration of several long-term strategies to assist Council in considering the Budget in a proper financial management context. These include: -

- Strategic Resource Plan for the years 2019/20 to 2022/23;
- Rating Strategy; and
- Borrowing Strategy.

The budget submissions were presented to Council at a meeting held on 19 June, 2019.

Since the display of the draft budget Council has received the final revaluation figures from the Valuer General. The final figures have resulted in the commercial rate in the dollar being recalculated from .010655 to .010658. This change has been required as a result of advice from the Local Government Department. This change will result in minor modification of the financial statements contained in the 2019/20 Draft Budget and Strategic Resource Plan. These changes are not considered material and all services/projects to be delivered in the 2019/20 budget will not be impacted.

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

The financial operations are conducted within the financial policy framework of Council and the financial 2019/20 Budget is prepared in accordance with the appropriate regulations, legislation and Australian Accounting Standards.

## 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>	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*.

**Financial/Resources** – It is considered that all financial implications are covered within the 2019/20 Budget.

## CONSULTATION

The 2019/20 Budget has been prepared by Council and has been on public exhibition pursuant to Section 223 of the *Local Government Act 1989*.

## 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**

Nil

## **4.2. CLARENDON COMBINED AMENDMENT AND PLANNING PERMIT REPORT**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Lisa Kendal - Manager Strategic Planning

### **OFFICER RECOMMENDATION**

**Council resolves to:**

- 1. To hear from submitters in relation to combined Planning Scheme Amendment C207 and PLP/2017/444.**

### **EXECUTIVE SUMMARY**

At its Ordinary Council meeting on 3<sup>rd</sup> July 2019, Council will consider a report on combined Planning Scheme Amendment C207 and PLP/2017/444.

The purpose of this meeting is to hear from submitters in relation to combined Planning Scheme Amendment C207 and PLP/2017/444.

### **RATIONALE**

The Ballarat Planning Scheme recognises the importance and contribution made by educational institutions to the City. The Regionally Significant Precincts policy (Clause 21.07-2) 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. The clustering of uses within regionally significant precincts is also encouraged, to best utilise infrastructure and maximise the potential for agglomeration. The Planning Scheme also recognises the history of those educational institutional uses as captured in the Heritage Overlay statement of significance for HO164.

Council has worked closely with Ballarat Clarendon College in the preparation of the Master Plan and the proposed Combined Amendment to ensure that it can evolve to meet its ongoing requirements to remain competitive and provide an exemplary educational institution.

Council is also very aware of resident concern regarding the encroachment of educational uses into residential precincts and the need to balance consideration of multiple policy objectives.

Council officers have considered submissions to the amendment and have sought additional information and expert advice to assist with forming an opinion on the proposal. In recommending the referral of the Combined Amendment to an independent Planning Panel for review Council officers have considered, amongst other things, the following:

- The loss of dwellings and heritage assets under the Heritage Overlay for inclusion within the College, and in part for the provision of sports infrastructure. Council does not agree with the heritage assessment provided by the applicant and considers the loss of these dwellings as damaging to the heritage value of the City. Council officers

have therefore recommended the Council authorise the advocate at the independent panel proceedings to pursue a significantly enhanced heritage response.

- Closure of the pedestrian easement between Ajax Street and Sturt Street, noting that the pedestrian easement is the subject of previous agreement between the College and the Council. Considering the closure on its merits, it is considered that further justification will need to be produced to support the amendment and planning permit to facilitate the specific development outcomes sought.
- There is limited demonstrated net community benefit beyond the future College community provided to counter the loss of heritage assets, road closures and pedestrian access.
- The necessity to maintain third-party review and appeal rights to ensure an appropriate oversight of future development given the limited information in respect to future stages under the proposed Master Plan.

Council officers are recommending Council refer the Combined Amendment to an independent Planning Panel in part on the basis of the willingness of Ballarat Clarendon College to engage with Council and the community in the creation of the Master Plan. This process has been invaluable for understanding the needs of the College and the unique challenges faced by its location. It is considered that the further refinement and testing of the Master Plan and planning controls through an independent Planning Panel may deliver a planning control outcome which allows the College to grow in a manner which is more acceptable to the neighbouring community.

### **Previous Council Decisions**

At the Council meeting held on 2 May 2018, Council resolved (93/18) 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 LP/2017/444 pursuant to schedule 10 clause 3 of the Local Government Act 1989*

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

### **Planning Policy Framework**

- Clause 11 (Settlement) seeks to promote sustainable growth and development of Victoria.
- Clause 11.01-1S (Settlement) seeks to ensure sustainable growth and development in Victoria. A strategy to achieve this objective is to focus investment and growth in major regional centres such as Ballarat.
- Clause 15 (Built Environment and Heritage) seeks to recognize the role of urban design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, town and neighbourhoods. It states that planning must support the establishment and

maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments through the appropriate location of use and development and through high quality buildings and urban design.

- Clause 15.01-1S (Built Environment) seeks to create urban environments that are safe, health, functional and that contribute to a sense of place and culturally identity.
  - Clause 15.01-2S (Building Design) encourages building design outcomes that contribute positively to the local context and enhance the public realm.
  - Clause 17 (Economic Development) seeks to provide for a strong and innovative economy where all sectors are critical to economic prosperity.
  - Clause 19.02-2S (Education Facilities) seeks to assist in the integration of education and early childhood facilities with regional communities. Strategies to achieve this objective include locating secondary schools in designated precincts and areas that are highly accessible to public transport. Strategies of this policy also seek to ensure streets and accessways adjoining education facilities are designed to encourage safe bicycle and pedestrian access.
  - Clause 21.01-1 (Context) identifies education as a key attractor to Ballarat, strengthening its role as a regional centre.
  - Clause 21.01-02 (Community Vision) recognises the availability of excellent facilities and services as part of the community vision for Ballarat by 2040.
  - Clause 21.01-3 (Land Use Vision) endorses the 10 minute city where cycling and walking are encouraged and reliance on cars is reduced.
  - Clause 21.01-4 (Key Issues) identifies the following as key issues: maintaining a compact settlement form as part of Ballarat's '10 Minute City'; Improving the presentation of built areas and entrances; and managing change as part of a historic urban landscape.
  - Clause 21.06-2 (Heritage) requires the identification and protection of heritage places, including maintaining the visual prominence of heritage buildings and landmarks.
  - 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 21.06-4 (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 educational institutions 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.
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- Clause 21.07-8 (Implementation) states that strategies related to economic development will be implemented by working with education facility providers to plan for the provision of new facilities and the expansion of existing education facilities.
- Clause 21.08-1 (Integrated Transport Networks) seeks to ensure the development along the established boulevards of Victoria Street and Sturt Street maintains the prominence of their landscape character.
- Clause 22.05 (Heritage Conservation and Heritage Precincts) stipulates policy provisions for a permit involving the demolition of a heritage place.

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

The Ballarat 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 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.

### **REPORTING AND COMPLIANCE STATEMENTS**

<b>Implications</b>	<b>Considered in Report?</b>	<b>Implications Identified?</b>
<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>	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** – This report details several social/cultural issues that have arisen during exhibition of the amendment including:

- loss of pedestrian access
- loss of heritage dwellings and infrastructure
- impacts on local amenity through increased traffic, road closure and proposed buildings and works
- incremental loss of neighbourhood character.

**Economic** – The Combined Amendment would provide College with the opportunity to expand its operations. The College makes a significant contribution to Ballarat and the surrounding area through provision of jobs and educational services.

**Risk Management** – The amendment process has been run to ensure compliance with the *Planning and Environment Act 1987*.

## **CONSULTATION**

Public exhibition of C207 and PLP2017/444 occurred from 14 February 2019 to 19 March 2019. The exhibition process included:

- advising all properties by letter within a 1 kilometre radius of the school of the combined planning scheme amendment and planning application;
- conducting a 'drop-in' public information sessions at Ballarat Town Hall on 19 February 2019 at 1-3pm and 5-7pm; and
- advertising the amendment and application in the Ballarat Times on 19 February 2019.

## **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**

Nil

**5. CLOSE**