

Council Meeting

Agenda

26 April 2023 at 6:30pm

**Council Chamber, Town Hall, Sturt Street,
Ballarat**





The City of Ballarat acknowledges the Traditional Custodians of the land we live and work on, the Wadawurrung and Dja Dja Wurrung People, and recognises their continuing connection to the land and waterways. We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

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 in the days following the meeting.

Although every effort has been made to protect the privacy of the public, members of the public attending this meeting may be filmed. By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by council.

Information about broadcasting and publishing recordings of council meetings is available in council's Live Broadcasting and Recording of Council Meetings Procedure which is available on the council's website.

PUBLIC SUBMISSIONS

- Public representations may be made on any items listed on the agenda in a Council Meeting apart from those listed in the confidential section.
- Presentations must be submitted in writing, not more than 500 words by 2:00pm on the day of the relevant meeting:
 - i. In the [form approved](#); or
 - ii. by email to Council's prescribed email address;.or
 - iii. in person during normal office hours at the Council Offices at 25 Armstrong Street South, Ballarat.
- If a person submitting a presentation is not present in the gallery, their presentation will be read out subject to the time limits.

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The next Meeting of the Ballarat City Council will be held on Wednesday 24 May 2023.

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. MATTERS ARISING FROM THE MINUTES

5. CONFIRMATION OF MINUTES

6. PUBLIC QUESTION TIME

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

QUESTION TIME

- Questions must be in English and must be 75 words or less and not include a preamble, other additional material, or multiple parts.
- Questions must be submitted via the [form](#) on Council's website, no later than 12:00pm on the day of the Council Meeting.
- **Please note:** no person may submit more than two questions at each meeting; questions may not be allowed if the time allotted for public question time has finished.
- If a person submitting a question is not present in the gallery during Public Question Time, their questions will be read out and a response provided at the meeting.

7. CHIEF EXECUTIVE OFFICER REPORT

7.1. CHIEF EXECUTIVE OFFICER REPORT

Division: Executive Unit
Director: Evan King
Author/Position: Evan King – Chief Executive Officer

PURPOSE

1. The CEO's Operational Report highlights issues and outcomes affecting the organisation's performance as it delivers services and implements the Council's strategies and policy decisions.

BACKGROUND

2. The Council of the City of Ballarat is responsible for setting the municipality's strategic direction. The CEO of the City of Ballarat is the sole employee of the Council and is responsible for establishing the organisational structure and resource allocation to achieve the objectives set by the Council. This operational report provides greater detail about organisational activities and issues involved with service delivery.

KEY MATTERS

3. **Bus Advocacy**

Residents from across Ballarat have responded to a call from Ballarat Mayor, Cr Des Hudson to share their stories about travelling on Ballarat's bus network. There has been resounding feedback from our community that the bus network needs to be overhauled to provide cross-city services, more frequent buses especially on weekends, and buses which run later in the evenings. The survey feedback echoes the Mayor's own recent experience taking buses from his Winter Valley home to an appointment in Wendouree. The Mayor documented his journey with a video diary that was shared on social media. Through this novel advocacy campaign which has the backing of the Courier newspaper, the Council is building a compelling case for Public Transport Victoria to conduct a review of the bus network.

4. **Waste Campaign – phase 2**

The City of Ballarat launched the second phase of its waste campaign in early March by inviting the community to have their say on how often the City of Ballarat collects their bins. In line with State Government changes, Victorians will soon be sorting their household waste and recycling into four streams. An options paper was launched to the community through a detailed media briefing in the first week of March, followed by a mailout to each household encouraging them to have their say via a MySay survey prior to 6 April.

The Options Paper presented the service options being considered by the City of Ballarat; and is a result of community feedback from a survey held late last year. The options for FOGO, household waste and glass collection services have been outlined based on their environmental benefits, cost effectiveness and convenience for households. The response to the survey has been outstanding with over 4,000 surveys completed which is the highest ever MySay response rate. The second phase of the

campaign has involved a multi-faceted communication campaign across radio, print and social channels.

5. **Events in Ballarat**

The Labour Day long weekend headline event was the **71st Ballarat Begonia Festival** which saw a record attendance of more than 65,000 across three sunny Autumn days. The Monday was the busiest day of the event, with 23,000 attending to enjoy the final day of the festival and see the colour and excitement of the Power FM Begonia Parade.

There was a healthy line up at the Robert Clark Conservatory to see the magnificent begonias all weekend, with more than 10,000 people wandering through the House of a Thousand Begonias. The Green House Ballarat Stage had 28 performances and presentations across the weekend with more than 6,000 people enjoying the entertainment. Aerial performers SWAY performed their spectacle Bloom! eight times over the weekend, with large crowds stopping to look up and enjoy the show.

Over the three days attendees enjoyed 1,200 toasties and 5,000 curly spuds with a range of other delights from 23 different food vendors. The festival was a great showcase event for Ballarat with many visitors coming from outside Ballarat.

From 16-26 March, Ballarat hosted a vibrant celebration of cultural diversity through the **13th Annual Harmony Fest**. The theme for the 2023 event was *Our Past. Our Future: celebrating and reflecting on the contributions of Victoria's multicultural communities*. The festival involved more than 25 events to be held across 11 days. The highlights of the celebration included a Harmony Day Flag Raising Ceremony, the Intercultural Recognition Awards and the Harmony by the Lake community picnic with music, dance, and activities for families and everyone to be held at Lake Wendouree. The festival aligns to the City of Ballarat's Intercultural City Strategic Plan 2022-26 which promotes responsive service delivery, active citizenship, leadership and advocacy, and maximising and valuing diversity.

6. **Her Majesty's Theatre works**

In early March, Member for Wendouree Julianna Addison represented Minister for Regional Development Harriet Shing alongside City of Ballarat Mayor, Cr Des Hudson to mark the start of Stage 3 upgrades. The project is supported by \$10,000,000 from the State Government's *Regional Jobs and Infrastructure Fund* and \$4,799,533 from the City of Ballarat. These critical improvements will bring the 147-year-old venue up to modern accessibility standards and ensure future generations will continue to enjoy this icon of Ballarat. The works to ensure modern compliance standards include installing two new passenger lifts (front and back of house), accessibility improvements, improved fire safety as well as a new box office and bar. Works are expected to take about 17 months to complete. This is an exciting milestone in Her Majesty's Theatre's long and prestigious history.

7. **Mental health program Life4Life launch**

The City of Ballarat hosted the launch of the award-winning Live4Life program which is the only mental health education and youth suicide prevention model designed specifically for rural and regional communities. It will be rolled out in eight secondary schools across the City of Ballarat in the coming months, focusing on increasing mental health knowledge amongst students, parents, teachers and other community members to reduce barriers for young people seeking help.

Year eight students at Damascus College, Ballarat & Clarendon College, Ballarat High School, Phoenix Community College, Mt Clear College, Mt Rowan Secondary College, Ballarat Christian College and Woodmans Hill Secondary College will be involved in

the 2023 implementation of Ballarat Live4Life. In 2024, Ballarat Live4Life program will be delivered to Year 8 and 10 students, with the potential to be expanded into more local schools. The City of Ballarat is working closely with representatives from local youth, school and community agencies as part of the Live4Life Ballarat Partnership Group.

OFFICER RECOMMENDATION

8. That Council:

8.1 Receive and note the CEO's Operational Report.

ATTACHMENTS

Nil

8. OFFICER REPORTS

8.1. TENDER 2022/23-463 BAKERY HILL REDEVELOPMENT - LANDSCAPING AND CIVIL MAIN WORKS

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Phillip Barnett - Acting Manager – Major Projects

PURPOSE

1. To seek approval for an additional budget allocation of \$3,600,000 in the 2024/25 financial year via the inclusion of a new borrowing in the 2023/24 draft budget.
2. To award Contract 2022/23-463 for the provision of Bakery Hill Redevelopment Civil Works and Landscaping to 2Construct Pty Ltd for the total tendered price of \$12,629,486 (ex GST).

BACKGROUND

3. City of Ballarat is investing in the public realm of the Bridge Mall and wider Bakery Hill precinct to provide confidence to private investors, building owners and tenants and create safer, more vibrant and enjoyable spaces for the community. The initial public investment into the redevelopment is intended to be a catalyst for significant private investment into the area into the future.
4. The entire Stage 1 of the Bakery Hill Redevelopment project will deliver civil and landscaping works for the Bakery Hill Redevelopment in Bridge Mall inclusive of works for Grenville Street, Bridget Mall and Coliseum Walk (this tender), a new playspace, upgrades to the Little Bridge Street bus interchange and business and property upgrade support.
5. The scope of the Civil Works and Landscaping Tender discussed in this report is for the majority but not all of the works that form part of Stage 1 – specifically the tender 2022/23-463 relates to the delivery of civil and landscaping works for the Bakery Hill Redevelopment in Bridge Mall inclusive of works for Grenville Street, Bridget Mall and Coliseum Walk.

KEY MATTERS

Construction Tender for main landscape works

6. The Request for Tender was sent to the successful tenderers that progressed from the Expression of Interest (EOI) stage (2022/23-214E) via eProcure from 7 February 2023. The invitation period closed on 28 February 2023 with the two (2) tenderers submitting responses.
7. The weighted score of each panel member for each submission was added in aggregate. This resulted in 2Construct Pty Ltd being the preferred tenderer given they have the lowest Value for Money (VFM).

8. A tender interview was held with the preferred tenderer on 23 March 2023 to confirm their proposed works methodology, pricing schedules, and to seek some additional tender clarifications.
9. Following this tender interview, 2Construct was determined as the panels recommended contractor, based on the combined requirements of the evaluation criteria and lowest VFM score.

Overall project budget

10. The nominal \$15 million budget for the Bakery Hill Redevelopment project was identified in May 2019 at the stage of Master Planning for the redevelopment of the area, with funds confirmed in the 2019/20 budget. The significant and extensive design process completed final detailed plans, and a final cost plan, in late 2022.
11. Completion of the final design package has taken more time and technical expertise than originally envisaged, whilst construction costs generally across the industry have significantly increased above 2019 levels. There are therefore additional costs associated with the overall project. Increased technical design and construction costs are also relevant to the other scope components of the overall project, including the playspace, bus interchange upgrade and authority works. These increased costs further reflect in the allocated construction contingency for the delivery phase of all components.
12. The total costs to completion, considering costs incurred to date, allocation for a playspace (separate tender), contribution towards upgrades to Little Bridge Street bus interchange; community engagement and business and property owner support; and the proposed construction tender (this report) take the total project budget to \$18,600,000 (ex GST). Over 4 years this represents an escalation of ~6% of the original nominal project value per annum, significantly less than the general market escalation for construction projects over recent time.
13. The required budget of \$18,600,000 (ex GST) represents an identified budget shortfall of \$3,600,000 (ex GST).
14. If Councillors were to award the contract, necessitating an additional \$3.6 million in funding, officers would propose that an additional borrowing of \$3.6 million in 24/25 is added to the draft 2023/24 Budget to cover the shortfall. The draft 23/24 budget will also be considered at the 26 April scheduled meeting and would be able to be adopted, prior to community feedback, with this additional borrowing incorporated (on the basis that Council choose to award the tender).
15. Such an approach of borrowing in 24/25 aligns to the expected timing of final payments for the project and also allows more time to identify other savings that may avoid the need to borrow in the 24/25 year. This can be reassessed during the 2024/25 Budget process.

OFFICER RECOMMENDATION

16. That Council:

16.1 Endorse the inclusion of an additional \$3.6 million borrowing in the draft 2023/24 Budget in the 2024/25 year, to cover the identified budget shortfall for the Bakery Hill Redevelopment Project.

16.2 Resolves to enter into Contract Number 2022/23-463 for the provision of Bakery Hill Redevelopment Civil Works and Landscaping with 2Construct Pty Ltd for the total tendered price of \$12,629,486 (ex GST).

16.3 Authorise the Chief Executive Officer to:

- a. finalise the terms of Contract Number 2022/23-463 with 2Construct Pty Ltd, provided that those contract terms are consistent with this Resolution; and
- b. execute Contract Number 2022/23-463 on behalf of Council.

ATTACHMENTS

1. Governance Review [8.1.1 - 3 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. Redevelopment of the CBD contributes to achieving all 5 key goals identified in the Council Plan 2021 – 2025, particularly Goal 5: A strong and innovative economy and city.
2. The Project specifically responds to the Annual Plan objective 5.1 to facilitate increased vibrancy in the CBD and other key business precincts: continue to deliver the Bakery Hill Urban Renewal Plan, while assisting traders to take advantage of new opportunities.

COMMUNITY IMPACT

3. Investment in this core area of the Ballarat CBD is intended to kick-start and support private sector investment and renewal of the area, creating new jobs, vibrancy and opportunities for Ballarat.
4. The investment into the public realm of the core CBD retail precinct will provide new, inviting, safe and accessible spaces for the community and support redevelopment of the area. New investment in properties and businesses benefits the community in terms of jobs, investment, community pride and improved community safety.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

5. Design plans consider climate emergency and environmental sustainability issues and opportunities as they arise.

ECONOMIC SUSTAINABILITY IMPLICATIONS

6. The recommended tender submission has nominated 15% of the contract value that will be attributable as expenditure under our local content guidelines.
7. The program and works methodology have been assessed by the evaluation panel in line with the need to support the minimising of impacts on local businesses and traders as much as possible within the constraints of a major construction project.
8. The Bakery Hill renewal project seeks to act as a catalyst to improving business and investor confidence in the area and seeks to increase the number of people in and around the area into the future – translating into a higher performing area for traders and businesses.

FINANCIAL IMPLICATIONS

9. The report notes the contract sum is above the nominated budget and additional funds will be required to complete this component of the project, and the wider Stage 1 capital works program. The reason for these costs are noted in the report. Significant value management has been undertaken during the design process to reach the final design package and extensive consideration has been made through the tendering process to minimise risk of further unexpected costs as a result of ground conditions.

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10. Given cost escalations across the construction market over recent years and observations of current market conditions, the cost of delivering the proposed works is expected to continue to increase over time so a staged delivery would ultimately result in additional costs and completion of the works as soon through the current tender the most cost-effective option.

LEGAL AND RISK CONSIDERATIONS

11. Given the size of the procurement and complexity of the engagement, an independent Probity Advisor was appointed by the City of Ballarat. This Probity Advisor attended all tender evaluation meetings.
12. The detailed design phase of the project has included geotechnical investigations and soil condition reports as part of the specific engineering design. The excavation and management of contaminated soil has been included as a provisional sum in the contract amount and will be drawn down during the delivery of works.
13. A Risk Management Plan has been developed and will be reviewed by the Project Sponsor and Owner via the Project Steering Committee meetings monthly.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

15. The preparation of the Bakery Hill Urban Renewal Plan (which guides this plan) provided for over 1000 consultations and the project specific design phase has included extensive opportunity for review and feedback of concepts over a two-year period.
16. Specifically on the functional aspects of the design, consultation was conducted in June 2020 on designs for one-way traffic east and west bound and for two-way traffic. 146 responses were received.
17. Meetings, briefings and discussions have been held and continue to regularly be held with the Bridge Mall Business Association (BMBA). Council's Business Engagement Officer is in regular contact with both the BMBA and traders.

GENDER EQUALITY ACT 2020

18. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

19. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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PROCUREMENT COLLABORATION

20. Representative from the procurement unit sat on the tender evaluation panel as a non-scoring member and were consulted with prior to the tender being advertised.

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8.2. DRAFT 2023/24 BUDGET

Division: Corporate Services
Director: John Hausler
Author/Position: Jason Clissold – Executive Manager Financial Services

PURPOSE

1. To present Council with the City of Ballarat's draft Budget for the 2023/24 financial year.
2. For Council to endorse the draft budget for public exhibition and feedback.

BACKGROUND

3. The *Local Government Act 2020* (the Act) provides that a Council:
 - Must prepare and adopt a Budget for each financial year and the subsequent three years by 30 June each year – Section 94(1) (a)
 - Must develop the Budget and any revised Budget in accordance with the financial management principles – Section 96(1)(a)
 - Must develop the Budget and any revised Budget in accordance with its community engagement policy – Section 96(1)(b)
4. If endorsed, the 2023/24 Draft Budget will be made publicly available, and Council will seek feedback from Friday 28 April 2023 until 5pm Friday 19 May 2023. The document will be made available at Council's customer service centre, Town Hall and via Council's MySay website.
5. There will be two public sessions during the exhibition period for the community to ask questions about the draft budget. These are scheduled for:
 - a. Tuesday 2 May: 1pm – 2pm
 - b. Tuesday 9 May: 5pm – 6pm
6. Members of the community who provide feedback on the budget can request to be heard at the Unscheduled Council Meeting to be held at 6.30pm on Wednesday 7 June 2023.
7. Following the completion of community engagement, including consideration of feedback, Council may adopt the Budget with or without amendment.
8. Council must adopt the 2023/24 Budget by 30 June 2023.

KEY MATTERS

9. In November 2022, we asked Ballarat residents to prioritise the Council Plan's goals and objectives to help inform the Draft Budget 2023/24. We also asked for feedback on what Council should do 'more of' and 'less of'.

10. In relation to the six Council Goals the 35 respondents to the survey prioritised them as follows:

- a. A city that conserves and enhances our natural and built assets
- b. An environmentally sustainable future
- c. A healthy, connected and inclusive community
- d. A strong and innovative economy and city
- e. A city that fosters sustainable growth
- f. A Council that provides leadership and advocate for its community

11. Some areas respondents believe Council should do more of included:

- a. Improved condition of Roads and other key infrastructure
- b. Focus on waste collection, recycling and environmental sustainability
- c. Maintenance of streetscapes, open spaces and community assets
- d. Community Events and attractions

12. In conjunction with continuing to deliver the services and goals outlined in the Council plan and in response to this feedback received in November 2022, Council have included the following initiatives in the 2023/24 Draft Budget:

- a. Doubled the Asphalt Overlay capital program from \$1 million to \$2 million.
- b. Investing an additional \$600 thousand in the Major Patching capital program, taking it to \$2 million.
- c. Increasing resources in the Infrastructure team to focus on Road Management Plan actions.
- d. Allocated an additional \$1 million to drainage maintenance across the city, taking the annual budget to \$1.3 million.
- e. Resources to progress the Miners Rest drainage scheme.
- f. Council will continue to focus on community cycling trails and footpaths in 2023/24 with a total investment of \$3 million in maintenance and construction. This includes additional funding for the development of a footpath strategy and increasing the allocation of new footpaths by \$250k to \$865k.
- g. Council has a total operating investment of \$1.52 million in the Sustainable Environment program, which will help deliver on council commitments including the Carbon Neutrality and 100 Percent Renewables Action Plan (corporate emissions) and the Ballarat Net Zero Emissions Plan (community emissions).
- h. In addition, there is a further \$1.1 million in identifiable capital initiatives, taking the total to \$2.65 million for 2023/24, as detailed below.

Sustainable Environment Initiative	\$'000
Capital	
Solar PV Roll Out Program	265
Biodiversity Strategy Flagship Project	125
Expanding the Ballarat North Recycled Water Network	365
Harnessing Ballarat Stormwater Network Optimisation Plan	25
Free the Yarrowee (Gross Pollutant Trap)	345
	1,125

Operating	
Environmentally Sustainable Development (ESD) Officer - new role	111
Cloth nappy rebate	30
Environmental Risk Management System - work and soil contamination investigations	90
Environmental sustainability – Education and events, ESD assessments and improvements for Council facilities, State of Environment, ESD policies, offset Investigations	165
Integrated water management – growth area feasibility	30
Biodiversity – 2 x Nature Stewards program, small projects, carryover biodiversity strategy development	80
Waste – Waste vouchers postage and printing, composting rebate, small projects, waste audits	185
Hardwaste Collection – Cost Benefit Analysis	35
Climate Action Program	210
Circular Ballarat Framework implementation - A program of initiatives that will increase the number of products that are reused locally and to support the development of local recycling processing and remanufacturing by using more recycled materials in City of Ballarat projects.	25
Urban Forest Program	513
ESD policy implementation - This implementation project comprises an amendment to introduce a new Particular Provision relating to Environmentally Sustainable Development (ESD) into the planning scheme and makes changes to existing local policy	50
	1,524
Total Sustainable Environment Initiatives	2,649

- i. Additional resources in Statutory and Strategic Planning teams to ensure Council can meet increasing demand and response time.
 - j. Additional resources in Asset Management to support best practice asset management.
 - k. Additional resources in Customer Experience to help Council close the loop on digital customer enquiries.
13. In addition, future years will include an increased investment in drainage projects focused on addressing some of the challenges certain areas of the community experience during storm events, including Miners Rest and Cardigan Village.
- a. \$3.3 million in funding will be allocated to the Miners Rest drainage scheme, in 2024/25 and 2025/26 to commence implementation.
 - b. The 2024/25 and 2025/26 capital budgets include a total of \$2m (\$1m each year) to support works within Cardigan Village.
14. There are no borrowings planned for the 2023/24 financial year, despite previous plans to do so. Due to Council's 2021/22 actual and 2023/24 forecast operating surpluses, current cash balance and the increased borrowing rates at present, it is considered prudent to utilise existing funds to deliver capital projects.

15. Long term financial planning still indicates the need to borrow funds will arise once Council is able to deliver its current backlog of capital projects and meet the funding shortfall of the Ballarat West DCP. The potential also still exists for funding to be required for inter-generational major projects.
16. Section 92(2)(c) of the Act requires the budget to contain major initiatives identified by the Council as priorities in the Council Plan, to be undertaken during each financial year. The following major initiatives have been identified for 2023/24:
 - a. Climate action program to support Carbon Neutrality Action Plan
 - b. Continue solar installation at Council facilities
 - c. Landfill works including capping of used cell and construction of new cell
 - d. Complete Central Library upgrade
 - e. Lucas Community Hub expansion
 - f. Hockey Surface Renewal
 - g. Alfredton Community Hub (Ballymanus)
 - h. Implementation of Housing Strategy
 - i. Heritage Gaps Program
 - j. Commence Sebastopol Community Hub construction
 - k. Complete Bakery Hill redevelopment
 - l. Complete Ballarat Airport runway upgrade
 - m. Complete Her Majesty's Theatre Stage 3 and conservation works
 - n. Advocate strongly for priority projects
 - o. Commence new Animal Shelter detailed design
17. This year's average rate increase of 3.50 per cent is in line with the State Government's Fair Go Rates system which assists local government to keep up with growth in costs in the economy, without materially impacting services. With the Consumer Price Index rising 7.8 per cent in the 12 months to 31 December 2022, we have been faced with increased costs of delivering over 80 services and over 120 projects.
18. Utilisation of the full rate 3.5 per cent rate cap also helps assist avoid the need to borrow funds in 2023/24. In last year's 2022/23 budget, \$13.385 million of borrowing was assumed to be required, which has now either been avoided or deferred to the future. Such an approach ensure's Council has more borrowing capacity in the future to fund the intergenerational assets of a growing city that will be required to be funded in the future.
19. The rate cap applies to the average general rate per assessment for all property types in the municipality. Therefore, the change in the level of rates charged for individual properties may be more or less than the 3.50 per cent rate cap, based on the movement in the value of individual properties in comparison to others.
20. Whilst Council is compliant with the 3.5% rate cap, the overall amount of revenue collected from rates in 2023/24 will be 7% higher than in the 2022/23 Budget. This is due to a number of factors including new assessments that have been created over the last 12 months and supplementary valuations for existing properties being higher than initially budgeted in 2022/23. Percentage growth in revenue for each class of land is also impacted by relative changes in assessment property values for each class.

Type or class of land	2022/23	2023/24	Change	
	\$	\$	\$	%
Residential	83,629,877	88,264,175	4,634,298	5.54%
Commercial	18,589,069	19,220,752	631,683	3.40%
Industrial	8,869,518	10,952,992	2,083,474	23.49%
Farm	1,883,220	2,404,426	521,206	27.68%
Rural Residential	1,464,036	1,670,171	206,135	14.08%
Recreational 1	-	-	-	0.00%
Recreational 2	150,454	149,792	(662)	-0.44%
Supplementary Rates	2,386,118	2,575,911	189,793	7.95%
Total amount to be raised by general rates	116,972,292	125,238,219	8,265,927	7.07%

21. Per Council's Revenue and Rating Plan 2021–2025 the rating differentials relating to Commercial and Industrial assessments will again be reduced. This year from 262% and 266% to 256% and 258% respectively. The following table is an extract from the plan.

Differential Rate	2021/22	2022/23	2023/24	2024/25
Commercial	267%	262%	256%	250%
Industrial	274%	266%	258%	250%
Rural residential	90%	93%	96%	100%
Recreation 1	0%	0%	0%	0%
Recreation 2	267%	262%	256%	250%

22. There will be no increase in the green waste charge from 2022/23. It will remain at \$72.
23. The general waste charge will increase by 3.50 per cent, or \$15 per property, to \$457. This is to meet the increasing costs of managing domestic and commercial waste in the City, including the costs associated with managing landfills.
24. As in previous years, part of the waste charge will contribute to a waste reserve to enable Council to invest in crucial infrastructure which will divert and recover resources in the future. This reserve will also support Council's waste collection and management service and to deliver on Victorian Government policy initiatives as outlined in their 10 year Recycling Victoria policy and action plan, as well as to provide for more sustainable options to manage increasing waste volumes.
25. The draft budget proposes a 3.3%, or 27, increase in total Full Time Equivalent people, compared to the 2022/23 budget, from 816.52 to 843.52. This will allow the City of Ballarat to invest additional resources into service areas to keep up with the growing population while also ensuring compliance requirements and service improvements.
26. The draft budget results in the following key financial outcomes for 2022/23:
- Net Surplus of \$58.3m
 - Closing Cash Balance of \$49.8m
 - Closing Working Capital of \$28.19m (163%)
 - Capital Works program of \$129.4m (\$60.9m new projects, \$68.5m of forecast carryovers)
 - No New borrowings
 - Total borrowings at 30 June 2023 are projected to be \$28.0m – 18% of Rates and Charges
 - Asset renewal and upgrade ratio is 126.88% for 2023/24

27. In October 2022, the Local Government (Planning and Reporting) Regulations were amended to include a requirement for target setting against eight measures within the Budget and for reporting targets against results in the Council's Performance Statement (Annual Report).

28. These eight targets are set out in section 5 of the draft budget '5a. Targeted performance indicators' and, in summary, are:

Measure	Target 2023/24
Satisfaction with community consultation and engagement	55
Sealed local roads maintained to condition standards	100%
Planning applications decided within required time frames	65%
Kerbside collection waste diverted from landfill	42%
Current assets compared to current liabilities	293%
Asset renewal and asset upgrade compared to depreciation	136%
Rates compared to adjusted underlying revenue	68%
Expenses per property assessment	\$3,738

OFFICER RECOMMENDATION

29. That Council endorses the 2023/24 Draft budget for public feedback and gives public notice:
- 29.1 of Council's intention to adopt, at a Council meeting to be held at 6.30 pm on Wednesday 28 June 2023, the proposed 2023/24 Budget prepared in accordance with section 94 of the Act;
- 29.2 that the City of Ballarat 2023/24 Draft Budget will be made available at Council's customer service centre, Town Hall and via Council's MySay website, and Council will invite feedback from Friday 28 April 2023 until 5pm Friday 19 May 2023; and
- 29.3 that any person who wishes to be heard in support of their feedback received by Council should indicate that they wish to be heard. Any person requesting to be heard in support of their feedback is entitled to appear before a meeting of the Council, either personally or by a person acting on their behalf. This unscheduled meeting will take place on Wednesday 7 June 2023 at 6.30pm.

ATTACHMENTS

1. Governance Review [8.2.1 - 2 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Draft Budget report is in line with the Council plan and the requirements of the *Local Government Act 2020*.

COMMUNITY IMPACT

2. The report relates to Council informing the community of its planned income and expenditure for the 2023/24 financial year and seeking community feedback on the budget.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. The report details expenditure on environmental sustainability for the 2023/24 financial year.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. The report provides details of expenditure in the local community for the 2023/24 financial year.

FINANCIAL IMPLICATIONS

5. The Budget report provides details of Councils planned income raising and expenditure for the 2023/24 financial year.

LEGAL AND RISK CONSIDERATIONS

6. The *Local Government Act 2020* requires Council to prepare and publish an annual budget.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

8. Community Consultation commenced in November 2022.
9. The draft document will now be made available to the community in accordance with Council's Community Engagement Policy.
10. There will be two public sessions during the exhibition period for the community to ask questions about the draft budget.

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11. Members of the community who provide feedback on the budget can request to be heard at the Unscheduled Council Meeting to be held at 6.30pm on Wednesday 7 June 2023.

GENDER EQUALITY ACT 2020

12. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

13. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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8.3. BROWN HILL RECREATION RESERVE MASTER PLAN

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Mitch Jenkins - Acting Coordinator Sport and Recreation
Strategic Planning

PURPOSE

1. The purpose of this report is to present Council with the proposed Brown Hill Recreation Reserve Master Plan for Council adoption and the Brown Hill Recreation Reserve Master Plan Implementation Plan for noting.
2. In addition, for Council to endorse the decommissioning, demolition and replacement of the Brown Hill Outdoor Pool with a Splash Park.

BACKGROUND

3. The Council Plan 2021-2025 *Goal 3: A city that fosters sustainable growth* under 3.7 *Create great precincts and places for people* identifies to 'Deliver a master plan for the Brown Hill Reserve' as an action item.
4. The purpose of the master plan is to provide a clear direction to guide the long-term development of Brown Hill Recreation Reserve with the objectives being to:
 - a. Determine the role and functions of the reserve;
 - b. Assess the condition of the reserve and its facilities from landscape, functional, accessibility, structural, environmental and safety perspectives;
 - c. Identify the facility needs of existing and potential user groups, as well as the local Brown Hill community and make recommendations about how these needs could be addressed in the reserve; and
 - d. Prepare a masterplan of the reserve which contains a prioritised list of development works and estimates of the costs of these works.
5. The Brown Hill Progress Association (BHPA) had previously undertaken community consultation around the future planning of the reserve. This consultation (community survey) focused mainly on the outdoor pool site and did not capture the reserve in its entirety. It was advised that Council's master plan would expand on the excellent work already undertaken by the BHPA and consider its findings as part of the overall project.
6. The following methodology has been undertaken in developing the draft master plan:
 - a. Literature Review
 - b. Analysis of leisure trends/demographic projections
 - c. Audit of existing conditions
 - d. Usage audit
 - e. Consultation
 - f. Draft report

7. The following community consultation has been undertaken in developing the draft master plan:
 - a. BHPA community consultation report review;
 - b. Reserve User Groups – Brown Hill Progress Association, Brown Hill Community Hall, Brown Hill Cricket Club, Eureka Athletics Club, Ballarat Pipe Band, Brown Hill Kindergarten, Wallaby Track Park Run, Brown Hill Auskick, Ballarat Regional Multicultural Council;
 - c. Local sporting associations – Ballarat Cricket Association, Ballarat Football Netball League;
 - d. Local Community – Community Drop-In Session and Online MySay survey (Short Survey & Deep Dive); and
 - e. Council Officers workshop.
8. The community engagement outcomes have been summarised in the draft master plan report with the key item being the future of the Brown Hill Outdoor Pool.

KEY MATTERS

9. The community consultation outcomes are mostly positive that this significant reserve in the east of Ballarat is receiving attention and that planning is occurring to update and improve the reserve.
10. Key themes that have emerged that are important to the community include:
 - a. Importance and preservation of the natural setting of the reserve;
 - b. Provision of new public toilets to better cater for users across the breadth of the reserve;
 - c. Provision of extended path network to link key infrastructure at the reserve;
 - d. Provision of seating, tables and shade to service public use of the reserve;
 - e. Improved play space;
 - f. Improved oval surface with drainage and irrigation; and
 - g. Consideration of the future of the Outdoor Pool and potential alternate uses for the site.
11. All feedback has been reviewed via an assessment of merit and recommendations made in the master plan to where possible:
 - a. Consolidate assets and co-locate user groups in the proposed upgrade of facilities and remove the infrastructure that is in poor condition;
 - b. Provide better path connections across the reserve and supporting public amenities such as drink fountains;

- c. Address car parking requirements across the reserve to provide for the multiple uses of the reserve, including the nearby kindergarten;
- d. Maximise use of the spaces available, without compromising the natural setting of the reserve; and
- e. Build further capacity in the sporting playing surfaces to maximise participation opportunities.

Brown Hill Outdoor Pool.

12. The facility within the reserve of most community interest is the future of the Brown Hill Outdoor Pool. The community feedback on this element is not unanimous with a range of views expressed. As such, a recommendation has been made based not only on consultation, but a range of factors to inform the proposed best long-term outcome for the reserve. The draft master plan recommends the redevelopment of the outdoor pool site into a splash park facility as well as co-located community outdoor spaces.
13. In developing this recommendation, it is acknowledged that the Brown Hill community has played a significant role in the operation and management of this facility on behalf of Council in the past. Furthermore, Council will work with the Brown Hill Progress Association to ensure that appropriate recognition is given to this aspect of the history of the pool within this local community.
14. In making this recommendation, the following factors have been considered (see Appendix C in attached master plan report):
 - a. Condition audits completed on existing outdoor pool facilities which rates nearly all of the pool elements as being in poor to very poor condition;
 - b. Cost to update the existing pool elements to a functioning condition estimated at \$1.3M per an independent report received in 2020 (likely higher now with cost escalations);
 - c. Existing provision of aquatic facilities and close proximity of other outdoor pools within 2.4kms of Brown Hill Recreation Reserve (Eureka Pool & Black Hill Pool);
 - d. Low attendance figures and high relative cost of operating the Brown Hill Outdoor Pool:

POOL	2020/21 Visitors	Cost per visit	2021/22 Visitors	Cost per visit	2022/23 (to Jan 31) Visitors	Cost per visit
Eureka Pool	34,563	\$10.26	31,734	\$4.94	17,664	\$5.79
Buninyong	1895	\$16.65	1587	\$18.74	2007	\$6.62
Black Hill	1490	\$20.01	943	\$24.10	1318	\$9.39
Brown Hill	697	\$42.97	272	\$59.19	1073	\$11.95

- e. Several operating models have been implemented at different times in recent years, including the local community management option, however none of these have been able to result in a sustainable operating model.

- f. Increased opening hours of splash park facilities for the community given that temperature policy (relevant to the opening of outdoor pools) and staffing requirements (not needed for zero depth aquatic facilities) are not applicable;
 - g. Ability for splash park facility to be converted into useable community space during winter months to further activate the site. The splash park features would be able to be turned off at the end of the summer season and other uses for the community identified through the design process;
 - h. Emerging trend of splash park facilities being popular within the community reflected by the success of the Midlands Reserve and Victory Park splash parks in Ballarat:
 - i. Victory Park Splash Park (utilisation Dec 2022/Jan 2023): 42,996
 - ii. Midlands Splash Park (utilisation Dec 2022/Jan 2023): 17,413
 - i. Proposed co-location of other identified priority items for the reserve such as a new public toilet, seating, picnic tables, shade, tree planting and a 3v3 basketball court as well as re-designed car parking and removal of the existing high fence around the outdoor pool to further open sight lines through to the reserve.
- 15. Site concept plans have been prepared and incorporated into the master plan for the proposed splash park redevelopment of the surrounding site.
- 16. It is proposed that if the reserve master plan is adopted, that Council should invest in decommissioning of the outdoor pool and design/construction of the new splash park.
- 17. Recommendations have been received from Council's Aquatics and Facilities Management teams as well as existing condition reports that all existing pool plant equipment and infrastructure is unsuitable to be retained and repurposed as part of a splash park redevelopment. It is recommended that only an existing BBQ, shade structure and trees are retained, and the remainder is de-commissioned, demolished and it be returned to a greenfield site. This allows for new splash park and supporting infrastructure to be planned and delivered under a design and construct model which would expediate delivery.
- 18. Detailed initial site assessment has been undertaken by a qualified demolition contractor to provide costings on the above. The cost estimate provided is \$231,000 based on the site inspection which includes:
 - a. Services disconnections
 - b. Asbestos removal
 - c. De-commissioning, demolition, and removal of materials
 - d. Site re-instatement in an appropriate manner for delivery of the splash park development.
- 19. An election commitment of \$1,000,000 has been made towards the delivery of the Brown Hill Recreation Reserve Master Plan. Following adoption of the master plan a funding agreement will be resolved with State Government to direct the use of the election commitment funds. It is suggested that this funding should assist in fast tracking redevelopment of the outdoor pool site as the first priority at the reserve and the appropriate Council co-contribution is committed.

20. Proposed next steps are as follows:

- a. Council adoption of the Brown Hill Recreation Reserve Master Plan and Brown Hill Recreation Reserve Master Plan Implementation Plan;
- b. Pending Council adoption, support that the election commitment funding (\$1M) is advocated to go towards the de-commissioning of the existing outdoor pool and design and construction of the redevelopment of the outdoor pool space into a splash park facility;
- c. Funding agreement for election commitment funding received, reviewed and signed;
- d. Council co-contribution requirements for election commitment funding will be managed via the annual budget process
- e. Implementation of priority projects identified in the plan;
- f. Projects not to be delivered under the election commitment and Council co-contribution funding to be referred to future capital works programs to be considered and managed via annual budget bid process.

OFFICER RECOMMENDATION

21. That Council:

- 21.1 Adopt the Brown Hill Recreation Reserve Master Plan and note Brown Hill Recreation Reserve Master Plan Implementation Plan.**
- 21.2 Endorse officers to progress with negotiating the funding agreement with State Government to deliver on the priority projects identified in the Brown Hill Reserve Master Plan Implementation Plan.**
- 21.3 Resolve to de-commission and demolish the Brown Hill Outdoor Pool and establish the project to design and construct a splash park and associated amenities on the site for the Brown Hill and surrounding communities.**
- 21.4 Acknowledges the contribution of the community and stakeholders in the development of this Master Plan, and specifically acknowledges the previous work of the Brown Hill Progress Association in the operation of the outdoor pool.**

ATTACHMENTS

1. Governance Review [**8.3.1** - 2 pages]
2. Brown Hill Recreation Reserve - Existing Conditions Plan [**8.3.2** - 1 page]
3. Brown Hill Recreation Reserve - Draft Action Plan [**8.3.3** - 1 page]
4. Brown Hill Recreation Reserve - Draft Master Plan [**8.3.4** - 1 page]
5. Brown Hill Recreation Reserve - Proposed Splash Park Concept Layout [**8.3.5** - 1 page]
6. Brown Hill Recreation Reserve Master Plan - Priority Projects Implementation Plan [**8.3.6** - 1 page]
7. Brown Hill Recreation Reserve - Draft Master Plan Report [**8.3.7** - 73 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Brown Hill Recreation Reserve Master Plan aligns with several key strategic documents:
 - a. Council Plan 2021-2025
 - b. Active Ballarat
 - c. Active Women's & Girls Strategy
 - d. Ballarat Open Space Strategy
 - e. Health & Wellbeing Plan 2021-2031
 - f. It informs and is informed by the Financial Plan and will be important in the development of the Building Asset Management Plan

COMMUNITY IMPACT

2. The Brown Hill Recreation Reserve Master Plan outlines the long-term direction for the development of the reserve. The wide range of projects outlined will provide great benefit to the varied user groups at the reserve, as well as the surrounding community. The reserve has a unique mix of active and passive recreation, aquatic, community and nature-based features which are all valued by the community.
3. Investment in sport, recreation and community-based projects provides many health and wellbeing benefits to the community and encourages physical activity within Ballarat.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

4. Environmental sustainability practices will be implemented as part of project delivery of the master plan recommendations as required.

ECONOMIC SUSTAINABILITY IMPLICATIONS

5. There are no economic sustainability implications regarding this Master Plan.

FINANCIAL IMPLICATIONS

6. The Brown Hill Recreation Reserve Master Plan identified a range of capital projects to inform Council's Capital Improvement Program planning.
7. The election commitment funding will allow the fast tracking of delivery of the identified project(s) and reduce Council's overall financial contribution towards delivery of these project(s).

LEGAL AND RISK CONSIDERATIONS

8. The Master Plan doesn't identify any unacceptable risks in the planning for the reserve. Although there has been considerable community consultation, it should be noted that the closure of the existing outdoor pool could be met with some community resistance that would need to be appropriately managed.

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9. The plan will ensure that decision making, and budget prioritisation will be informed by a Council adopted document.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

11. The draft Master Plan was developed in consultation with all the reserve user groups, community and relevant Council departments. Importantly, this work was largely formed by the previous work and community consultation undertaken by the Brown Hill Progress Association (BHPA) which was also considered.
12. The draft Master Plan was then placed on public exhibition for community feedback via an online MySay survey and a Community Drop-In session. The survey received 139 responses, the community drop-in had approximately 45 attendees and direct feedback was received from the user groups. All feedback was considered in formulating the final Master Plan which has since been distributed and a further meeting attended with site user groups.
13. Further consultation will be undertaken throughout the design and construction of the identified master plan priority projects.

GENDER EQUALITY ACT 2020

14. There are no gender equality implications identified for the subject of this report.

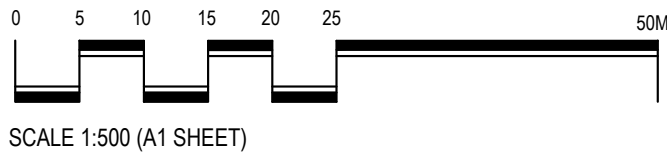
CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

15. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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L1 SITE ANALYSIS / EXISTING CONDITIONS PLAN
BROWN HILL RECREATION RESERVE
CITY OF BALLARAT



ANALYSIS	
1	No reserve name signs at Reid Court and Humffray Street North carpark entrances.
2	Carparking is uneven and potholed in areas. Parking bays are not defined.
3	Sign on buildings in reserve have inconsistent styles.
4	Public toilets are poorly located and in declining condition.
5	Band hall is ageing and in declining condition.
6	Basic pavilion with no changerooms.
7	Playing field is circular in shape. It is not drained or automatically irrigated.
8	Playing field turf cover has a mix of grass species - couch, fescue, rye, winter grass, oxalis and paspalum.
9	Playing field is not lit.
10	Cricket net run-ups on oval surface.
11	Oval turf impacted in winter by shade from pine trees to the north.
12	Tree roots of pine tree and gum trees protruding through oval surface.
13	Swimming pool in declining condition. Area at back of pool in unsightly condition.
14	Basic playground.
15	Limited path network.
16	Limited park seating and furniture.
17	Narrow and ageing footbridge.
18	River bed near footbridge overgrown with weeds.

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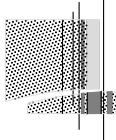
ASR Research
Community Planning



Office / Postal: Suite 7, 321 Chapel Street, Prahran 3181
Tel: (03) 9510 4440
Fax: (03) 9510 4418
Email: enquiries@asresearch.com.au

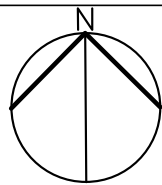
In Conjunction With

MICHAEL SMITH
AND ASSOCIATES
Landscape Architecture
and Urban Design



Office: 1st floor, 407 Whitehorse Road, Balwyn VIC 3103
Postal: 5 Jervis Street, Camberwell VIC 3124
Tel: 9830 0414
Fax: 9830 2555
Email: mike@msalandurb.com.au

Drawn: KL
Date: 20.06.2022
Project No.: 22-025
Cad File:
Drawing No.: Sheet 1 of 3



Amendments:

Print Issue:
20.06.2022 Emailed to Adrian Fernon

Title: L1 Site Analysis / Existing Conditions
Plan - Brown Hill Recreation Reserve, Ballarat

Client: City of Ballarat



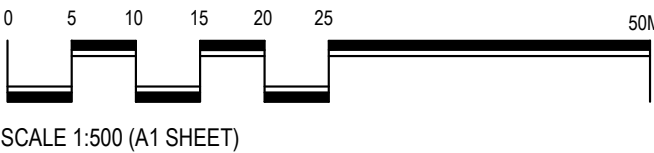
SUGGESTED ACTIONS - CONTINUED

- 20 Provide dog drinking taps, poos bags and litter facilities at suitable locations around the reserve.
- 21 Make an area of the reserve suitable for events, concerts etc - power etc.
- 22 Plant more native trees in the reserve.

SUGGESTED ACTIONS

- 1 Provide reserve name signs at the entrances to the community hall and pavilion carparks.
- 2 Seal the pavilion and community hall carparks and define the carparking bays.
- 3 Make provision for an expansion of the pavilion carpark for the kindergarten and/or oval users, if needed in the future.
- 4 Retain the existing toilet block in the short term. Provide an externally accessible toilet in an extended and reconfigured pavilion. Demolish the existing toilet block when the pavilion toilets are constructed.
- 5 Replace the pool area with a water park. Combine with new play facilities - rebound wall, half court, climbing frame etc. Relocate one or two existing BBQ, picnic tables, shelter and seats at the pool. Provide toilet facilities. Remove the carpark at the rear of the pool. Review carparking arrangements on Reid Street and Humffray Street north.
- 6 Redevelop the pavilion as a sports/community building:
 - Provision of suitable spaces for the pipe band
 - Addressing accessibility issues - ramp to veranda, widen internal corridors
 - Larger veranda
 - Extension of social room
 - Enhanced general storage
 - Female friendly player and umpire changerooms
 - Larger social room and new meeting/practice room
 - Internally and externally accessible amenities.Demolish the band hall.
- 7 Reconfigure the community hall:
 - Extension of main hall stage
 - Redevelopment of the Humffray Street North foyer as a display/reception area.
- 8 Upgrade the playing field:
 - Returf with suitable species
 - Provision of irrigation and drainage
 - Erection of net barrier at northern end
 - Removal of pine trees shading the playing field at the northern end and replacement with suitable vegetation
- 9 Construct a five wicket turf table at Brown Hill Reserve. Note this action is dependent on
 - The establishment of a hard wicket venue for junior/lower senior grades teams elsewhere and endorsement by BCA.
 - BCA and City of Ballarat agreeing to amend its strategic partnership 'in line with any developments to address Brown Hill Rec Res Oval and impact on Western Oval'
- 10 Erect lights over the playing field if justified in the long term
- 11 Terrace the embankment area at the southern end of the playing field
- 12 Retain and upgrade the open cricket nets at the Reserve.
- 13 Upgrade the existing granitic sand path network - better drainage, even path surfaces and widen to make suitable for wheelchair access.
- 14 Extend the path network:
 - From the pavilion to the path at the rear of the community hall
 - From Humffray Street North to the existing playground
 - Around the oval, from rotunda one to the north east pocket of the playing field.
- 15 Extend and add diversity to the children's playground.
- 16 Relocate and widen the footbridge. Erect a shelter just south of the footbridge.
- 17 Install exercise stations at strategic locations along the path network.
- 18 Provide drinking fountains at suitable locations around the Reserve - children's playground, water park, footbridge and pavilion.
- 19 Provide additional seats/tables:
 - Near the children's playground
 - On the eastern side of the playing field along the proposed new path
 - On the proposed new path from Humffray Street North to the children's playground.

L2 DRAFT ACTION PLAN
BROWN HILL RECREATION RESERVE
CITY OF BALLARAT



Amendments:
24.10.2022 REVA - Revised plan as per feedback
06.12.2022 REVB - Revised plan as per mark ups
Print Issue:
20.06.2022 Emailed to A. Fernon
24.10.2022 REVA - Email to A. Fernon
06.12.2022 REVB - Email to A. Fernon
Title: L2 Draft Action Plan - Brown Hill Recreation Reserve, Ballarat
Client: City of Ballarat

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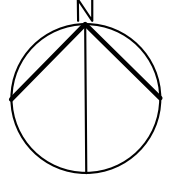
Office / Postal: Suite 7, 321 Chapel Street, Prahran 3181
Tel: (03) 9510 4440
Fax: (03) 9510 4418
Email: enquiries@asrresearch.com.au

In Conjunction With

MICHAEL SMITH
AND ASSOCIATES
Landscape Architecture
and Urban Design

Office: 1st floor, 407 Whitehorse Road, Balwyn VIC 3103
Postal: 5 Jervis Street, Camberwell VIC 3124
Tel: 9830 0414
Fax: 9830 2555
Email: mike@msalandurb.com.au

Drawn: KL
Date: 20.06.2022
Project No.: 22-025
Cad File:
Drawing No.: Sheet 2 of 3

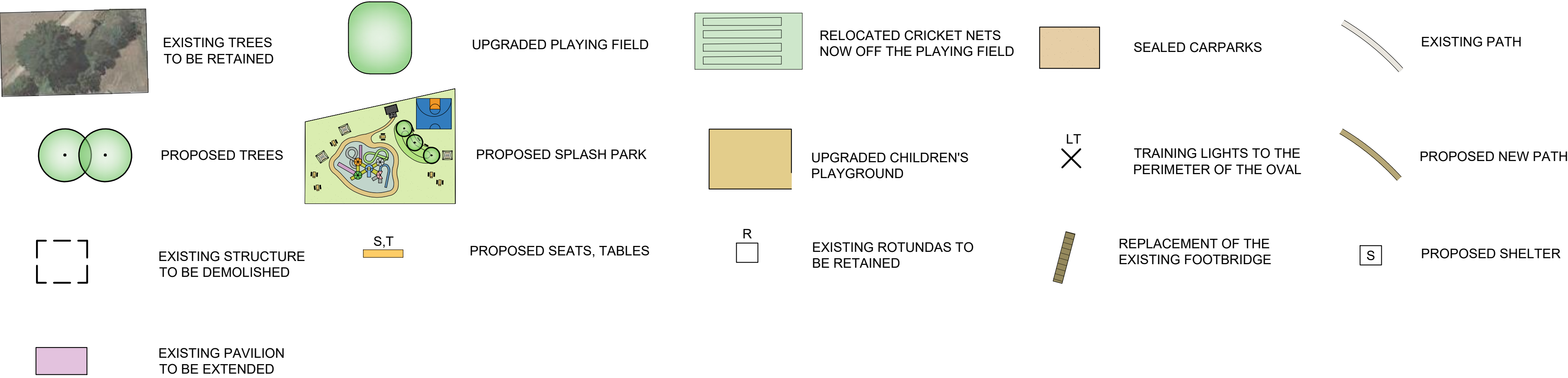




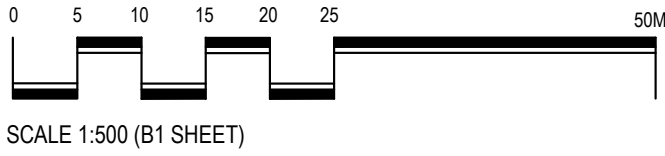
1	Sealed carpark
2	Expanded carpark (if needed)
3	Extended pavilion
4	Splash park
5	Reconfigured hall
6	Upgraded playing field
7	Terraced embankment
8	Upgraded cricket nets
9	Upgraded path network
10	Extended path network
11	Extended playground
12	Footbridge and shelter
13	Exercise stations
14	Drinking fountains
15	Seats and tables
16	Dog facilities
17	Events area
18	Native trees

- Proposed trees:
- Eucalyptus obliqua - Messmate
 - Eucalyptus viminalis - Manna Gum
 - Acacia melanoxylon - Blackwood
 - Acer freemanii "Autumn Blaze" - Nowegian Maple
 - Ulmus procera "Van Houtei" - Golden Elm

LEGEND



L3 DRAFT MASTERPLAN
BROWN HILL RECREATION RESERVE
CITY OF BALLARAT



Amendments:
16.08.2022 REVA - Added No.16
21.10.2022 REVB - Revised plan as per feedback
04.11.2022 REVC - Revised water park
05.12.2022 REVD - Revised plan as per comments from Council
08.12.2022 REVE - Revised plan as per mark ups

Print Issue:
09.08.2022 Issued to Adrian Fernon
16.08.2022 REVA - Issued to Adrian Fernon
24.10.2022 REVB - Issued to Adrian Fernon
04.11.2022 REVC - Issued to Adrian Fernon
06.12.2022 REVD - Issued to Adrian Fernon
08.12.2022 REVE - Issued to Adrian Fernon

Title: L3 Draft Masterplan - Brown Hill Recreation Reserve, Ballarat

Client: City of Ballarat

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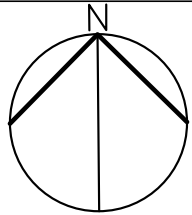
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Tel: (03) 9510 4440
Fax: (03) 9510 4418
Email: enquiries@asrresearch.com.au

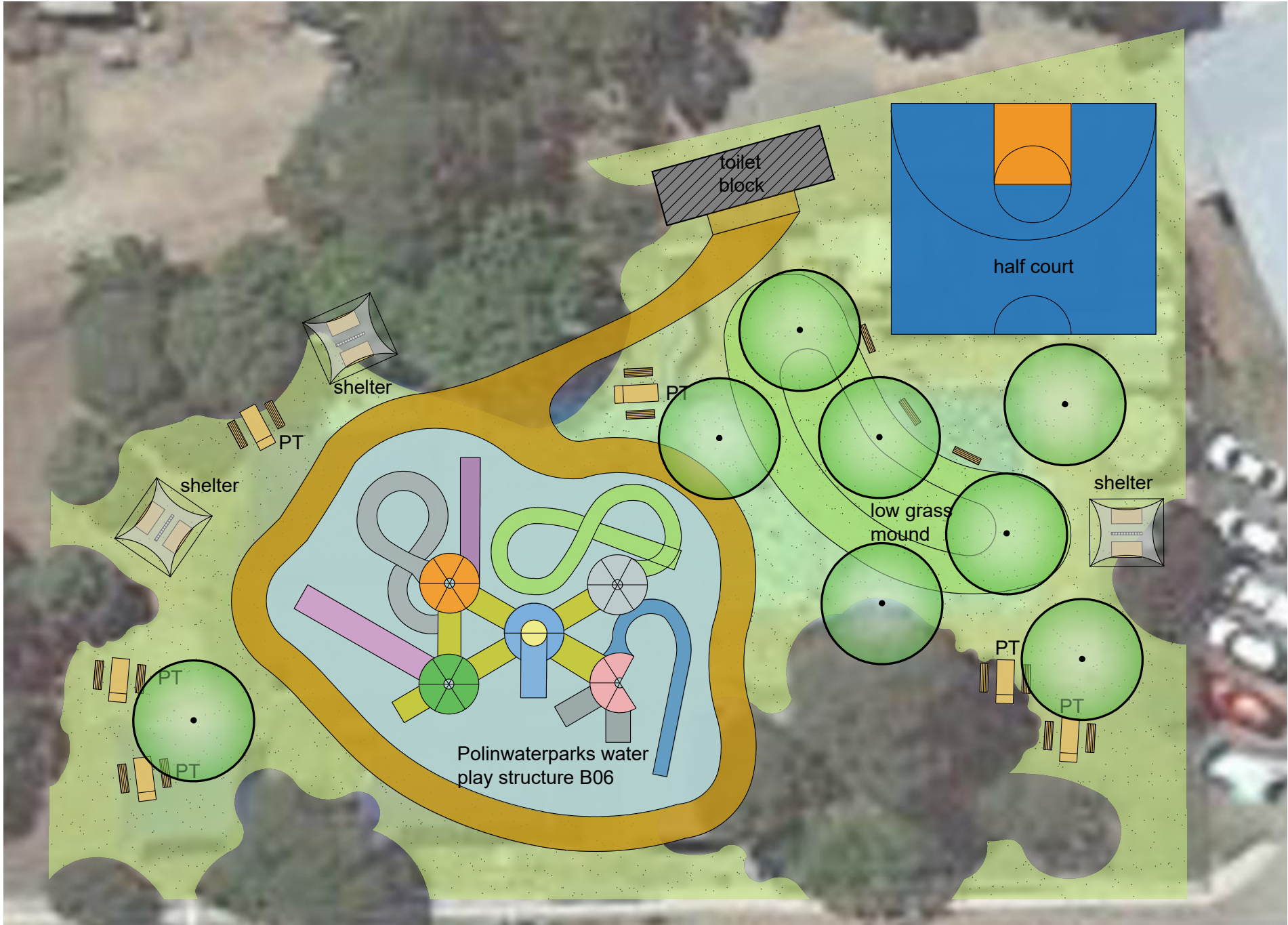
In Conjunction With

MICHAEL SMITH AND ASSOCIATES
Landscape Architecture and Urban Design

Office: 1st floor, 407 Whitehorse Road, Balwyn VIC 3103
Postal: 5 Jervis Street, Camberwell VIC 3124
Tel: 9830 0414
Fax: 9830 2555
Email: mike@msalandurb.com.au

Drawn: KL
Date: 08.12.2022
Project No.: 22-025
Cad File:
Drawing No.: Sheet 3 of 4





LEGEND

- EXISTING TREE TO BE RETAINED
- PROPOSED TREES
- PROPOSED BARBEQUE SHELTER
- PROPOSED WATER POOL WITH POLINWATERPARKS WATER PLAY STRUCTURE B06
- PROPOSED TOILET BLOCK
- PROPOSED HALF COURT
- PROPOSED ACCESSIBLE PICNIC TABLE
- PROPOSED GRASSED LOW MOUND AND SEATS
- PROPOSED GRASSED AREA
- PROPOSED COLOURED CONCRETE PATH

List of features for the water park play structure:

- Waterfall jets, water guns, water mill, water volcano and umbrella jet
- Pools, falls and daisy shower
- Waterslides, net bridge and net climb
- Interactive buckets

L4 DRAFT SPLASH PARK LAYOUT
BROWN HILL RECREATION RESERVE
CITY OF BALLARAT



ASR Research
Community Planning
Office / Postal: Suite 7, 321 Chapel Street, Prahran 3181
Tel: (03) 9510 4440
Fax: (03) 9510 4418
Email: enquiries@asresearch.com.au
Amendments:
06.12.2022 REVA - Revised plan as per comments from Council
08.12.2022 REVB- Revised plan as per mark ups
Print Issue:
04.11.2022 Issued to Adrian Fernon
06.12.2022 REVA - Issued to Adrian Fernon
08.12.2022 REVB - Issued to Adrian Fernon
Title: L4 Draft Splash Park Layout - Brown Hill Recreation Reserve, Ballarat
Client: City of Ballarat

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MICHAEL SMITH AND ASSOCIATES
Landscape Architecture and Urban Design
Office: 1st floor, 407 Whitehorse Road, Balwyn VIC 3103
Postal: 5 Jervis Street, Camberwell VIC 3124
Tel: 9630 0414
Fax: 9630 2555
Email: mike@msalandurb.com.au
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Drawing No.: Sheet 4 of 4





Brown Hill Reserve Master Plan

PRIORITY PROJECTS IMPLEMENTATION PLAN

The purpose of the Implementation Plan is to reflect the projects identified in the Brown Hill Recreation Reserve Master Plan. The proposed timeframes for implementation of delivery of the projects may be achievable subject to capital planning and budget prioritisation processes over time. Projects listed will be considered and listed for delivery through detailed capital works forward planning in Recreation Services and other identified business units. The Implementation Plan below identifies the initial priority project, medium term, and long-term timeframes in which the projects will be considered and assessed for prioritisation. The Implementation Plan has been informed by funding commitment received, project prioritisation and interdependency and logical sequencing based on location of projects onsite:

PRIORITY PROJECTS		
PROJECTS	2023-24	2024-25
De-commissioning of existing outdoor pool	X	-
Splash Park Precinct*	Design	Construct
New Public Toilets	Design	Construct
MEDIUM TERM PROJECTS		
Oval Redevelopment / Terraced Embankment		
Cricket Nets Redevelopment		
Path Connections / Park Furniture / Drinking Fountains / Dog Bag Dispensers / Tree Planting / Signage		
Community Hall works		
Playground Redevelopment		
Sealed Car Parking – As required		
LONG TERM PROJECTS		
(Sport) Pavilion Redevelopment		
Demolition of band hall and existing public toilets		
Sealed car parking – As required		
Oval Lighting		
Footbridge		
Exercise Stations		
Events Area		

*Delivery timeframe may be fast tracked following completion of de-commissioning subject to design timelines and site conditions

Ballarat City Council

Brown Hill Recreation Reserve, Brown Hill Masterplan Report (draft)

**Prepared by:
ASR Research
Michael Smith and Associates Landscape Architecture and
Urban Design
March 2023**



Brown Hill Recreation Reserve Masterplan

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1. INTRODUCTION

1.1 Purpose and objectives of masterplan

The purpose of the masterplanning process is to produce a plan to guide the long term redevelopment of Brown Hill Recreation Reserve (the Reserve). The objectives of the process are to:

- Determine the role and functions of the Reserve.
- Assess the condition of the Reserve and its facilities from landscape, functional, accessibility, structural, environmental and safety perspectives.
- Identify the facility needs of existing and potential user groups and the local Brown Hill community and make recommendations about how these needs could be addressed in the Reserve.
- Prepare a masterplan for the Reserve which contains a prioritised list of development works and estimates of the costs of these works.

1.2 Methodology

The methodology for the development of the masterplan was divided into seven related stages, them being:

- *Stage 1 - Project Definition Meeting:* A meeting and site visits were held with Council staff for the purpose of clarifying the objectives of the masterplanning process and discussing the key issues to be addressed in the masterplanning process.
- *Stage 2 - Literature Review:* Relevant Council files, strategy documents and operational policies were reviewed.
- *Stage 3 – Analysis of Leisure Trends/Demographic Projections:* Relevant leisure and demographic trends were analysed and the implications of these characteristics for the future development of the Reserve were identified.
- *Stage 4 - Audit of Existing Conditions/Use:* The existing conditions at and use of the Reserve were described.
- *Stage 5 - Consultation:* User club officials, relevant Council officers, community groups/organisations and local residents were consulted about their use of the Reserve and the improvements that were needed.
- *Stage 6 – Draft Report:* The findings of the previous research were documented in a findings/draft report. Included in this report were details of the actions suggested by key stakeholders and the community, assessment of the merit of each action, set of recommended actions and preliminary masterplan.
- *Stage 7 – Review:* Council and stakeholders reviewed the report. The draft report and preliminary masterplan were amended in response to the feedback received.

2. BROWN HILL RECREATION RESERVE (THE RESERVE)

2.1 Open Space Context

2.1.1 Location and elements

Brown Hill Recreation Reserve is a 4.5ha Council owned reserve located off Humffray St North in Brown Hill. It is an active/passive reserve and has the following elements:

- Band hall, sports pavilion, community hall, storage shed, public toilet block.
- A shelter and two rotundas.
- Public swimming pool.
- Playing field.
- Cricket nets (4 bays), synthetic centre wicket.
- Playground.
- Walking paths.
- Carparks.

The Reserve has multiple zonings – public park and recreation, public use and general residential. It has a bushfire management overlay and is located in an area of Aboriginal Cultural Sensitivity.

Figure 1 – Brown Hill Recreation Reserve, Component elements

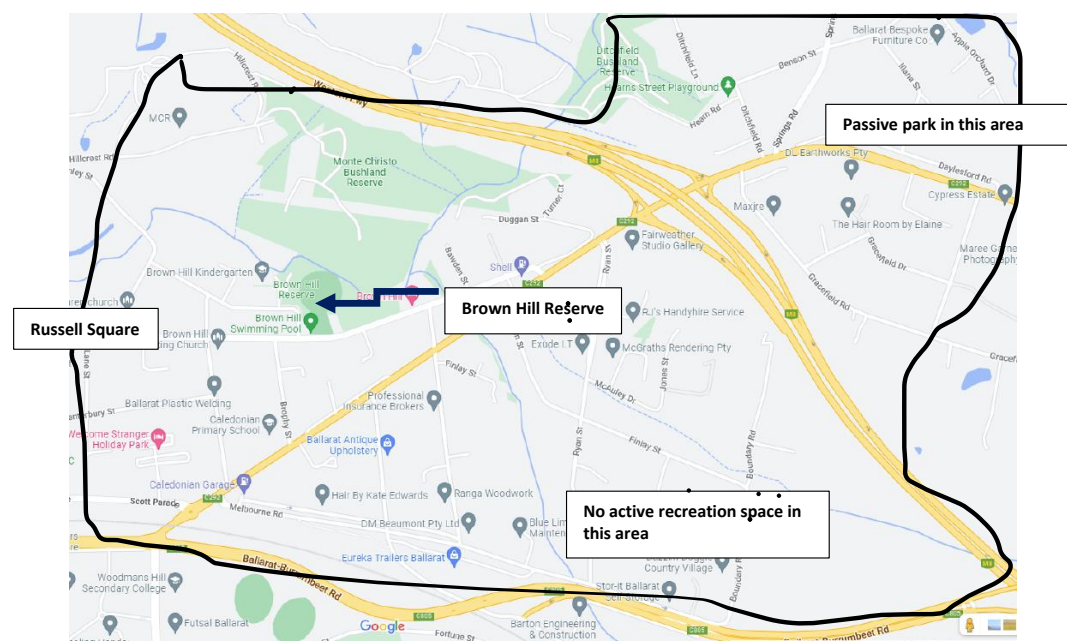


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Brown Hill Reserve is located on the northern edge of the suburb of Brown Hill. As a passive/informal recreation space, the Reserve caters for the community living in Brown Hill and southern part of Nerrina. Its northern and eastern catchments extend across the Western Hwy. Its southern catchment extends down from Humffray St Nth and Walter St to the Ballarat Burrumbeet Rd. Its western catchment extends across to Russell Square and the border of Black Hill. As an active sporting space/community hub, the Reserve caters for a larger catchment. The main tenant groups at the Reserve (Ballarat Pipe Band, Brown Hill Cricket Club, Eureka Athletics Club and Wallaby Park Run) and the regular community groups using the pavilion and community hall draw their players/participants from Brown Hill and beyond.

Figure 2 – Brown Hill Recreation Reserve, catchment area for passive recreation



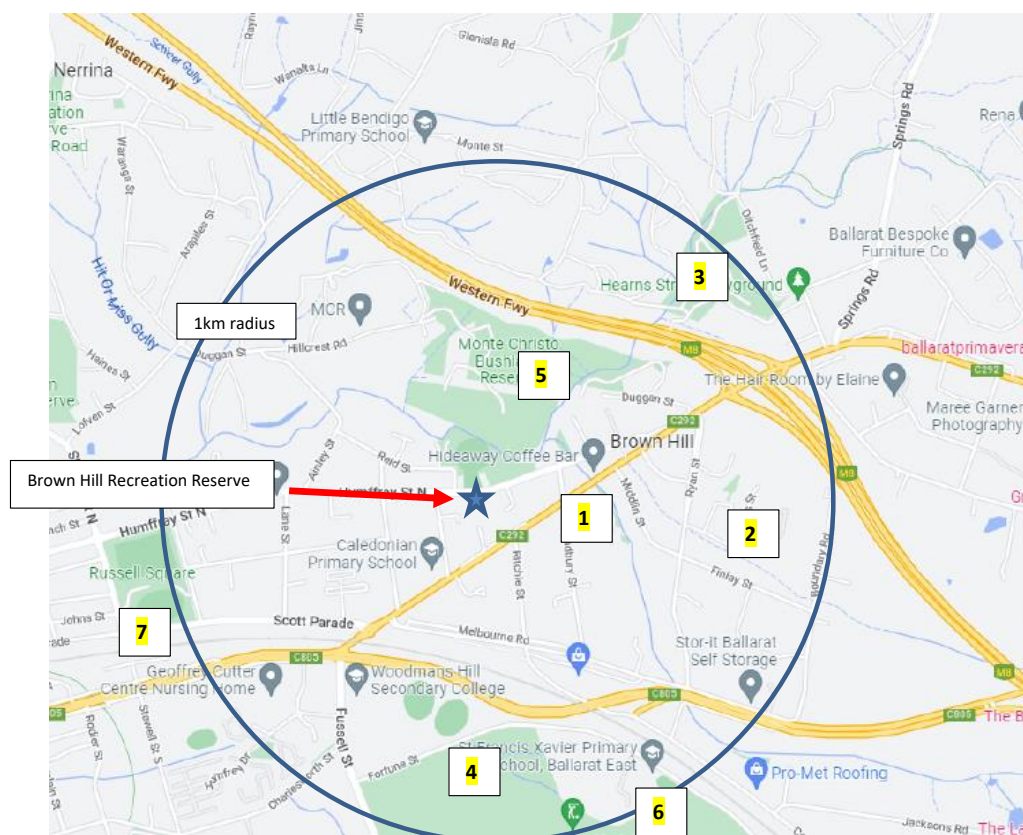
2.1.2 Open Space Setting

Seven open space parcels are located within a 1km radius of Brown Hill Recreation Reserve. All are predominantly passive reserves. Some contain only walking/cycling paths; others contain multiple facilities including play equipment.

Table 1 – Nearby Reserves (as crow flies)

Ref	Reserve	Distance to Brown Hill Recreation Reserve	Facilities
1	Yarrowee River Linear Park	820m	Bushland, walking trail
2	Catherine Crt Neighbourhood Park	820m	Playground
3	Ditchfield Bushland Reserve	470m	Bushland, walking trail
4	Woodman Secondary College Playing fields	960m	Playing fields
5	Monte Christo Bushland Reserve	520m	Bushland, walking trail
6	Mt Xavier Recreation Reserve	1000m	Bushland, walking trail, golf course, bowls facility
7	Russell Square	1000m	Playing fields, playground, community hall, walking paths

Figure 3 – Brown Hill Recreation Reserve, Nearby Open Space Areas



As indicated in section 2.1.1, Brown Hill Recreation Reserve is comprised of an oval, sports pavilion, swimming pool, band hall, community hall, playground, picnic shelters/BBQ and walking paths. The closest venues that contain these facilities and other like play and community spaces are listed in Table 2. The table indicates that:

- Many of the facility types currently located at Brown Hill are provided at other reserves in Ballarat that are situated within a 5 minute drive of Brown Hill Reserve, e.g., oval at Russell Square, pool at Eureka.
- Many of the facility types not currently located at Brown Hill are provided at other reserves in Ballarat that are situated within a 6 minute drive of Brown Hill Reserve, e.g., skate park at Len T Fraser Reserve, exercise stations at Russell Square.

Table 2 – Brown Hill Recreation Reserve; closest like facilities

Item	Location	Distance/time
Facilities at Brown Hill Reserve		
Pool	Eureka	2.2kms, 3 mins by car, 24 mins walk
	Black Hill	2.4kms, 3 mins by car, 29 mins walk
Oval	Russell Square	1.6kms, 3 mins by car, 20 mins walk
Playground	Hearn Rd Reserve	1.7kms, 3 mins by car, 17 mins walk
Band hall	Len T Fraser Reserve	3.8kms, 6 mins by car, 44 mins walk
Community Hall	Russell Square	1.6kms, 3 mins by car, 20 mins walk
Public toilets	Russell Square	1.6kms, 3 mins by car, 20 mins walk

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Item	Location	Distance/time
Family picnic area	Russell Square	1.6kms, 3 mins by car, 20 mins walk
	Eureka Stockade Gardens	2.4kms, 4 mins by car, 28 mins walk
Kindergarten	Midlands Kindergarten	4.2kms, 6 kms by car, 53 mins walk
Facilities not at Brown Hill Reserve		
Basketball full/half court	Len T Fraser Reserve	3.8kms, 6 mins by car, 44 mins walk
Skate park	Len T Fraser Reserve	3.8kms, 6 mins by car, 44 mins walk
Pump track	Chisholm St Reserve	1.6kms, 3 mins by car, 20 mins walk
Rebound wall	No provision	-
Exercise stations	Russell Square	1.6kms, 3 mins by car, 20 mins walk
Official dog off leash reserve	Chisholm St Reserve	1.6kms, 3 mins by car, 20 mins walk
Community garden	Dyte Rd, Ballarat East	2.5kms, 4 mins by car, 32 mins walk

2.2 Occupancy, current usage and management and maintenance arrangements

Brown Hill Recreation Reserve is used by a number of local groups - Brown Hill Cricket Club, Ballarat Pipe Band, Wallaby Park Run, Eureka Athletics Club, Ballarat Regional Multicultural Council, Brown Hill Auskick and various groups/individuals using the community hall. Their usage and occupancy arrangements are as follows.

Table 3 – Usage and occupancy arrangements

Organisation/group	Participants/members (approx.)	Usage	Occupancy arrangements
Brown Hill Cricket Club	150 players	Oval and pavilion Weekends and week nights in summer cricket season Weeknight	Seasonal allocation
Ballarat Pipe Band	28 players, 9 life members Highland Dancers weekly	Band hall 2 times per week Weekly	No formal arrangement
Wallaby Park Run	95 participants	Weekly	No formal arrangement
Eureka Athletics Club	80 members	Weekly in winter	Seasonal allocation
Ballarat Regional Multicultural Council	40 participants	2-3 times per week	Agreement with Cricket Club
Brown Hill Auskick	110 participants	10 nights per annum in winter	Agreement with Cricket Club
Various groups/individuals	>200 participants	Every day	Hire agreement with hall committee

The management and maintenance arrangements for the Reserve are detailed in table 4 below. The table indicates that six Council Units, the cricket club, pipe band and the community hall committee are involved in the management and maintenance of the Reserve.

Table 4 – Management and maintenance responsibilities

Organisation/Unit	Tasks
BCC Recreation Services	Allocation of sports fields and pavilions Liaison with user clubs Monitoring compliance with seasonal allocation agreements Facilities planning and development (inc. capital development submissions) Sports field lighting

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Organisation/Unit	Tasks
BCC Parks and Gardens Unit	Design and development of: <ul style="list-style-type: none"> - Drainage and irrigation systems - Paths - Fencing Maintenance of: <ul style="list-style-type: none"> - Sports fields, including irrigation and sprinkler systems - Passive spaces - Vegetation - Park furniture and fencing
BCC Infrastructure	Design and maintenance of: <ul style="list-style-type: none"> - Paths and safety lighting - Access roads and parking areas within Reserve
BCC Waste & Environment	Collection of rubbish/recycling bins
BCC Facility Maintenance	Maintenance of buildings and playgrounds
BCC Environmental Health	Registration and inspection of kitchens/kiosks
Brown Hill Cricket Club	Compliance with terms of occupancy agreement relating to maintenance, times of use and access Basic maintenance of pavilion and cricket nets Watering the oval (cricket seasons)
Brown Hill Community Hall Committee	Compliance with terms of occupancy agreement relating to maintenance, times of use and access Basic maintenance of hall
Ballarat Pipe Band	Basic maintenance of hall

3. LITERATURE REVIEW

3.1 Documents

The following documents/files were reviewed:

- BCC Council Plan 2021-2025
- Today, Tomorrow, Together; The Ballarat Strategy 2040
- City of Ballarat Community Vision 2021-2031
- BCC Active Ballarat Strategy' 2021
- BCC Municipal Public Health and Wellbeing Plan 2021-2031
- BCC Open Space Strategy 2008
- BCC Community Infrastructure Planning Policy 2020
- BCC Disability Access and Inclusion Plan 2022-2026 (draft)
- BCC Ageing Well in Ballarat Strategy and Action Plan 2022 – 2026 (Draft)
- Active Women and Girls Strategy 2018
- Ballarat Cycling Action Plan 2017-2025

3.2 Relevant Information

The documents contain the following information that is relevant to the Brown Hill Recreation Reserve Masterplan (see Appendix A for full review):

- Council's goals and priorities for the 2021-2025 period.
- Council's long-term plan for a greener, more vibrant and connected Ballarat.
- Council vision for Ballarat for the period 2021-2031
- Council's key priorities with respect to the health and well-being of its community.
- Council's vision for recreation provision in Ballarat, the specific recreation related objectives it wants to achieve and the actions it will take to achieve these objectives.
- Council's vision, key objectives and strategic directions for open space provision in the municipality.
- Council's guiding principles for the development of community infrastructure.
- Council's goals and strategic objectives with respect to improving opportunities for people with disabilities to participate in community life.
- The actions Council will take to help residents age healthily, with dignity and as part of the community.
- The barriers that constrain women and girls' involvement in sport or physical activity, either as leaders or participants, and the actions Council will take to address these barriers.

3.3 Implications of the documents for the Brown Hill Recreation Reserve Masterplan

The implications are as follows:

- The location and design of the buildings in the Reserve should be consistent with the commitments made in the Council Plan, i.e., inclusive and accessible infrastructure, more infrastructure to support recreation opportunities.
- The objectives of creating a 10-minute City and aggregating facilities in community hubs should be considered when framing the directions of the masterplan.

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-
- The masterplan should be consistent with and aim to achieve Council's vision, especially the vision of Ballarat residents living healthy and active lifestyles.
 - The key principles/actions of the health and wellbeing plan should be considered when framing the directions of the masterplan; these being:
 - Accessibility, equity
 - High quality facilities
 - More recreation opportunities
 - More opportunities for walking and cycling.
 - The masterplan should recognise the status of the Brown Hill Recreation Reserve as a district level reserve and the existing deficit in open space provision in the new development areas in Brown Hill.
 - The masterplan should contain actions aimed at achieving the objectives of the Active Ballarat Strategy, in particular:
 - Ensuring recreation facilities are female friendly
 - Increased investment in public open space.
 - The principles outlined in the Community Infrastructure Planning Policy relating to the location and design of community hubs and the rationalisation/disposal of outdated community facilities should be taken into consideration when framing the masterplan and assessing the merits of consolidating the buildings at Brown Hill Recreation Reserve.
 - The masterplan should aim to enhance the physical accessibility of the Reserve and its buildings.
 - The masterplan should ensure that it contains actions which support the key strategies of the Ageing Well in Ballarat Strategy, these being:
 - Physical and equitable access to community spaces for elderly people
 - Inclusive welcoming spaces.
 - The audit of any buildings conducted for this project should assess their suitability for use by women.

4. EXISTING CONDITIONS/SITE ANALYSIS

4.1 Parking

There is unrestricted parallel parking along Reid Court and Humffray Street North. There is offsite parking in the kindergarten carpark (off Reid Court) outside of kindergarten hours. There are three unsealed and unlined gravel carparks in the Reserve - at the public hall, back of the pool and around the pavilion/toilet block/band hall. The carparks have a combined capacity of around 100 cars. There is some erosion and potholes evident in the carparks. The gravel carparks are difficult for people with prams, strollers, seat walkers and wheelchairs to navigate.

4.2 Signage

There are directional finger signs on the Reid Court/Humffray Street North intersection pointing to the kindergarten and Progress Park. There is a reserve name sign on Humffray Street North about 50m east of the community hall entrance. There are no reserve name signs at the Reid Court or community hall entrances. There are large commercial advertising signs on and near the pavilion and cricket nets. There are smaller signs on the oval fence (eastern side). The large signs are visually prominent. The smaller fence signs are consistently sized and spaced. There are building name signs on the pavilion, band hall and community hall. These signs have different type and styles.

4.3 Access points

There are three vehicle access points to the Reserve – off Humffray Street North at the community hall (single car wide), bend in Reid Court at the back of the pool (single car) and at the pavilion (two cars). The points have good sight lines and allow safe egress/access. Pedestrians can enter the Reserve along all its boundaries and the Yarrowee Trail (except around the pool area which is fenced). There is some low bollard fencing along sections of the Reserve boundaries.

4.4 Path network and internal fencing

The path network is limited to the eastern section of the Reserve. The network links the hall carpark, rotundas, playground and footbridge. The paths have a granitic sand surface. Sections of the paths have been eroded by overland water flows. There is no path around the playing field and no path connection between the pavilion/band hall on the western edge of the Reserve and the community hall and play area in the eastern part of the Reserve.

The internal fencing consists mainly of low pine log bollard fencing. There is a timber paling farm fence near the playground and a galvanised pipe rail/cyclone mesh fence around the playing field. The fencing is generally in good condition. Some sections of the pipe/mesh fence are leaning, e.g., at the southern end of the playing field where eroded soil and washed down leaves are pressing up against the fence.

4.5 Buildings/structures

The swimming pool is in general decline. A recent condition report on the pool made the following comments about the pool's component facilities:

- Shade shelter - uneven ground, trip hazard.
- Plant room - poor condition, barely fit for purpose. Evidence of building movement. External concrete is in poor condition, and edge of slab has soil erosion and unsupported.
- Sheds – one shed in fair to poor condition: evidence of corrosion. Others in good condition.

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- Kiosk - fair to poor condition, asset has very limited function, shows age. Paint peeling on gutters. Non-compliant basin waste plumbed across external rear door and connected to storm water.
- Change rooms - very poor condition, barely usable, not functional for intended use and has poor aesthetics. Large cracking in concrete block walls. Minor cracking in slab. No DDA provision. May be an uneconomic repair to refurbish asset.
- Shade shelters – good condition.
- Pool shell, concourse and plant – evidence of extensive cracking, valves need to be installed, expansion joint need repair, slide in poor condition, non-compliant and defective pool grates, plant not operating optimally, concourse is shifting and cracking. Many items of plant need to be replaced.

The community hall is a well-used facility and has been redeveloped in stages. A recent condition report rated the hall as being in fair to poor condition, mainly because of the appearance and condition of the older part of the building. This area has issues with moisture and corrosion. The band hall is an old army hut which was relocated to the Reserve by the band in 1975. The hall is in poor condition and has no internal toilets. It is described in its condition report as being dilapidated and at end of life.

The pavilion is the home clubrooms for the Brown Hill Cricket Club. It was erected by the Club in 1979. It is a small building with a basic design and consists of a social room, storage area, kitchen, bar, small male and female toilet/shower areas and porch area. It has no functional change areas. It is in good condition but has some minor defects and DDA compliance issues, e.g., no ramp to porch and narrow corridor. The patio off the front of the pavilion needs a repaint.

The public toilets are ageing and in decline. The rotundas are in good condition. The large rotunda can seat around 20 people. It has no BBQ. The smaller rotunda can seat 8 but not fully undercover. It has a BBQ. The old shelter at the rear of the pool is in fair condition. It has a single table but no BBQ.

The playground is a basic facility. It has a damaged seat swing and minimal soft fall and there is evidence of significant water erosion. The footbridge is narrow and rotting and splitting in parts. There is minimal park furniture in the Reserve - 6 seats and 3 tables. There is only one park bench on the eastern boundary of the playing field. The park furniture is ageing but in good condition.

4.6 Surrounds and vegetation

The Reserve has a strong framework of established and healthy native trees and some indigenous eucalypts. The major tree species are Blackwood, Ironbark, Swamp Gum, Manna Gum and Blue Gum. Other trees noted as one/two or minor groupings include River Sheoaks, Lemon Scented Gums, Red Flowering Gums, Apple Myrtles, Tuarts and English Elms. There is a clump of Blackwood Wattles to the far north east corner around the playspace and a group of River Sheoaks to the Humffray Street North frontage, south of the playspace. There is a small stand of nine fruit trees between the community hall and playspaces - apple, plum and apricot trees are represented.

4.7 Playing field and nets

The playing field is oriented NE/SW. It is circular - 126mX 125m - and is suitable, dimension wise, for mid-age junior football (and younger) and senior and junior age cricket. The field has no lights. It has an undulating surface, no drainage and only manual irrigation (one quick coupler valve located midway from the cricket wicket to the western fence). The field holds water in winter and after heavy rains in summer.

The turf cover has a mix of grass species - couch, fescue, rye and winter grass and minor occurrences of Paspalum Grass and small leaved Oxalis. The field has around a 1m fall from south to north. A significant section of northern end of the field is shaded by the high pine trees on the hill. The area is damp and the grass cover weaker than the remainder of the field. Roots from the pine trees on the base of the northern hill are protruding on the playing field.

The cricket practice nets (4 bays) were originally erected and recently extended by the Club. Basic lighting has been installed over the nets to allow for night training and the back area behind the stumps lengthened to provide for wicketkeepers. The bowling run ups (synthetic grass over sand) are on the oval surface.

4.8 Assessment of Brown Hill Reserve against AFL and Cricket Australia facility standards

Table 5 on pages 14 and 15 contains an assessment of the sports facilities at Brown Hill Recreation Reserve against the AFL's and Cricket Australia's facility Standards for local level facilities. The assessment indicates that the sports facilities at the Reserve only satisfy the standards in six areas – accessible toilet, size of playing field, width of runoff, number of cricket practice nets, height of oval fence and size of external covered viewing area.

Table 5 - Assessment of Brown Hill Reserve against AFL and Cricket Australia Standards (components and areas)

Facility	Preferred minimum provision/size		Brown Hill Reserve	Meets standards
	AFL	Cricket Australia		
	Local	Club home		
				✓ meets standard
				X does not meet
BUILDINGS				
Players toilets/showers	2x25m ²	2x20m ²	2X7m2	X Toilet/shower areas
Player changerooms	2x45m-55m ²	2x20m ²	2X3m2	X
Umpires' rooms	20m ² -25m ²	15m ²	-	X
Public toilets	Male 10m ² Female 10m ²	Male 15m ² Female 15m ²	Male 10m ² Female 10m ²	X
Accessible toilet	5m ²	5.5m ²	5m2	✓
First aid/medical room	Optional, 15m ²	Optional, 10m ²	-	-
Kitchen/kiosk	20m ²	15m ²	6m ²	X
Social/community room	100m ²	100m ²	70m2	X
Office/administration meeting room	15m ²	Optional, 15m ²	-	X
External covered viewing	50m ²	-	50m2	✓
Storage	20m ²	30m ²	10m ²	X
Kitchen storage	-	Desirable, 8m ²	2m ²	X
Utility/cleaners room	5m ²	5m ²	-	X
External storage	-	30m ²	-	X
Curator's shed	-	60m ²	40m ²	X
Timekeepers'/scorers' area	10m ²	Desirable, 3m ²	-	X
Doctors room	Optional, 10m ²	-	-	-
Massage/strapping room	Optional, 2x10m ²	-	-	-
Gym/fitness room	Optional, 20m ²	-	-	-
PLAYING FIELD AND SURROUNDS				
Playing field size including run-offs	See above	See above	125mX125m	✓
Practice cricket nets	-	3 synthetic	4 synthetic	✓
Interchange benches	4.8m long and 1.2m wide (X2)	-	3mX1.2m	X
Coaches' boxes	Form part of interchange bench	-	-	-
Goals and point posts	Goals: 8m out of ground, Points: 5m out of ground	-	-	-
Run-offs	Minimum 3m	-	3.0m	✓

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Facility	Preferred minimum provision/size		Brown Hill Reserve	Meets standards
	AFL	Cricket Australia		✓ meets standard
	Local	Club home		X does not meet
Sports field lighting	Training 50 lux, match practice and competition 100 lux	300 lux centre square, 200 lux outfield	-	X
Scoreboard	No defined standard	-	-	-
Carparking	No specific standard	40 bays	80 spots	X
Siren	No specific standard	-	--	-
Interchange stewards/reserve umpires shelter	1.8m long and 1.2m wide	-	-	-
Oval fencing	Optional 900mm high with mesh infill or similar		900m chain wire	✓
Public address system	Optional no specific standards	-	-	-
Spectator seating/grandstand	Optional no specific standards	30 seats	-	-
Perimeter reserve fencing	Optional no specific standards	-	-	-
Sight screen	-	Optional	-	-

Figure 4 - Existing Conditions Plan (for higher resolution see separate Attachment Two – Figure 4 Existing Conditions Plan)



5. LEISURE TRENDS/DEMOGRAPHICS

5.1 Leisure Trends

There are a number of general leisure trends for active/passive recreation reserves which should be taken into consideration in the preparation of the Brown Hill Recreation Reserve Masterplan. These are as follows:

- Traditionally, the active components of sports reserves were mainly and, in some cases, solely used for structured sporting purposes. This use was during the day on weekends and early evenings on weekdays. The reserves would sit near idle at other times. This trend has changed in recent decades and sports reserves are now seen as community recreation reserves which provide for both structured and unstructured recreation. Councils have been active in encouraging this trend by introducing facilities at reserves that support passive recreation – playgrounds, circuit paths, shade structures, park furniture, tree planting etc – and being more relaxed about the use of playing fields and courts by social/casual groups, personal trainers, dog walkers etc.
- Generally, adults are remaining fitter and more active until later in life. This is leading to an increased participation in and more frequent use of active reserves for walking, relaxation and social activities.
- In recent times, sports pavilions are being viewed more as multi-use community buildings. Changerooms and amenities areas are mainly used for sport but the social areas, meeting rooms and kitchens are increasingly being used by non-sporting community groups.
- Local Councils are increasingly redesigning and adapting their facilities and open space areas to ensure they are environmentally sustainable and accessible to people of all ages, backgrounds and abilities.
- Participation by women/girls as players and umpires in traditional male sports such as football and cricket is increasing. This participation is being strongly encouraged by Federal, State and Local Governments (including Ballarat). This has implications for the availability of and load on playing fields and the design of sporting pavilions.
- More people are choosing to recreate in informal and unstructured ways. As a consequence, activities such as jogging and walking in parks for exercise and pleasure are becoming more prevalent. Sporting fields are increasingly being used by organised exercise groups (boot camps etc). This use normally occurs in the mornings on weekdays and does not conflict with formal club activities.
- The rate of pet ownership, particularly as companion animals for older adults, is increasing. Exercising dogs in parks, especially at reserves with fenced fields like Brown Hill Reserve, is a popular activity.

5.2 Demographics

For Council's population projections purposes, Brown Hill is divided across two local areas - Soldiers Hill-Black Hill-Nerrina South-Brown Hill West local area and the Rural East local Area. Tables 6 and 7 provide population projections for these local areas. The figures indicate that:

- The populations of the Soldiers Hill-Black Hill-Nerrina South-Brown Hill West and Rural East local areas are projected to grow by 1,950 or over the next 14 years. The majority of this increase (1,645) is anticipated to occur in Rural East – in the residential area just across the Western Hwy from Brown Hill Reserve.
- The population of the Soldiers Hill-Black Hill-Nerrina South-Brown Hill West is projected to age significantly over the next 14 years with the child population decreasing numerically and the aged population increasing substantially.
- All age cohorts in Rural East will increase numerically. The biggest increases will occur in the 70+, 40-49 years and 10-19 years age cohorts.

Figure 5 – Brown Hill Suburb (Census map 2021)



Table 6 – Population Projections: Soldiers Hill-Black Hill-Nerrina South-Brown Hill West local area)

Age cohorts	Forecast years					
	2016	2022	2029	2036	+/- 22-36	+/-% 22-36
0 to 9	1330	1281	1202	1188	-93	-7.3
10 to 19	992	1099	1165	1137	38	3.5
20 to 29	1509	1335	1308	1351	16	1.2
30 to 39	1418	1460	1398	1370	-90	-6.2
40 to 49	1209	1229	1321	1318	89	7.2
50 to 59	1172	1182	1124	1167	-15	-1.3
60 to 69	1012	1044	1019	1004	-40	-3.8
70 to 79	505	715	885	870	155	21.7
80+	301	360	441	583	223	61.9
Total	9448	9705	9863	9988	283	2.9

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Table 7 – Population Projections: Rural East local area

Age cohorts	Forecast years					
	2016	2022	2029	2036	+/- 22-36	+/-% 22-36
0 to 9	427	456	486	527	100	23
10 to 19	337	445	541	581	244	72
20 to 29	241	267	319	371	130	54
30 to 39	289	361	394	424	135	47
40 to 49	325	421	538	589	264	81
50 to 59	367	383	447	538	171	47
60 to 69	336	354	400	443	107	32
70 to 79	95	227	271	319	224	236
80+	33	59	245	301	268	812
Total	2450	2973	3641	4093	1643	67

Table 8 provides comparisons of the demographic characteristics of Brown Hill in the census years of 2011, 2016 and 2022 and between Brown Hill and Ballarat LGA in 2022. The table indicates that:

- Brown Hill has a much younger population than Ballarat LGA (median age 36 years compared to 39 years).
- Brown Hill's youth and young adult population has declined significantly as a proportion of the total population from 14.5% in 2011 to 9.3% in 2021.
- Brown Hill's cultural make-up has also changed with the proportion of people with English, Irish and Scottish heritage increasing significantly.
- Brown Hill is considerably more affluent than Ballarat LGA – median household weekly income \$1,757 compared to \$1,429.
- Brown Hill's family and housing compositions and dwelling mix have remained constant – predominantly couples with children and separate houses.

Table 8 – Demographic characteristics; Brown Hill and Ballarat LGA

Characteristic	Brown Hill suburb			Ballarat LGA
	2011	2016	2021	2021
Total population	3078	3582	4489	113763
Median age (years)	35	36	36	39
Age cohorts (years)				
– 0-4 years, % of total	7.7	8.1	8.4	5.8
– 5-14 years, % of total	11.7	13.2	12.9	12.9
– 15-24 years, % of total	14.4	10.9	9.3	12.3
– 25-54 years, % of total	42.1	42.4	42.1	38.3
– 65+ years, % of total	11.9	14.1	15.0	19.0
Average household size (persons)	2.5	2.4	2.5	2.4
Median weekly household income (\$)	1107	1357	1757	1429
Cultural background (% of population)				
– English	29.3	29.6	42.3	42.0
– Irish	11.2	13.4	17.4	15.0
– Scottish	8.3	8.8	12.7	13.0
– Born overseas	13	12	12	15.0
Family composition (% of families)				
– Couple with children	43	43	46	40

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Characteristic	Brown Hill suburb			Ballarat LGA
	2011	2016	2021	2021
Dwelling structure (% of dwellings)				
– Separate house	87	88	88	85
– Semi detached	3	11	11	12
– Apartment/unit	10	0.3	0.3	3.0
Household composition (% of households)				
– Family	70	70	71	66
– Lone person	25	26	26	30
– Group	5	4	4	4

5.3 Implications for Masterplan

The implications of these leisure trends and demographics for the Brown Hill Recreation Reserve Masterplan are as follows:

- The objectives of environmental sustainability and access for all should be considered when framing the redevelopment masterplan for the Reserve.
- Population growth, the ageing of the local community and the increasing popularity of activities such as walking for exercise and training in groups will increase the demand for the active and passive areas of the Reserve. This will heighten the need for the enhancement of these areas, such as improved drainage, construction of paths, installation of park furniture and provision of shade and shelter.
- The growing popularity of dog walking will increase demand for suitable dog walking facilities in the Reserve.
- The demand for play facilities will remain strong with the child and youth populations and the number of family households in the Rural East part of the Reserve's catchment area continuing to grow.

6. CONSULTATION

6.1 Brown Hill Reserve User Groups

Officials from the Reserve user groups were asked to, where relevant, provide information about the history of their groups, member/participant numbers, their use of the Reserve and facility needs and their thoughts on what improvements are needed at the Reserve. Their full responses are detailed in Appendix B. A summary of their suggested facility improvements are as follows:

Ballarat Pipe Band

- Refurbish the band hall.
- Upgrade the toilet block.

Brown Hill Community Hall

- Extend the main hall stage.
- Install a bar in the main hall.
- Extend and upgrade (seal) the hall carpark.
- Repair or replace the hall windows.
- Redevelop the Humffray Street North foyer as a display/reception area.
- Provide a sound system in the main hall and a presentation system in the meeting rooms.

Brown Hill Cricket Club

- Irrigate/drain the oval.
- Provide changerooms in pavilion (female friendly).
- Enhance the area between the pool and playing field.
- Erect a high fence at northern end to prevent balls going into the river area.
- Pursue the concept of an indoor training facility.
- Upgrade the cricket nets.
- Lay a turf wicket table (on the proviso that a suitable alternative synthetic wicket location is available to the Club).

Brown Hill Kindergarten

- Upgrade the carpark and define the parking bays.
- Improve the oval drainage.
- Extend the playground and make it more diverse.
- Erect a toilet near the playground.
- Upgrade the existing toilet block.
- Provide more shade, shelter, BBQs and park furniture.
- Consider closing the pool and replacing it with a splash park.
- Consider installing adult exercise equipment.

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- Drain and irrigate the oval.
- Erect lights over the oval.
- Define the parking bays in the pavilion carpark.
- Replace the pool with a splash park.
- Erect toilets near the play area and splash park.
- Upgrade existing toilets if they are to remain.
- Provide dog bins and bags.

Eureka Athletics Club

- Install distance markers along the Yarrowee Trail.
- Improve oval drainage.
- Upgrade or replace public toilets.

Ballarat Regional Multicultural Council Inc

- Redevelop the pavilion as a sports/community building.
- Make the pavilion more accessible: seal the carpark, provide a ramp to the porch, widen the corridor in the pavilion for wheelchair access to toilets.
- Revamp public toilets.
- Provide garden beds near the pavilion.

Wallaby Track Parkrun

- Erect a new toilet block which is accessible to all reserve users.
- Provide more water points and drinking taps.
- Provide a rotunda or covered area near the start/finish point of the parkrun.
- Create a formal entry point, paths and signage along Humffray Street North.
- Upgrade the children's playground.
- Either demolish or upgrade the swimming pool.
- Provide more parking and shade.

Brown Hill Progress Association

- Replace the pool with a splash park– facility to include spray equipment, toilet block, climbing equipment, basketball hoop and drinking fountain. The existing BBQ, picnic tables, shelter and seats at the pool should be retained.
- Acknowledge and celebrate the history of and the community's involvement in the pool.
- Erect a permanent stage facility.
- Create a community garden area.
- Provide a drinking fountain, picnic tables and more seating near the playground. Erect shade over the playground.
- Terrace the embankment areas around the oval.
- Provide exercise stations around the Reserve.

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- Provide solar lighting to the Reserve.
- Prepare and implement a landscape plan for the Reserve to ensure new structures/features are consistent with the existing character of the Reserve.
- Retain and upgrade the timber bridge across the River.

6.2 Sporting Associations*Ballarat Cricket Association*

The Cricket Association was asked for its general views on Brown Hill Recreation Reserve as a cricket venue and its thoughts on a turf wicket and indoor cricket training centre being provided at the Reserve. Its comments were:

- The reserve is an attractive setting for cricket. The field is a good size. However, the surface holds water after heavy rain and dries out quickly during hot periods. The changerooms are basic. The works required at the Reserve include drainage, irrigation and pavilion upgrade.
- In principle, the Association supports the provision of additional turf wickets across Ballarat. However, their installation needs to be the subject of a feasibility study/business case. With respect to Brown Hill, the Association supports the installation of a turf wicket. However, it is concerned that:
 - There may not be a suitable alternative location/s for the synthetic teams that would be displaced from Brown Hill
 - The general loss in playing capacity resulting from converting a synthetic wicket to turf.
- In principle, the Association supports the provision of an indoor cricket training venue somewhere in Ballarat but again stressed that the merits/feasibility of developing the facility needs to be carefully investigated.

Ballarat Football Netball League

The Football Netball League was asked about the desire of the Brown Hill Auskick Program to field some low age junior teams in BNFL competitions. It advised that:

- The League is currently undertaking a strategic review of junior football in Ballarat. The review is specifically looking at football provision in Ballarat East.
- It has been approached about the notion of the Auskick program fielding some junior teams and is not opposed to it.
- The East Point Club being so near would not be a barrier to a new junior club starting in Ballarat East.
- The League would need to be convinced that the Club would be sustainable and that, in time, it could field teams in every junior age group. It would be expected that the Club could also provide for netball.
- The League would also need to be assured that the Club had access to suitable facilities – pavilion, lights, good playing surface, netball court/s.

6.3 Local community

The local community was asked through surveys and a community drop in session to comment about the role of the Reserve, its positive and no so positive attributes and the improvements that are needed at the Reserve. The responses of the community are described in detail in Appendix B. A summary is as follows.

Brown Hill Progress Association (BHPA) – Community Survey

Residents were asked some set questions, e.g., whether they support the closure of the pool, and, if they did, what should it be replaced by? Residents were given a list of potential improvements to the Reserve and asked to indicate the importance of these improvements. Residents were also invited to make comments about any matters relating to the Reserve:

- 330 people answered the survey.
- With respect to the Reserve and the listed improvements:
 - Improving amenity and safety was considered to be highly important, particularly enhancing toilet facilities, providing more shade (natural) and park furniture and installing drinking fountains
 - Some of the listed major projects were also considered by many respondents to be of high importance, in particular a splash park, basketball hoop/half court, climbing frame and communal garden.
- The comments about the future of the pool were mixed and ranged from retaining and upgrading the pool through to replacing the pool with a splash park. A sample of the comments is as follows:
 - With little children we have not visited the pool in recent years as the toddler pool has been closed, and the water is far too cold. But we would love a pool that was heated somehow and had a toddler area.
 - I love the idea of the pool, but the reality was, I'd try Eureka as it had warmer water and opening hours that suited a morning swim
 - We loved the pool when it was community ran and used it a lot. We would use the pool more in summer but the facility is dated and our children complain that the water is colder than other facilities.
 - It's sad that we could potentially lose the pool, Eureka is far too crowded, kids need to be able to swim and have a space to practice
 - It would be wonderful for the community to have improved infrastructure/equipment at the Reserve to compensate for the loss of the pool and its recreational activities
 - If the Council closes the pool, I think they should (must) put some other recreational equipment in place, the people (children especially) of Brown Hill, are just as important as those in the "newer" areas
 - We would like to see the Ballarat Council put more thought into the continuing improvement of facilities on the Eastern side of town. Brown Hill has experienced a rapid rate of residential growth but very little improvement in surrounding infrastructure.
- The comments about improvements to the Reserve were also mixed. Many related to the provision of toilet and play facilities, shade and park furniture. Some commented about the importance of retaining the attractiveness of the Reserve. Many said that the Reserve should offer recreational opportunities for all ages. A sample of the comments is as follows:
 - We use the walking track and playground casually but would use it much more if it had better facilities and was more attractive to children
 - I live close by the Reserve and often see elderly walkers, carers and their wards, young mothers and babies walking through and enjoying the Reserve
 - We enjoy going to the oval for a kick of the footy and using the playground. I also take disabled clients to the Reserve weekly to go for a safe walk in a relaxing atmosphere. I'd hate to lose the lovely relaxing atmosphere of the Reserve
 - A toilet block closer to the playground is required. It is hard to take a child that is toilet training that far to the cricket oval
 - Fencing please for young kids near the creek and road, and some space to park bikes too. I think a multi-purpose playground would be great like other suburbs have developed in Ballarat, i.e., big slides and playground, small climbing wall, half basketball court
 - I think the pool is outdated and the site could be used for a more friendly site i.e., splash pool

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- I think we definitely need to think to the future and what kids enjoy doing! A skate park, splash zone, basketball court etc, they are the things that will get families back out and involved in the community. We have none of those things over this side of town, and let's face it, we're only growing!
- Brown Hill Recreation Reserve has always held attraction to its residents because of its picturesque natural surroundings. Aside from the redevelopment of the pool site, it would be beneficial if any change to the Reserve was sensitive to this. Large amounts of concrete and steel, such as a skate park, would detract from the natural landscape
- Please think of the space as an inclusive space to welcome people of all ages. Ensure that the redevelopment has something for younger and older children, where families and friends can gather.

*Online Survey - Council*Short survey

Local residents were invited through an online survey to provide their thoughts on the attributes of Brown Hill Recreation Reserve and the improvements that are needed at the Reserve. A summary of the main findings of the survey is as follows (see Appendix B for full analysis):

- 96 residents responded to the survey.
- Regarding their most favourite aspects of the Reserve:
 - 49 respondents commented about the location, setting, layout, spaciousness, beauty and peacefulness of the Reserve. Some liked the rural feel and openness of the Reserve – many the bush setting, others the views of the hill and the serenity of the Reserve
 - 25 commented that they like the walking track near the Reserve. 15 mentioned the playground as being their favourite component of the Reserve. Others mentioned the pool, BBQ facilities and seating.
 - 10 commented on the Reserve's community feel and accessibility. Others liked that the Reserve was multi-functional and provided for all age groups.
- Regarding their least favourite aspects of the Reserve:
 - 20 commented about the poor condition of the existing public toilets in the Reserve and the lack of toilets near the play area/BBQ facility
 - 14 commented about the poor condition and the frequent closure of the pool
 - 8 commented about the basic design of the playground. Some were concerned that the playground was not shaded or fenced.
 - 8 were concerned about the declining condition of the buildings in the Reserve.
 - 5 said that the Reserve lacked drinking fountains
 - Others commented about the poor condition of the oval and the tracks in winter. Some said the Reserve lacked facilities for teenage children.
 - With respect to what they would like to see added at the Reserve, recommended works included (top 10 in popularity order):
 - Erecting a new toilet block near the play area
 - Installing more park furniture
 - Upgrading and expanding the play area and providing shade
 - Retaining and upgrading the pool
 - Installing a splash park
 - Installing a basketball half court
 - Providing a fenced area for dogs
 - Upgrading the oval surface
 - Installing drinking fountains

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- Introducing more native vegetation.
- Regarding the ranking of potential projects in order of preference:
 - Public toilets near the playspace and rotundas was given the highest preference (note - the lower the score, the higher the preference)
 - Improved carparking and consolidated buildings were given the lowest rankings.

Project	Ranking	Raw score out of 9
Public toilets near playspace and rotundas	1	2.97
More seating, tables and shade	2	3.67
Improved play space	3	3.70
Extended the path network	4	4.48
Exercise equipment/stations	5	5.51
Extended/upgraded pavilion	6	5.67
Replacement of pool with a splash park	7	5.68
Improved carparking	8	5.88
Consolidated buildings	9	6.49

- Regarding other comments, again the respondents' views related to the projects listed in the table above. Some respondents argued strongly against closing the pool, suggesting that the pool's low patronage was due to the condition of the pool and its lack of heating rather than the community's lack of interest in the pool. Some other valuable comments were:
 - The Reserve is used by the 2nd biggest Auskick program in Ballarat. The oval needs to be improved for this activity
 - Internal paths should be connected to outside paths
 - Parking within the Reserve should be limited
 - The heritage value of the hut occupied by the Band should be recognised
 - A bridge should be provided across the creek at the back of cricket nets
 - Nothing needs to be added or taken away from the Reserve. The Reserve just needs updating.

Deep dive

Local residents were invited to make more detailed responses to specific questions about the facilities in and potential improvements/changes at Brown Hill Reserve. 43 people responded to the survey. Their comments were as follows:

- *Item 1 – Replacing the pool with a splash park:* the respondents were divided on the issue. Some fully supported the replacement of the pool with a splash park, a similar number wanted the pool retained and upgraded, some wanted the 25m pool retained and the toddlers' pool converted to a splash park. Some were concerned that the splash park would only provide for younger children. A small number had no opinion about the future of the pool.
- *Item 2 – Consolidating/removing buildings at the Reserve:* Again, the respondents had a diversity of views. Some wanted all the buildings to be retained and upgraded. Many wanted the toilet block to be removed and replaced with a new facility near the picnic area and playground. Some wanted the band hall updated; there were no suggestions that it be removed. Some supported the concept of redeveloping the pavilion as a pavilion/community centre. One respondent said that, if money was not an issue, consideration should be given to replacing at the buildings at the Reserve with a centrally located sports/community building.

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- *Item 3 – Expanding the path network:* Some respondents were content with the paths as they are but requested that they be better maintained. Some liked the idea of a circuit path; many wanted a path connection from the cricket club pavilion to the community hall.
- *Item 4 – Constructing a new toilet block:* There was strong support for the provision of a new toilet block. The preferred location was near the playground and rotundas. Many said that the new block should replace the existing toilet block, some said that the existing block should be kept and upgraded.
- *Item 5 – Upgrading the existing playspace:* There was also strong support for this item. Some wanted the play facilities to be more diverse and capable of catering for all ages and abilities. Some wanted facilities like flying foxes, sensory areas, basketball half courts, exercise equipment. A small number wanted the playground (and the Reserve) to remain as is.
- *Item 6 – Upgrading the pavilion:* Many residents that were familiar with the layout of the pavilion suggested that it should be extended - larger social rooms and some changerooms. Many wanted it to be a sports facility/community building. Some made recommendations about external facilities to complement the pavilion – seats, water fountains, larger veranda.
- *Item 7 – Upgrading the carpark:* The majority view was that the existing carparks were sufficient. Some said that the bays should be defined. Others said that carparking capacity would need to be reviewed if a decision was made to proceed with the splash park.
- *Item 8 – Installing additional seating and shade:* There was strong support for this item. The preferred location for more seating was near the playground and around the oval. Regarding shade, the preference was for natural shade (trees) rather than structures. However, some supported the erection of a shade structure over the playground.
- *Item 9 – Providing outdoor exercise equipment:* There were mixed views on the value of providing exercise equipment. Some said the stations would not be used, others said that they would be a good addition to the park. Some said that only 3 or 4 stations should be provided.
- *Item 10 – Improving habitat and biodiversity:* A diverse range of comments were made in response to this item. The main comments were about planting more native trees and removing the weeds in the creek.
- *Items 11 – Mitigating against climate change:* Suggestions included solar panelling, more trees and recycle bins.
- *Items 12 – Improving the Reserve for users groups:* Comments included drinking taps and toilets near the footbridge, drainage, irrigation and lighting of the oval, upgrading the pool, a stage area, a wider footbridge, shelter on the northern side of footbridge, upgrading the pavilion.
- *Item 13 – Introducing changes to make the Reserve more appealing:* Suggestions included easier access for people with disabilities, not cluttering up the Reserve, more play facilities, formal entrance to park, better signage, community garden, skateboard facilities.

Drop-in-session

45 local residents attended the session. Attendees were invited to view site analysis and key actions plans, comment on the contents of the plans and suggest changes or additions. There were also directed to the on-survey on Council's My Say page or given the choice to complete a hard copy of the survey. There was general agreement with the key actions plans. The following comments/recommendations were made (some are opposing views):

- Agree with the pool being replaced by a high quality splash park.
- The pool should be retained and upgraded.
- The pavilion redevelopment should be similar to that undertaken at Russell Square.
- The pavilion should be extended and made suitable for sports and general community groups.

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- The playground redevelopment should be as per the Midlands Play Area redevelopment (bigger and more diversity, pump track).
- Facilities are needed in the park for teenagers – e.g., half court, rebound wall.
- A skate park should be provided.
- Exercise equipment should be similar to that provided at Mt Pleasant Oval.
- Lighting over the oval is not required. Concern about the impact of wildlife. Lights are provided over the playing field at Russell Square. This is sufficient.
- Provide better security lighting and oval lighting to accommodate night-time running.
- Create gate access to the eastern side of the oval.
- Provision of an indoor cricket facility should be considered. Needed in Ballarat because of inclement weather.
- Lit netball courts and extension to cricket nets should be considered.
- Oval should be extended to provide for junior football. Lighting should be provided.
- Consider provision of a central turf wicket table.
- Consider provision of a pump station (there was disagreement to this).
- Consider café on eastern side of Reserve.
- Provide water fountains at suitable locations.
- Make provision for a community garden.
- Provide new deck at the rear of the community hall.
- Provide more BBQs, rotundas, seating and benches.
- Better care for open grassed areas in eastern section of the Reserve.
- Beautify area around the footbridge – clear weeds and plant natives.
- The creek needs better care.
- Modify hall toilets to make externally accessible in daylight hours. Provide cubical like toilets at splash park. Include externally accessible toilets in redeveloped pavilion.
- Provide a basic stage area.
- Recognise the role the pipe band played in establishing the Reserve and contributing to the construction of the toilets.

Some important messages also emerged from the casual discussions held on the night. These were:

- There was support for the splash park. However, there were a few attendees who strongly argued that the pool should be retained.
- There was unanimous support for providing additional play facilities and park furniture. However, some residents were concerned that the Reserve would get too cluttered
- Many residents commented that they like the 'balance' in the Reserve – active recreation/family-play zone/community buildings/vegetation areas. Some cautioned against doing anything to disturb this balance, e.g., enhancing the oval so it is intensively used in winter.
- There was support for consolidating the buildings on the western side of the Reserve and for extending and redeveloping the pavilion as a community recreation building. Attendees, however, did not want to see the pipe band displaced.
- There was agreement that the existing toilet block should be removed. Several replacement options were proposed - make hall toilets externally accessible in daylight hours, provide cubicle like toilets at the splash park, externally accessible toilets in the redeveloped pavilion, toilet block near the children's playground.

6.4 Council officers

Council officers involved in the planning, management, development and maintenance of Brown Hill Recreation Reserve and its spaces/facilities were asked to indicate what they consider to be the role of the Reserve, the positive and negative attributes of the Reserve, the changes that are occurring around the Reserve that might have implications for the masterplan and the improvements they thought were needed at the Reserve. They were also asked to respond to the comments made by the community about improvements to the Reserve. Their thoughts/comments were as follows:

- Brown Hill Recreation Reserve is an important open space area with a diversity of roles. It:
 - Provides for community sport and recreation activities, informal play and family/community activities
 - Provides for passive recreation where local residents can walk, run, ride, spectate, relax and contemplate
 - Is used as a thoroughfare by people walking to and from the Yarrowee Trail, Monte Christo Bushland Reserve, Brown Hill Kindergarten and Brown Hill commercial/retail area and residential precincts
 - Provides a visual break from the commercial and residential properties along Humffray Street North and Reid Court.
- The positive aspects of the Reserve are its size and shape, open grassed areas, beautiful backdrop, attractive view-lines and landscape, accessibility and close proximity to residential areas. The not so positive aspects are its ageing buildings and safety issues related to the carpark areas.
- The changes occurring around the Reserve include increased housing density with multiuse developments, less trees on smaller blocks and residential growth north of the Reserve.
- The pool is ageing and consideration should be given to replacing it with a splash park.
- The Reserve hosts events/activities that can attract large numbers of cars. The carparking areas in and around the Reserve should be reviewed to enhance their efficiency, capacity, safety, accessibility, integration and appearance. Angle parking may need to be provided on Humffray Street North. The internal carparks should be sealed and lined.
- There are plans to extend the kindergarten to enable it to cater for more children. This will add to the demand for the carpark near the pavilion. This should be considered in the parking review.
- The condition, location and size of the footbridge across the Yarrowee River needs review to enhance access to the Yarrowee Trail. The footbridge should be widened and relocated to the west.
- The playing field is too small for all grades of junior football. It is not viable to extend the field to make it suitable for all grades - this would compromise other open spaces and alter the character of the Reserve. The playing field should retain its current role as an important venue for cricket in summer and a low key ground for variety of sports in winter. The playing surface should be upgraded. This will improve conditions for the cricket club and provide for sports like lacrosse and ultimate frisbee. Lights may be needed in the long term.
- The Reserve is a hard cricket wicket venue. Converting the wicket to turf has been suggested. The installation of a turf wicket would potentially prevent junior and lower grade senior cricket being played on the Reserve. A broader discussion with Brown Hill Cricket Club and the Ballarat Cricket Association and agreement from these organisations that the turf table should be provided is required. An alternative location for the junior and lower grade senior cricket played at the Reserve would have to be found. The BCA and City of Ballarat would have to agree to amend its strategic partnership in line with any developments to address Brown Hill Recreation Reserve and its impact on Western Oval (the turf wicket reserve currently used by Brown Hill Cricket Club).
- The band hall is ageing and lacks facilities. Its future needs review. The potential of the pipe band relocating to the community hall (or another venue) should be investigated.

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- Indoor cricket nets have been proposed previously. Brown Hill Reserve is not considered an appropriate location for the venue.
 - There are several buildings/structure on the Reserve. They should be consolidated/rationalised, where feasible.
 - The pavilion should be redeveloped to make it female friendly and provide suitable players and umpire changerooms.
 - Consideration should also be given to the following works:
 - Installing fitness stations
 - Upgrading or replacing the public toilets
 - Expanding the play facilities and path network

7. SUMMARY OF SUGGESTED IMPROVEMENTS/ASSESSMENT OF MERIT

Table 9 lists the improvements to the Reserve that were identified in the literature review, audit of the Reserve and consultation process. The table includes assessments of the merits of the improvements and make recommendations about whether the improvements should be included as actions in the Reserve masterplan.

Table 9 – Assessment of Merit

	SUGGESTED IMPROVEMENTS	CONSIDERATIONS	RECOMMENDATIONS
1	<p>Retain and upgrade the pool</p> <p>Retain and upgrade the 25m pool and plant. Convert the toddlers' pool to a splash park</p> <p>Replace the pools with a splash park. Combine with new play facilities – rebound wall, half court, climbing frame. Retain the existing BBQ, picnic tables, shelter and seats at the pools, if feasible</p>	<ul style="list-style-type: none"> See Appendix C 	<p>Replace the pool area with a splash park. Combine with new play facilities – rebound wall, half court, climbing frame etc. If feasible, retain and upgrade the existing BBQ, picnic tables, shelter and seats at the pool. Review and redesign the carpark area.</p>
2	<p>Upgrade the carparks and define the carparking bays</p> <p>Seal and line the carparks</p> <p>Enhance or remove the carparking at the rear of the pool</p> <p>Extend the community hall carpark</p> <p>Make provision for an expansion of the pavilion carpark, if needed for the kindergarten and/or for oval users in the future</p>	<ul style="list-style-type: none"> There is general agreement that the carparks should be sealed and the parking bays better defined. This view was strongly put by the Reserve user groups and supported by the community. The kindergarten advised of the importance of the pavilion carpark to its operation and indicated that more parking in the Reserve may be required in the future if the kindergarten buildings required further expansion and encroached into the parking on the kindergarten site. An area should be set aside for additional carparking, if needed in the future. The removal of the band hall will provide space for additional carparking, if needed in the future. The carparking area at the back of the pool is randomly configured and unsightly. It should be removed. Angle parking may be needed on Humffray Street North if a splash park is provided. The community hall carpark and the on street carparking on Humffray St Nth have sufficient capacity to cater for the current needs of hall and general park users. 	<p>Seal the pavilion and community hall carparks and define the carparking bays</p> <p>Make provision for an expansion of the pavilion carpark, if needed in the future.</p> <p>Remove the carpark at the rear of the pool as part of the splash park/play space development.</p> <p>Review the provision of car parking on Reid Court and Humffray Street North in the detailed planning for the splash park.</p>
3	<p>Create a main entrance to the Reserve</p>	<ul style="list-style-type: none"> The Reserve has two main vehicle entrances – off Reid Court and Humffray Street North. Both serve distinct parts of the Reserve. Both function well and are prominent. A more developed entrance is not required. 	<p>No action required</p>

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	SUGGESTED IMPROVEMENTS	CONSIDERATIONS	RECOMMENDATIONS
4	<p>Provide a reserve name sign at the entrances to the community hall and pavilion carparks</p> <p>Review the advertising signage in and around the pavilion and cricket nets</p> <p>Ensure consistency in the style of signage on the buildings in the Reserve</p>	<ul style="list-style-type: none"> There is only one reserve name sign on the boundary of the Reserve – about 50m east of the Humffray Street North entrance. As mentioned above, there are two entrances to the Reserve. There are no signs at these entrances. Reserve name signs as per the Council's style guide should be erected at these locations. The signs on the structures in the reserve are not consistent in style or size. They are visually satisfactory. 	<p>Provide reserve name signs at the entrances to the community hall and pavilion carparks</p>
5	<p>Upgrade the existing path network:</p> <ul style="list-style-type: none"> Better drainage Seal Widen to make suitable for wheelchair access 	<ul style="list-style-type: none"> Sections of the paths in the Reserve get boggy and often erode after rain. They become difficult to use, particularly by people with frames, walkers or prams. Some people want the paths to be sealed. Most want the granitic sand surface to be retained but upgraded and better drained. A few commented that the paths should be widened to provide for wheelchair access. The widths of the path sections vary but are all comfortably over 1.2m, the minimum width for one-way wheelchair access. 	<p>Upgrade the existing path network - better drainage, even path surface.</p>
6	<p>Extend the path network:</p> <ul style="list-style-type: none"> From pavilion to the path at rear of community hall Humffray St Nth to play space From rotunda around the eastern and northern boundaries of the oval to the pavilion 	<ul style="list-style-type: none"> The path network in the Reserve is not extensive and is limited to the eastern section of the Reserve. There is no path connection directly off Humffray Street North to the children's playground. There is no path connection from the western section of the Reserve to the community hall and family play zone or around the eastern side of the playing field. The community strongly supports the walking path network being extended. They particularly support a link path being constructed between the pavilion and community hall. There was also some support for a circuit path around the Reserve. This cannot be achieved as there is insufficient space for a path at the northern end of the oval between the oval fence and the river. The oval would have to be reduced in length to accommodate the path. This is not feasible. 	<p>Extend the path network:</p> <ul style="list-style-type: none"> From the pavilion to the path at rear of community hall (including a connection to the proposed toilet block at the splash park - see item 1) From Humffray Street North to the existing playground Around the oval, from rotunda one to the north east pocket of the playing field From the rotunda to the relocated footbridge
7	<p>Demolish the existing toilet block</p> <p>Retain and upgrade the toilet block</p> <p>Provide an additional toilet near the playground</p> <p>Provide an externally accessible toilet in an extended and reconfigured pavilion</p> <p>Provide toilets in the splash park</p>	<ul style="list-style-type: none"> Providing suitable public toilet facilities at the Reserve was the community's highest priority. The existing toilet block is in poor condition. However, it appears to be reasonably well used, particularly by travellers and tradies. The band hall does not have an internal toilet. Band members use the external toilet block. 	<p>Provide toilets in the splash park.</p> <p>Provide public toilets in the redeveloped pavilion.</p> <p>Demolish the existing toilet block.</p>

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	SUGGESTED IMPROVEMENTS	CONSIDERATIONS	RECOMMENDATIONS
	Reconfigure the toilets in the community hall to make them externally accessible	<ul style="list-style-type: none"> The toilets in the sports pavilion can be used by the public but are only available when the pavilion is open. The toilet facilities in the community hall are only available to hall users and again are only accessible when the hall is open. There is no toilet near the children's playground. This report recommends that the pavilion be extended and redeveloped – externally accessible toilets could be provided in this redevelopment. These toilets would again only be open when the pavilion is in use. The splash park will need a toilet facility. It will be about 120m from the children's playground. The toilet facility at the splash park could provide for the existing playground. 	
8	Refurbish the band hall Extend the sports pavilion to provide suitable space for the band hall	<ul style="list-style-type: none"> The band hall is ageing and in poor condition. It has no toilet facilities. The hall is an old army hut. It was brought to the Reserve by the Pipe Band. The Band met all the costs associated with its relocation and subsequent upkeep. The Band uses the hall twice a week. The Highland Dancers use it once a week. The Band's preference is to stay at the hall. The Band concedes that the Hall is in poor condition. It is prepared to relocate if an alternative suitable facility is provided, e.g., a suitable space in the redeveloped pavilion – i.e., guaranteed access to the social room and a smaller practice room two times per week, access to dedicated storage area. The band hall could be demolished if the Band relocates. This would open up the western edge the Reserve. The area could be returned to open space or be used for carparking, if needed in the future 	Extend the sports pavilion to provide a suitable space for the pipe band. Demolish the band hall
9	Reconfigure the community hall: <ul style="list-style-type: none"> Extension of main hall stage Redevelopment of the Humffray St foyer as a display/reception area. 	<ul style="list-style-type: none"> These works have been requested by the hall committee. It argues that the works will increase the capacity of the hall and make it more functional. 	Reconfigure the community hall – stage extension, foyer converted to display/reception area.

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	SUGGESTED IMPROVEMENTS	CONSIDERATIONS	RECOMMENDATIONS
10	Address accessibility issues in the sports pavilion: <ul style="list-style-type: none"> Installation of ramp to veranda Widening of the corridor to the bathrooms 	<ul style="list-style-type: none"> These works have been requested by the Ballarat Regional Multicultural Council. The Council has used the sports pavilion since 2021 for CALDB social support programs. It uses the pavilion twice a week and is keen to use it more often for various social and support activities. The Council is concerned about accessibility issues with the pavilion – the narrowness of the corridor and the lack of wheelchair access to the front veranda. These issues limit its activities at the Reserve. 	Address accessibility issues in the sports pavilion as part of overall redevelopment planning for the building.
11	Redevelop the pavilion as a sports/community building: <ul style="list-style-type: none"> Larger veranda Enhanced general storage for users Dedicated storage for pipe band Female friendly player and umpire changerooms Larger social room and new meeting/practice room Internally and externally accessible amenities 	<ul style="list-style-type: none"> The pavilion is primarily used by the cricket club. It is also regularly used by the Auskick program, athletics club and Regional Multicultural Council. It is available for community hire. The pavilion is basic – small social room, toilets, kitchen, storeroom, small changerooms. The Pipe Band would need a new location if a decision was made to demolish its building. The Regional Multicultural Council want to use the pavilion more often and for bigger numbers. They need more space. The Auskick program is growing and needs more space. The pavilion is the home facility of a growing cricket club that plays in the highest grade of cricket in Ballarat. There is strong community support for an expansion of the pavilion and its conversion into a sports/community building. 	Redevelop the pavilion as a sports/community building: veranda, extension of social room, meeting room, suitable spaces for Pipe Band, enhanced storage, female friendly player and umpire changerooms, internally and externally accessible amenities
12	Upgrade the playing field: <ul style="list-style-type: none"> Returf with suitable species Irrigation and drainage Barrier net at north end Pine trees shading the oval removed and replaced with suitable vegetation 	<ul style="list-style-type: none"> The condition of the playing field limits its use. It has no drainage system and only a manual irrigation system. The field holds water in winter and after heavy rains in summer. The turf has a mix of grass species: couch, fescue, rye, winter grass, paspalum and oxalis. Preferably, it would be couch and rye. Roots from the pine trees are protruding on the playing field. A significant section of northern end of the field is shaded by the high pine trees on the hill. The area is damp and grass cover is weak. The load on the field is increasing. An upgrade is justified. 	Upgrade of playing field: <ul style="list-style-type: none"> Returf with suitable species Provision of irrigation and drainage Erection of barrier fence at northern end Erection of lights over the playing field Remove pine trees shading the playing field at the northern end and replace with suitable vegetation
13	Erect lights over the playing field	<ul style="list-style-type: none"> Currently, there is one user that requires lights – the Auskick program. It hires portable lights at a significant cost. Council indicated that more lit fields are needed in Ballarat. It advises that the Brown Hill playing field would be used more if its surface was 	Consider erecting lights over the playing field in the long term (if feasible due to demand)

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	SUGGESTED IMPROVEMENTS	CONSIDERATIONS	RECOMMENDATIONS
		<p>upgraded and lights were erected. Football clubs could use the field as an overflow training facility. Lower profile sports could use the field as a home facility – e.g., ultimate frisbee.</p> <ul style="list-style-type: none"> It is unlikely that a junior or senior football club would be based at the Reserve. Some residents are opposed to lights being erected. They do not want the Reserve to get busier. They liked the current balance between active and passive use. They also said that lights would alter the character of the Reserve. Lights should be included in the masterplan but described as a long term. 	
14	Terrace the embankment area at southern end of oval	<ul style="list-style-type: none"> Although not high, the embankment is steep and poses a safety risk. Soil and leaves from the embankment are washing down to and placing strain on the oval boundary fence, causing it to lean. 	Terrace the embankment area at southern end of playing field
15	Install a turf wicket table	<ul style="list-style-type: none"> Brown Hill Reserve is the home base of the Brown Hill Cricket Club. The Club's first XI play in the highest level of cricket competition in Ballarat. This is a turf wicket competition. Brown Hill Reserve has a concrete wicket. Therefore, the Club has to play its first and 2nd XI home games at another venue – Western Oval A 5 wicket turf table would be needed at Brown Hill. This would take up an area of around 16mX25m in the centre of the oval. It could fit on the Brown Hill playing field but the boundaries would be comparatively short. The cost of installation would be around \$160,000. Curating equipment – mowers, rollers, line markers etc may would also be needed. The playing field would have less playing capacity for cricket if it was converted to a turf wicket. A synthetic wicket can be used every day for competition, training and informal play, a turf wicket only one or two times per week and mainly for competition. The Club wants a turf wicket at Brown Hill Reserve. However, the Club's lower grade senior and junior teams that currently play on the synthetic wicket at the Reserve will be displaced. An alternative location would have to be found for these teams. The Club is suggesting the playing field at Woodman's Hill Secondary College as this location. A synthetic wicket would have to be installed. The Ballarat Cricket Association generally supports the provision of additional turf wickets. However, it too is concerned about the loss of 	<p>Construct a 5 wicket turf table at Brown Hill Reserve. Note this action is dependent on</p> <ol style="list-style-type: none"> 1) The establishment of hard wicket venue for junior/lower senior grades teams elsewhere and endorsement by BCA. 2) BCA and City of Ballarat agreeing to amend its strategic partnership 'in line with any developments to address Brown Hill Rec Res Oval and impact on Western Oval'

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	SUGGESTED IMPROVEMENTS	CONSIDERATIONS	RECOMMENDATIONS
		<p>synthetic wickets - from an alternative location perspective and the loss of capacity. It says that a business case is needed for the conversion to turf.</p> <ul style="list-style-type: none"> Council has indicated that the provision of turf wicket at Brown Hill is dependent on the establishment of hard wicket venue for junior/lower senior grades teams elsewhere and endorsement by BCA. It advises that an amendment to Strategic Partnership Agreement between BCA and City of Ballarat would be required 'in line with any developments to address Brown Hill Rec Res Oval and impact on Western Oval which is currently the turf wicket used by Brown Hill CC'. 	
16	Provide new, enclosed cricket nets	<ul style="list-style-type: none"> Council is undertaking a net replacement program where older open net facilities are being replaced by enclosed nets. The dimensions of a 5 bay net facility are 19m wide and 41m long. This size facility could not fit at the Reserve off the playing field. The open nets may have to be retained. 	Retain and upgrade the open cricket nets at the Reserve.
17	Erect an indoor training facility for cricket and other sports	<ul style="list-style-type: none"> The Cricket Club is advocating for the provision of this facility. The suggested location is to the west of the cricket nets. An indoor cricket training facility would be a valuable asset. The question is – if there is to be a training facility in Ballarat, is Brown Hill Reserve the best location for the facility or should it be at one of the major reserves? The community does not want more buildings in the Reserve. Also, trees may be lost. The BCA supports the concept but wants a feasibility study to be undertaken. 	Not recommended
18	Expand, diversify and provide shade over the play space	<ul style="list-style-type: none"> The existing playground is comparatively small and basic. The provision of additional play facilities at the Reserve was given a high priority by the community. Many commented that the Reserve offered little for teenagers. Natural elements, half court, rebound wall, climbing frames, skate facilities, pump track were mentioned as additional play facilities. All these elements should be considered (except pump track and skate park - see 19). The questions are what should be provided in the Reserve and where should they be located, i.e., should they be together or split across two or three locations. 	<p>Extend and add diversity to the children's playground. Provide natural shade over the play ground.</p> <p>Locate the half court, rebound wall with the splash park</p>

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	SUGGESTED IMPROVEMENTS	CONSIDERATIONS	RECOMMENDATIONS
		<ul style="list-style-type: none"> A criticism of the splash park is that it only provides for young children/facilities. This could be addressed by placing some of the teenage play elements with the splash park – e.g., half court. Some want the children's playground to be kept separate from the noisy and busy splash park. 	
19	Provide a skate park and pump track	<ul style="list-style-type: none"> The community expressed concerns that there were no facilities for youth at Brown Hill Reserve. Skate parks and pump tracks are district level facilities. The nearest skate park is at Len T Fraser Reserve, 3.8kms from Brown Hill Reserve. The nearest pump track is at Chisholm Reserve, 1.6kms from Brown Hill Reserve. These are considered to be within acceptable distances of Brown Hill Reserve. The facilities would add more clutter to the Reserve. 	Not recommended
20	Install exercise stations at strategic locations around the Reserve	<ul style="list-style-type: none"> There was some support for provision of some exercise stations in the Reserve. Some did not support; arguing that the stations would not be used. The closest stations are at Russell Square, 1km away. The station would add some diversity to the park. They are likely to be popular with elderly people, a growing demographic in Brown Hill. 3-5 stations should be provided along the path network. 	Install exercise stations at strategic locations around the path network in the Reserve
21	Provide drinking fountains at suitable locations around the park – play space, splash park, footbridge, pavilion	<ul style="list-style-type: none"> There was strong community support for the provision of drinking fountains in the Reserve. The suggested locations were the children's playground, splash park, footbridge and pavilion. 	Provide drinking fountains at suitable locations around the Reserve – children's playground, splash park, footbridge, pavilion
22	Replace and widen the footbridge Erect shelter just south of the footbridge Erect a second bridge across creek to the north of the cricket nets Beautify area around the footbridge	<ul style="list-style-type: none"> The footbridge is narrow and rotting and splitting. It needs to be replaced. The bridge is located on the eastern edge of the Reserve. A wider bridge should be provided. It should be more central in the Reserve. 	Replace and widen the footbridge (2.2m). Move it to a more central location Erect shelter just south of the footbridge Beautify area around the footbridge
23	Provide additional seats/tables: <ul style="list-style-type: none"> Near play space On eastern side of oval and along the propped new path On the proposed new path from Humffray Street North to the play space 	<ul style="list-style-type: none"> There are only a handful of seats and tables around the Reserve. Most are near the pavilion. There is only one seat near the children's playground and no seats on the eastern side of the playing field. The provision of additional park furniture was considered a high priority by the community. 	Provide additional seats/tables.

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	SUGGESTED IMPROVEMENTS	CONSIDERATIONS	RECOMMENDATIONS
24	Create a dog off leash area Provide dog drinking, bags and litter facilities	<ul style="list-style-type: none"> The Reserve is a popular location for dog walkers. Most use the playing field but the grassed areas are also used. Walkers can get almost unrestricted access to the playing field during winter. In summer, access is restricted because cricket is played on the oval. However, dog walkers can still use the surrounds. The nearest dog off leash Reserve is Chisholm St Reserve in Black Hill. 1.6kms from Brown Hill Reserve. Providing a dedicated dog area at the Reserve is not supported. The Reserve does not have dog bins etc. They are needed. 	Provide dog drinking, bags and litter facilities around the reserve
25	Erect a permanent stage facility	<ul style="list-style-type: none"> The Progress Association is keen for a permanent small stage to be provided in the Reserve. This could be used for events, etc. The issue is whether a permanent facility should be provided or an area be nominated in the reserve that can be used when needed for events. Residents have indicated that they do not want the reserve to be cluttered by structures. An events area is probably more suitable. 	Make an area of the Reserve suitable for events, concerts etc – power etc.
26	Plant more native trees in the Reserve	<ul style="list-style-type: none"> The Reserve has a good framework of established, healthy trees. The community is asking for more shade to be provided in the Reserve. Its preference is for trees rather than sails or structures. The community also likes the grassed areas and does not want the Reserve to get too cluttered. Some additional trees should be provided at the splash park, around the playground and near the paths but only a small number. 	Plant more native trees at suitable locations in the Reserve – along the paths, near the playground, at the proposed splash park. Consider the following species: <ul style="list-style-type: none"> Eucalyptus obliqua – Messmate Eucalyptus viminalis – Manna Gum Acacia melanoxylon – Blackwood Acer freemanii “Autumn Blaze” – Nowegian Maple Ulmus procera “Van Houttei” – Golden Elm
27	Provide community garden beds	<ul style="list-style-type: none"> The closest community garden facility is in Ballarat East, 2.4kms from Brown Hill Reserve. A community gardens could be popular facility and help with social connectivity. However, it would take up available space in the reserve and add to the clutter. 	Not recommended.

8. MASTERPLAN

8.1 Key objectives of masterplan

The key objectives of the masterplans are as follows:

- Enhancing the safety and visual amenity of the Reserve.
- Providing high quality passive and active recreation infrastructure which is fit for purpose and meets current and future community recreation needs.
- Increasing the capacity and durability of the recreation infrastructure in the Reserve.
- Increasing opportunities for participation in sport.
- Increasing the scope and quality of residents' passive recreation experiences in the Reserve – water play, general play, spectating, walking, running, relaxing, socialising, enjoying the environment etc.
- Optimising the use of the facilities in the Reserve.
- Making the Reserve more accessible and environmentally sustainable.

8.2 Actions and timelines

An action plan for the Reserve is provided in Table 10. The priority and timelines for the works listed in the table are described as high (0-3 years), medium (4-6 years) and low (7-10 years). Circumstances may arise where it may be more practical to undertake a low priority item above a medium or high priority item. For example, the State Government may introduce a special funding program for the improvement of a facility type that is ranked in the masterplan as a low priority item. Council may choose to take advantage of this funding and complete this item ahead of a medium or high priority item. Also, sufficient funds may not be available to carry out a more expensive high priority item but enough funds are available to undertake a medium or low priority item. In this circumstance, Council may choose to undertake the lower priority item.

8.3 Recommendations

1. That the Plan as detailed in Table 10 and Figures 6 and 7 be adopted as the redevelopment masterplan for Brown Hill Reserve.
2. That the allocations listed in Table 10 be referred to Council's capital works and operational budgets as appropriate.

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Table 10 – Action Plan

REF	ACTIONS	Priority
1	Provide reserve name signs at the entrances to the community hall and pavilion car parks.	High
2	Seal the pavilion and community hall car parks and define the carparking bays.	High
3	Make provision for an expansion of the pavilion carpark for the kindergarten and/or oval users, if needed in the future.	Low
4	Retain the existing toilet block in the short term. Provide an externally accessible toilet in an extended and reconfigured pavilion. Demolish the existing toilet block when the pavilion toilets are constructed.	Medium
5	Replace the pool area with a splash park. Combine with new play facilities – rebound wall, half court, climbing frame etc. Retain the existing BBQ, picnic tables, shelter and seats at the pool. Provide toilet facilities. Remove the carpark at the rear of the pool as part of the splash park development. Review the carparking along Humffray Street North and Reid Court when undertaking the detailed planning for the splash park.	High
6	Redevelop the pavilion as a sports/community building: <ul style="list-style-type: none"> • Provision of suitable spaces for the pipe band • Addressing accessibility issues – ramp to veranda, widen internal corridors • Larger veranda • Extension of social room • Enhanced general storage • Dedicated storage for Pipe Band • Female friendly player and umpire changerooms • Larger social room and new meeting/practice room • Internally and externally accessible amenities. Demolish the band hall.	Medium
7	Reconfigure the community hall: <ul style="list-style-type: none"> • Extension of main hall stage • Redevelopment of the Humffray Street North foyer as a display/reception area. 	Medium
8	Upgrade the playing field: <ul style="list-style-type: none"> • Returf with suitable species • Provision of irrigation and drainage • Erection of net barrier at northern end • Removal of pine trees shading the playing field at the northern end and replacement with suitable vegetation 	High
9	Construct a 5 wicket turf table at Brown Hill Reserve. Note this action is dependent on: <ul style="list-style-type: none"> • The establishment of a hard wicket venue for junior/lower senior grades teams elsewhere and endorsement by BCA. • BCA and City of Ballarat agreeing to amend its strategic partnership 'in line with any developments to address Brown Hill Rec Res Oval and impact on Western Oval' 	Medium
10	Erect lights over the playing field, if justified in the long term	Low

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REF	ACTIONS	Priority
11	Terrace the embankment area at the southern end of playing field	High
12	Retain and upgrade the open cricket nets at the Reserve.	Medium
13	Upgrade the existing granitic sand path network - better drainage, even path surfaces, widen to make suitable for wheelchair access	High
14	Extend the path network: <ul style="list-style-type: none"> • From the pavilion to the path at rear of community hall • From Humffray Street North to the existing playground • Around the oval, from rotunda one to the seats near the north east pocket of the playing field. • From the rotunda to the new footbridge 	High
15	Extend and add diversity to the children's playground.	Medium
16	Relocate and widen the footbridge. Erect shelter just south of the footbridge.	High
17	Install exercise stations at strategic locations along the path network.	Low
18	Provide drinking fountains at suitable locations around the Reserve – children's playground, splash park, footbridge, pavilion.	Medium
19	Provide additional seats/tables: <ul style="list-style-type: none"> • Near children's playground • On eastern side of the playing field along the proposed new path • On the proposed new path from Humffray Street North to the children's playground. 	High
20	Provide dog drinking taps, poos bags and litter facilities at suitable locations around the reserve.	High
21	Make an area of the reserve suitable for events, concerts etc – power etc.	Medium
22	Plant more native trees in the Reserve. Consider the following species: Messmate, Manna Gum, Blackwood, Norwegian Maple and Golden Elm.	High

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Figure 6 – Action plan (draft) (for higher resolution see separate Attachment Three – Figure 6 Draft Action Plan)

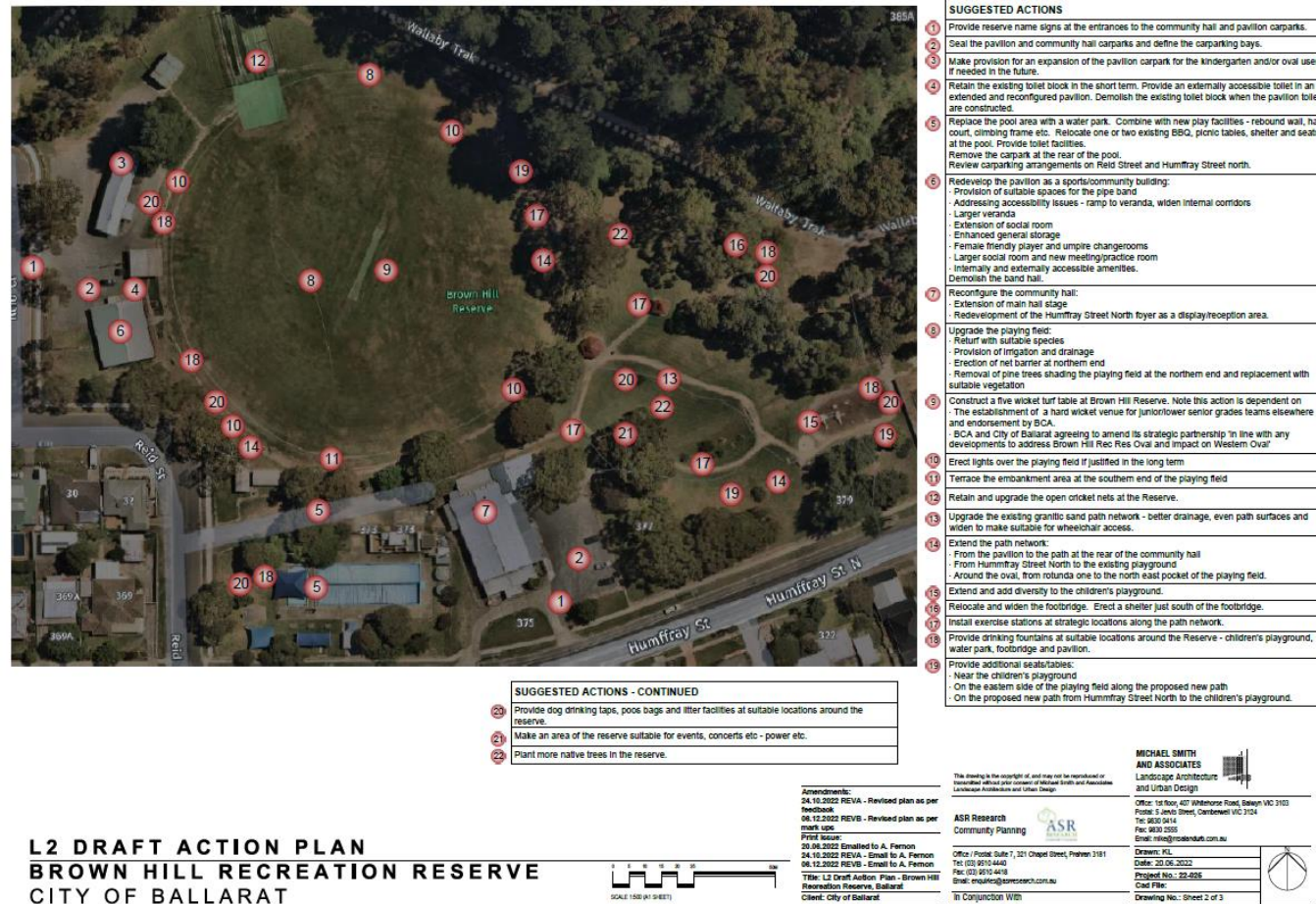
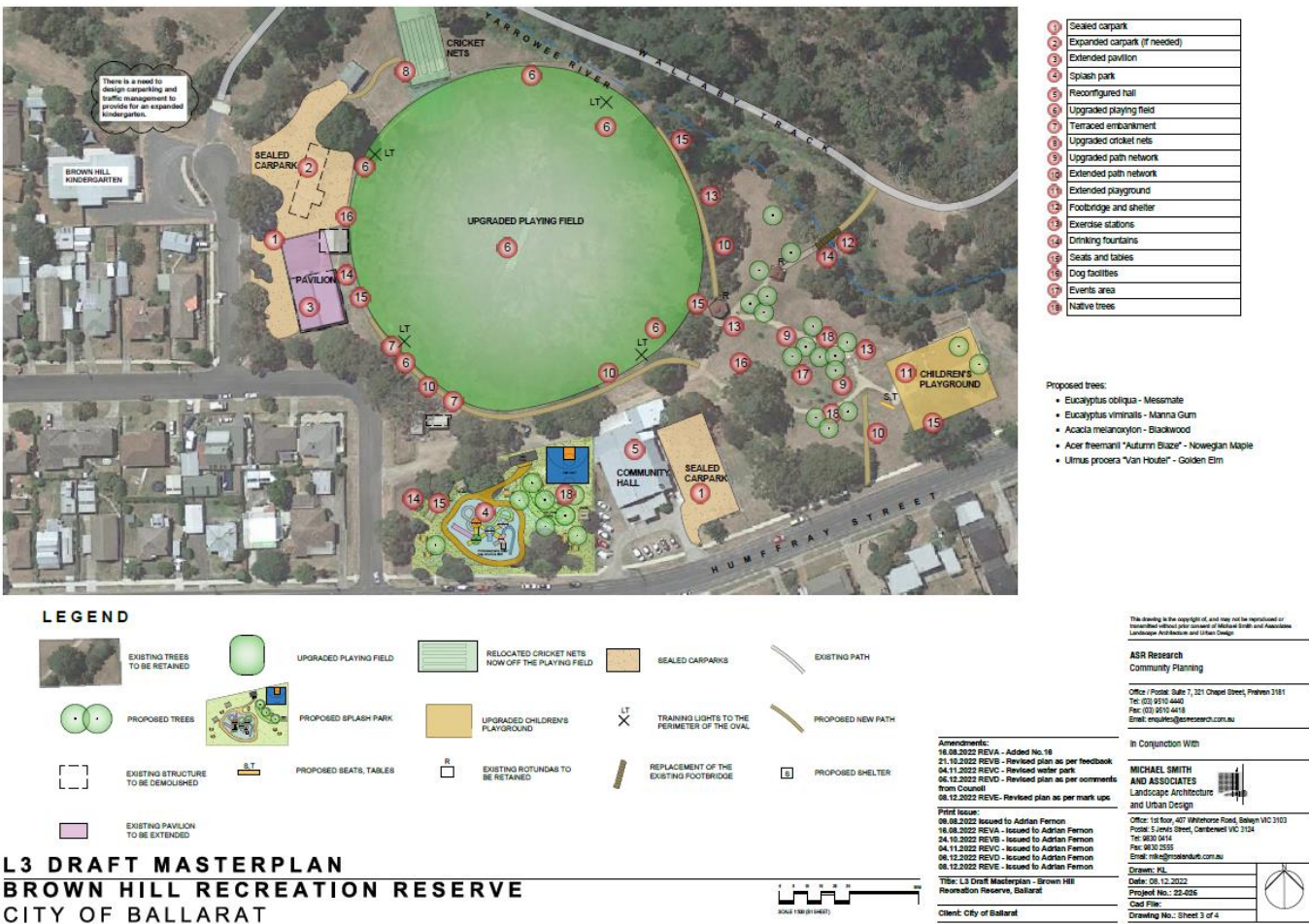


Figure 7 – Draft Concept masterplan (for higher resolution see separate Attachment Four – Figure 7 Draft Concept Plan)



APPENDICES

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Appendix A – Literature Review

Documents	Purpose/relevance	Implications for the Brown Hill Recreation Reserve Masterplan
BCC Council Plan 2021-2025	<p>This Plan outlines Council's goal and priorities for the 2021-2025 period. The goals and priorities contained in the Plan that have relevance for the Brown Hill Recreation Masterplan are as follows:</p> <p>Goal 1: An environmentally sustainable community</p> <p>Goal 2 – A healthy connected and inclusive community</p> <p>Key things that Council will deliver:</p> <ul style="list-style-type: none"> – Inclusive and accessible infrastructure, services, information, events, activities, programs and initiatives to meet the needs of all community members and celebrate our diversity – More quality spaces and infrastructure to support active lifestyles, recreation and social connections – Initiatives and priorities from our Active Ballarat Action Plan 	The location and design of the buildings in the Reserve should be consistent with the commitments made in the Council Plan, i.e., inclusive and accessible infrastructure, more infrastructure to support recreation opportunities.
Today, Tomorrow, Together; The Ballarat Strategy 2040	<p>This Strategy outlines a long-term plan for a greener, more vibrant and connected Ballarat. The relevant actions relate to the vision of creating a 10 minute city. These actions are:</p> <ul style="list-style-type: none"> – Work towards all urban residents being able to access most of their daily needs within 10 minutes walk or cycling from home – Place greater emphasis on people at the centre of infrastructure design in public places – Support community led opportunities for a healthier, safer, more active and inclusive community – Improve town centres to provide better gathering and meeting spaces, appropriate to their roles as community centres – Where feasible, aggregate community facilities in community hubs. 	The objectives of creating a 10-minute City and aggregating facilities in community hubs should be considered when framing the directions of the masterplan.
City of Ballarat Community Vision 2021-2031	<p>This document provides a vision for Ballarat. It says that Ballarat is a city</p> <ul style="list-style-type: none"> – Where every person feels part of their community and can participate fully in life. – That values and celebrates diversity in all its forms. – Where social connections are strong across generations, cultures and backgrounds – Where services, infrastructure and amenity meet community needs and everyone has the opportunity to lead a healthy lifestyle in a well-designed city. – Where residents are invested in their community and take an active role in decisions that affect them. 	The masterplan should be consistent with and aim to achieve Council's vision, especially the vision of Ballarat's resident living healthy and active lifestyles.
BCC Municipal Public Health and Wellbeing Plan 2021-2031	<p>The Plan outlines the Council's key principles and priorities with respect to the health and well-being of its community and the actions it will implement to improve the health and well-being of the community. The priorities that have implications for/relevance to the Brown Hill Recreation Reserve Masterplan are as follows.</p> <p>Priorities: Increasing active living and improving mental wellbeing</p> <p>Actions</p> <ul style="list-style-type: none"> – Increasing opportunities for walking and bike-riding – Providing high quality, equitable and accessible community facilities, services and events 	<p>The key principles/actions of the health and wellbeing plan should be considered when framing the directions of the masterplan; these being:</p> <ul style="list-style-type: none"> – Accessibility, equity – High quality facilities – More recreation opportunities – More opportunities for walking and cycling

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Documents	Purpose/relevance	Implications for the Brown Hill Recreation Reserve Masterplan
	<ul style="list-style-type: none"> – Increasing inclusive sport and active recreation – Providing and promoting flexible, diverse and accessible recreation and leisure opportunities – Planning, providing and maintaining sporting facilities and grounds and playspaces – Increasing tree planting across the city 	
BCC Open Space Strategy 2008	<p>This document outline the Council's vision, key objectives and strategic directions for open space provision in the City. It also contains a set of specific actions for Rural East – the local area in which Brown Hill Reserve is located. The sections of the document that have relevance for the masterplan are as follows:</p> <p>Strategic directions:</p> <ul style="list-style-type: none"> – Improve access across the municipality to ensure residents in urbanised areas are within 500m of recreation open space. – Promote shared use and maximum public access to all open space and associated facilities will be a priority. <p>Rural East Analysis:</p> <ul style="list-style-type: none"> – Brown Hill Reserve, classified as District Open Space – Open space provision in Rural East exceeds the provision target of four hectares per thousand people. – There is a good mix of parks which provide a wide range of recreation opportunities – Access to open space in high density residential areas is adequate – Some developing residential areas in Brown Hill have poor access to open space 	<p>The masterplan should recognise the status of the Brown Hill Recreation Reserve a district level Reserve and the deficit in open space provision in the new development areas in Brown Hill.</p>
BCC Active Ballarat Strategy 2021	<p>This strategy outline the actions Council will take with respect to the provision of active recreation programs and buildings. The actions that have relevance to Brown Hill Recreation Reserve are as follows:</p> <ul style="list-style-type: none"> – Improve equitable access to recreation facilities – striving towards having all facilities female friendly – Increase investment in our public open spaces to leverage opportunities for community engagement 	<p>The masterplan should contain actions aimed at achieving the objectives of the Active Ballarat Strategy, in particular:</p> <ul style="list-style-type: none"> – Ensuring recreation facilities are female friendly – Increased investment in public open space

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Documents	Purpose/relevance	Implications for the Brown Hill Recreation Reserve Masterplan
BCC Community Infrastructure Planning Policy 2020	<p>This document contains guiding principles for the development of community infrastructure. The principles that have relevance for the updated Facilities Plan and the provision of a Community Hub are as follows:</p> <ul style="list-style-type: none"> Community infrastructure responds to and is integrated with the surrounding area, encouraging social connection, building a sense of place and contributing to developing social capital and capacity building. Community hubs which encourage social interaction, creativity and economic and environmental vitality are fostered, creating a strong sense of community and local identity. Preferred sites for new community infrastructure will consider liveability and accessibility including 10 Minute City principles: <ul style="list-style-type: none"> Co-located or adjacent to other services and facilities Accessible by public transport, pedestrian and cycle path networks In a highly visible civic space, adjacent to public open space Have adequate car and bicycle parking onsite or in close proximity Community facilities are planned and designed for the broadest possible use by a range of groups, services and activities, and are multi-purpose in nature. Where possible community facilities are fit for purpose and delivered according to appropriate infrastructure standards and best practice, with internal layouts that can respond to changing community priorities, the accommodation of special interest groups, and opportunities for expansion. Assets which are no longer able to meet community needs and cannot feasibly be modified to do so should be rationalised to facilitate reinvestment in more appropriate infrastructure. 	The principles outlined in the Community Infrastructure Planning Policy relating to the location and design of community hubs and the rationalisation/disposal of outdated community should be taken into consideration when framing the masterplan and assessing the merits of consolidating the buildings at Brown Hill Recreation Reserve Masterplan.
BCC Disability Access and Inclusion Plan 2022-2026 (draft)	<p>This Plan outlines Council's goals and strategic objectives with respect to improving opportunities for people with disabilities to participate in community life. The Plan commits Council to:</p> <ul style="list-style-type: none"> Providing welcoming and inclusive spaces Reviewing City of Ballarat's Public Toilet Strategy to ensure appropriate provision of accessible facilities Reviewing accessibility and inclusivity of City of Ballarat facilities 	The masterplan should aim to enhance the accessibility of the Reserve and its buildings.
Ageing Well in Ballarat Strategy and Action Plan 2022 – 2026 (Draft)	<p>This document outlines the actions Council will take to help residents age healthily, with dignity and as part of the community. The actions that have relevance to the Brown Hill Recreation Reserve Masterplan are as follow:</p> <ul style="list-style-type: none"> Plan, design, improve and maintain Council spaces, places, and buildings to secure universal access for all our residents and celebrate people of all ages and abilities Collaborate with the Ballarat community so that people feel welcome and safe and have equitable access to our city's places, spaces, and buildings. 	<p>The masterplan should ensure that it contains actions which support the key actions of the Ageing Well in Ballarat Strategy, these being:</p> <ul style="list-style-type: none"> Physical and equitable access to community spaces for elderly people Inclusive welcoming spaces.

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Documents	Purpose/relevance	Implications for the Brown Hill Recreation Reserve Masterplan
	<ul style="list-style-type: none"> – Encourage community connection in public spaces and provide the opportunity for all people to enjoy. – Encourage shared community facilities and settings to be inclusive, welcoming and facilitate social connection in the community 	
BCC: Active Women and Girls Strategy 2018	<p>This Strategy discusses the priority issues identified within the municipality that may be constraining women and girls' involvement in sport or physical activity, either as leaders or participants and the actions Council will take to address these issues.</p> <ul style="list-style-type: none"> – Make improvements to facilities and infrastructure to support increased female participation – Enhance the suitability of facilities for women and girls – formal sport and informal recreation through using Universal Design principles within design. – Audit existing facilities to determine suitability for females use and establish a prioritised schedule of works to improve venues when budgetary and funding opportunities arise or as required. Identify improvements to facilities, child play areas and basic amenities such as lighting, seating, access to toilets and water fountains. – Continue to identify opportunities for paths, tracks and trail improvements to support informal physical activity 	<p>The audit of the buildings conducted for this Study should assess their suitability for use by women. The location and design of the buildings should ensure that it provides suitable facilities for women.</p>
Ballarat Cycling Action Plan 2017-2025	<p>This Document outlines the actions that will be taken to expand and enhance the safety of Ballarat's Bicycle Network including the provision of end of trip facilities at significant locations in Ballarat.</p>	<p>The masterplan should review the findings and recommendations of the Cycling Action Plan with respect to the provision of end of trip bike facilities around the Reserve.</p>

Appendix B – Consultation Outcomes**1. Local community****1.1 Brown Hill Progress Association (BHPA) – Community Survey**

In 2021, the BHPA conducted a survey to gather the views of local Brown Hill residents about the works that should be considered for Brown Hill Reserve. The survey was delivered to around 2,500 households. The main focus on the survey was the swimming pool at the Reserve. Residents were asked some set questions, e.g., whether they support the closure of the pool, and, if they did, what should it be replaced by? Residents were given a list of potential improvements at the reserve and asked to indicate the importance of these improvements. Residents were also invited to make comments about any matters relating to the reserve.

A summary of the responses to the set survey questions and the list of improvements were as follows:

- 330 people answered the survey. 258 respondents were from Brown Hill, 72 were from outside Brown Hill but were users of the pool. 51% were aged 30-44 years, 29% were aged over 45 years and 13% under 18 years. 42% of respondents lived in family with children households.
- With respect to the pool:
 - 10% of respondents indicated that they use the pool on a weekly basis in summer, 46% use it occasionally and 39% never use the pool. 46% use the pool for casual activities. Only 7% for learn to swim classes.
 - 81% of respondents indicated that they would support the closure of the pool if it was to be replaced by another pool
 - 72% indicated that they would expect the community to be compensated in some way if the pool was closed
 - 56% indicated that they did not want the pool to be retained. 30% were unsure and 14% wanted the pool to remain
- With respect to the reserve and the listed improvements:
- Improving amenity and safety was considered to be highly important, particularly enhancing toilet facilities, providing more shade and park furniture, installing drinking fountains,
- Some of the listed major projects were also considered by many respondents to be of high importance, in particular a splash park, basketball hoop/half court, climbing frame and communal garden.

A sample of the comments made about the pool at the reserve were as follows:

- With little children we have not visited the pool in recent years as the toddler pool has been closed, and the water is far too cold. But we would LOVE a pool that was heated somehow and had a toddler area.
- I love the idea of the pool, but the reality was, I'd try Eureka as it had warmer water and opening hours that suited a morning swim. This past summer, the writing was on the wall when Council didn't open up on the hottest days of the year - which are the only days we can take the cold, cold water!
- We loved the pool when it was community ran and used it a lot. We would use the pool more in summer but the facility is dated and our children complain that the water is colder than other facilities.
- It's sad that we could potentially lose the pool, Eureka is far too crowded, kids need to be able to swim and have a space to practice. Both options would be good.
- Understand that pools are expensive. Black Hill pool is very close by.
- If the Pool goes a new one would be great, I feel it is too small and very old fashion. I feel Brown Hill is growing and it needs revamping to a more modern pool and an area for bigger gatherings

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- If the pool were to be replaced, a small indoor heated pool would serve a wider cross section of the community and would be able to be used year-round.
- Although I don't use the pool myself, it's an important community resource for this side of town. We have so little over here as it is and the permanent removal of the pool is not good for the community.
- Keeping the pool would be good, but it is old and dated. A new pool or splash park would be loved by the community.
- I love we have a local pool. But Ballarat's weather isn't fantastic, but also the pool is known to be freezing and the grounds are not very appealing.
- The existing pool doesn't offer what the community needs, with less maintenance and opening hours we have all seen the change since the council took over the pool and the culture changed with it too.
- Regarding the idea of 'compensation' for the Brown Hill community if the pool were to be closed: I'm not sure the future construction of a new pool would be justified, given Black Hill and Eureka pools are not far away. However, I think the local area should be compensated by having some form of recreational facility replace the existing pool.
- It would be wonderful for the community to have improved infrastructure/equipment at the reserve to compensate for the loss of the pool and its recreational activities
- If the council close the pool, I think they should (must) put some other recreational equipment in place, the people (children especially) of Brown Hill, are just as important as those in the "newer" areas.
- The existing pool is a privilege, not a right. The cost for any 'compensation' comes from council funds which is basically our rates.
- Brown Hill needs a place where the community can get together and if the pool is removed, it needs to be replaced with a similar community asset.
- We would like to see the Ballarat Council put more thought into the continuing improvement of facilities on the Eastern side of town. Brown Hill has experienced a rapid rate of residential growth but very little improvement in surrounding infrastructure.

A sample of the general comments made about other parts of the reserve were as follows:

- We use the walking track and playground casually but would use it much more if it had better facilities and was more attractive to children
- I have two young kids and we often, use the walking track and then do a stint at the playground.
- I live close by the reserve and often see elderly walkers, carers and their wards, young mothers and babies walking through and enjoying the reserve.
- We enjoy going to the oval for a kick of the footy and using the playground. I also take disabled clients to the reserve weekly to go for a safe walk in a relaxing atmosphere. We then have a BBQ lunch there. I'd hate to lose the use of BBQ and the lovely relaxing atmosphere of the reserve.
- My major concern is that the layout of any toilet block must ensure there is ease of access for disabled with enough room for carers as well; change tables for babies & toddlers; disability group needs to be consulted on any design.
- Requires a toilet block closer by. Hard to take a child that is toilet training that far to the cricket oval. We live in Gracefield Rd and there are no playgrounds with toilets near us or close to our home.
- Toilet block to be designed to cater for the general public out walking and a divided wall be built for showers and toilets for the use of pool patrons. We should be thinking big.
- Picnic table with shading/shading for play area. Not enough seating to watch children play on equipment.
- Keep play equipment natural, appreciate what nature can provide and utilise it. Minimise the plastic in playgrounds.

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- Fencing please for young kids near the creek and road, and some space to park bikes too. I think a multi-purpose playground would be great like other suburbs have developed in Ballarat, i.e., big slides and playground, small climbing wall, half basketball court.
- Stage area to the side of Hall with accessible power points; accessible power at Rotunda;
- Water fountains throughout the Reserve area – drinking water; outside toilet – or access to toilet facilities within the Hall; the idea of a Water/Splash Park that could be multipurpose as a flat area for games during winter months; more seating around Reserve.
- Splash park is a great idea, but if the pool is not included in the redevelopment project, then I think it will never come back, which would be a real shame. It was already greatly missed last summer.
- Our family love the idea of a splash park as our young kids regularly use the one in Ballarat North so one that is much closer would be fantastic.
- I think the pool is outdated and the site could be used for a more friendly site i.e., splash pool. The pool space would work well as a splash park and therefore could be multi-use over the different seasons as we all know that its only hot summer for a few months of the year. In the cooler months, a half basketball court, skating area or a nature playground could be incorporated.
- It will be a tragedy for future residents if we don't fight for our pool. The water "parks" are a disgrace.
- The basketball half court would be good for the children but the location needs some more thought. Could it be part of the possible splash park area?
- I would like a skate park and a picnic area. Half-court basketball – excellent idea. We need an area promoting activity and family participation.
- I understand that a skate park would be good for the older children and teenagers but it would be better located in a more suitable area north of the freeway where there are no such activities for children.
- I think we definitely need to think to the future and what kids enjoy doing! A skate park, splash zone, basketball court etc, they are the things that will get families back out and involved in the community. We have none of those things over this side of town, and let's face it, we're only growing!
- The idea of a skatepark and or pump track is a great idea as it is something every member of my family and many friends in Brown Hill would use particularly a pump track.
- I do not wish for a concrete jungle skatepark and nor do my teenagers. I wouldn't put a skatepark in the reserve, because skateparks are noisy. Instead, it would be great to have a bike track, similar to the Creswick Pump Track which is very popular with kids.
- Not keen on the skate park – sorry!
- I'm a skater myself so would love a skate park to use, but I also know that skate parks become very busy and I don't like that idea.
- Understand the difficulty in organising community events e.g., Brown Hill Community Festival, where a temporary stage is required. To have a permanent stage would be an advantage for whenever a community/school group would wish to hold a wider community event.
- Caledonian Primary School - I could definitely see us utilizing a stage area, as this would be a great resource during Mother's Day, Father's Day and Christmas time.
- Community gardens - especially vegetable patches - maybe family zones - once again if well thought and planned, they build community engagement as well as environmental awareness and healthier humans - mentally and physically. Native plantings - showcase the diverse and beautiful range of native plants we have - "grow" awareness
- I hope that the council will listen to the residents. We need a fenced dog park in Brown Hill as there are a number of us that walk dogs in the reserve plus more waste bins and waste bags for the dogs. There are plenty of places in the reserve where one could be established.
- Dog poo bin would be great. The reserve and the Yarrowee Trail have become an absolute dog toilet over the last few months, it's so disgusting.

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- As the local Uniting Church, we aim to provide spiritual, physical and emotional support to members of the Brown Hill community and surrounding suburbs. We would therefore support any initiative by the Brown Hill Progress Association which would enhance local facilities and improve the lifestyle of our community. Brown Hill Uniting Church Council
- Our school would be able to use this a lot more during the year. We have a lot of new housing in Brown Hill and this would be an added attraction to the area for current and future residents.
- Your plans look great and thank you for highlighting publicly that the pool is nearing end of useful life, and for being on the front foot for our community in having plans for 'compensation' by council if/when it comes to that.
- Great opportunity to see Council allocate some resources to a developing area. Brown Hill is a long-standing suburb which seems to have been neglected in a number of areas in recent years. While we do not want the density of development as in the west the area has proven popular with (it would seem) an increase in young families and young people as well as older residents.
- It is imperative that the semi-rural feel is maintained and important assets such as the park (a central meeting point for the suburb) and Yarrowee trail/creek area are protected and upgraded/maintained to cater for resident needs.
- We don't want our council closing down public pools, but we do want our council to upgrade community facilities across ALL areas of Ballarat - not just within the state government "growth zones".
- Let's build upon the reserve foundations from its existing 120 years (or nearly) and set up the Brown Hill community with a wonderful asset that meets current and future needs better, is flexible and stands the test of time for the next 120 years. Brown Hill has a wonderful community feel, let's have the reserve be something that we can be even prouder of!
- There are a high number of young families in Brown Hill. New amenities need to meet the needs for the future of residents. Infrastructure for teenagers would be a great benefit. Whilst a pool is useful, what is more important is that the whole reserve is optimised as a community space that serves everyone across the seasons.
- Brown Hill has always held attraction to its residents because of its picturesque natural surroundings. Aside from the redevelopment of the pool site, it would be beneficial if any change to the reserve was sensitive to this. Large amounts of concrete and steel, such as a skate park, would detract from the natural landscape.
- Please think of the space as an inclusive space to welcome people of all ages. Ensure that the redevelopment has something for younger and older children, where families and friends can gather, where the larger community can gather and the planning reflects accessibility for everyone.
- We need community assets. Don't sell us out. The Council has significant rate payers increase in revenue in our area. We should capitalize on this. The pool has cost the council no money for many, many years. Community assets should be increased and outdoor activity promoted.

1.2 Online Survey*Short survey*

Local residents were invited through an online survey to provide their thoughts on the attributes of Brown Hill Recreation Reserve and the improvements that are needed at the Reserve. The survey asked residents to provide information about/responses to the following:

- How often they use the reserve?
- If they do use the reserve, why?
- How long they stay when they use the reserve?

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- What are their most and least favourite things about the Reserve?
- What would they like to see added to the Reserve?
- How would they rank some potential projects at the reserve?
- What should be the top priority for the masterplan?
- Other comments they would like to make about the reserve.

A full analysis of their responses is provided in Appendix B. A summary of the main findings of the survey is as follows:

- 96 residents responded to the survey. 60% of respondents were not associated with any club/group the reserve. 10% were from the Parkrun group and 6% the kindergarten.
- 2% use the reserve on a daily basis, 45% weekly and 18% monthly. 10% indicated that they do not use the reserve. 62% use the reserve for up to an hour when they visit.
- Regarding their most favourite aspects of the reserve:
 - 49 respondents commented about the location, setting, layout, spaciousness, beauty and peacefulness of the reserve. Some liked the rural feel and openness of the reserve – many bush setting, others the views of the hill and the general serenity of the reserve
 - 25 commented that they like the walking track near the reserve. 15 mentioned the playground as being their favourite component of the reserve. Others mentioned the pool, BBQ facilities and seating.
 - 10 commented on the reserves 'community feel' and accessibility. Others liked that the reserve was multi-functional and acted for all age groups.
- Regarding their least favourite aspects of the reserve:
 - 20 commented about the poor condition of the existing public toilets in the reserve and the lack of toilets near the play area/BBQ facility
 - 14 commented about the poor condition and the frequent closure of the pool
 - 8 commented about the basic design of the playground. Some were concerned that the playground was not shaded or fenced.
 - 8 were concerned about the declining condition of the buildings in the reserve.
 - 5 said that the reserve lacked drinking fountains
 - Others commented about poor condition of the oval surface and the tracks in winter. Some said the reserves lacked facilities for teenage children.
- With respect to what they would like to see added at the reserve:
 - 90 respondents suggested that improvements be made to the reserve. Recommended works included (in popularity order):
 - New toilet block near the play area
 - Retaining and upgrading the pool
 - Installing more park furniture
 - Upgrading and expanding the play area and providing shade
 - Installing a splash park
 - Installing a basketball half court
 - Providing a fenced area for dogs
 - Upgrading the oval surface
 - Installing drinking fountains
 - Introducing more native vegetation
 - Building and indoor training venue for cricket
 - Laying a turf wicket
 - Constructing netball and tennis courts

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- Regarding the ranking of potential projects in order of preference:

Project	Ranking	Raw score out of 9
Public toilets near playspace and rotundas	1	2.97
More seating, tables and shade	2	3.67
Improved play space	3	3.70
Extended the path network	4	4.48
Exercise equipment/stations	5	5.51
Extended/upgraded pavilion	6	5.67
Replacement of pool with a splash park	7	5.68
Improved carparking	8	5.88
Consolidated buildings	9	6.49

- Regarding the top priority project, the comment reflected the rankings above. A new project was added – updating the existing pool
- Regarding other comments, again the respondents' comments related to the results and projects outlined above. Some respondents argued strongly against closing the pool, suggesting that the pool's low patronage was due to the condition of the pool (and no heating) rather than people being interested in the pool. Some other valuable comments were:
 - The reserve is used by the 2nd biggest Auskick program in Ballarat. The oval needs to be improved for this activity
 - Internal paths should be connected to outside paths.
 - Parking within the reserve should be limited
 - The heritage value of the hut occupied by the Band should be recognised
 - A bridge should be provided across the creek at back of cricket nets
 - Nothing needs to be added or taken away from the reserve. The reserve just needs updating.

Deep dive

Local residents were invited to make more detailed responses to specific questions about the facilities in and potential improvements/changes at Brown Hill Reserve. 43 people responded to the survey. Their comments were as follows:

- Item 1 – Replacing the pool with a splash park:* the respondents were divided on the issue. Some fully supported the replacement of the pool with a splash park, a similar number wanted the pool retained and upgraded, some wanted the 25m pool retained and the toddlers' pool converted to a splash park. Some were concerned that the splash park only provides for younger children. A small number had no opinion about the future of the pool.
- Item 2 – Consolidating/removing buildings at the reserve:* Again, the respondents had a diversity of views. Some wanted all the buildings to be retained and upgraded. Many wanted the toilet block to be removed and replaced with a new facility near the picnic area and playground. Some wanted the band hall updated; there were no suggestions that it be removed. Some supported the concept of redeveloping the pavilion as a pavilion/community centre. One respondent said that, if money was not an issue, consideration should be given to replacing the buildings with a centrally located sports/community building.
- Item 3 – Expanding the path network:* some respondents were content with the paths as they are but requested that they be better maintained. Some like the idea of a circuit path, many wanted a path connection from the cricket club pavilion to the community hall. Other suggested that the path connections

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- *Item 4 – Constructing a new toilet block:* There was strong support for the provision of a new toilet block. The preferred location was near the playground and rotundas. Many said they new block should replace the existing toilet block, some said that the existing block should be kept and upgraded.
- *Item 5 – Upgrading the existing playspace:* There was also strong support for this item. Some wanted the play facilities to be more diverse and capable of catering for all ages and abilities. Some wanted facilities like flying foxes, sensory areas, basketball half courts, exercise equipment. Some wanted the playground to remain as is.
- *Item 6 – Upgrading the pavilion:* Many that were familiar with the pavilion suggested that it should be extended - larger social rooms and larger changerooms. Many wanted it to be a sports facility/community building. Some made recommendations about external facilities to complement the pavilion – seats, water fountains, larger veranda
- *Item 7 – Upgrading the carpark:* The majority view was that the existing carparks were sufficient and should remain unsealed. Some said they should be better defined. Others said that carparking capacity would need to be reviewed if a decision was made to proceed with the splash park.
- *Item 8 – Installing additional seating and shade:* There was strong support for this item. The preferred location for more seating was near the playground and around the oval. Regarding shade, the preference was for natural shade (trees) rather than structures. However, some supported erection of a shade structure over the playground.
- *Item 9 – Providing outdoor exercise equipment:* There were mixed views on the value of providing exercise equipment. Some said the stations would not be used, others said that they would be a good addition to the park. Some said that only 3 or 4 stations should be provided.
- *Item 10 - Improving habitat and biodiversity:* A diverse range of comments were made in response to this item. The main comments were about planting more native trees and removing the weeds in the creek
- *Items 11 – Mitigating against climate change:* Suggestions included solar panelling, more trees and recycle bins/
- *Items 12 – Improving the reserve for users groups:* Comments include drinking taps and toilets near the footbridge, drainage, irrigation and lighting on the oval, upgrading the pool, a stage area, a wider footbridge, shelter on northern side of footbridge, upgrading the pavilion
- *Item 13 – Introducing changes to make the reserve more appealing:* Suggestions included easier access for people with disabilities, not cluttering up the reserve, more play facilities, formal entrance to park, better signage, community garden, skateboard facilities.

1.3 Drop-in-session

45 local residents attended the sessions. Attendees were invited to view site analysis and key actions plans, comment on the contents of the plans and suggest changes or additions. There were also directed to the on-survey on Council's My Say page or given the choice to complete a hard copy of the survey.

Site Analysis Plan

- The following points were shown on the Plan:
 - Swimming pool in decline. Area at back of swimming pool in unsightly condition
 - Carparking not delineated
 - Oval not drained or irrigated
 - Public toilets poorly located and in decline
 - Band Hall ageing and in decline
 - Limited path network

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- Basic pavilion with small changerooms
- Basic playground
- Limited park seating and furniture
- Narrow and ageing footbridge
- Pine trees to the north shading the northern section of the oval in winter
- Build up of litter and debris at the southern oval fence
- There was broad agreement with the analysis plan. The following comments were made:
 - The analysis should acknowledge there is nothing for teenagers to do in the park
 - The sand paths need attention. Section of the paths get wet and eroded in winter. They need better drainage
 - The pine trees should be removed and replaced with trees that provide summer shade (there was some disagreement to this)
 - The pool should be replaced with a splash park
 - The toilets should be moved to a more central location
 - A basketball court is needed

Key Actions Plan

- The following actions were listed on the Plan:
 - Better define the gravel carparking areas
 - Returf, irrigate and drain the oval
 - Relocate the toilet block to a position near the play area to the east end of the park
 - Replace the swimming pool with a water/splash park.
 - Consolidate the buildings on the western side of the oval
 - Expand the pavilion to provide larger changerooms and a public toilet. Remove the existing toilet.
 - Update and expand the play area, including improved drainages
 - Expand the path network
 - Install more park furniture – seats, benches, tables
 - Replace the footbridge
 - Install adult exercise equipment as several stations along the paths
 - Incrementally thin out and remove the pine trees and replace with indigenous small trees and shrubs
 - Erect light over that oval
 - Erect an indoor cricket facility
- There was general agreement with the key actions. The following comments/recommendations were made:
 - Agree with pool being replaced by a high quality splash park
 - The pool should be retained and upgraded
 - The pavilion redevelopment should be similar to that undertaken at Russell Square
 - The Pavilion should be extended and made suitable for sports and general community groups
 - The playground redevelopment should be as per the Midlands Play Area redevelopment (bigger and more diversity, pump track)
 - Facilities are needed in the park for teenagers – e.g., half court, rebound wall
 - A skate park should be provided.
 - Exercise equipment should be similar to that provided at Mt Pleasant Oval
 - Lighting over the oval is not required. Concern about the impact of wildlife. Lights are provided at Russell Square. This is sufficient
 - Provide better security lighting and oval lighting to accommodate night-time running
 - Create gate access to the eastern side of the oval

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- Provision of an indoor cricket facility should be considered. Needed in Ballarat because of inclement weather
- Lit netball courts and extension to cricket nets should be considered
- Oval should be extended to provide for junior football. Lighting should be provided
- Consider provision of a central turf wicket table
- Consider provision of a pump station (there was disagreement to this)
- Consider café on eastern side of reserve
- Provide water fountains at suitable locations
- Make provision for a community garden
- Provide new deck at the rear of the community hall
- Provide more BBQs, rotundas, seating and benches
- Better care for open grassed areas in eastern section of the reserve
- Beautify area around the footbridge – clear weeds and plant natives
- The creek needs better care.
- Modify hall toilets to make externally accessible in daylight hours. Provide cubical like toilets at splash park. Include externally accessible toilets in redeveloped pavilion
- Provide a basic stage area
- Recognise the role the pipe band played in establishing the reserve and contributing to the construction of the toilets

Casual discussions

- Some important messages emerged in the casual discussions held on the night. These were:
 - There was support for the splash park. However, there were a few attendees who strongly argued that the pool should be retained.
 - There was unanimous support for providing additional play facilities and park furniture. However, some residents were concerned that the reserve would get too cluttered
 - Many residents commented that they like the ‘balance’ in the reserve – active recreation/family-play zone/community buildings/vegetation areas. Some cautioned against doing anything to disturb this balance, e.g., enhancing the oval so it is intensively used in winter.
 - There was support for consolidating the buildings on the western side of the reserve and for extending and redeveloping the pavilion as a community recreation building. Attendees, however, did not want to see the pipe band displaced.
 - There was agreement that the existing toilet block should be removed. Several replacement options were proposed make hall toilets externally accessible in daylight hours, provide cubical like toilets at splash park, externally accessible toilets in redeveloped pavilion, toilet block near play area. However, there was no agreement.

2. Groups that use the reserve

Officials from the Club were asked to provide information about the following:

- The history of the groups
- Player, participant numbers
- Their use of the reserve
- How the facilities at the reserve be improved (not just the group’s facilities).
- Any other matters they wanted to raise.

Their comments are provided below:

2.1 Ballarat Pipe Band

- The Band formed in 1909 and is one of the oldest pipe bands in Australia. It relocated to Brown Hill Reserve in 1975. It uses its hall at the reserve (an old Army Hut) up to two times a week. It also uses the oval for outdoor practice. It gets access to Wendouree Performing Arts Centre for practice on Wednesdays, when available.
- Highland Dancers use Hall on Wednesday nights.
- The Band has 28 playing members and 9 non-playing life members. Memberships peaked at 50 members in 2012. The age of the members range from 30-80 years. Band has won many Australian and international championships.
- In the late 1990s and early 2000s, the Band sought grants from Council and State Government to extend – second rehearsal area, some small studios. It was not successful. The Band is keen to stay at the Hall. It no longer wants to extend the Hall. It is just keen to revamp what it has.
- The Band concedes that the Hall is in poor condition (note: confirmed in by condition assessment). The Band has recently restumped the building and repaired the guttering.

2.2 Brown Hill Community Hall

- The Hall was built in 1966. It comprises two meeting rooms, hall, kitchen, foyer and store. It has been redeveloped twice in the last 5 years. The Committee is happy with layout and condition
- The Hall is occupied to near capacity before the pandemic. It only reopened in May 2022. It is heavily booked on weekends and weeknights but has spare capacity on weekdays. Its regular users include Parents Without Partners, Dance Group, Senior Group and Heart Health Group.
- Hall has very good facilities - kitchen, toilets, activity spaces etc.
- Main hall size is good and in-demand by user groups.
- Main hall stage is an asset. Needs to be slightly extended as requested by several user groups.
- Recent renovations have modernised the meeting rooms.
- Senior citizens would like a bar for their functions
- Carpark needs upgrading as dirt and dust constantly enter the hall and is not good for hall floor – dancing groups.
- Current hall car park needs expanding as playground, BBQ and recreation users are constantly taking up carparks and hall users have limited access to remaining car parks. Removal of pub car park has made this a bigger problem.
- Main hall windows are rotting and need replacing.
- Humffray St foyer to be developed as historical foyer displaying photos of Brown Hill and developed into a reception area.
- Cover old bricks in Main hall with plaster to modernise the room.
- Wish list: Sound system for main hall and presentation system for meeting rooms.

2.3 Brown Hill Cricket Club

- The Club formed in 1947. It was originally located at Russell Square and began formally using Brown Hill Reserve in the mid 70s. Currently, it also uses Western Oval and Victoria Park No 2. The Club has 6 senior teams, 3 junior senior teams and a Milo program.

Brown Hill Recreation Reserve Masterplan**Draft Report**

- The pavilion building at Brown Hill Reserve was erected by the Cricket Club. The Club later extended it to provide male and female toilet and shower facilities. The Club also erected and extended the cricket nets.
- The oval at the Reserve is not irrigated. The Club manually waters the field. The field is also not drained.
- The Club wants to pursue the installation of a turf wicket table. A table could fit on the oval but the concern is where the juniors and lower grade senior teams would play.
- Club is keen to pursue the indoor cricket training facility concept at Brown Hill.
- The Club's facility priorities are:
 - Lay a turf wicket table
 - Irrigate/drain the ground
 - Provide larger changerooms in pavilion (female friendly)
 - Enhance the area between the pool and playing field
 - Erect high fence at northern end to prevent balls going into the river area
 - Pursue the concept of an indoor training facility.

2.4 Brown Hill Kindergarten

- The kindergarten is adjacent to the Reserve. Parents use the Reserve carpark at drop-off and pick up times. The carpark gets boggy in winter. It is not lined and cars park haphazardly which is potentially unsafe.
- The kindergarten uses the oval and playground for activities. The oval gets muddy in winter. The playground is good but lacks diversity. A toilet is needed near the play area. The existing toilet block should be updated. More shade and shelter would be beneficial. More benches and tables and an extra BBQ are needed. Adult
- Consideration should be given to closing the pool and replacing it with a splash park. Adult exercise equipment should also be considered.

2.5 Brown Hill Auskick Program

- The Program started in 2021. It is not affiliated with a football club. Brown Hill Cricket Club supports the program. 110 participants, 85 boys, 25 girls, 55 from Brown Hill and 55 from other parts of Ballarat. The Program is held on Friday nights – 10 nights per year, 5pm-6.15pm. It has become a social outing. Parents gather under porch and stay after with their children for soup etc
- The Program hopes to start U/9 and older junior teams in the future (up to U/15s). Apparently tried this year, but knocked back, because it had not considered netball.
- The program facility needs are – drainage of oval, lights over oval, more storage, larger veranda and access to netball courts. Also, the toilets too far away from the play area and the play area and picnic facilities are basic.
- Suggested works:
 - Drain and irrigate the oval
 - Erect lights over the oval
 - Consider provision of netball courts
 - Line the carpark
 - Replace pool with a splash park
 - Erect toilets near play area and splash park
 - Upgrade existing toilets if they are to remain
 - Provide dog bins and bags

2.6 Eureka Athletics Club

- The Club formed in 1982 after a merger of the Ballarat East and Sebastopol athletics clubs. It has 80 members – aged 8-75 years. The Clubs has a 50:50 gender spilt. It participates in track, road and cross country events. It mainly uses the Brown Hill Recreation Reserve in winter on Saturdays as the start and end point for cross country runs. It sometimes use grass field for training - easier on legs than hard tracks. It would like to use the oval more but would clash with cricket. The Club is satisfied with its facilities at the Reserve.
- Suggested works:
 - Install distance markers on path
 - Improve oval drainage
 - Upgrade or replace public toilets.

2.7 Ballarat Regional Multicultural Council Inc

- The Council has used Brown Hill Reserve since 2021 for CALDB social support programs. Uses the reserve two times per week – for Tai Chi and drop in respite program. Its has around 30 clients. It is keen to use more for all sorts of social and support activities, e.g., gardening group, walking groups. Its anticipate numbers will grow significantly
- The Council mainly use the pavilion but go outside on nice days. Reserve is great venue and location - pavilion is not too big, parking is good, clients can enjoy the views into the bushland
- The Council is looking for a permanent, and if possible, a dedicated facility for its activities.
- Suggested works:
 - Make the pavilion more accessible: seal the carpark, ramp to porch, wider corridor in the pavilion for wheelchair access to toilets.
 - Revamp public toilets
 - Provide garden beds near the pavilion

2.8 Wallaby Track Parkrun

- Parkrun is held at the reserve on a weekly basis. Participants complete a 5km walk, jog or run each Saturday morning at 8am. The program commenced in December 2019. Peak participation numbers prior to lockdown were 230 runners, 15 volunteers and 25 spectators, (average 130/10/25). Now after lockdown the figures are 65/10/20. Participants are aged 4 to 80. The majority are in the 20-60 age range.
- Lots of local family groups are involved the program. Also, international and interstate visitors attend (around 15% of participants). Participants meet and finish near the footbridge. Many participants come before and stay and for some time afterwards to use the playground or catch up for a social walk/talk. They rarely use the public toilets due to their condition and distance from the play area.
- The attractiveness of the reserve is hidden behind the existing swimming pool and the community hall. On site car parking is limited. The children's playground is small and does not offer more mature challenges for older children.
- Suggested improvements:
 - Erect a new toilet block which is accessible to all reserve users
 - Provide more water points and drinking taps. A drinking tap near the Progress Bridge would be ideal
 - Provide a rotunda or covered area near the start/finish point of the parkrun
 - Create a formal entry point, paths and signage along Humffray St Nth
 - Upgrade the children's playground

- Either demolish or upgrade the swimming pool
- Provide more parking and shade.

2.9 Brown Hill Progress Association

The Association suggests the following improvements/changes to the Reserve. Its suggestions have been informed by community surveys and other consultation activities undertaken by the Association.

- Provision of a splash park. Facility to include the spray equipment, toilet block, climbing equipment, basketball hoop and drinking fountain. The existing BBQ, picnic tables, shelter and seats at the pool would be retained.
- Acknowledging and celebrating the history of and the community's involvement in the pool.
- Permanent stage facility
- Community garden
- Drinking fountain, picnic tables and seating near the playground. Shade over the playground
- Terracing around the oval where there are embankments
- Exercise stations located around the reserve
- Solar lighting for the reserve
- Overall landscaping plan to ensure new structures/features are consistent with the existing character of the park.

The Association made the following comments to elaborate on the comments above:

- The integrity and overall theme of the reserve needs to be enhanced, not overwhelmed, with improvement to amenity for a range of users.
- If the pool needs to be closed, then the replacement needs to provide activity for a range of ages.
- A splash park, 1/2 court, climbing frame, etc precinct was seen to be a reasonable replacement for the pool but as the splash park only caters for younger children there is the need to also provide for older children/teenagers. A skate park/pump track were put forward but the reserve is not big enough for such a facility. It was however seen as valuable additions to Brown Hill and the surrounding area.
- A small functional stage for community events would be a valuable addition to the reserve for our schools and community groups;
- The biggest priority for improving amenity of the reserve was the provision of public toilets. The most cost-effective way would be to utilise the existing infrastructure at the pool and to investigate how the hall toilets could be modified for external access.
- Other features could easily be incorporated into normal upgrade scheduling of council. i.e., strategically placed benches and picnic tables; shade over existing playground and other areas; security solar lighting; drinking taps;
- The best placement for an off-lead dog enclosure would be along the Wallaby Track.
- The small playground is well used and does not require much at all. The main thing it needs is functional shading; drainage would be good; ground cover kept in good condition. It should not be relocated to the splash park area as it serves a different purpose especially for the casual family groups using the passive area of green space. There is no need to bunch everything together.
- Keep the timber bridge as it is part of the history of the reserve and in keeping with its rustic theme. Repair and strengthen it for safety. Do not make it wider.
- Three or four exercise stations around the edge of the reserve would be sufficient.

3. Council officers

Council officers involved in the planning, management, development and maintenance of Brown Hill Recreation Reserve and its spaces/facilities were asked to indicate what they consider to be the role of the reserve, the positive and negative attributes of the Reserve, the changes that are occurring around the reserve that might have implications for the masterplan and the improvements they thought were needed at the reserve. They were also asked to respond to the comments made by the community about improvements to the reserve. Their thoughts/comments were as follows:

- Brown Hill Recreation Reserve is an important open space area with a diversity of roles. It:
 - Provides for community sport and recreation activities, informal play and family/community activities
 - Provides for passive recreation where local residents can walk, run, ride, spectate, relax and contemplate
 - Is used as a thoroughfare by people walking to and from the Yarrowee Trail, Monte Christo Bushland Reserve, Brown Hill Kindergarten and Brown Hill commercial/retail area and residential precincts
 - Provides a visual break from the commercial and residential properties along Humffray St Nth and Reid Crt.
- The positive aspects of the reserve are its size and shape, open grassed areas, beautiful backdrop, attractive view-lines and landscape, accessibility and close proximity to residential areas. The not so positive aspects are its ageing community facilities ageing and safety issues related to its carpark areas.
- The changes occurring around the reserve include increased housing density with multiuse developments, less trees on smaller blocks and residential growth north of the Reserve.
- The pool is ageing and consideration should be given to replacing it with a splash park. This transformation has been successfully done in other LGAs
- The reserve hosts events/activities that can attract large numbers of cars. The carparking areas in and around the reserve should be reviewed to enhance their efficiency, capacity, safety, accessibility, integration and appearance.
- There are plans to extend the kindergarten to enable it to cater for more children. This will add to the demand for the carpark near the pavilion. This should be considered in the parking review
- The condition, location and size of the footbridge across the Yarrowee River needs review to enhance access to the Yarrowee Trail.
- The reserve is a hard cricket wicket venue. Converting the wicket to turf has been suggested. This would require a broader discussion with BHCC and the Ballarat Cricket Association (BCA). The installation of a turf wicket would potentially prevent local junior catchment from using the oval in Brown Hill to play.
- The band hall is ageing and lack facilities. Its future needs review.
- Indoor cricket nets have been proposed previously. Brown Hill Reserve is not considered an appropriate location for the venue.
- There are several buildings/structures in the Reserve. They should be consolidated/rationalised, where feasible.
- Consideration should also be given to the following works:
 - Installing fitness stations
 - Upgrading the oval surface – returf, drainage, irrigation
 - Upgrading the pavilion
 - Upgrading or replacing the public toilets
 - Expanding the play facilities and path network

Appendix C - Brown Hill PoolSuggested improvements from research:

Retain and upgrade the pool.

Retain and upgrade the 25m pool and plant. Convert the toddlers' pool to a splash park.

Replace the pool area with a splash park. Combine with new play facilities – rebound wall, half court, climbing frame.

Retain the existing BBQ, picnic tables, shelter and seats at the pool.

Assessment*General analysis*

A range of views were expressed by residents about the Brown Hill Pool and its potential replacement by a splash park. However, there was no overwhelming view. Some residents fully supported the replacement of the pool with a splash park, a similar number wanted the pool retained and upgraded. Some wanted the 25m pool retained and the toddlers' pool converted to a splash park. Some were concerned that a splash park would only provide for younger children. A small number had no opinion about the future of the pool.

The residents who wanted the pool retained and upgraded held this view very strongly. They argued that the condition of the pool was allowed to decline and this has led to a fall in usage. They contended that usage would increase if the pool was updated. Many said that a splash park was a poor alternative to a fully functional pool. They were particularly concerned that a splash park only caters for young children and their parents. Some residents, who were prepared to accept the closure of the pool, did so reluctantly. They recognised that the pool was in poor condition and could be too costly to fix. Some residents were enthusiastic about the splash park as a modern alternative to the pool.

The pool is in physical decline. A recent condition report rates nearly all of the pool elements - plant room, kiosk, pool shell, pool concourse and plant etc - as being in poor to very poor condition. The cost of updating these elements to a functioning condition was estimated to be at least \$1.3M.

There are two outdoor pools within 2.4kms of Brown Hill Reserve – at Black Hill and Eureka. This is an acceptable distance for Brown Hill residents to travel. Some residents say these pools get overcrowded on hot days. Splash parks are being installed across Victoria. They are proving to be very popular, particularly those that are combined with other play facilities – such as basketball courts.

What is a splash park and what are its benefits:

A splash park, also known as a spray park, splash pad or water park, is a recreational area designed specifically for interactive water play. Unlike swimming or wading pools, splash parks are designed to have no standing water thus reducing the risk of drowning. These areas improve public spaces and provide an ideal setting for family recreation. The versatility of splash parks with their multiple play zones appeal to the 0-12 years age groups. Well-designed splash parks offer universal accessibility for all types of disabilities. Splash parks are often combined with general play areas and picnic facilities. The benefits of splash parks are as follows:

- Cost less to install, maintain and operate than a swimming or wading pool.
- Are safer than normal pools since there is no standing water.
- Do not require lifeguards or other staff.
- Are an ideal community recreational attraction and can attract people from a broad catchment area.

Brown Hill Recreation Reserve Masterplan**Draft Report**

- Stimulate children's senses and encourage young children and parents to socialise through interactive aquatic play.
- Can operate on cooler days and for longer hours during a typical day (for example, the Midlands Reserve Splash Park was operating and used every day in January 2021, whereas the Brown Hill Pool was closed for 17 days due to cool temperatures).

The main disadvantages of splash parks is that they do not provide for swimming and aquatic education and they are not overly popular with teenage children.

Cost of splash park

The cost of constructing the splash park will depend on a number of factors – the size of the park, the number of spray elements, the potential to re-use existing pool equipment and the quality of the spray items. Parkequipe, the designers and installers of the Midlands Reserve Splash Park, were asked to indicate what spray equipment could be provided (designed and installed) for the following cost scenarios: \$600K, \$1.2M and \$2M. They indicated that \$600K would provide at 200m² park similar to Midlands Reserve, \$1.2M a large 300m² park with lighting, shade, seating and \$2M a large 400m² park with an elevated structure and life-floor surface (see photos on pages 65-66).

The cost of operating a splash park is considerably less than the cost of operating a public swimming pool. There are two main types of splash pad systems: recirculating and pass-through. The cost varies based on the type of system used. Recirculating systems collect the water within a holding tank where it is treated, filtered and pumped back out to the spray nozzles. This system requires scheduled water monitoring and adjusting of chemicals. While it uses much less water, it is more expensive to monitor. A pass through system uses city potable water and drains directly to the sanitary system and therefore no monitoring is required. The main cost is the potable water. Some systems collect the water and reuse it. If there is no charge to the residents to use the splash park, staff to control access are not always required. Safety concerns, in general, are lower and do not require the hiring of lifeguards. Also, once built, maintenance costs for splash pads are significantly less compared to swimming pools. Equipment operating costs are much less, especially in a pass through system that does not use pumps, filters, and chemicals.

1. \$600K – 150-200m² area, similar to Midlands Reserve

\$1.2M – 300m2, large splash pad with lighting, shade, seating



2. \$2M – 400m2, large splash pad with an elevated structure and life-floor surface



Case study - Warburton Water Park

- Outdoor pool closed in 2009 due to significant issues with pool infrastructure. Site fell into disrepair. In 2015, Council started community consultation regarding future use of the pool site. Splash park concept was born and adopted by Council
- Splash park opened in 2020. Construction costs - \$4.6M. Federal Government provided \$1.7M through the Regional Growth Fund, the Warburton Advancement League \$20,000, and Warburton Sports Centre Committee \$120,000. Council contributed the remaining \$2.76 million.
- Park comprises: Spray park, general play equipment, benches, tables, BBQs, shelters, outdoor gym, 2 asphalt courts lined for basketball, netball and tennis, basketball ring, 2 netball rings, tennis net, 40 bay sealed carpark, 6 cubicle toilet block.
- Water park - 545m², water park, playground and picnic area 2490m², whole area 1.2ha





- Council pleased by high levels of use. Visits rose from around 10,000 per annum at the pool to 100,000+ at the splash park.
- Reasons for changing from the pool to the splash park - high operational cost of pool, relatively low use of pool, lower operational cost of splash park, prospect of the park being highly used, new Yarra Centre Indoor Pool developed 11 km (15 minutes) down the road.
- Benefits:
 - Community meeting place: social cohesion and the reduction of social isolation
 - Broader economic impacts: regional tourism and better use of limited Council resources
 - Water activity on cool days, e.g., 11.10.2022, 3.30pm, 16 degrees C, 16 children in water park and 5 parents on grass lawns in picnic area

Recommendation

Replace the pool area at Brown Hill Reserve with a splash park. Combine with new play facilities – rebound wall, half court, climbing frame etc. If feasible, retain and upgrade the existing BBQ, picnic tables, shelter and seats at the pool. Review and redesign the carpark areas around the splash park/teenagers playground.

Plans of Splash Park/ Teenagers Playgrounds

Basic concept plans for a Splash Park/Teenagers Play Space at Brown Hill are provided in the following pages. Note the plans do not show any changes to carparking. Changes will be needed which may include angle parking along Humffray Street North. Carparking arrangements should be determined through detailed review of parking needs.

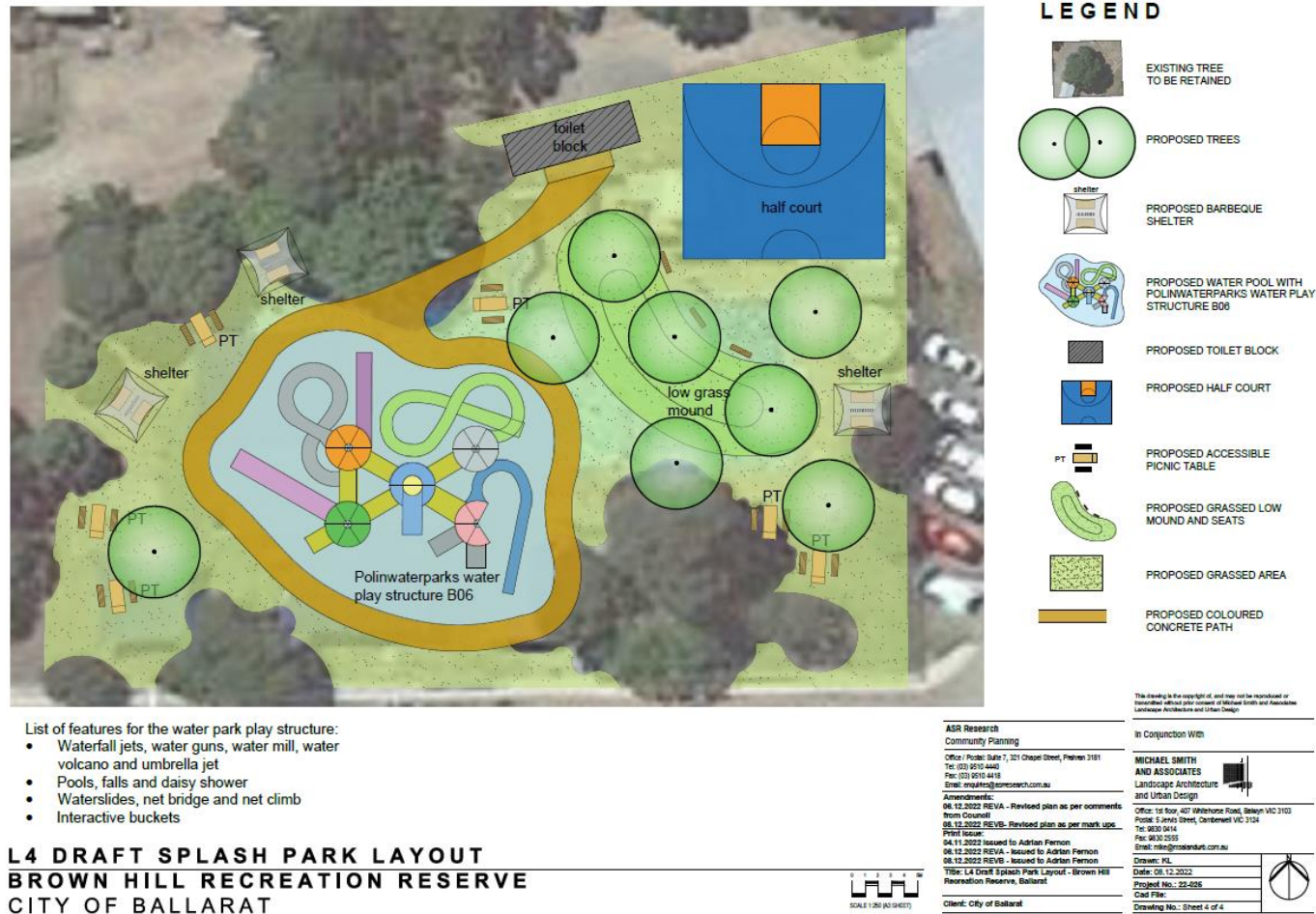
Photos of Warburton and Seville Splash Parks

See following pages.

Brown Hill Recreation Reserve Masterplan

Draft Report

Brown Hill Reserve – Draft Splash Park Layout (for higher resolution see separate Attachment Five – Figure Five Proposed Splash Park Concept Plan)



Warburton Splash Park





Seville Water Park







8.4. MARTY BUSCH RESERVE MASTER PLAN

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Mitch Jenkins, Acting Coordinator Sport and Recreation
Strategic Planning

PURPOSE

1. The purpose of this report is to present Council with the proposed Marty Busch Reserve Master Plan for Council adoption.

BACKGROUND

2. The Council Plan 2021-2025 *Goal 3: A city that fosters sustainable growth* under 3.7 *Create great precincts and places for people* identifies to 'Complete an update of the Marty Busch Reserve Master Plan' as an action item.
3. The aim of the master plan is to ensure suitable and equitable facilities for current and future tenants of the Marty Busch Reserve and the wider community with focuses on:
 - a. Facilities and/or consolidation of assets
 - b. Club based and Active Recreation
 - c. Current and future tenants
 - d. Landscape improvements
 - e. Vehicles/roadways and egress and other desired improvements to the entire site
 - f. A prioritised list of development works and estimates of the costs of these works
4. The following methodology has been undertaken in developing the master plan:
 - a. Literature Review
 - b. Review of existing facilities provision
 - c. Consultation – Internal & External
 - d. Draft Master Plan
 - e. Develop Implementation Plan & Cost Estimates
 - f. Finalise Master Plan
5. The following community consultation has been undertaken in developing the master plan:
 - a. Reserve User Groups – Sebastopol Football Netball Club, Napoleons-Sebastopol Cricket Club, Ballarat-Sebastopol Cycling Club, Wendouree Fire Brigade, Ballarat Ultimate Frisbee;
 - b. Local Community – Community Drop-In Session and Online MySay survey; and
 - c. Council Officers workshop.

6. The community engagement outcomes were summarised, and all items were assessed in developing the final master plan. It is assessed that the proposed master plan provides long term benefits to all user groups at Marty Busch Reserve. The master plan also provides improvements to public amenities including the proposed play spaces, BBQ, shelters, 3v3 basketball court, public toilets, reserve entry points and pedestrian path networks to benefit the wider community.
7. The master plan maximises the utilisation of the full reserve and will provide benefits to the wide range of user groups and general community. This master plan will activate previously underutilised spaces within the reserve as well as address safety concerns by way of design and increased usage of these areas.

KEY MATTERS

8. An election commitment of \$8.4 million has been made towards delivery of projects identified within the master plan.
9. It is anticipated that the priority projects for delivery through this funding will align with the \$8.4 million outlined in Council's advocacy document which included the following:
 - a. No.2 Oval Redevelopment & Lighting
 - b. No.2 Oval Change Rooms
 - c. Criterium Track
 - d. New Netball Court
 - e. New Cricket Nets
 - f. Car Parking & Egress
10. Council co-contribution to ensure the above projects can all be delivered has been factored into and will be considered as part of the annual budget process. Early high-level estimates are that a Council contribution of approximately \$1.5 million will be required, however this will be confirmed through the planning, design and costing stages and managed accordingly.
11. An Implementation Plan has been developed to sequence a program of design and construction for the projects identified for delivery (subject to confirmation via the funding agreement required for the \$8.4 million from State Government):
 - a. 2023-24:
 - i. Design: Oval No.2 Redevelopment & Lighting
 - ii. Construction: Tender contract for Oval No.2 & Lighting
 - b. 2024-25:
 - i. Design: No.2 Oval Change Rooms, New Cricket Nets
 - ii. Construction: Deliver Oval No.2 Redevelopment & Lighting, and tender contracts for Change Rooms and Cricket Nets
 - c. 2025-26:
 - i. Design: Netball Court, Car Parking/Egress, Criterium Track
 - ii. Construction: Deliver No.2 Oval Change Rooms, New Cricket Nets, and tender contracts for Netball Court, Car Parking/Egress, Criterium Track.

- d. 2026-27:
 - i. Design: N/A
 - ii. Construction: Deliver Netball Court, Car Parking/Egress, Criterium Track
- 12. The above Implementation Plan has been developed and sequenced in logical order based on:
 - a. Priority order
 - b. Interdependency based on location within the reserve
- 13. This election commitment funding will see significant benefits realised for both the community and Council including:
 - a. Project delivery timelines: Master plan projects identified will be able to be delivered given they are now fully funded;
 - b. Council funding: The total implementation and project cost to Council will reduce. Whilst it is anticipated that Council funding will be required, this will be significantly less than it would have been if delivered via the long term (10 Years plus) capital program; and
 - c. Recreation Capital Program: Given many of the Marty Busch Reserve projects were identified in the long-term capital program, now that they are funded via the election commitment this will allow planning for other Recreation based projects across the City to come forward in the program and potentially be delivered earlier than initially programmed.
- 14. The other projects identified within the master plan, but not funded via the election commitment, nor Councils \$1.5 million commitment, will be considered as part of Council's Enterprise Project Management Office (EPMO) process, and referred to Council's capital forward planning and budget bid process for consideration and prioritisation against other competing projects.
- 15. Proposed next steps are as follows:
 - a. Council adoption of Marty Busch Reserve Master Plan;
 - b. Funding agreement for election commitment funding considered, reviewed and executed;
 - c. Implementation of projects identified in election commitment funding as per executed funding agreement;
 - d. Council \$1.5 million financial requirement managed via annual budget process through Recreation Services;
 - e. Projects in the master plan implementation plan and not included in the executed funding agreement, nor funded from Councils \$1.5 million commitment, to be referred to future capital works planning and managed via the annual budget prioritisation process.

OFFICER RECOMMENDATION

16. That Council:

16.1 Adopt the Marty Busch Reserve Master Plan and note the Marty Bush Reserve Master Plan Implementation Plan.

16.2 Endorse officers to progress with negotiating the funding agreement with State Government to deliver on the priority projects identified in the Marty Bush Reserve Master Plan Implementation Plan.

ATTACHMENTS

1. Governance Review [8.4.1 - 2 pages]
2. Marty Busch Final Plans 2023 [8.4.2 - 7 pages]
3. Marty Busch Reserve Master Plan - Priority Projects Implementation Plan [8.4.3 - 1 page]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Marty Busch Reserve Master Plan aligns with several key strategic documents:
 - a. Council Plan 2021-2025
 - b. Active Ballarat
 - c. Active Women's & Girls Strategy
 - d. Ballarat Open Space Strategy
 - e. Health & Wellbeing Plan 2021-2031
 - f. It informs and is informed by the Financial Plan and will be important in the development of the Building Asset Management Plan

COMMUNITY IMPACT

2. The Marty Busch Reserve Master Plan outlines the long-term direction for the development of the reserve. The wide range of projects outlined will provide great benefit to the varied user groups at the reserve, as well as the surrounding community.
3. Investment in sport and recreation-based projects provides many health and wellbeing benefits to the community and encourages physical activity within Ballarat.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

4. Environmental sustainability practices will be implemented as part of project delivery of the master plan recommendations as required

ECONOMIC SUSTAINABILITY IMPLICATIONS

5. There are no economic sustainability implications regarding this Master Plan.

FINANCIAL IMPLICATIONS

6. The Marty Busch Reserve Master Plan identified a range of capital projects to inform Council's Recreation Services Capital Improvement Program planning.
7. The election commitment funding will allow the delivery of the identified priority projects and reduce Council's overall financial contribution towards delivery of these projects.
8. Early cost estimates indicate a Council financial commitment of \$1.5M towards the priority projects at the reserve and will enable these projects to be delivered.

LEGAL AND RISK CONSIDERATIONS

9. The Master Plan doesn't identify any unacceptable risks in the planning for the reserve. The plan will ensure that decision making, and budget prioritisation will be informed by a Council adopted document.

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HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

11. The draft Master Plan was developed in consultation with all the reserve user groups and relevant Council departments. The draft Master Plan was then placed on public exhibition for community feedback via an online MySay survey and a Community Drop-In session.
12. The survey received 66 responses as well as direct feedback received from the user groups. All feedback was considered in formulating the final Master Plan which has since been distributed and a further meeting attended with site user groups.
13. Further consultation will be undertaken throughout the design and construction of the identified master plan priority projects.

GENDER EQUALITY ACT 2020

14. There are no gender equality implications identified for the subject of this report.

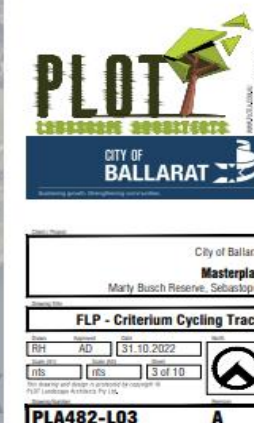
CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

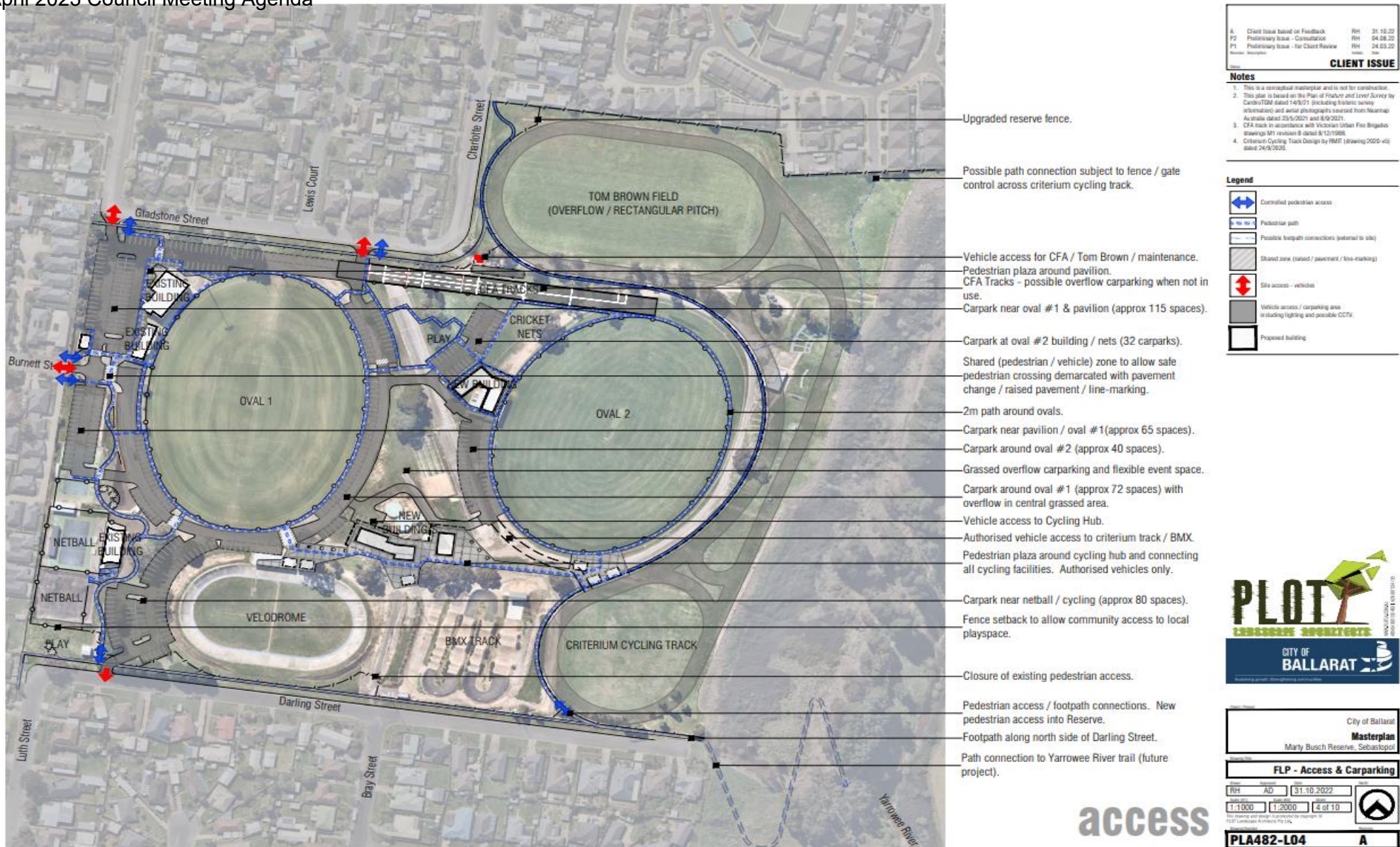
15. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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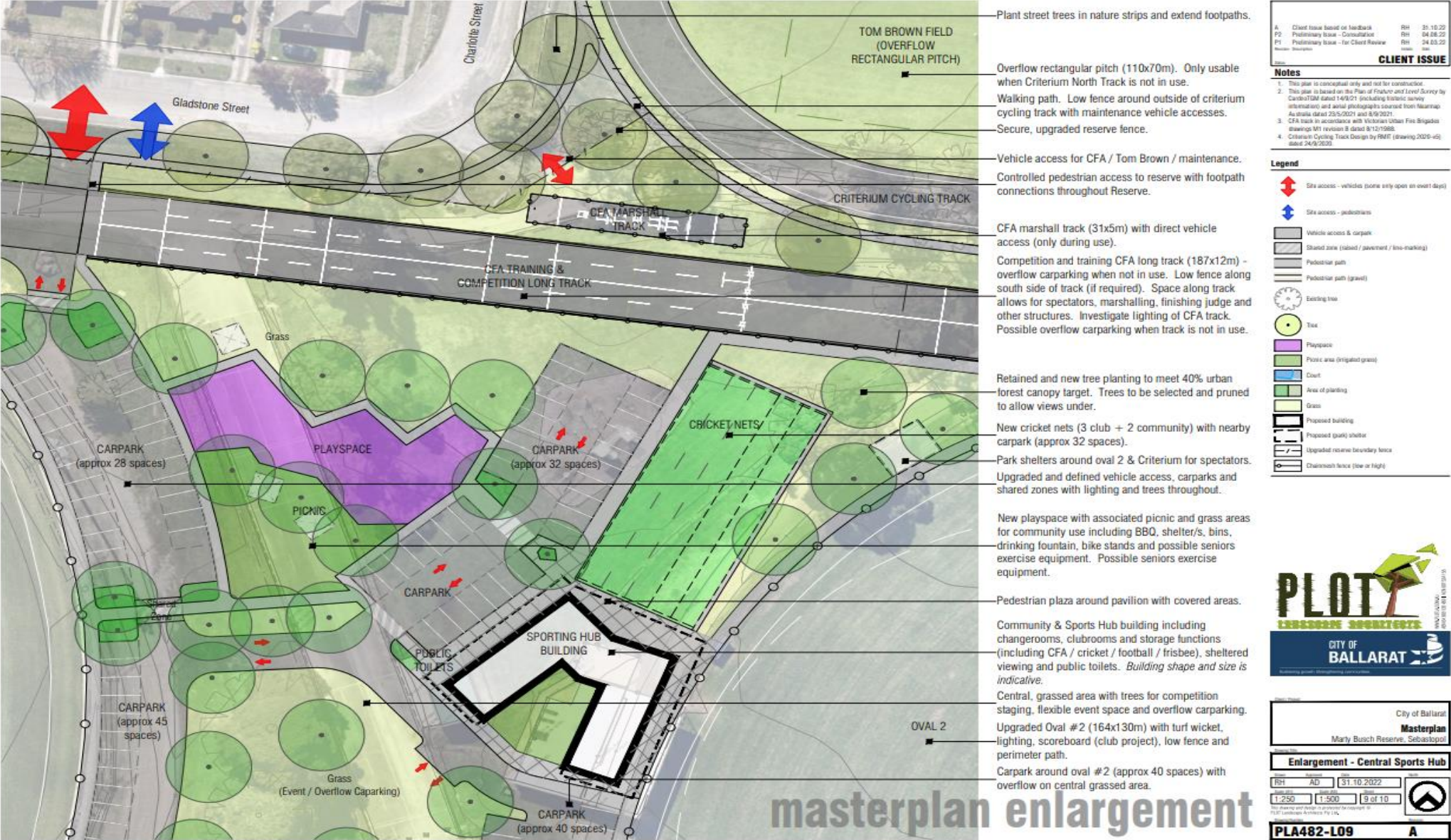


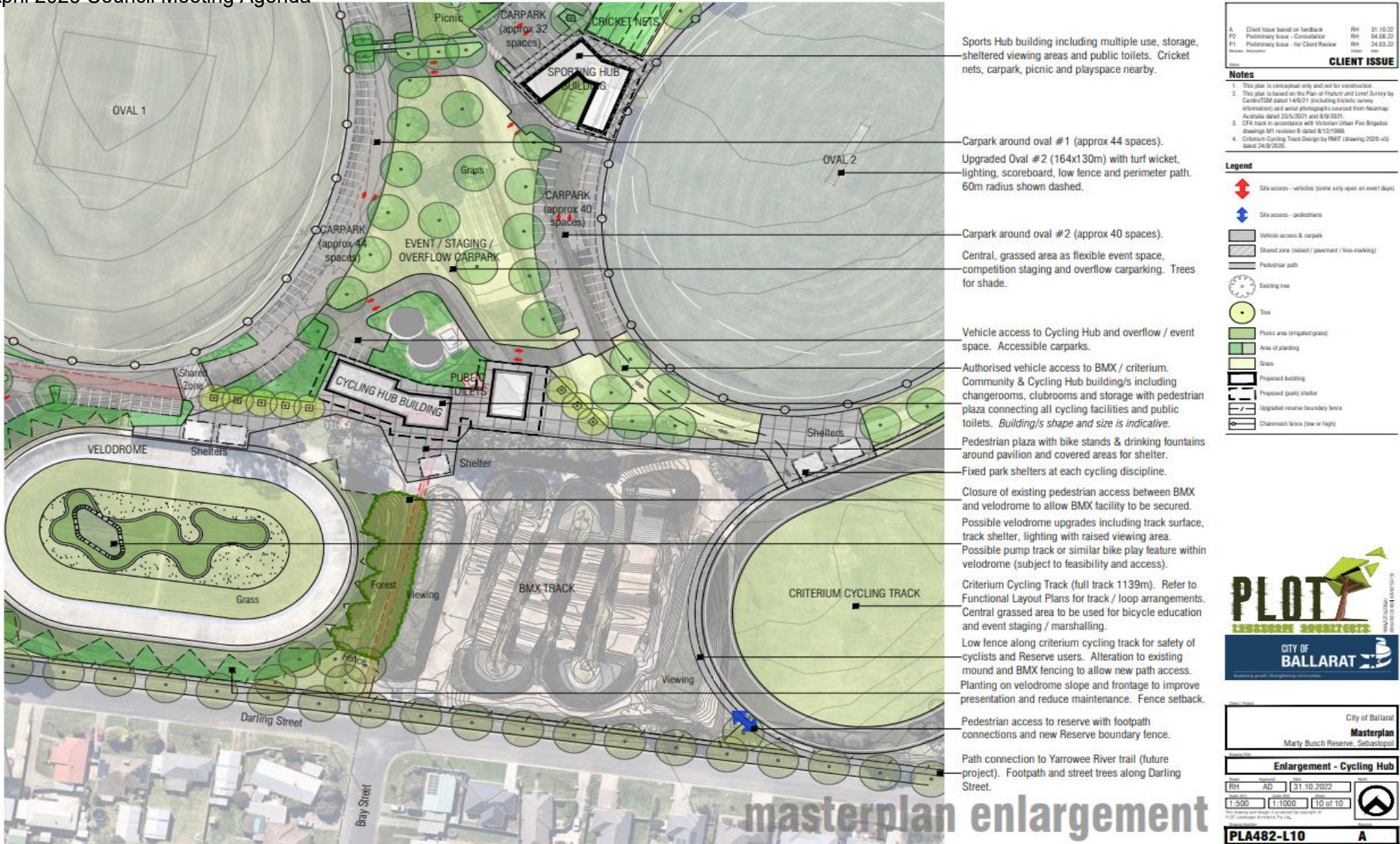
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Marty Busch Reserve Master Plan

PRIORITY PROJECTS IMPLEMENTATION PLAN

The purpose of the Implementation Plan is to reflect the projects identified in the Marty Busch Reserve Master Plan. The proposed timeframes for implementation of delivery of the projects may be achievable subject to capital planning and budget prioritisation processes over time. Projects listed will be considered and listed for delivery through detailed capital works forward planning in Recreation Services. The Implementation Plan below identifies the initial priority projects, medium term, and long-term timeframes in which the projects will be considered and assessed for prioritisation. The Implementation Plan has been informed by funding commitments received, project prioritisation and interdependency and logical sequencing based on location of projects onsite:

PRIORITY PROJECTS				
PROJECTS	2023-24	2024-25	2025-26	2026-27
Oval No.2 Redevelopment & Lighting	Design	Construct	-	-
No.2 Oval Changerooms	-	Design	Construct	-
New Cricket Nets	-	Design	Construct	-
Netball Court	-	-	Design	Construct
Criterium Track	-	-	Design	Construct
Car Parking/Egress	-	-	Design	Construct
MEDIUM TERM PROJECTS				
Fire Track Relocation				
New Play Space (North side of reserve)				
Multipurpose Court and Picnic Area				
LONG TERM PROJECTS				
Cycling Hub Building				
New Play Space (South side of reserve)				
Additional car parking/pedestrian network formalisation				
Pump Track/Velodrome Upgrades				
Path connection to Yarrowee River Trail				
Central grassed area/flexible events space				

8.5. BALLARAT GROWTH AREAS QUARTERLY REPORT #3

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Terry Natt – Manager Strategic Planning

PURPOSE

1. To provide an update on the progress of rezoning the proposed growth areas to Urban Growth Zone (UGZ) and the project plan including timeframes for the Growth Areas Framework Plan.

BACKGROUND

2. On 23 February 2022, Council resolved to:
 1. *Apply to the Minister for Planning in accordance with Section 8A(2) and (3) of the Planning and Environment Act 1987 to obtain authorisation to prepare Amendment C221ball to the Ballarat Planning Scheme, by:*
 - a. *Rezoning the growth areas to the Urban Growth Zone in accordance with Attachments E, F and G; and*
 - b. *Preparing a policy amendment which introduces a new 'Housing Framework Plan' to support the next phases of planning.*
 2. *If authorised by the Minister for Planning under Section 8A (2) and (3) of the Planning and Environment Act 1987, exhibit Amendment C221ball to the Ballarat Planning Scheme in accordance with the notice requirements under section 19 of the Planning and Environment Act 1987.*
 3. *Commence preparation of a Precinct Structure Plan for the northern growth area following application of the Urban Growth Zone.*
 4. *Notes that the Ballarat Housing Strategy should ultimately be the mechanism to determine the extent of future growth and infill development across Ballarat.*
 5. *Authorise the Director Development and Growth to make minor changes to the planning scheme amendment documentation as required.*
 6. *Notes that the 'Growth Areas Framework Plan' will be prepared to establish the most appropriate sequencing of Precinct Structure Plan preparation for the western and north-western growth areas, aligned to sustainable development principles and the likely or planned construction of infrastructure and community facilities to support well planned and sustainable communities.*
 7. *Report back to Council, quarterly, on the progress of the rezoning to UGZ and the project plan including timeframes for the Growth Areas Framework Plan.*

3. This report relates to resolution 7. above, which seeks an update on the rezoning of the UGZ and a project plan including timeframes for the Growth Areas Framework Plan.

KEY MATTERS

Innovation Pathway

4. The City of Ballarat applied to the VPA innovation pathway pilot program in July 2022. This is a pilot program to encourage significant innovations in a PSP that might otherwise be difficult to achieve due to policy and practice constraints.
5. The Ballarat North PSP project was chosen by the VPA Board in February 2023 as the successful pilot PSP to test planning and design of desired sustainability outcomes for the Ballarat North precinct.
6. The VPA board was particularly impressed with the range of sustainable design innovations and this PSP will create a Statewide replicable process for designing a proof of concept for:
 - Delivering a microgrid energy model
 - Embedding Carbon neutrality, 7 star energy targets and ESD within the PSP
 - Neighbourhood waste management
 - Biodiversity corridor protections
7. The VPA has commenced working with Council officers to develop an Implementation Plan that will outline outcomes for each innovation, the necessary technical assessments, funding and resource requirements, timelines, governance and responsibilities for consideration and adoption by Council the VPA and State agencies

Correspondence to Minister

8. When Council considered the 14 December 2022 Quarterly update, they resolved to write to the new Minister for Planning seeking details and timeframes relating to the High-Level Strategic Review being undertaken by the VPA, rezoning of the Northern Growth Area being completed by DELWP (now DTP) and preparation of the VPAs PSP for the Northern growth area.
9. In response to this resolution of Council, officers wrote to the Minister in January 2023 and while no formal correspondence has been received in response, Council has been in regular contact with both the VPA and DTP regarding progress of the high-level Strategic Review, rezoning and PSP preparation as discussed below.

High Level Strategic Review

10. The VPA has been requested by the Minister for Planning to undertake a high-level strategic review of Ballarat's proposed greenfield and urban renewal areas.
11. The VPA has reviewed the scope of the High-Level Strategic Review and renamed it to IGAF (Infrastructure Growth Alignment Framework). The purpose of the IGAF is to provide a clear strategy for future staging and sequencing of residential growth opportunities to ensure the projected population growth over 15 years can be accommodated for, clear directions on where growth should occur, an evaluation of

growth projections within the municipality, a high-level look at land capability, service limitations, infrastructure costs, market trends, an infrastructure review and the need for any upgrades to accommodate population growth.

12. At this stage, the output is advice to the Minister for Planning and the project is anticipated to be completed before mid-2023.

Rezoning of Ballarat North Core Area

13. Officers are advised consideration of the rezoning of the Northern Core Area is progressing through DTP. As soon as information is available this will be communicated to Councillors and the wider community.

PSP preparation

14. The VPA and Council officers have been in close collaboration to ensure the prompt development of background and technical reports to underpin the development of a Precinct Structure Plan for Ballarat North growth area.
15. Workshops to discuss drainage, flooding, Cultural Heritage impact assessments, community infrastructure provision are in train and data has been provided to the VPA as an evidence base to underpin technical reports.
16. The VPA has been progressing the development of Third-party funding agreements with landowners to fund the preparation of technical reports and planning documents.

OFFICER RECOMMENDATION

17. **That Council:**

- 17.1 **Note the contents of this update report**

ATTACHMENTS

1. Governance Review [8.5.1 - 2 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This report aligns with the relevant Council strategies and policies. This report has been prepared with specific reference to the Ballarat Planning Scheme and Ballarat Strategy 2040.

COMMUNITY IMPACT

2. This report is an update on a broader project which has and will continue to require community and stakeholder engagement.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. There are positive climate emergency or environmental sustainability implications identified within this report, particularly in response to the successful Innovation Pathway that will secure sustainable design innovations and create a Statewide replicable process for designing a proof of concept for:
 - Delivering a microgrid energy model
 - Embedding Carbon neutrality, 7 star energy targets and ESD within the PSP
 - Neighbourhood waste management
 - Biodiversity corridor protections

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. Rezoning of Ballarat's new growth areas is considered to be of state significance to facilitate urban growth will bring forward economic activity associated with all facets of the land development process including planning, building and construction activity.
5. Council resolution from the 23 February 2022 will also assist in the City's post-COVID19 economic recovery through providing housing stock and construction activity over the medium and long term.

FINANCIAL IMPLICATIONS

6. This report is a progress update and has no financial implications.
7. It is noted that Council's proposal to undertake a staged roll-out of the growth areas will stage Council's financial responsibilities associated with the construction of community and other infrastructure projects.

LEGAL AND RISK CONSIDERATIONS

8. The Ballarat Planning Scheme and the *Planning and Environment Act 1987* were considerations of this report.

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HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

10. This report is an update on a broader project which has and will continue to require community and stakeholder engagement.

GENDER EQUALITY ACT 2020

11. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

12. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

PROCUREMENT COLLABORATION

(For Contracts Only)

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8.6. REVIEW OF PROCUREMENT POLICY

Division: Corporate Services
Director: John Hausler
Author/Position: John Hausler, Director Corporate Services

PURPOSE

1. To provide Council with the findings of the Procurement Policy review.
2. To seek endorsement from Council to integrate the recommendations of the review into a new version of the Procurement Policy, to be brought back to Council.

BACKGROUND

3. Section 108 of the *Local Government Act 2020* stipulates that the Procurement Policy must include the following:
 - (i) The contract value above which the Council must invite a tender or seek an expression of interest;
 - (ii) A description of the criteria to be used by the Council to evaluate whether a proposed contract provides value for money;
 - (iii) A description of how the Council will seek collaboration with other Councils and public bodies in the procurement of goods or services;
 - (iv) The conditions under which the Council may purchase goods or services without inviting a public tender or expression of interest;
 - (v) A description of the process to be undertaken in inviting a public tender or expression of interest, and
 - (vi) Any other matters prescribed by the Regulations.
4. Council adopted its current [Procurement Policy](#) (Version 11) on 27th October 2021, to take affect from 1st December 2021 and is available on the City of Ballarat website.
5. Council passed a resolution at its 28 September 2022 Council Meeting (R147/22) for Officers to provide a report outlining a review of the Procurement Policy. At the December 2022 meeting, Council noted an outline of the intended review and subsequent report due April 2023 to Council.
6. The review framework outlined Officers would evaluate the procurement policy regarding:
 - a. Legislative / Policy Context
 - b. General Procurement Policy Review
 - c. Environmental and Sustainable Considerations
 - d. OHS Considerations

KEY MATTERS

7. To conduct the review of the Procurement Policy, Officers completed the following Policy Scan:

A selection of procurement policies from a variety of Councils were collated and compared to City of Ballarat's policy. Key Councils included in this selection are;

- Bendigo
- Geelong
- Manningham
- Port Philip
- Shepparton
- Loddon
- Knox (a sample procurement policy recommendation by Local Government Inspectorate)

A number of other Councils policies were considered when evaluating the usage of Sustainability Criteria, including Macedon Ranges and Darebin.

8. Other things taken into account during the review include officer feedback, a procurement framework review report completed in December 2022 and internal audits.
9. The procurement policy review has identified a number of recommendations for potential policy improvement, including in some instances giving consideration to different options.
10. Officer recommendations are presented in an attached table. Highlights from each section of the review are outlined at a summary level below.

Legislative / Policy Context and General Procurement Policy Review

11. A number of changes have been recommended in order to ensure the policy is clearer to follow, easier to read and updated for the latest legislative provisions have been recommended for approval. In order to aid such future administrative changes it has also been recommended that a clause be added which supports administrative changes that do not change the intent of the policy to be made without returning to Council.

Environmental and Sustainable Considerations

12. Following assessment of a number of different approaches to evaluating environment and sustainability considerations within the sector, consideration of the Reconciliation Action Plan submitted by Council to Reconciliation Australia, and procurement policy enhancement actions outlined in the Council Plan, an enhanced mandated approach to evaluating sustainability in the Procurement Policy has been recommended.

OHS Considerations

13. Historically, during the procurement process, assessment of Occupational Health and Safety (OHS) criteria has predominately prioritised OHS systems, in particular businesses or suppliers with an externally certified OHS system. However, it is recognised that this may limit the evaluation and specifically the extent of how health and safety performance of businesses or suppliers, and their approach to deliver

services in a safe manner. As such, it is recommended that a change to the OHS assessment criteria with OHS performance and OHS system to be weighted equally (50/50) with minimum thresholds (50% in both criteria must be achieved) to determine pass/fail.

14. Officers will develop operational guidance and provide training to support staff implement the recommendations of Council from 1 July 2023.
15. Following 12 months of operation of the adopted recommendations, officers will complete a review of the recommended changes, in order to consider the effectiveness of the changes.

OFFICER RECOMMENDATION

16. That Council:

- 16.1 Acknowledge the completion of the review of Procurement Policy at Attachment 2.**
- 16.2 Adopt the Procurement Policy at Attachment 3 with an effective implementation date of 1 July 2023 and rescind the Procurement Policy adopted by Council on 27 October 2021 (R22/21).**
- 16.3 Note that officers will develop operational guidance for staff involved in the procurement process to support the recommendations of Council ready for their implementation on 1 July 2023.**

ATTACHMENTS

1. Governance Review [8.6.1 - 2 pages]
2. Procurement Policy Review Recommendations [8.6.2 - 11 pages]
3. Procurement Policy [8.6.3 - 35 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Procurement Policy is a requirement under section 108 of the Local Government Act 2020.

COMMUNITY IMPACT

2. The proposed changes to the Procurement evaluation criteria to have a greater focus on Aboriginal and Torres Strait Islander procurement and environmental sustainability.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. This policy has included possible ways to increase the purchase of goods and services that use recycled or reusable content, are locally and ethically produced, are water or energy efficient, or use low impact materials.
4. The proposed changes increase mandatory criteria for consider environmental sustainability in tenders >\$300k.

ECONOMIC SUSTAINABILITY IMPLICATIONS

5. There are no economic sustainability impacts identified for the subject of this report.

FINANCIAL IMPLICATIONS

6. There are no financial implications identified for the subject of this report.

LEGAL AND RISK CONSIDERATIONS

7. The endorsement of the Procurement Policy ensures that the core operations of Council are not impeded and are managed to ensure transparency and good governance.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

9. The review of the Procurement Policy has been undertaken through the Council Meetings to provide greater transparency and ensure a further mechanism for community involvement.

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GENDER EQUALITY ACT 2020

10. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

11. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

PROCUREMENT COLLABORATION

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General Procurement Policy Review:

Ref	Issue	Current Reference	Observation	Recommendation
1	General Formatting	N/a	<ul style="list-style-type: none"> Current Policy does not have a Table of Contents and clear topic layout structure, making it more difficult to find key information. Some Councils, such as Knox include an administrative update section in their policy which allows for minor administrative updates to be made to the policy without formally going back through Council. Changes which alter the intent of the policy are still required to return to Council. 	<ul style="list-style-type: none"> Reformat the layout of the Procurement Policy to improve accessibility including consolidation of information tables and inclusion of bookmarking for easy access to sections. Update the Policy to include reference to the latest legislation i.e. latest Child Safe legislation. Include a new administrative updates section in the Procurement Policy which allows for minor administrative updates to be made without returning to Council for approval.
2	Procedural Content	N/a	<ul style="list-style-type: none"> Current policy contains substantially more procedural content than similar sized Councils included in LG Victoria policy scan. 	<ul style="list-style-type: none"> Procedure to include guidance to staff in regards to tender specification requirements that will include all matters in regards to legislative requirements for tenderers to comply with including the workplace Gender Equality Act and all child safe legislative requirements for relevant tenders. With additional guidance to be provided to staff in guidelines on the application of the policy.
3	Weighted Scoring Methodology	3.5.9	<ul style="list-style-type: none"> Current Policy provides details of the scoring methodology used to evaluate tenders. The current 0 to 5 scoring range maybe limiting in evaluations. The use of 'decimal points' within the scoring process confuses the intended definition between values and unintentionally creates a broader scoring range than prescribed. 	<ul style="list-style-type: none"> Remove note to Weighted scoring methodology "Decimal points maybe used when scoring". Update scoring methodology per example provided by ArcBlue (appendix 1)

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4	Value For Money (VFM) reference	4.4	<ul style="list-style-type: none">Value for Money (VFM) definition listed is not referred to specifically to in the body of the policy requiring inclusion in the definitions. The definition further conflicts with the use of VFM to describe evaluation scoring model (<i>Tendered Price / Weighted Score</i>) in the policy.	<ul style="list-style-type: none">Option 1: differentiate the evaluation score calculation model from the principle by changing the scoring model to be called Tender Evaluation Score (TES).Option 2: remove the definition of Value for Money. <p>Recommendation Option 1</p>
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5	VFM (Value For Money) Score for Panel contracts	3.4.8	<ul style="list-style-type: none"> ArcBlue identified the existing VFM model as good practice and common for Local Government sector for lump sum evaluations but not always applicable for panel evaluations. 	<ul style="list-style-type: none"> Development of further procedural guidelines for evaluations to clarify application of VFM in panel arrangements.
6		3.4.5	<ul style="list-style-type: none"> The use of agency contracts and State Government Purchasing Panels is currently underutilised and should be prompted as an opportunity to engage in collaborative procurement. 	<ul style="list-style-type: none"> Update 3.4.5 to remove unnecessary wording regarding “Engagement Approval”
7		3.4.6	<ul style="list-style-type: none"> The use of agency contracts and State Government Purchasing Panels is currently underutilised and should be prompted as an opportunity to engage in collaborative procurement. 	<ul style="list-style-type: none"> Update 3.4.6 to agency contracts and State Government Purchasing Panels are a form of collaborative procurement to satisfy requirements of the Act
8	Advertising of Tenders	3.5.1	<ul style="list-style-type: none"> Current reference of “minimum of three weeks (20 days)” can be misinterpreted and inconsistent with standard understanding ie. 7 days per week. 	<ul style="list-style-type: none"> Update reference to “21 days”.
9	Financial Viability	3.5.7	<ul style="list-style-type: none"> Pass/Fail Financial Viability criteria is inconsistent with the Procurement Policies of the Councils included in the policy scan and best practice example Councils provided by the Local Government Inspectorate. Financial Viability is currently listed as a mandatory evaluation criteria and a fail determines the submission as non-conforming. However the Financial Viability criteria is further described in the policy as “after evaluation the top one or two submissions may 	<ul style="list-style-type: none"> Remove mandatory Pass/Fail status from all tenders and high value quotes. Update wording to be consistent with best practice example (Knox City Council) regarding procurement planning: “Assessment of Financial Capacity <i>Where appropriate, Council will conduct an assessment of the risk associated with the failure of a contractor to meet their contractual obligation due to limited financial capacity. Potential risk should be a consideration at the time of the development of the Procurement Plan.</i>

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			<p>have an independent Financial Assessment” which contradicts the mandatory evaluation criteria status.</p> <ul style="list-style-type: none"> The application of Financial Viability criteria to tenders and higher value quotes is unclear as well as cost and time prohibitive to Council and suppliers. In practice most tenders only request a consent to provide financial information if requested and providing this consent is the basis of Pass/Fail assessment which seems inconsistent with the intent of the policy. Independent financial assessments are only conducted on an ad hoc basis in practice. 	<p><i>In assessing the potential risk, Council will consider factors including, but not limited to:</i></p> <ul style="list-style-type: none"> <i>the impact of a failure of a contractor to meet their contractual obligations;</i> <i>the overall value of the subject contract and the value of individual projects within a larger contract;</i> <i>the term of a contract;</i> <i>the availability of alternative suppliers; and</i> <i>the provision of risk mitigation measures such as deposits, bank guarantees and insurances.</i> <p><i>If the risk assessment, and political profile of the tender are deemed to be of a level where the consequence of failure or poor service delivery is potentially high, an independent financial assessment should be obtained through Strategic Procurement.”</i></p> <ul style="list-style-type: none"> Retain clarity in the policy regarding the timing of when an independent financial assessment is to be conducted to determine financial viability i.e. after evaluation for the top one or two submissions, when identified via the Procurement Plan.
10	Past Performance and reference checking	3.5.8	<ul style="list-style-type: none"> Policy is currently silent on level of submission clarification to be sought and use of external reference to ensure principles of Fair and Honest Dealing are met. Policy reference to past performance as an evenly balanced evaluation criteria as it currently is written is prohibitive to the evaluation of some suppliers who have not yet worked for the City of Ballarat or other Councils. 	<ul style="list-style-type: none"> Remove wording which states “Past documented performance with City of Ballarat or other Councils” Update “Past Performance” statement in 3.5.8 to be: Past Performance <i>If past performance is to be included as a scoring criteria, equal evaluation of both internal and external performance is required to be sought by contacting provided references:</i> <ul style="list-style-type: none"> <i>Past documented performance with City of Ballarat can be considered for existing providers for similar work type.</i>

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				<ul style="list-style-type: none"> For all potential suppliers or for work type not previously engaged by City of Ballarat from previous suppliers, consideration should be given to relevant experience outlined with the tender submission and contact should be made with identified referees provided prior to finalising an evaluation score.
11	Advertising for and evaluating options	N/a	<ul style="list-style-type: none"> Contract options i.e. additional years of contract are often offered when advertising tenders. In order to aid and guide the quality of information submitted and to assist the evaluation process, clarity is necessary up front in Council tender documents regarding our expectations for information that to be provided by tenderers. 	<ul style="list-style-type: none"> Within the section of the policy which outlines advertising requirements ensure it is a clear expectation of officers that when options are offered, that tenderers will be requested to submit financial information across all evaluation years including option years, in a set format.
12	Advertising and evaluating schedules of rates	N/a	<ul style="list-style-type: none"> Schedules of rates are often sought for some contracts which involve uncertain volumes of work. Evaluating schedules of rates in tender submissions can be complex to compare like for like outcomes. In order to assist the tenderer understand what information is required and how it will be evaluated, clarity is necessary up front in Council tender documents regarding how schedule of rates information will be compared across tenderers. 	<ul style="list-style-type: none"> Within the section of the policy which outlines advertising requirements ensure it is a clear requirement for officers preparing a tender to outline to prospective tenderers exactly how the provided schedule(s) of rates will be used in the calculation of a value to be included in the Value for Money (VFM) calculation, and what information they require in their evaluation process.
13	Appointing a Probity Advisor	N/a	<ul style="list-style-type: none"> A Probity Advisor is sometimes required during a tender process. The current Policy does not include any guidance on when to appoint a Probity Advisor. 	<ul style="list-style-type: none"> Include the following statement in the Policy: - <i>“Council may appoint an external probity advisor where the Panel under guidance of the Procurement Team considers a proposed Procurement to be particularly complex and high risk”.</i>

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Social and Sustainable Considerations:

Ref	Issue	Current Reference	Observation	Recommendation
14	Environmental Sustainability Criteria	3.10	<ul style="list-style-type: none"> The adopted Council Plan 2021-2025 under Goal 1: An environmentally sustainable future outlines Council's commitment to sustainability outcomes in core business and operations. Sustainable procurement considerations are discussed in the policy but there is no specific mandatory requirement for sustainability to be an evaluation criteria. Procurement policies of several Victorian Councils reviewed established a set percentage against this criteria. Examples of similar approach is available in procurement policy for Bendigo (5%), Yarra (10%), Darebin (5%) and Macedon (5%). Many other Councils have a principle-based approach to ensuring environmental sustainability in their policies but do not go as far as mandating that this be considered at a set % in their evaluation processes. Some Councils apply a price preference / advantage which does not apply during evaluation scoring, but which may be applicable to the final evaluation decision. 	<p>Option 1 – Status Quo and continue to leave it up to tender panel to determine if they incorporate a criteria for “Sustainable / Environmental outcomes” and determine the relevant % weighting for that criteria.</p> <p>Option 2 - Mandate the establishment of evaluation criteria at a % set against Environmental Sustainability in conjunction with an overall sustainability criteria set at 25% for all tenders over \$300,000 (excluding GST), which incorporates Local Business, Social, Environment and Aboriginal and Torres Straight Islander criteria. Establish initially mandated weighting for each of the criteria, which can be varied within the 25% minimum allocated to sustainability in all tenders. The mandatory selection criteria and overall default sustainability weighting of 25% be:</p> <ul style="list-style-type: none"> Local content at 10% minimum; [Consistent with City of Ballarat current practice] Social at 5%; Environmental Sustainability at 5%; and Aboriginal and Torres Straight Islander Procurement at 5%. <p>Any proposed amendments to the above mandatory evaluation criteria must be documented and substantiated and have prior approval from the relevant Director prior to proceeding with an approach to market. Local content is not able to be edited below the 10% minimum weighting.</p> <p>Recommendation Option 2</p>

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15	Local Content verification	3.11	<ul style="list-style-type: none"> Current Tender Schedules require Tenderers to provide a value of anticipated Local expenditure to be attributed to the contract. However, there is no process available to confirm actual Local Content provided. 	<ul style="list-style-type: none"> Clarify through procedural guidelines that where information provided on local content in the submission is unclear, that the panel should seek clarification from tenderers prior to completing their evaluation scoring. Include statement that Council has the right to request information to substantiate/verify that the value of local spend conforms with the Contractor's tender submission. Officers investigate methods to verify Local Content delivery as part of contract performance measures.
16	Reconciliation Action Plan (RAP) Implications:		<ul style="list-style-type: none"> Council's RAP identifies a priority to increase Aboriginal and Torres Strait Islander supplier diversity to support improved economic and social outcomes. RAP 2023-2025 further identifies plan will work towards 	<ul style="list-style-type: none"> Option 1. Maintain current approach whereby the evaluation panel may select "Social Procurement" as an evaluation criteria which incorporates use of Aboriginal and Torres Strait Islander owned and operated companies and determine an appropriate weighting. Option 2. Establish an Aboriginal and Torres Strait Islander evaluation criteria at a mandated specified percentage (consistent with the methodology outlined in recommendation 15 above) to support the RAP. <p>Recommended Option 2</p>

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			<p>“Implementing City of Ballarat policies to promote Aboriginal and Torres Strait Islander employment, procurement and engagement”. Although diversity and inclusion in procurement is discussed at 3.13 in the policy to include indigenous suppliers there is no specific evaluation criteria. Several other Councils have taken the approach of identifying specific criteria to encourage and elevate Aboriginal and Torres Strait Islander suppliers and other intersectionality. Examples of similar approach is available in procurement policy for Bendigo (Aboriginal and Torres Strait Islanders Sustainability 10% and Social Sustainability 5%), Macedon Ranges (Social Procurement 5%).</p>	
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Occupational Health and Safety Considerations:

17	OH & S Assessment	CoB Officer feedback / LGA policy Scan / Victorian Jobs Code	<ul style="list-style-type: none"> The current parameters for assessing compliance with OHS obligations are outlined in Appendix 1 of the Procurement Policy and was not found in any other policies reviewed from the LG sector where little if any reference was provided to OHS requirements within Local Government Policies. The criteria provide a framework for Officers to ensure they have met their due diligence obligations under the <i>Occupational Health and Safety Act 2004</i>. It should be noted that Council Officers in fulfilling their due diligence obligations will not extend to that of assessing breaches of legislation, as that is the function and role of WorkSafe as the relevant regulator who may issues fines or bring prosecution before a court. The current process is 'points based' that provides a guiding instrument as a reference for adherence to health and safety obligations. The City of Ballarat's approach of clearly stating our assessment methodology also provides two other beneficial outcomes in that it (1) provides clarity to officers from Council regarding the approach to be taken and (2) provides public transparency to prospective tenderers regarding our evaluation approach. <p>An externally certified OHS management system provides a higher rating (Q2.1) due to demonstration of meeting the Australian or international standards required as part of an independent review.</p>	<ul style="list-style-type: none"> Option 1. Maintain current scoring system as a mandatory criterion (pass/fail) based on achieving >50% of scoring for combined total in both OHS systems (75% weighting) and performance (25% weighting). Option 2. That OHS performance and OHS system are weighted equally (50/50). With each criteria required to meet a minimum of >50% for each (pass/fail). <ul style="list-style-type: none"> OHS performance includes reviewing any adverse ruling, finding or enforceable undertaking in the past 3 years immediately before the procurement activity undertaken. Specifically, whether or not the conduct highlighted in the adverse ruling, finding or enforceable undertaking was: <ul style="list-style-type: none"> isolated or systemic in nature; disclosed during tender or contract period; whether steps have been taken by supplier/business to rectify the conduct; and whether steps have been taken to prevent reoccurrence: changing systems, staff training, change in business models / approach to enhance compliance. It is envisaged that increasing weighting criteria on OHS performance metric will assist to encourage greater compliance with health and safety when delivering a procurement activity. <p>Recommended Option 2</p>
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			<ul style="list-style-type: none"> • Alternatively, where no certified system is present, an assessment against the elements (Q's 3.1-3.15, 4.1-4.5) is required to be undertaken. • The Victorian Jobs Code was introduced by the Victorian Government in December 2022 that outlines a requirement for pre-certification of all organisation wishing to tender for contracts \$3mil or greater. This new code was introduced to demonstrates the Victorian Governments purchasing power to: <ul style="list-style-type: none"> ○ Promote secure employment and fair labour standards; ○ Ensure compliance with industrial laws pertaining to employment, workplace and industrial: <ol style="list-style-type: none"> a. <i>Fair Work Act 2009 (Cth);</i> b. <i>Occupational Health and Safety Act 2004 (Vic);</i> c. <i>Wage Theft Act 2020 (Vic);</i> d. <i>Long Service Benefits Portability Act 2018 (Vic);</i> e. <i>Labour Hire Licensing Act 2018 (Vic);</i> and f. <i>any other laws specified in the Guidelines</i> • The Victorian Jobs Code provides a greater emphasis on OHS performance in addition to OHS systems. 	
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Appendix 1:

SCORE	DESCRIPTION
0	Then response does not address the qualitative requirement OR The Evaluation Panel is not confident that the respondent: <ul style="list-style-type: none"> Understands the contract requirement covered by this qualitative requirement; and/or Will be able to satisfactorily meet the qualitative requirement(s).
3	The Evaluation Panel has some reservations that the respondent: <ul style="list-style-type: none"> Understands the contract requirement covered by this qualitative requirement; and/or Will be able to satisfactorily meet the contract requirements covered by this qualitative requirement. <p><i>If Minor concern; score 4.</i> <i>If Major concern; score 1 or 2.</i></p>
5	The Evaluation Panel is reasonably confident that the respondent: <ul style="list-style-type: none"> Understands the contract requirement covered by this qualitative requirement; and/or Will be able to satisfactorily meet the contract requirements covered by this qualitative to a reasonable requirement.

SCORE	DESCRIPTION
7	The Evaluation Panel is confident that the respondent: <ul style="list-style-type: none"> Understands the contract requirement covered by this qualitative requirement; and/or Will be able to satisfactorily meet the contract requirements covered by this qualitative to a high requirement. <p><i>If Minor concern; score 8 or 9.</i> <i>If Major concern; score 6.</i></p>
10	The Evaluation Panel is completely confident that the respondent: <ul style="list-style-type: none"> Fully understands the contract requirement covered by this qualitative requirement; and/or Will be able to satisfactorily meet the contract requirements covered by this qualitative to a very high requirement.

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PROCUREMENT POLICY

1.0 Purpose

Council is required under section 108 of the *Local Government Act 2020* to prepare, adopt and comply with a Procurement Policy. In accordance with the Act, the Procurement Policy sets out the key principles and processes applied to the purchases of Goods, Services and Works by Council.

2.0 Scope

This Policy will apply to Councillors, Council Staff, Contractors and Consultants and all persons undertaking procurement on Council's behalf and they are accountable for complying with all relevant procurement legislative and policy requirements.

The objectives of this Policy are to:

- establish a procurement framework for Council to achieve value for money and continuous improvement in the provision of services for the community;
- ensure that council resources are used efficiently and effectively to improve the overall quality of life of people in the local community;
- achieve compliance with relevant legislative requirements;
- achieve high standards of probity, transparency, accountability and risk management;
- give preference to the procurement of environmentally sustainable goods, services and works wherever possible;
- where practicable, advance the use of responsibly sourced resources that have greater recycled or reused content and have a lower environmental footprint throughout their life cycle;
- Support local industry that actively recycles local materials generated;
- give preference to the procurement of goods, services and works from within City of Ballarat and surrounding municipalities where price, quality, service standards and delivery is comparable to other suppliers in support of ongoing community wealth building for our city.

2.1 Conduct of Councillors and Council staff / Conflict of Interest

Councillors and Council Officers must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny. In accordance with sections 126-131 of the Act, Councillors and Council Officers have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest.

Councillors and Council Officers, must:

- Treat potential and existing suppliers with equality and fairness
- Maintain confidentiality of Commercial in Confidence matters and information such as contract prices and other sensitive information
- A Councillor must comply with the Primary Principle of Councillor Conduct and avoid conflicts between their public duties as a Councillor and their personal interests and obligations.
- Councillors (and members of the Audit and Risk committee) must disclose a conflict of interest
- Councillors must comply with the Councillor Code of Conduct
- Councillors must not improperly direct or improperly influence a member of council staff in the

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exercise of any power on/ in the performance of any duty or function

- All Councillors and Staff must adhere to councils Gifts and Hospitality Policy in matters of procurement
- Councillors and staff members should make their interests known in any situation where it could be perceived that an interest might unduly influence them

Council Officers, must:

- at all times avoid situations in which private interests' conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties
- disclose a direct or indirect interest (and the type of interest) before providing advice or reports (or any other matter)
- not participate in any action or matter associated with the arrangement of a procurement where that person has a direct or indirect conflict as defined by the Act; and
- when becoming aware of a conflict, promptly declare the direct or indirect Conflict of Interest to the Governance Unit
- must comply with the Code of Conduct for Council Staff

Council Officers with delegated Council powers or duties are prohibited from exercising those powers, duties or functions if they have conflicts of interest

Councillors cannot participate in any aspect of the procurement process unless acting in the capacity of Council/Committee at a formally constituted Council or Contracts Committee meeting to consider the awarding of a contract.

2.2 Achieving Best Value for Money

The Council's procurement activities will be carried out based on obtaining Best Value for Money. Considering the total cost of ownership over the life of the procurement consistent with acceptable quality, reliability and delivery considerations should be taken into account in relevant procurement. Lowest price is not the sole determinate of Best Value for Money.

2.3 Tender Processes

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

2.4 Influencing the Tender Process

Any attempts which may be reasonably construed as intended to influence the tender process in any way such as any direct or indirect approach by tenderers themselves or through other parties on their behalf to persons other than those nominated in the tender document will invalidate the tender of that party.

For the avoidance of doubt any Tenderer found to have:

- a. Offered a bribe, gratuity, bonus, discount of any sort or enticement to or otherwise attempt to influence any Council officer, Councillor or any persons who are either directly or indirectly involved in the evaluation of the Tender or in the awarding of an associated Contract; or
- b. Approached, discussed or solicited support for their Tender with any Council officer (with the

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exception of the designated Council Contact Officer) or Councillor of the Council, individually or collectively; at any time prior to the awarding of the Contract to the successful Tenderer will have their Tender excluded from the contract award process.

The tender of any tenderer which engages in conduct prohibited under this clause will be deemed informal and will be rejected without further consideration.

Tenderers shall declare any actual or potential conflict of interest.

Tenderers shall not participate in collusive tendering practices or any other anti-competitive practices with any other Tenderer. Council shall take action where it becomes aware of collusive practices. Collusive practices are anti-competitive in nature, and can result in criminal prosecution

2.5 Fair and Honest Dealing

Council is committed to providing equal opportunity for all businesses, irrespective of their size and location, to bid for work through open and transparent market processes. Impartiality is to be maintained throughout the procurement process so it can eliminate the prospect of any bias in decisions and withstand public scrutiny.

2.6 Accountability and Transparency

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

All procurement activities must be in accordance with the Act, this Policy and any related relevant Council policies and procedures.

"Council may appoint an external probity advisor where the Panel under guidance of the Strategic Procurement Unit considers a proposed Procurement to be particularly complex and high risk".

2.7 Gifts and Hospitality

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

Councillors and Council Officers should refer to Council's applicable Code of Conduct for more guidance regarding the declaration of gifts/hospitality.

2.8 Disclosure of Information

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

This may include:

- Information disclosed by organisations in tenders, quotation or during tender negotiations:
- Pre-contract information including but not limited to information provided in quotes and tenders

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or subsequently provided in pre-contract negotiations,

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

2.9 Borrowings

Borrowings (often referred to as loans) are not within the scope of the Procurement policy as these are considered contracts of borrowings and not contracts of goods, services or the carrying out of works. The process undertaken in sourcing borrowings will be detailed in Council's Borrowing Policy and will seek to get the best financial outcome in a transparent manner.

3.0 Policy Statement

3.1 Goods and Services Tax (GST)

All monetary values stated in this policy exclude GST unless specifically stated otherwise.

3.2 Responsible Financial Management

The principle of responsible financial management must be applied to all procurement activities.

Funding for any procurement must be funded from an existing approved budget or have approved documented grant funding. No procurement can proceed without approved funding, unless in emergency circumstances or by resolution of Council.

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

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

3.3 Methods of Purchasing

Once a Market Engagement Method has been determined consistent with Section 3.4, Council Officers need to obtain authority to purchase the Goods, Services or Works on behalf of Council. There are two mechanisms available to purchase goods, services or works:

- a. Flexi-Purchase Card or
- b. Purchase order following a quotation process from suppliers for goods or services that represent best Value for Money under the quotation thresholds adopted by the Council. An approved purchase order must be created prior to committing expenditure on behalf of Council for the provision of services, goods or works in accordance with the Council's procurement thresholds and guidelines.

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3.4 Market Engagement Methods

Market Engagement (exclusive of GST)

Section 108 of *the Act* details that each Council will set the public tender threshold above which tenders or expressions of interest for contracts must be publicly invited.

A public tender process must be used for all procurements valued at \$300,000 (ex GST) and above.

For procurements valued under \$300,000 (ex GST), the procurement methodology and thresholds detailed below must apply.

When determining the predicted spend for a procurement, the initial and all available options for extension (all years) are to be included.

Financial Thresholds (AUS\$ ex GST)	Requirements			
	Process Managed by	Market Engagement	Engagement Type	Documentation
< \$5,000	Business Unit	1 Verbal Quote	Purchase Order or Purchase Card to Financial Delegation	Quote details must be included in the Purchase Order remarks or the Procurement and Contract Management system
\$5,001 to \$30,000		1 Written Quote [#]		Purchase Order
\$30,001 to \$99,999		2 Written Quotes [#]		
\$100,000 to \$299,999		3 or more Written Quotes [#]		
> \$300,000	Procurement Unit	Tender	Contract	Evaluation Report to CEO (contracts up to \$500,000 inc GST - \$454,545.45 ex GST), Contracts Committee Report (contracts between \$500,001 and \$2,000,000 inc GST - \$454,546.36 and \$1,88,181.82

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				ex GST) or Council Report (contracts above \$2,000,000 inc GST - \$1,818,1812.73 ex GST)
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A minimum of one of the quotes **must be** obtained from a local supplier/provider wherever possible.

Purchases made by Council Purchase Card shall be considered as diarised. If a Purchase Order (PO) is used, then a notation should be made in the "Workflow Comments Box" of Dynamics when the PO is being created.

3.4.1 Exemptions from Market Engagement Methods

An exemption to the Market Engagement Methods and procedures may be requested under the following circumstances:

- (a) in matters of Emergency including public health, security or safety as a result of an unforeseen event or occurrence;
- (b) where a change in supplier would necessitate the procurement of goods and services that do not meet the requirements for interoperability or interchangeability;
- (c) an absence of competition for technical reasons;
- (d) the Goods, Services or Works are required as part of a grant, funding agreement, lease or similar arrangement specifically stating how the Goods, Service or Works are to be provided or undertaken;
- (e) Section 3.4 does not apply in respect of a contract if:
 - The contract becomes novated (terminated), and
 - The original contract was entered into in accordance with section 3.4, and
 - The Council has undertaken a due diligence in respect of the new party
- (f) where the procurement is on Council's procurement exemptions list (refer to Appendix 2).

3.4.2 Threshold Margin

If an approved budget for the quotation is within 5% of the of the tendering thresholds listed at 3.4, then the tendering requirements must be followed.

3.4.3 Payments

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

Payment of all claims shall be subject to approval by the Councils Authorised Officer. All invoices shall be submitted in accordance with the Schedule of Rates forming part of the contract. Invoices should clearly disclose schedules of rates and the approving officer should check those against any agreed rates under a contract or panel arrangement before approving the invoice.

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Payment for purchases up to the individuals delegated financial authority may either be by City of Ballarat Purchase Card or through Accounts Payable (A purchase order must be raised if using Accounts Payable)

3.4.4 Prepayments

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

3.4.5 Engagement of Agents

Third-party agents such as MAV Procurement or Procurement Australia may be approached to undertake a Tender process on behalf of Council where it can be shown that Best Value for Money would be achieved. Council may at any time opt-in to any Contracts offered by MAV Procurement or Procurement Australia. Individuals cannot commit Council to a contract without first obtaining the required approvals.

3.4.6 Collaborative procurement

In accordance with section 108(c) of the Act, Council will give consideration to collaboration with other Councils and public bodies or utilise Collaborative Procurement Arrangements (including Agency and State Government Purchasing Panels), when procuring goods, services and works in order to take advantage of economies of scale. Council Staff should consider any opportunities for Collaborative Procurement in relation to a procurement process undertaken by Council.

In accordance with section 109 (2) of the Act, the Chief Executive Officer must ensure that any report to the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils, agencies, State Government Purchasing Panels or public bodies which may be available. When procurement is being planned, due diligence should be undertaken to evaluate if Best Value for Money can be achieved by using an Agent or a collaborative tender.

3.4.7 Cumulative Spend Analysis

Cumulative spend is based on a rolling 12-month period and will be reviewed by the Procurement Unit and reported on a regular basis to the Executive Leadership Team. Cumulative spend should not exceed the tendering threshold outlined in Clause 3.4.

Should the cumulative spend of any single supplier be identified to exceed the required amount to tender expenditure with that supplier (which is not under an approved contract) will be ceased immediately. A full review of the expenditure with the company will be undertaken to ascertain the reasons why. The review shall:

- Discuss with respective officers and examine the reasons for expenditure including the potential for fraud
- Discuss with respective Officers/Business Units if tendering would offer better value for money for Council.

Report to Executive Leadership the review outcome and recommendations

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3.4.8 Panel Arrangements - Approved Suppliers

An Approved Supplier is a contractor/company that has been appointed following an open Tender process. Approved Suppliers cannot be appointed in any other manner, unless as outlined in 3.4.9. Unless specified during a tender process no minimum quantity of sales or turnover is guaranteed to an Approved Supplier

The use of established panels should be transparent as suppliers appointed to the panel will have a reasonable expectation that Council will provide panel members with an equal opportunity to quote for goods, services or works. Prior to the establishment of a panel there should be clear documented methodology on how works/services are to be determined for allocation to companies appointed to the panel for the life of the panel contract. Consideration should be given to the quantity of approved companies to be appointed to maintain a workable panel.

When accessing established panel arrangements quotations should be sought consistent with the guidelines set out in Clause 3.4 to ensure that any procurement through panels demonstrates value for money and a competitive process.

An exception is that an Approved Supplier may be appointed directly for works up to \$50,000 where a Schedule of Rates has been provided under the terms of the panel. For procurements greater than \$50,000 the quotation requirement outlined in Clause 3.4 must be followed.

Council officers responsible for the contract management of panel arrangements should be mindful of day-to-day practicalities and acknowledge that a competitive public process and a value for money assessment has already been undertaken to establish the panel in the first instance. Accordingly, there may be situations where no further benefit is obtained from seeking quotations from the panel. For example,

- small, every-day, low risk, low value works such as those from trade services providers like electricians, plumbers; or
- where the contract with each individual panel supplier includes a comprehensive schedule of rates covering all expected work item types so the costs for packages of work can be accurately determined beforehand by the Council officer without the need for further quotations.

In the above examples, it may be appropriate for the Council officer to allocate work across the individual panel suppliers based on their respective skill sets and capacity at the time to meet Council's required timeframes. This allocation methodology should be determined prior to the establishment of the panel.

3.4.9 Panel Arrangements - Approved Suppliers – Administration

Approved Suppliers will be appointed following a formal tender process and will be contracted for the time period as outlined in the tender specification, including any options for extensions.

Approved Suppliers should be monitored periodically (as outlined in Clause 3.6) to determine if such suppliers should remain on the panel. Approved Suppliers who fail to meet expectations may be removed from the Panel without notification.

Council may choose to run a tender process to add suppliers to a panel during its term, if it determines that the panel may benefit from having additional suppliers incorporated before the end of the initially advertised term.

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3.5 Types of Procurement

3.5.1 Tender

Any procurement which exceeds the levels indicated at Clause 3.4 above must be undertaken by public tender.

Tender Process

Stage	Process
Planning	Business Case, Approved Budget and Specification of works to be completed. Project Control Group (PCG) to be established when appropriate
Registration	Request for Tender must be registered in the Procurement and Contract Management system and approved by the relevant Director prior to the time and date specified by the Procurement Unit;
Advertising	Tender advertised in a locally distributed newspaper and/or online through the E-Tender Portal. Tender documents available by registering through the E-Tender Portal, <u>available via the City of Ballarat website.</u>
Schedule of Rates / options	Tenders advertised for a schedule of rates and / or options are required to specify how the schedule of rates and inclusion of options across the life of the tender will be assessed to ensure a consistent approach for tenderers. The assessment criteria must demonstrate how Value For Money (VFM) will be evaluated by the panel.
Period	Tender period is a MINIMUM of three weeks (21 calendar days). Tenders lodged or received by Council after the tender closing time are deemed to be late and will be disqualified and ineligible for consideration. Except on the occasion that an electronic submission has been commenced using Council's Tender Portal prior to the closing date/time, and the transmission is interrupted. If the commencement of submission transfer is verified by Council's Tender Portal, the submission will be deemed to be received.
Evaluation	Tender submissions are provided to the evaluation panel members. Each panel member scores the submissions in the Procurement and Contract Management system independently of other evaluation panel members. Once all evaluation panel members have scored the submissions, an evaluation meeting is arranged including a representative from the Procurement Unit. Final scores are agreed and the TES Index to take in price is completed.

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Approval/Award	The decision to award or not can only be made by the CEO, Contracts Committee or Council. The decision is made after consideration of the Evaluation Report.
Outcome	Once approved, the Procurement Unit notify the successful and unsuccessful Invitees of the procurement outcome. Unsuccessful Invitees are provided an opportunity to receive feedback on their submission.

Tender Evaluation

- A Tender evaluation panel is to be established to evaluate each tender submission against the selection criteria and its composition will be determined by the respective Director or Executive Manager. Consideration should be given to gender diversity in the makeup of the panel
- Evaluation Panel must have a minimum of three members (minimum two Council staff) and may include external consultants who are specialist in the area
- Evaluation Panel must have an independent (non-scoring) member as appointed by the Procurement Unit
- The evaluation process must be documented, robust, systematic and unbiased
- Once a preferred tenderer is selected negotiations may be conducted in order to obtain the optimal solution and commercial arrangements, providing they remain within the intent and scope of the tender. Such negotiations must be exhausted with one tenderer before beginning with another tenderer
- Tender evaluation panel will produce a written report of their evaluation using the prescribed evaluation template
- Tender Evaluation must be updated in the Procurement and Contract Management system Tender & Quotation Management System

All tenders are to be evaluated in a two staged process:

1. Quantitative assessment of a weighted score totalling 100%, which includes mandatory 10% Local Content, and
2. Evaluation of price against weighted score
 - $TES = \text{Tendered Price} / \text{Weighted Score}$ (Tendered Price divided by Weighted Score)
 - TES (Tender Evaluation Score) is an index used to calculate the lowest score which will represent the best outcome from both the comparative scoring and price. The preferred Tenderer should be appointed based on this outcome.
 - TES is automatically generated when evaluations completed in the Procurement and Contract Management system.

Non-Conforming Tenders

Upon receipt all tender submissions will be reviewed by the Procurement Unit to ensure that required schedules have been submitted.

A tender submission will be deemed non-conforming if:

1. Required schedules have not been included or are incomplete
2. Submission has not met specification requirements
3. Tendered price is 30% or greater than the allocated budget and all other tendered prices

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A tender submission may be identified as non-conforming during the Evaluation process. In this case, the evaluation panel should quarantine the submission and refer to the Procurement Unit for further review/confirmation of non-conformance.

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

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

3.5.2 Exemption from Tendering

Council may exempt a procurement process from a formal tender process when there are extenuating circumstances. A report must be presented to Council clearly outlining the reasons why a formal tender process should not be completed. No engagement for services or works can commence until exemption formally approved by Council.

3.5.3 Expression of Interest (EOI)

An expression of interest is a precursor to a tender. A contract cannot be awarded after an EOI without an invited tender process. An EOI is generally used to narrow the companies invited to tender. The EOI does not consider price but focuses on the quality, qualifications and expertise of submitters. Following an EOI companies meeting the listed requirements may be invited to tender.

An expression of interest should be used in circumstances where –

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

EOI Process

Stage	Process
Planning	Business Case, Approved Budget and Specification of works to be completed. Project Control Group (PCG) to be established where appropriate.
Registration	EOI must be registered in the Procurement and Contract Management system and approved by the relevant Director prior to the time and date specified by the Procurement Unit.
Advertising	EOI advertised in a locally distributed newspaper and/or online through the Council's Tender Portal.

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Period	There is no set period for an EOI to be advertised, this would be dependent on the information to be returned. A minimum of two weeks is suggested. EOI's lodged or received by Council after the closing time are deemed to be late and will be disqualified and ineligible for consideration. Unless an electronic submission has commenced using Council's Tender Portal prior to the closing date/time, and the transmission is interrupted. When the commencement of submission transfer is verified by Council's Tender Portal, the submission will be deemed to be received.
Evaluation	EOI submissions are provided to the evaluation panel members. Each panel member scores the submissions in the Procurement and Contract Management system independently of other evaluation panel members. Once all evaluation panel members have scored the submissions, an evaluation meeting is arranged including a representative from the Procurement Unit. Final scores are agreed.
Invitation to Tender	The decision to invite selected companies to tender can only be completed after an Evaluation Report has been completed and approved by the CEO. The Procurement Unit in liaison with the project manager will prepare Invitation to Tender and advise the successful and unsuccessful Invitees of the procurement outcome. Unsuccessful Invitees are provided an opportunity to receive feedback on their submission.
Tender procedure above is then followed	NOTE: Dependant on the information required during the Tender process the open period may be less than three weeks. The tender is not required to be publicly advertised.

3.5.4 Quotations

Any procurement which is less than the tender levels outlined in Clause 3.4 may be procured using a quotation.

Quotation Process

Stage	Process
Planning	Business Case, Approved Budget and Brief of works / Scope of services to be completed where required
Registration	All quotations must be registered in the Procurement and Contract Management system as outlined in 3.4 above
Advertising	Quotations are not normally advertised. However, public advertising of quotations should be considered when judged to be sufficiently advantageous to Council. This will ensure transparency and best value to Council. This can be done simply through Council's Tender Portal.

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Period	There is no set period for a quotation to be open, this would be dependent on the information to be returned. There is a need to consider the complexity of what is being procured and allow enough time for companies to adequately prepare.
Evaluation	Low value quotations below \$30,000 ex GST do not need a formal evaluation; however, staff should consider price, local content and availability prior to making a decision. Lowest price is not necessarily the best value. Quotations with a value over \$30,000 ex GST require a formal evaluation process. Refer to Evaluations section below for requirements
Approval	The decision to proceed can only be made up to the Financial Delegation of the individual. If outside an individual's delegation it must be taken to person with appropriate delegation.
Outcome	It is common courtesy to advise those companies that were unsuccessful, either by phone or email; this should be completed by the person obtaining quotations.

Insufficient quotations.

The situation may arise where insufficient quotations are received to satisfy requirements outlined in Clause

3.4. This may occasionally occur where there are few suppliers for the goods, services or works being sought or the work is highly specialised. In this case, the details of the suppliers contacted for quote must be recorded in the Procurement and Contract Management system and an appropriate comment recorded. Any evidence such as emails requesting the quote should also be recorded.

Evaluation Quotes

- An Evaluation Panel will be established for purchases over \$30,000 ex GST to evaluate each quote against the selection criteria and its composition will be determined by the respective Director or Executive Manager. Consideration should be given to gender diversity in the makeup of the panel.
- Evaluation Panel will be made up as indicated below:
 - Quotes >\$30,000 and <\$100,000 ex GST must be reviewed by a minimum two Council Officers
 - Quotes >\$100,000 to <\$300,000 ex GST must be reviewed by a minimum of three Council Officers and must seek approval to proceed with awarding the procurement through the Procurement and Contract Management system to the respective Executive Manager and/or Director
- The evaluation process must be documented, robust, systematic and unbiased
- Once a preferred supplier is selected negotiations may be conducted to obtain the optimal solution and commercial arrangements, providing they remain within the intent and scope of the Request for Quote. Such negotiations must be exhausted with one supplier before beginning with another.

All quotations are to be evaluated in a two staged process:

1. Quantitative assessment of a weighted score totalling 100%, which includes mandatory 10% Local Content; and

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2. Evaluation of price against weighted score

- $TES = \text{Tendered Price} / \text{Weighted Score}$ (Tendered Price divided by Weighted Score)
- TES (Tender Evaluation Score) is an index used to calculate the lowest score which will represent the best outcome from both the comparative scoring and price. The preferred supplier should be appointed based on this outcome.
- TES is automatically generated when evaluations are completed in the Procurement and Contract Management System.

3.5.5 Evaluations

Evaluation of tenders and higher value quotations must have key evaluation criteria clearly outlined in the specification/brief. There are two types of criteria

1. Mandatory Criteria (Pass/Fail)

- Occupational Health and Safety (see 3.5.6 below)
- Financial viability (see 3.5.7 below)
- Any other as specified in the Tender documentation

2. Project qualitative/comparative Criteria (Scored)

3.5.6 Mandatory Criteria - Occupational Health & Safety (OH&S)

All Tenders and quotations where works are to be completed on Council property must comply with Council's Occupational Health & Safety (OH&S) policy along with all legislative requirements.

OH&S is a mandatory evaluation criterion with a pass/fail weighting. The determination if a company meets the required standard is determined by the responses provided by the contractor from the information provided in the returned OH&S Schedule (Appendix 1) and supporting documentation.

When assessing the OHS criteria, OHS performance and OHS system are weighted equally (50/50). With each criteria required to meet a minimum of >50% for each (pass/fail).

OHS performance includes reviewing any adverse ruling, finding or enforceable undertaking in the past 5 years immediately before the procurement activity undertaken.

Specifically, whether or not the conduct highlighted in the adverse ruling, finding or enforceable undertaking was:

- isolated or systemic in nature;
- disclosed during the tender or contract period;
- whether steps have been taken by the supplier/business to rectify the conduct; and
- whether steps have been taken to prevent reoccurrence: changing systems, staff training, change in business models / approach to enhance compliance.

It is envisaged that increasing the weighting criteria on OHS performance metric will assist to encourage greater compliance with health and safety when delivering a procurement activity.

OHS submissions may be subject to review by the Safety Unit.

3.5.7 Assessment of Financial Capability

Where appropriate, Council will conduct an assessment of the risk associated with the failure of a
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contractor to meet their contractual obligation due to limited financial capacity. Potential risk should be a consideration at the time of the development of the Procurement Plan.

In assessing the potential risk, Council will consider factors including, but not limited to:

- the impact of a failure of a contractor to meet their contractual obligations;*
- the overall value of the subject contract and the value of individual projects within a larger contract;*
- the term of a contract;*
- the availability of alternative suppliers; and*
- the provision of risk mitigation measures such as deposits, bank guarantees and insurances.*
- If the risk assessment of the tender is deemed to be of a level where the consequence of failure or poor service delivery is potentially high, an independent financial assessment should be obtained through the Procurement Unit.”*

1. After evaluation, the top one or two submissions may have an independent Financial Assessment completed (this can be completed by the Procurement Unit upon request)
2. Result of Financial Assessment will be reviewed by Procurement and Finance Units and will be classified as either Pass or Fail
 - a. A pass indicates that the applicant has the financial capacity to provide procurement
 - b. A fail indicates that the applicant does not have the financial capacity to undertake the procurement
3. Dependant on the outcome of the Financial Assessment the Evaluation Panel will either finalise the evaluation process and proceed with relevant reporting, or, on the off chance Financial Assessment fail for the tested applicants; readdress the evaluation process
4. Financial Assessment should be completed prior to Recommendation being submitted for approval to the Contracts Committee or Council. If not, recommendation will be “subject to positive Financial Assessment”
5. Due to the confidentiality of the Financial Assessment the documents will be held by the Procurement Unit electronically and not distributed.

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

VicRoads Pre-Approved contractors will not require a Council Financial Assessment.

A fail for either point 3.5.6 or 3.5.7 above means the tender/quote is non-conforming and cannot proceed further.

3.5.8 Project qualitative/comparative Criteria

Evaluation criteria provide a mechanism for comparing offers through assessment of the relative worth of different submissions. The evaluation criteria for each project may address several of the below subject to actual procurement requirements:

- Previous Relevant Experience
- Experience relevant to the works over past three years
- Past Performance

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- *If past performance is to be included as a scoring criteria, equal evaluation of both internal and external performance is required to be sought by contacting provided references:*
 - Past documented performance with City of Ballarat can be considered for existing providers for similar work type.
- *For all potential suppliers or for work type not previously engaged by City of Ballarat from previous suppliers, consideration should be given to relevant experience outlined with the tender submission and contact should be made with identified referees provided prior to finalising an evaluation score.*
- Capability
- Proposed plant and equipment
- Proposed staffing levels
- Management capability
- Technical capability
- Capacity
- Extent of sub-contracting
- Ability to resource project
- Ability to adhere to the specification
- Project Timeline
- Methodology/Plan including Gantt Chart
- Qualifications
- Quality
- Quality of goods and services to be provided
- Quality Management Plan
- Quality and Audit Systems
- Risk Management
- Regulatory compliance
- Means of controlling quality of sub-contractors
- Extent of Risk
- Human Resource Management
- Compliance with pertinent legislation
- Customer Service
- Processes
- complaints
- Sustainability/Environmental Outcomes
- Waste management
- Recycling
- Energy management
- Emission management
- Water conservation
- Green building design
- Ecologically sustainable design
- Sustainable supply and consumption
- Value Adding
- Social Procurement

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NOTE: The criteria listed in 3.5.8 are a guide only and selection of evaluation criteria must be specific to the project being procured.

It is important that the information requested from suppliers is sufficient to enable suitable evaluation and comparison of submissions.

The evaluation criteria should not change once the procurement documents are issued. If they are changed before the tender closes, then an addendum must be issued advising suppliers of the change. The criteria cannot be changed once submissions are received.

Wherever practical the Evaluation Criteria should be discussed and agreed with the Evaluation Panel members prior to a quote or tender being sought.

3.5.9 Weighted scoring methodology

This is the preferred method for all procurement processes. Each evaluation criterion is allocated a percentage weighting - adding up to a total of 100 per cent. Care needs to be taken to assign meaningful relative weightings.

Each qualitative criterion is allocated a score. The score is then weighted, which is calculated by multiplying the weighting factor by the score. The weighted scores can then be totalled, allowing for comparison between offers.

As a guide this method will use the below table to objectively evaluate and score each of the Project qualitative /comparative criteria.

Table update from Appendix 1



SCORE	DESCRIPTION
0	Then response does not address the qualitative requirement OR The Evaluation Panel is not confident that the respondent: <ul style="list-style-type: none"> Understands the contract requirement covered by this qualitative requirement; and/or Will be able to satisfactorily meet the qualitative requirement(s).
3	The Evaluation Panel has some reservations that the respondent: <ul style="list-style-type: none"> Understands the contract requirement covered by this qualitative requirement; and/or Will be able to satisfactorily meet the contract requirements covered by this qualitative requirement. <p><i>If Minor concern; score 4.</i> <i>If Major concern; score 1 or 2.</i></p>
5	The Evaluation Panel is reasonably confident that the respondent: <ul style="list-style-type: none"> Understands the contract requirement covered by this qualitative requirement; and/or Will be able to satisfactorily meet the contract requirements covered by this qualitative to a reasonable requirement.
SCORE	DESCRIPTION
7	The Evaluation Panel is confident that the respondent: <ul style="list-style-type: none"> Understands the contract requirement covered by this qualitative requirement; and/or Will be able to satisfactorily meet the contract requirements covered by this qualitative to a high requirement. <p><i>If Minor concern; score 8 or 9.</i> <i>If Major concern; score 6.</i></p>
10	The Evaluation Panel is completely confident that the respondent: <ul style="list-style-type: none"> Fully understands the contract requirement covered by this qualitative requirement; and/or Will be able to satisfactorily meet the contract requirements covered by this qualitative to a very high requirement.

3.5.10 Delegation of Authority Requirement

Delegations define the limitations within which Council staff are permitted to work. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotation, tender

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and contractual processes without prior referral to Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

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

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

3.5.11 Delegations Reserved for Council Staff

Council maintains a documented record of Financial Delegations, identifying the Council staff authorised to make such procurement commitments in respect of goods, services and works on behalf of Council. Council staff can procure goods and services up to their Financial Delegation for the following:

- Acceptance of tenders (CEO only)
- Acceptance of Quotes;
- Contract term extensions (within authorised budget);
- Contract amendments (financial and non-financial);
- Flexi Card purchases

3.5.11.1 Delegations Reserved for the Contracts Committee / Council

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

- Signing of contract documents; and
- Tender recommendations and Contract approval for all expenditure as delegated by Council

3.5.12 Internal Controls

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

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

3.6 Contract Management

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

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

All Council contracts are to include contract management requirements.

Furthermore, contracts are to be proactively managed by the member of Council staff responsible for

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the delivery of the contracted goods, services or works to ensure Council receives value for money.

3.6.1 Risk Management

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

3.6.2 Health and Safety

To ensure the health and safety of our workers and visitors, procurement will be undertaken in accordance with requirements set out in the City of Ballarat Health and Safety Management System and approved policies/procedures (e.g., Contractor Management / D-20-2519 Chemical Management / D-20-5252 Plant & Equipment) and as required by the law.

3.6.3 Supply by Contract

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

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

3.6.4 Contract Terms

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

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

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

3.6.5 Endorsement

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

3.6.6 Dispute Resolution

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



In the first instance any disputes should be referred to the Director Corporate Services, or to the individual appointed by the CEO if the Director Corporate Services was directly involved in the tender decision making process.

3.6.7 Variances

On occasions there may be valid reason(s) when a tendered contract needs to be varied; this variance to the contract normally comes with a cost. All claims for variances must be in writing and approved by the officer with delegated authority as set out in Clause 3.5.10 above. Any cumulative variance greater than twenty percent (20%) of the original contract price must provide written advice[#] of the variance to the following, dependant on the initial approval:

- Director
- CEO
- Contracts Committee
- Council

In circumstances where the cost of the variance(s) exceeds the allocated project budget, approval must be sought from the initial approver prior to works proceeding.

[#]This advice is for information purposes only. Works do not need to be put on hold. Variances should be entered and approved in the Procurement and Contract Management system.

3.7 Demonstrate Sustained Value, Integration with Council Strategy

Council's procurement strategy shall support its corporate strategy as outlined in the 2021-2025 Council Plan, including but not limited to those related to an environmentally sustainable future, fostering sustainable growth, conserving and enhancing our natural and built assets and meeting the needs of the local community such as:

- a healthy, connected and inclusive community
- a strong and innovative economy and city
- providing leadership and advocates for its community

This will be facilitated by:

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

3.8 Specifications

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

- Ensures impartiality and objectivity;

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- Encourages the use of products that are consistently with existing standards of Council;
- Encourages sustainability (Reduce, Reuse and Recycle, Renew);
- Where practical, promotes Social Procurement including the use of Aboriginal and Torres Strait Islander owned and operated companies along with social enterprises or other social benefit suppliers
- Ensure that relevant legislation is complied with when required:
- *Gender Equality Act 2020*
- *Child Wellbeing and Safety Act 2005* Ref 1
- *Labour Hire Licencing 2018*
- *Modern Slavery Act 2018*
- Other legislation as relevant to works/services
- Eliminates unnecessarily stringent requirements; and
- Wherever possible specifies technical standards and requirements that are within the capabilities of local and other suppliers.

3.9 Performance Measure and Continuous Improvement

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

Procurement procedures, practices and costs will be benchmarked externally.

3.10 Sustainable Procurement Considerations

Sustainable procurement criteria is set at 25% for all tenders over \$300,000 (excluding GST), which incorporates Local Business, Social, Environment and Aboriginal and Torres Strait Islander criteria. Establish initially mandated weighting for each of the criteria, which can be varied within the 25% minimum allocated to sustainability in all tenders. The mandatory selection criteria and overall default sustainability weighting of 25% will be:

- Local content at 10% minimum; [Consistent with City of Ballarat current practice]
- Social at 5%;
- Environmental Sustainability at 5%; and
- Aboriginal and Torres Strait Islander Procurement at 5%.

Any proposed amendments to the above mandatory evaluation criteria must be documented and substantiated and have prior approval from the relevant Director prior to proceeding with an approach to market. Local content is not able to be edited below the 10% minimum weighting.

Council's supply chain has a significant material impact on the organisation's sustainability performance. Therefore, Council is committed to adopting a sustainable procurement approach that is about doing business in a way that benefits society in the longer term.

Council aims to purchase environmentally preferred products should they achieve an equivalent function. Assessment shall ensure real and long-term value for money from procurement decisions and procurement processes including consideration of the total cost to society, the environment and our economy over the entire life cycle of a purchased product or service.

Within this context Council officers should therefore consider the following environmental
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sustainability criteria when making purchases and specifying tender evaluation criteria:

Reduce, reuse, recycle and renew

- avoid unnecessary purchase of goods, services or works through identifying ways to carry out a function or task without using materials that generate waste (e.g., sending information via email instead of paper) and checking stores and other Departments for excess goods.
- select products that reduce the amount of materials required such as packaging and consumables.
- seek to re-use items where possible and extend the useful life of products and equipment through maintenance and repair or re-allocation.
- seek to buy recycled/part-recycled products that optimise consumption and stimulate demand for recycled products, promoting the collection and reprocessing of waste and working towards zero discharge to landfill.
- Minimise energy consumption and greenhouse gas emissions
- Select electrical and gas-powered products which are energy efficient. For all product categories covered under the Australian Government's Equipment Energy Efficiency rating scheme (e.g., televisions, refrigerators, dishwashers, computers/monitors, air conditioners, washers/dryers) prefer products that are within one star of best available rating. Refer <http://www.energyrating.gov.au/>
- select fuel efficient products
- in addition to operational energy efficiency, consider the energy and water requirements of a product during its production, transportation and eventual disposal.
- Minimise habitat destruction
- purchase paper and wood products obtained from recycled, plantation, salvaged or renewable sources.
- Minimise toxicity
- purchase materials and products (e.g., Paints, cleaning products, herbicides, asphalt, building materials) that minimise or eliminate use or release of toxic substances that can affect human health and pollute water, land or air at any stage of their life cycle.
- Minimise use of potable water
- select products that conserve water or use water in an efficient way. For products covered under the Australian Government's Water Efficiency Labelling and Standards (WELS) scheme (e.g., Taps, toilets/urinals, dishwashers) prefer products that are within one star of best available. Refer <http://waterrating.gov.au>

Green the supply chain

- where practical develop tender, quotation and contract specifications that encourage suppliers to adopt good environmental and management practices that also respect the rights of all employees and the local community.

3.11 Support of Local Business

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

Wherever practicable, Council will fully examine the benefits available through purchasing goods, services or works from suppliers/contractors within the Ballarat Region defined as being within the boundaries of the following municipalities:

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- Ballarat City Council
- Ararat Rural City Council
- Golden Plains Shire Council
- Hepburn Shire Council
- Moorabool Shire Council
- Pyrenees Shire Council

Council will also seek from prospective suppliers/contractors where applicable what economic contribution they will make to the Ballarat region. All tenders/quotes Ref 14 are to include should allow a minimum ten percent (10%) evaluation allowance for local content businesses.

The Local Content component of the evaluation criteria will be scored as below:

Local Presence – in the form of depot/retail outlet/warehouse/office etc. within the specified group of municipalities.

Score	Judgement
3	Locally owned/operated business
2	Local presence but not owned locally
1	Physical presence within the State of Victoria

Economic Benefit – Average percentage (%) of combined labour, materials, plant and equipment sourced from within the specified group of municipalities

Score	Definitive	Average Percentage
7	Excellent	95 to 100%
6	Very Good	90 to 94%
5	Good	80 to 89%
4	Average	60 to 79%
3	Below Average	40 to 59%
2	Inadequate	20 to 39%
1	Deficient	1 to 19%
0		0%

Local Content Score = Local presence + Economic benefit

Council will endeavour to obtain quotes from local suppliers wherever possible, if two or more quotes are required then a minimum of one should be from a local supplier. If this is not possible, the purchasing officer will advise the Economic Development Unit so that supply gaps can be tracked and matched with future business opportunities.

Ref 15 Council maintains the right to request information to substantiate/verify that the value of local spend conforms with the Contractor's tender submission. For example, by requesting the Contractor to identify and substantiate local spend amounts and/or percentages within contract invoices submitted for payment.

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3.12 Social Procurement

Social procurement involves using procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works. For Local Government, social procurement builds on initiatives already undertaken by the sector in enhancing sustainable and strategic procurement practice, enabling procurement to effectively contribute to building stronger communities.

Social procurement is a key mechanism by which to generate wider social benefits by providing a mechanism for linking and integrating social and economic agendas.

City of Ballarat supports social procurement when engaging local suppliers, contractors and/or service providers. Council may engage with any of the groups below when:

- (1) advantageous to a specific procurement,
- (2) is within threshold requirements as outlined in Clause 3.4; and
- (3) the required works or services provide best value for money.

- Employment of groups with entrenched disadvantage
- Use of Aboriginal and Torres Strait Islander owned and operated companies
- Social Enterprises
- Disability Enterprises
- Employment of Apprentices
- Employment of recognised Youth Traineeships
- Employment of Youth labour
- Benefits to local community

The mandatory selection criteria and overall default for sustainable procurement weighting that is applicable:

- Local content at 10% minimum; and
- Social at 5%;

3.13 Diversity

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

City of Ballarat recognises the importance of having a diverse supplier base that reflects the breadth of our clients and the Victorian community.

Diversity and inclusion in procurement can refer to diverse suppliers, for example indigenous, culturally diverse, disability or gender diverse suppliers or can refer to generic suppliers providing consideration of the needs of diverse groups.

Ref 16 The mandatory selection criteria and overall default sustainable procurement weighting that is applicable includes:

- Local content at 10% minimum;
- Social at 5%;
- Aboriginal and Torres Strait Islander Procurement at 5% in support of the Reconciliation Action

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Plan.

3.14 Supply Market Development

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

- Local suppliers
- Green suppliers
- Small to medium sized enterprises (SME's)
- Social enterprises
- Aboriginal and Torres Strait Islander owned and operated companies
- Voluntary and community organisations

4.0 Supporting documents and references

4.1 Legislation:

Local Government Act 2020

Gender Equality Act 2020

Child Wellbeing and Safety Act 2005

Labour Hire Licensing 2018

Modern Slavery Act 2018

Privacy and Data Protection Act 2014

4.2 Associated Documents

Councillor Code of Conduct

HR-07 Employee Code of Conduct

D-19-159909 Gift and Hospitality Procedure

Social Procurement: A Guide for Victorian Local Government

GROW Ballarat Partner Compact 2017

4.3 Charter of Human Rights Compliance

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

4.4 Definitions

Act (The):	Local Government Act 2020 (as amended)
Advertised	An advertisement in a locally distributed newspaper and/or included on Council's Tender Portal
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g.: discounts, rebates, profits, methodologies and process information. It is information provided for a specific purpose that is not to be used for any other purpose than set out in the initial document

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<i>Conflict of Interest</i>	In Victorian local government, the law provides that a staff member holding a delegation or advising council, or a special committee has a conflict of interest which they must disclose in writing when they have a personal or private interest of the type specified in the legislation
<i>Contract</i>	An agreement between two or more authorised persons on behalf of their organisations to perform or not perform a specific act/s that is enforceable in law. A contract may be verbal or written or inferred by conduct.
<i>Contract Documents</i>	Documents construed together as an instrument of contract. They may include terms & conditions, specifications, drawings, tender responses, delivery schedules and payment schedules
<i>Contract Management:</i>	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
<i>Contractor</i>	Respondent (person, firm etc) whose tender/quotation offer has been accepted by the council with or without modification
<i>Council Staff:</i>	Includes full time and part-time Council officers, and temporary employees, contractors and consultants while engaged by the Council.
<i>CSR Practices:</i>	Corporate Social Responsibility. Relates to Council's supply chain being ethical, knowledgeable, reputable and where possible supporting green and sustainable products.
<i>Emergency</i>	<ul style="list-style-type: none"> Any urgent circumstance which may present a risk to public health and/or safety The failure of a 'key service provider' Significant damage to a municipal asset (where it is no longer safe) Major business disruptions such as an extensive IT failure resulting in a loss of services to the community
<i>Evaluation Criteria</i>	The criteria used to evaluate the compliance and/or relative ranking of tender responses. All evaluation criteria must be clearly stated in the request documentation and discussed with Evaluation Panel members prior to tender release.
<i>Expression of Interest:</i>	A response to an open approach, usually by public advertisement, to the market requesting submissions from prospective suppliers interested in procurement. The list of potential suppliers who have provided expressions of interest may be used as the basis for conducting a select tender process
<i>Late Tender</i>	A late tender is one that it is not received prior to the advertised closing date/time.



Local Content	Defined as labour, materials, plant and supervision which are sourced from within the following municipalities: Ararat Rural City Council, Ballarat City Council, Golden Plains Shire Council, Hepburn Shire Council, Moorabool Shire Council, Pyrenees Shire Council.
Prepayment	A payment made for goods/services prior to any works being undertaken
Probity:	A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Procurement:	Procurement is the whole process of acquisition of goods, services and works. It can include planning, design, standards determination, specification writing, preparation of quotation and tender documentation, selection of suppliers, financing, contract administration, disposals and other related functions. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Social Enterprise	A commercially viable business existing to benefit the public and the community, rather than shareholders and owners.
Social Procurement	The procurement of goods and services by Council that seeks to contribute to the future sustainability of communities and to improving the quality of life of their constituents by procuring goods or services in a manner that seeks to strategically address particular social issues in the community.
Specification	The statement which clearly and accurately describes the essential requirements for goods, services or works. It may also include the procedures by which it will be determined that the requirements have been met and performance required in a contract
Standing Offer Agreement	A contract that sets out rates for goods and services that are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.
Sustainability:	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs, while creating resilient and prosperous communities and protecting the environment.



<i>Tender</i>	An offer in writing to supply goods and/or services, usually submitted in response to a public or selective invitation such as a Request for Tender
<i>Tender Process:</i>	The process of inviting parties to submit a quotation or tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
<i>Treatment of GST</i>	All monetary values stated in this policy exclude GST;
<i>Value for Money (VFM):</i>	Value for Money in Procurement is about selecting the supply of goods, services and works considering both cost and non-cost factors including: contribution to the advancement of the Council's priorities, including support of local businesses non-cost factors such as fitness for purpose, quality, service and support; and cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.
<i>Variance</i>	Is an alteration to the scope of works in a construction contract in the form of an addition, substitution or omission from the original scope of work.



5.0 Policy owner

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

6.0 Authorisation

Adopted by Ballarat City Council on XX

7.0 Administrative updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

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Appendix 1 – Occupational Health & Safety Schedule

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

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

If yes move to section 4

		YES	NO
3.1	MANDATORY - Do you have an Occupational Health & Safety Policy? If Yes, provide a copy of the policy	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.2	Do you have and use an OH&S Manual or Work Plan? If Yes, provide a copy of the front page and contents page	<input type="checkbox"/> 2.0 Points	<input type="checkbox"/> 0 Points
3.3	Do you use a SWMS (Safe Work Method Statement), JSA (Job Safety Analysis) or SOP (Safe Operating Procedure) for the proposed works? If Yes, please provide a copy.	<input type="checkbox"/> 1.5 Points	<input type="checkbox"/> 0 Points
3.4	Are records kept of operator training, inductions and competencies, such as licences and qualifications? If Yes, please provide a register of relevant qualifications and Licenses	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.5	Do you have and use procedures for identifying, assessing and controlling manual handling risks? If Yes, please provide a copy of procedure.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.6	Do you have and use procedures for storing and handling hazardous substances? This also includes office-based substances. If Yes, please provide a copy of hazardous substance register.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points

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3.7	Do you have a Roles & Responsibility Plan? If Yes, please provide a copy.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.8	Is there a formal mechanism for OH&S consultation in your Organisation? If Yes, please provide a copy of recent OH&S minutes or toolbox meeting.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.9	Do you have and use procedures by which employees can report hazards?	<input type="checkbox"/>	<input type="checkbox"/>
3.10	When a hazard is identified, do you conduct a risk assessment of that hazard? If Yes, please provide a copy of your Risk Assessment form.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
	If Yes, please provide details below and a recent example.	0.5 Point	0 Points
3.11	Do you have an Incident Investigation Procedure and Incident Reporting form? If Yes, please provide a copy of each.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.12	Do you use Equipment inspection checklists? If Yes, please provide a copy of inspection checklist.	<input type="checkbox"/> 1.5 Point	<input type="checkbox"/> 0 Points
3.13	Do you use workplace inspection checklists? If Yes, please provide a copy of inspection checklist.	<input type="checkbox"/> 1.0 Point	<input type="checkbox"/> 0 Points
3.14	Does your business have and use any permit to work systems? <i>For example, hot works, electrical isolation and working at heights etc.</i> If Yes, please provide an example of a recent permit.	<input type="checkbox"/> 1.0 Point	<input type="checkbox"/> 0 Points
3.15	Do you have elected Health & Safety Representatives (HSR)? If so, please provide names(s) and details of initial training and any refresher training, if not listed in training register from 6.3	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points



		Number	Points
4.1	Have you had any prosecutions for breaches of the OHS Act 2004 in the last 5 years?	0 1 2+	3 1 0
4.2	Have you had any enforceable undertakings in the last 5 years?	0 1 2+	3 1 0
4.3	How many improvement notices or prohibition notices have you had in the last 5 years?	0-9 10-19 20+	3 1 0
4.4	*Have all matters subject of prosecutions, enforceable undertakings, improvement or prohibition notices, stop work orders been addressed with appropriate controls? Evidence may be requested to demonstrate action taken to achieve full scoring.	Yes Partial No	6 1-5 0
		Total =	

*Assessment of OHS performance should consider specifically, whether or not the conduct highlighted in the adverse ruling, finding or enforceable undertaking was:

- isolated or systemic in nature;
- disclosed during tender or contract period;
- whether steps have been taken by supplier/business to rectify the conduct; and
- whether steps have been taken to prevent reoccurrence: changing systems, staff training, change in business models / approach to enhance compliance.

All OHS submissions may be subject to review by the Safety unit.

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Appendix 2

Exemptions for obtaining Quotes:

A copy of completed (signed) Procurement Exemption to be forwarded to Procurement Unit for further reporting to Risk and Audit Committee.

All areas of expenditure identified below are exempt from the requirements of clause 3.4 of this policy. However, transactions must still comply with the tendering threshold.

- Shop Supplies - Units of the City that operate a retail outlet and are required to purchase stock for resale to the public. Goods purchased for the purpose of resale are exempt from obtaining quotes. This is due to the nature of the goods that are offered for resale, which may be of a unique nature.
- Performers/Events – Where Performers and ticketed events are sourced for resale and these performances/events will return an income to the City of Ballarat quotations are not required.
- Artworks and transportation of Artworks - The City is in a unique position of operating an Art Gallery. It is not practical to obtain quotes for the purchase of artworks as each piece of work is unique. These Items are to be purchased within annual budget restraints. If an artwork is commissioned to be created, then this exemption does not apply, and quotations/tender must be sought.
Artworks are often borrowed from or loaned to other Galleries and the transport of Artworks is a specialised service with a limited number of reputable providers. Some Galleries specify the company that must be used.
- Sole Supplier (Core Service) - The City deals with several core service sole suppliers where there is no market to test and obtain multiple quotations. Examples of core service sole suppliers are:
 - (a) Professional membership payments and subscriptions (must relate to position held at the City);
 - (b) Where the supplier is the sole source of specific intellectual property;
 - (c) Ongoing computer software licences; and
 - (d) Advertising (newspapers, magazines, TV, radio and Social Media (e.g., Facebook and similar);
- Plant and Equipment Servicing and Spare Parts - plant and equipment purchased by the City require servicing at regular intervals. To maintain a valid warranty, works need to be carried out by recognised suppliers using genuine parts.
- Emergency Situations – If the CEO or delegated key emergency management employees have determined that an emergency exists, purchases may be made without the need to initially follow policy during the emergency. Emergency situations may arise due to unforeseen events or occurrences relating to, but not limited to life threatening situations, genuine concerns for public safety, security, building specific critical works, loss of essential services and, invoking an emergency response plan.
- Direct purchasing of goods and services from Aboriginal and Torres Strait Islander businesses where the estimated value of the procurement is up to \$50,000. The identified business must be

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registered with Supply Nation or be at least 50% Aboriginal or Torres Strait Islander owned and where Value for Money can be achieved.

- Direct purchasing of goods and services from Social Procurement businesses where the estimated value of the procurement is up to \$50,000. The identified business must be certified with Social Traders or are businesses that trade to intentionally tackle social problems, improve communities, provide people with access to employment and training, or help the environment. Must be not for profit and Value for Money must be the final consideration.
- Professional services unsuitable for tendering - Legal Services, Insurances
- Payroll expenses - Superannuation and PAYG
- GST - Goods and Services Tax payable
- Postage - Australia Post
- Vehicle registrations - VicRoads vehicle registrations
- Councillor expenses - Allowances and Reimbursements
- Levies - EPA Victoria Levy, Fire Services Property Levy
- Acquisition of Land and Buildings
- Medical expenses
- Venue hire
- External audit fees – Victorian Auditor General's Office
- Professional workshop and conference registration fees and associated costs
- Other circumstances when authorised by the CEO or Director of Corporate Services on receipt of a compliant Procurement Exemption request.

Appendix 3

Transactions exempt from requiring a Purchase Order

- Payment request forms
- Utilities –Gas, Electricity and Water only.
- HMT/Civic Hall Acquittal's
- Workcover/medical Expenses
- Police Checks
- Legal/Insurance expenses
- Insurance
- Auditors
- Transfer of Long Service leave
- Telstra
- Physio, Lake Health Care Group
- Memberships
- Subscriptions
- Donations (Staff Fundraising including causal clothes day)
- Pathway Refunds
- Debt Collection
- Rent
- Arch of Victory invoices
- Community Grants/Strategic Partnerships

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8.7. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987)

Division: Corporate Services
Director: John Hausler
Author/Position Sarah Anstis - Statutory Compliance Officer

PURPOSE

1. The report is to endorse the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Mathieu Cron.

BACKGROUND

2. The Chief Executive Officer appoints the majority of authorised officers under Section 224 of the *Local Government Act 1989*, through Council's delegation to the Chief Executive Officer. However, the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated by the Chief Executive Officer and must be made through a resolution of Council.

KEY MATTERS

3. Mathieu Cron holds the position of Principal Planner, and the *Planning and Environment Act 1987* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.

OFFICER RECOMMENDATION

4. That Council:
 - 4.1 Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), and that;
 - a. Mathieu Cron be appointed and authorised as set out in the instrument.
 - b. The instrument comes into force immediately upon resolution and remains in force until Council determines to vary or revoke it.

ATTACHMENTS

1. Governance Review [8.7.1 - 2 pages]
2. S11A Mathieu Cron [8.7.2 - 2 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Instrument of Appointments and Authorisations are a statutory requirement of Council.

COMMUNITY IMPACT

2. Council will make the register of authorised officers available on Council's website in accordance with Council's Public Transparency Policy.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. There are no economic sustainability implications identified for the subject of this report.

FINANCIAL IMPLICATIONS

5. There are no financial implications identified for the subject of this report.

LEGAL AND RISK CONSIDERATIONS

6. It is essential that Council's authorisations are constantly maintained and periodically monitored so that appropriate officers have the power to carry out their duties lawfully. This is a key component in Council meetings, as legislation requires Council to approve authorised officers under the *Planning and Environment Act 1987*.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

8. There has been consultation with relevant managers and officers to ensure the correct officers have been authorised to complete tasks.
9. The revocation and conferring of authorisations does not require any public consultation, however, Council is required to keep a register of all authorised officers available for public inspection.

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GENDER EQUALITY ACT 2020

10. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

11. Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

PROCUREMENT COLLABORATION

(For Contracts Only)

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S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Ballarat City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)

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**Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

Mathieu Cron

By this instrument of appointment and authorisation Ballarat City Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Ballarat City Council on [insert date].

8.8. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Division: Corporate Services
Director: John Hausler
Author/Position: Sarah Anstis – Statutory Compliance Officer

PURPOSE

1. To review and update the S6 Instrument of Delegation, Members of Staff for Council's consideration.

BACKGROUND

2. It is proposed that the Instrument of Delegation be granted to the positions of members of Council staff rather than to the individual staff member. This means that the delegation will still apply to the position should there be a change in personnel or any staff acting in the role.
3. It is imperative that Council staff have the correct delegation for dealing with matters under the current Acts and Regulations.
4. The powers conferred on the Council under some legislative Instruments cannot be delegated through the Chief Executive Officer and must be delegated from Council.

KEY MATTERS

5. Changes to the Instrument of Delegation since the last approved iteration include:
 - The position Coordinator Integrated Transport (CIT) has changed to Coordinator Traffic and Transport (CTT).

OFFICER RECOMMENDATION

That Council:

6. Exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 2, and that:
 - 6.1. There be delegated to members of Council staff, holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.
 - 6.2. The Instrument comes into force immediately upon resolution.
 - 6.3. On the coming into force of the instrument, all previous S6 delegations to members of Council staff are revoked.

- 6.4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

ATTACHMENTS

1. Governance Review [8.8.1 - 2 pages]
2. S6 Instrument of Delegation - Members of Staff [8.8.2 - 167 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Instrument of Delegation is a statutory requirement of Council.

COMMUNITY IMPACT

2. There are no community impacts identified for the subject of this report.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. There are no economic sustainability implications identified for the subject of this report.

FINANCIAL IMPLICATIONS

5. There are no financial implications identified for the subject of this report.

LEGAL AND RISK CONSIDERATIONS

6. The endorsement of the revised S6 Instrument of Delegation ensures that the core operations functions of the Council are not impeded.
7. Council's delegations are constantly maintained and periodically monitored to ensure that appropriated Council officers have the power to carry out their duties lawfully.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

9. There has been consultation with the relevant managers to ensure the correct delegations have included in the Instrument of Delegation.

GENDER EQUALITY ACT 2020

10. There are no gender equality implications identified for the subject of this report.

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CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

11. No Council Officers who have provided advice in relation to this report have a conflict of interest regarding the matter.

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BALLARAT CITY COUNCIL

INSTRUMENT OF DELEGATION

S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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Preamble

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. record that references in the Schedule are as follows:

Abbreviation	Position
AOBS	Administration Officer Building Services
AOEH	Administration Officer Environmental Health
AOLLT	Administration Officer Local Laws and Traffic
AORS	Administration Officer Regulatory Services
AOSC	Administration Officer Statutory Compliance
CAEO	Compliance and Events Officer
CO	Compliance Officer
CAM	Coordinator Asset Management
CBS	Coordinator Building Services
CCPSC	Coordinator Compliance Parking and School Crossings
CEH	Coordinator Environmental Health
CGNR	Coordinator Gardens and Natural Resources
CID	Coordinator Infrastructure Delivery

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Abbreviation	Position
CPG	Coordinator Parks and Gardens
CRC	Coordinator Risk and Compliance
CRM	Coordinator Road Maintenance
CSTP	Coordinator Statutory Planning
CTT	Coordinator Traffic and Transport
CUFOS	Coordinator Urban Forest and Open Spaces
CP	Counter Planner
DCA	Development Contributions Accountant
DCS	Director Corporate Services
DDG	Director Development and Growth
DIE	Director Infrastructure and Environment
EHO	Environmental Health Officer
EMDF	Executive Manager Development Facilitation
EMEG	Executive Manager Economic Growth
EMGR	Executive Manager Governance and Risk
EMI	Executive Manager Infrastructure
EMO	Executive Manager Operations

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Abbreviation	Position
EMPSFM	Executive Manager Property Services and Facilities Management
EMRS	Executive Manager Regulatory Services
HSO	Health Services Officer
MSTP	Manager Statutory Planning
MSP	Manager Strategic Planning
MSG	Manager Sustainable Growth
MBS	Municipal Building Surveyor
Not Applicable	Not Applicable
Not Delegated	Not Delegated
PSO	Planning Support Officer
PP	Principal Planner
PSTP	Principal Statutory Planner
PSP	Principal Strategic Planner
POC	Project Officer Compliance
RMCS	Road Maintenance Contract Supervisor
RMS	Road Maintenance Scheduler

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Abbreviation	Position
SASO	Senior Asset Surveillance Officer
SSTP	Senior Statutory Planner
SSO	Senior Subdivision Officer
SCO	Statutory Compliance Officer
STP	Statutory Planner
SP	Strategic Planner
SASU	Supervisor Asset Surveillance
SPD	Supervisor Pathways and Drainage
SRS	Supervisor Road Safety
SUSR	Supervisor Sealed Roads
SUR	Supervisor Unsealed Roads
SGP	Sustainable Growth Planner
SGPO	Sustainable Growth Project Officer
SGTSO	Sustainable Growth Technical Support Officer
TLCP	Team Leader Compliance and Parking
TLEG	Team Leader Economic Growth
TLEH	Team Leader Environmental Health

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Abbreviation	Position
TLRSATS	Team Leader Regulatory Services Administration/Technical Support
TOBS	Technical Officer Building Services
TOEH	Technical Officer Environmental Health
TSODF	Technical Support Officer Development Facilitation
TTE	Traffic and Transport Engineer

3. declares that:

3.1 this Instrument of Delegation is authorised by [#insert "a resolution" or "resolutions"#] of Council passed on [#date#] [#add "and [date]", if appropriate#]; and

3.2 the delegation:

3.2.1 remains in force until varied or revoked;

3.2.2 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

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Delegation Sources

- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

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S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 15(4)	Duty to keep records of delegations	DCS, EMGR, SCO, AOSC, CRC	
s 17(1)	Power to employ any persons necessary	EMPSFM, DIE	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 17(3)	Power to determine the terms and conditions of employment or engagement	EMPSFM, DIE	Subject to any guidelines or directions of the Secretary

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18(3)	Duty to comply with a direction from the Secretary	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 19	Power to carry out or permit the carrying out of works	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 20(1)	Duty to set aside areas for the interment of human remains	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	DCS	Provided the street was constructed pursuant to the Local Government Act 1989

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	EMPSFM, DIE	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	EMPSFM, DIE	
s 60(2)	Power to charge fees for providing information	DCS	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 64B(d)	Power to permit interments at a reopened cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	EMPSFM, DIE	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 70(2)	Duty to make plans of existing place of interment available to the public	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 71(2)	Power to dispose of any memorial or other structure removed	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 72(2)	Duty to comply with request received under s 72	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 73(1)	Power to grant a right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 73(2)	Power to impose conditions on the right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 74(3)	Duty to offer a perpetual right of interment	EMPSFM, DIE	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 80(1)	Function of receiving notification and payment of transfer of right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 80(2)	Function of recording transfer of right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCS	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCS	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	EMPSFM, DIE	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	EMPSFM, DIE	
s 84I(4)	Power to exercise the rights of a holder of a right of internment	EMPSFM, DIE	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	EMPSFM, DIE	
s 84I(6)(a)	Power to remove any memorial on the place of interment	EMPSFM, DIE	
s 84I(6)(b)	Power to grant right of interment under s 73	EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	EMPSFM, DIE	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	EMPSFM, DIE	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	EMPSFM, DIE	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	EMPSFM, DIE	
s.86(4)	power to take action under s.86(4) relating to removing and re-intering cremated human remains	EMPSFM, DIE	
s.86(5)	duty to provide notification before taking action under s.86(4)	EMPSFM, DIE	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	EMPSFM, DIE	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	EMPSFM, DIE	
s 91(1)	Power to cancel a right of interment in accordance with s 91	EMPSFM, DIE	
s 91(3)	Duty to publish notice of intention to cancel right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	CPG, EMO, EMPSFM, DCS, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 100(1)	Power to require a person to remove memorials or places of interment	EMPSFM, DIE	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 100(3)	Power to recover costs of taking action under s 100(2)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 103(1)	Power to require a person to remove a building for ceremonies	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 103(3)	Power to recover costs of taking action under s 103(2)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	EMPSFM, DIE	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	EMPSFM, DIE	
s 108	Power to recover costs and expenses	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 109(1)(a)	Power to open, examine and repair a place of interment	EMPSFM, DIE	Where the holder of right of interment or responsible person cannot be found

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	EMPSFM, DIE	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	EMPSFM, DIE	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	DCS	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 112	Power to sell and supply memorials	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 119	Power to set terms and conditions for interment authorisations	EMPSFM, DIE	
s 131	Function of receiving an application for cremation authorisation	EMPSFM, DIE	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 146	Power to dispose of bodily remains by a method other than interment or cremation	EMPSFM, DIE	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	EMPSFM, DIE	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	EMPSFM, DIE	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	EMPSFM, DIE	
s 151	Function of receiving applications to inter or cremate body parts	EMPSFM, DIE	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
sch 1 cl 8(8)	Power to regulate own proceedings	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	Subject to cl 8

Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CCPSC, DIE, EMRS	Council may delegate this power to a Council authorised officer

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	TLEH, EHO, CEH, DDG	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	TLEH, EHO, CEH, DDG	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	TLEH, EHO, CEH, DDG	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DDG	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	TLEH, EHO, CEH	If s 19(1) applies

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	TLEH, EHO, CEH	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	TLEH, EHO, CEH	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	TLEH, EHO, CEH	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	TLEH, EHO, CEH, DDG	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19EA(3)	Function of receiving copy of revised food safety program	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	TLEH, EHO, CEH, EMRS	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	Not Delegated	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	TLEH, EHO, CEH, EMRS	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19NA(1)	Power to request food safety audit reports	TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH, TLRSATS, HSO, AORS	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	Not Delegated	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEH, DDG, EMRS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	TLEH, CEH	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	TLEH, CEH	Where Council is the registration authority
	Power to register or renew the registration of a food premises	TLEH, EHO, CEH, DDG	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH,	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLRSATS, HSO, AORS	
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHO, CEH	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH, TLRSATS, HSO, AORS	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	TLEH, EHO, CEH, DDG	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH, TLRSATS, HSO, AORS	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	TLEH, EHO, CEH, DDG	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	TLEH, EHO, CEH, EMRS	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	TLEH, EHO, CEH, EMRS	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	TLEH, EHO, CEH, DDG	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	TLEH, EHO, CEH, EMRS	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	TLEH, EHO, CEH, DDG	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	TLEH, CEH, DDG	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40D(1)	Power to suspend or revoke the registration of food premises	TLEH, CEH, DDG	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	TLEH, EHO, CEH, EMRS	
s 40F	Power to cancel registration of food premises	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 43	Duty to maintain records of registration	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	TLEH, EHO, CEH	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	TLEH, EHO, CEH, DDG	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 45AC	Power to bring proceedings	TLEH, EHO, CEH, EMRS	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	TLEH, EHO, CEH, DDG	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	DDG, DIE	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

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Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	Not Delegated	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	SP, STP, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 41(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8A(5)	Function of receiving notice of the Minister's decision	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12B(1)	Duty to review planning scheme	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 12B(2)	Duty to review planning scheme at direction of Minister	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(1)	Duty of giving copy amendment to the planning scheme	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 17(2)	Duty of giving copy s 173 agreement	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	Until the proposed amendment is approved or lapsed

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	Until the end of 2 months after the amendment comes into operation or lapses

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 21A(4)	Duty to publish notice	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	SP, EMO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	DDG, EMDF, MSP	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	SP, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, MSP, PP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	During the inspection period

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 27(2)	Power to apply for exemption if panel's report not received	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 28(1)	Duty to notify the Minister if abandoning an amendment	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	MSTP, CSTP, DDG, PSP, EMDF, SSTP, SGP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	MSTP, CSTP, DDG, PSP, EMDF, SSTP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 30(4)(a)	Duty to say if amendment has lapsed	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 30(4)(b)	Duty to provide information in writing upon request	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 32(2)	Duty to give more notice if required	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 33(1)	Duty to give more notice of changes to an amendment	SP, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, MSP, PP	
s 36(2)	Duty to give notice of approval of amendment	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 38(5)	Duty to give notice of revocation of an amendment	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 40(1)	Function of lodging copy of approved amendment	SP, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, MSP, PP	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	MSTP, CSTP, DDG, PSP, EMDF, SSTP, SGP	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Not Applicable	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	DDG, EMDF	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DDG, EMDF	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding	SP, MSTP, CSTP, DDG,	Where Council is a responsible public entity

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	on the public entity when performing a function or duty or exercising a power in relation to the declared area	PSP, EMDF, PSTP, MSP, PP	
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DDG, EMDF	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DDG, EMDF	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MSG, SGPO, DCA, DDG, EMDF, SGTSO	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DDG, EMDF	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GP	Function of receiving a notice under s 46GO	DDG, EMDF	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	MSG, SGPO, DCA, DDG, EMDF, SGTSO	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	MSG, SGPO, DCA, DDG, EMDF, SGTSO	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DDG, EMDF	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DDG, EMDF	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DDG, EMDF	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DDG, EMDF	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	MSG, SGPO, DCA, DDG, EMDF, SGTSO	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	MSG, SGPO, DCA, DDG, EMDF, SGTSO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	MSG, SGPO, DCA, DDG, EMDF, SGTSO	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	DCS, DDG, EMDF	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DDG, EMDF	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DDG, EMDF	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DDG, EMDF	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DDG, EMDF	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DDG, EMDF	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	MSG, SGPO, DCA, DDG, EMDF, SGTSO	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DDG, EMDF	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	MSG, SGPO, DCA, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	MSG, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP,	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, PP, SGTSO	This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	MSG, SGPO, DCA, DDG, EMDF, SGTSO	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Function of receiving the fee simple in the land	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MSG, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is a development agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	MSG, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	MSG, SGPO, DCA, DDG, EMDF, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	MSG, SGPO, DCA, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	MSG, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	purpose land for a public purpose approved by the Minister or sell the public purpose land		
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	MSG, SGPO, DCA, DDG, EMDF, SGTSO	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	STP, MSG, SGPO, DCA, MSTP, CSTP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGTSO, SGP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	MSG, SGPO, DCA, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	MSG, SGPO, DCA, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	MSG, SGPO, DCA, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, PP, SGTSO	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	MSG, SGPO, DCA, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	MSG, SGPO, DCA, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	MSG, SGPO, DCA, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, PP, SGTSO	
s 46Q(1)	Duty to keep proper accounts of levies paid	MSG, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	MSG, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	MSG, SGPO, DCA, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, PP, SGTSO	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	MSG, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	MSG, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	Must be done in accordance with Part 3

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s46Q(4)(e)	Duty to expend that amount on other works etc.	MSG, SGPO, DCA, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	MSG, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	
s 46QD	Duty to prepare report and give a report to the Minister	MSG, DCA, DDG, EMDF	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	Not Applicable	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	DDG, EMDF, MSP	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	DDG, EMDF, MSP	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	DDG, EMDF, MSP	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CO, POC, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, PP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 50(4)	Duty to amend application	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 50(5)	Power to refuse to amend application	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 50(6)	Duty to make note of amendment to application in register	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, SCO, EMDF, PSTP, AOSC, CP, PP	
s 50A(1)	Power to make amendment to application	SSO, SP, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, SGP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SSO, SP, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 50A(4)	Duty to note amendment to application in register	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, SGP	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(3)	Power to give any further notice of an application where appropriate	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 54(1)	Power to require the applicant to provide more information	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(1B)	Duty to specify the lapse date for an application	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	SSO, STP, TSODF, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57A(5)	Power to refuse to amend application	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57A(6)	Duty to note amendments to application in register	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 57B(1)	Duty to determine whether and to whom notice should be given	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57C(1)	Duty to give copy of amended application to referral authority	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 58	Duty to consider every application for a permit	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 58A	Power to request advice from the Planning Application Committee	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 60	Duty to consider certain matters	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60(1A)	Duty to consider certain matters	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not Delegated	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Not Delegated	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 62(2)	Power to include other conditions	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	SSO, TSODF, MSTP, CSTP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		DDG, PSP, EMDF, PSTP, PP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until	SSO, STP, TSODF, MSTP,	This provision applies also to a decision to grant an amendment to a permit - see s 75A

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	STP, MSTP, CSTP, DDG,	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 69(1A)	Function of receiving application for extension of time to complete development	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 69(2)	Power to extend time	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 71(1)	Power to correct certain mistakes	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 71(2)	Duty to note corrections in register	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 73	Power to decide to grant amendment subject to conditions	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 74	Duty to issue amended permit to applicant if no objectors	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76D	Duty to comply with direction of Minister to issue amended permit	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 83	Function of being respondent to an appeal	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 83B	Duty to give or publish notice of application for review	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, SGP	
s 84AB	Power to agree to confining a review by the Tribunal	SSO, MSG, SGPO, TSODF, DCA, DCS, DDG, EMDF, SGTSO	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 91(2)	Duty to comply with the directions of VCAT	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 93(2)	Duty to give notice of VCAT order to stop development	SSO, STP, CCPSC, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, EMRS, CP, PP, SGP	
s 95(3)	Function of referring certain applications to the Minister	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 95(4)	Duty to comply with an order or direction	STP, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96F	Duty to consider the panel's report under s 96E	Not Delegated	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 96H(3)	Power to give notice in compliance with Minister's direction	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 96J	Duty to issue permit as directed by the Minister	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CO, POC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 97C	Power to request Minister to decide the application	DDG, EMDF	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97L	Duty to include Ministerial decisions in a register kept under s 49	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, PP, SGP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97Q(4)	Duty to comply with directions of VCAT	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	STP, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, SGP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 101	Function of receiving claim for expenses in conjunction with claim	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 103	Power to reject a claim for compensation in certain circumstances	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.107(1)	function of receiving claim for compensation	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 107(3)	Power to agree to extend time for making claim	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	SSO, STP, MSTP, PSP, EMDF	
s 114(1)	Power to apply to the VCAT for an enforcement order	CCPSC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CCPSC, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, EMRS, PP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CCPSC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CCPSC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP	Except Crown Land
s 129	Function of recovering penalties	MSTP, DCS, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, PP	
s 130(5)	Power to allow person served with an infringement notice further time	CCPSC, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	
s 149A(1)	Power to refer a matter to the VCAT for determination	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CCPSC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	Where Council is the relevant planning authority

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)		
s 171(2)(f)	Power to carry out studies and commission reports	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 171(2)(g)	Power to grant and reserve easements	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, CP, PP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DCS, DDG, EMDF	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DCS, DDG, EMDF	Where Council is a collecting agency specified in an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DCS, DDG, EMDF	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DCS, DDG, TLEG	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and	MSTP, DCS, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	PSP, EMDF, PSTP, MSP, PP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 178A(1)	Function of receiving application to amend or end an agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178A(5)	Power to propose to amend or end an agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178C(4)	Function of determining how to give notice under s 178C(2)	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	SP, STP, MSTP, CSTP, DDG, PSP, EMDF,	If no objections are made under s 178D

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, MSP, CP, PP, SGP	Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP,	After considering objections, submissions and matters in s 178B

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MSP, CP, PP, SGP	
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MSP, CP, PP, SGP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	SP, STP, MSTP, EMPSFM, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 182	Power to enforce an agreement	MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 184G(2)	Duty to comply with a direction of the Tribunal	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 184G(3)	Duty to give notice as directed by the Tribunal	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	DDG, EMDF, MSP	
s 198(1)	Function to receive application for planning certificate	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 199(1)	Duty to give planning certificate to applicant	STP, MSTP, CSTP, DDG, PSP, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, SGP	
s 201(1)	Function of receiving application for declaration of underlying zoning	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 201(3)	Duty to make declaration	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
	Power to give written authorisation in accordance with a provision of a planning scheme	MSTP, CSTP, DDG, PSP, PSTP, PP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DDG, MSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DDG, MSP	

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Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	TLEH, TOEH, EHO, CEH, EMPSFM, EMRS	
s 522(1)	Power to give a compliance notice to a person	TLEH, TOEH, EHO, MBS, CEH, CBS, EMRS	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	DIE	
s 525(4)	Duty to issue identity card to authorised officers	EMGR, SCO, AOSC, CRC	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	TLEH, TOEH, EHO, MBS, CEH, EMPSFM, CBS, EMRS	

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Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 526A(3)	Function of receiving report of inspection	TLEH, TOEH, EHO, AOEH, CEH, TLRATS, HSO, AORS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	TLEH, TOEH, EHO, MBS, CEH, EMPSFM, DDG, CBS, EMRS	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	EMO, DDG, DIE, EMDF, EMI	Obtain consent in circumstances specified in s 11(2)

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	EMO, DDG, DIE, EMDF, EMI	
s 11(9)(b)	Duty to advise Registrar	EMO, DDG, DIE, EMDF, EMI	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	EMO, DDG, DIE, EMDF, EMI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	EMO, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	EMO, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	EMO, DDG, DIE, EMDF, EMI	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(5)	Duty to consider written submissions received within 28 days of notice	EMO, DDG, DIE, EMDF, EMI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	EMO, DDG, DIE, EMDF, EMI	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	EMO, DDG, DIE, EMDF, EMI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	EMO, DDG, DIE, EMDF, EMI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	EMO, DDG, DIE, EMDF, EMI	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	EMO, DDG, DIE, EMDF, EMI, CTT, TTE	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	EMO, DDG, DIE, CAM, EMDF, EMI, CTT, TTE	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	EMO, DDG, DIE, CAM, EMDF, EMI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DDG, DIE, CAM, EMDF, EMI	
s 15(2)	Duty to include details of arrangement in public roads register	DDG, DIE, CAM, EMDF, EMI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 16(7)	Power to enter into an arrangement under s 15	DDG, DIE, CAM, EMDF, EMI	
s 16(8)	Duty to enter details of determination in public roads register	DDG, DIE, CAM, EMDF, EMI	
s 17(2)	Duty to register public road in public roads register	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	DDG, DIE, CAM, EMDF, EMI	
s 19(4)	Duty to specify details of discontinuance in public roads register	DDG, DIE, CAM, EMDF, EMI	
s 19(5)	Duty to ensure public roads register is available for public inspection	DDG, DIE, CAM, EMDF, EMI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 21	Function of replying to request for information or advice	DDG, DIE, CAM, EMDF, EMI	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	DDG, DIE, CAM, EMDF, EMI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	EMO, DIE	
s 22(5)	Duty to give effect to a direction under s 22	EMO, DIE	
s 40(1)	Duty to inspect, maintain and repair a public road.	SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR,	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SUSR, EMDF, EMI, CRM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM	
s 42(1)	Power to declare a public road as a controlled access road	DDG, DIE, CAM, EMDF, EMI	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DDG, DIE, CAM, EMDF, EMI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority If road is a municipal road or part thereof

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	EMO, DDG, DIE, EMDF, EMI, CTT, TTE	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	EMO, DDG, DIE, EMDF, EMI	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	EMO, DDG, DIE, EMDF, EMI	
s 49	Power to develop and publish a road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 51	Power to determine standards by incorporating the standards in a road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 54(2)	Duty to give notice of proposal to make a road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 54(6)	Power to amend road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 54(7)	Duty to incorporate the amendments into the road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 63(1)	Power to consent to conduct of works on road	SPD, SRS, RMS, EMO, CAM, RMCS, SUR, SUSR, EMI, SASU, CRM	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	SPD, SRS, RMS, CEH, CAM, RMCS, SUR, SUSR, EMI, SASU, CRM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager or works manager

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Power to consent to structure etc	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 67(3)	Power to request information	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 68(2)	Power to request information	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, TLCP, EMDF, EMI, SASU, CID, CRM, CTT	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 72	Duty to issue an identity card to each authorised officer	DCS, EMGR, SCO, AOSC, CRC	
s 85	Function of receiving report from authorised officer	DDG, DIE, EMDF, EMI	
s 86	Duty to keep register re s 85 matters	DDG, DIE, EMDF, EMI	
s 87(1)	Function of receiving complaints	SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 87(2)	Duty to investigate complaint and provide report	SPD, SRS, RMS, EMO, DCS, DDG, DIE, RMCS,	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SUR, SUSR, EMDF, EMI, CRM	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	DIE, EMI	
s 112(2)	Power to recover damages in court	EMO, DDG, DIE, EMDF, EMI	
s 116	Power to cause or carry out inspection	SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 119(2)	Function of consulting with the Head, Transport for Victoria	EMO, DDG, DIE, EMDF, EMI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	EMO, DDG, DIE, CAM, EMDF, EMI, SASU	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM	
s 121(1)	Power to enter into an agreement in respect of works	EMO, DDG, DIE, CAM, EMDF, EMI	
s 122(1)	Power to charge and recover fees	EMO, DDG, DIE, CAM, EMDF, EMI	
s 123(1)	Power to charge for any service	SPD, SRS, RMS, EMO, DCS, DDG, DIE, RMCS,	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SUR, SUSR, EMDF, EMI, CRM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DDG, DIE, CAM, EMDF, EMI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	Not Delegated	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	Not Delegated	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	DDG, DIE, CAM, EMDF, EMI	
sch 2 cl 5	Duty to publish notice of declaration	DDG, DIE, CAM, EMDF, EMI	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager or works manager

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager or works manager
sch 7 cla 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, CRM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager or works manager

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DDG, DIE, CAM, EMDF, EMI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(6)	Power to set reasonable conditions on consent	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	DDG, DIE, EMDF, EMI	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DDG, DIE, EMDF, EMI	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DDG, DIE, EMDF, EMI	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DDG, DIE, EMDF, EMI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	EMPSFM, DIE	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	EMPSFM, DIE	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	EMPSFM, DIE	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	EMPSFM, DIE	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	EMPSFM, DIE	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	EMPSFM, DIE	

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 30(2)	Power to release cremated human remains to certain persons	EMPSFM, DIE	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	EMPSFM, DIE	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	EMPSFM, DIE	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	EMPSFM, DIE	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	EMPSFM, DIE	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	EMPSFM, DIE	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	EMPSFM, DIE	

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	EMPSFM, DIE	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	EMPSFM, DIE	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	EMPSFM, DIE	
r 40	Power to approve a person to play sport within a public cemetery	EMPSFM, DIE	
r 41(1)	Power to approve fishing and bathing within a public cemetery	EMPSFM, DIE	
r 42(1)	Power to approve hunting within a public cemetery	EMPSFM, DIE	
r 43	Power to approve camping within a public cemetery	EMPSFM, DIE	

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 45(1)	Power to approve the removal of plants within a public cemetery	CPG, EMPSFM, DIE, CUFOS, CGNR	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
r 47(3)	Power to approve the use of fire in a public cemetery	EMPSFM, DIE	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 8	Power to approve certain mementos on a memorial	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules

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Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	MSTP, DDG, PSP, EMDF, MSP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	where Council is the responsible authority

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Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	MSTP, DDG, PSP, EMDF, MSP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

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Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DDG, MSP	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MSTP, DDG, PSP, EMDF	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	MSTP, DDG, PSP, EMDF, MSP	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	TLEH, TOEH, EHO, CEH, EMPSFM	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 10	Function of receiving application for registration	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, TOBS, CEH, TLRSATS, EMRS, HSO, AORS	
r 11	Function of receiving application for renewal of registration	EMPSFM, DIE	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	TLEH, TOEH, EHO, CEH	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	TLEH, EHO, CEH	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	TLEH, TOEH, EHO, CEH	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EMPSFM, DIE	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EMPSFM, DIE	
r 12(4) & (5)	Duty to issue certificate of registration	TLEH, TOEH, EHO, CEH	
r 14(1)	Function of receiving notice of transfer of ownership	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, TOBS, CEH, TLRATS, EMRS, HSO, AORS	
r 14(3)	Power to determine where notice of transfer is displayed	TLEH, TOEH, EHO, CEH	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15(1)	Duty to transfer registration to new caravan park owner	TLEH, TOEH, EHO, CEH	
r 15(2)	Duty to issue a certificate of transfer of registration	TLEH, TOEH, EHO, CEH	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	TLEH, EHO, CEH, EMPSFM	
r 17	Duty to keep register of caravan parks	TLEH, CEH	
r 18(4)	Power to determine where the emergency contact person's details are displayed	TLEH, TOEH, EHO, CEH	
r 18(6)	Power to determine where certain information is displayed	TLEH, TOEH, EHO, CEH	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	TLEH, TOEH, EHO, CEH	
r 22(2)	Duty to consult with relevant emergency services agencies	TLEH, TOEH, EHO, CEH	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	TLEH, TOEH, EHO, CEH	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	TLEH, TOEH, EHO, CEH	
r 25(3)	Duty to consult with relevant floodplain management authority	TLEH, TOEH, EHO, CEH	
r 26	Duty to have regard to any report of the relevant fire authority	TLEH, TOEH, EHO, CEH	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	TLEH, TOEH, EHO, CEH	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, TOBS, MBS, CEH, EMPSFM, CBS, TLRATS, EMRS, HSO, AORS	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MBS, EMPSFM, DDG, DIE, CBS, EMRS	
r 41(4)	Function of receiving installation certificate	MBS, EMPSFM, DDG, DIE, CBS, EMRS	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBS, EMPSFM, DDG, DIE, CBS, EMRS	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	DDG, DIE, EMRS	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
r 9(2)	Duty to produce written report of review of road management plan and make report available	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	

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Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
r 13(1)	Duty to publish notice of amendments to road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
r 16(3)	Power to issue permit	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority

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Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 18(1)	Power to give written consent re damage to road	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	EMO, DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	EMO, DDG, DIE, CAM, EMDF, EMI	

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Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	EMO, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	EMO, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority

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8.9. OUTSTANDING QUESTION TIME ITEMS

Division: Corporate Services
Director: John Hausler
Author/Position: Lyndsay Leingang - Administration Officer Statutory Compliance

PURPOSE

1. This report provides Council with an update of responses to questions taken on notice and outstanding unanswered questions from public question time.

BACKGROUND

2. The City of Ballarat Governance Rules, section 3.7.1 calls for a standard agenda item at each Council Meeting that reflects unanswered questions from question time

KEY MATTERS

3. Nil

OFFICER RECOMMENDATION

4. That Council:

4.1 Endorse the Outstanding Question Time Report.

ATTACHMENTS

1. Outstanding Question Time Items [8.9.1 - 1 page]
2. QT16/23 - Sean Mulcahy - Outstanding Question Time Response [8.9.2 - 2 pages]
3. QT17/23 - Rebekah Isaacs - Outstanding Question Time Response [8.9.3 - 1 page]
4. QT21/23 - Margaret Rich - Outstanding Question Time Response [8.9.4 - 1 page]
5. QT23/23 - Linda Zibell - Outstanding Question Time Response [8.9.5 - 1 page]
6. QT25/23 - Jennifer Robson - Outstanding Question Time Response [8.9.6 - 1 page]
7. QT26/23 - John Barnes - Outstanding Question Time Response [8.9.7 - 2 pages]

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Outstanding Question Time Items					
Meeting	Status	Requested	Question	Officer Responsible	Response
22/03/2023 QT16/23	Closed	Sean Mulcahy	<p>Could Council please provide an update on work undertaken to date to identify gaps in Council's public arts collection and to ensure that new acquisitions and commissioning opportunities include opportunities for LGBTQIA+ public art and artists, in line with the LGBTQIA+ Inclusion Plan?</p> <p>Could Council please provide an update on the planning of a creative installation in the city for pride month in 2024, in line with the LGBTQIA+ Inclusion Plan?</p>	Matt Wilson, Director Community Wellbeing	Response provided by Matt Wilson, Director Community Wellbeing
22/03/2023 QT17/23	Closed	Rebekah Isaacs	<p>Now that Ballarat Gold Mine is in administration, Natalie Robertson has publicly commented that Council have not spoken to mine operators. When will Council begin speaking to the administrators to discuss remediation of the land?</p> <p>If Council do not intend to speak to the mining company during its administration phase, and therefore limit any legal avenue to have the mining company pay to do any remediation, when will Council consult with the community about the cost and process to ratepayers?</p>	Natalie Robertson, Director Development and Growth	Response provided by Natalie Robertson, Director Development and Growth
22/03/2023 QT21/23	Closed	Margaret Rich	<p>Since the Ballarat Gold Mine is currently closed due to financial uncertainty, whose responsibility is it for ongoing onsite management, dust suppression and monitoring?</p>	Natalie Robertson, Director Development and Growth	Response provided by Natalie Robertson, Director Development and Growth
22/03/2023 QT23/23	Closed	Linda Zibell	<p>Schedule 21.09 -3 (12) of the Ballarat Planning Scheme states: "Require areas previously affected by mine workings at Mount Clear to be the subject of an environmental audit prior to use for sensitive purposes." Ballarat Gold Mine's fourth tailings dam is a sensitive purpose being far too close to a suburban community including schools, aged and child care. Its own planning scheme requires it, so why isn't the City of Ballarat requesting an environmental audit?</p> <p>While the Ballarat Gold Mine is closed, are the recently installed continuous fine particulate dust monitors still actively recording data. Is the data available for public access?</p>	Natalie Robertson, Director Development and Growth	Response provided by Natalie Robertson, Director Development and Growth
22/03/2023 QT25/23	Closed	Jennifer Robson	<p>Ballarat Gold Mine has a poor record with regard to safety, it's not hard to find references to their safety breaches in the media.</p> <p>Gold miners are at particular risk for developing silicosis due to the high concentration of silica in the rocks they mine. We know they are required to comply with Occupational Health and Safety protocols or risk being fined but are the Ballarat Council aware if BGM are complying with current onsite OH&S standards and supplying workers with appropriate Personal Protective Equipment including respirators?</p> <p>Considering the lifespan of the proposed tailings dam is only around 10 years, what are the future plans for this site and if there are no future plans, why allow such a short term potentially hazardous proposal to proceed?</p>	Natalie Robertson, Director Development and Growth	Response provided by Natalie Robertson, Director Development and Growth
22/03/2023 QT26/24	Closed	John Barnes	<p>RMIT Emeritus Professor Michael Buxton claims Ballarat's Planning Scheme can't protect Ballarat's unique urban character without substantial modification and strengthening (Courier). Strategic studies on the CBD Urban Development Framework and the Ballarat Skyline & Views Study have gone into limbo since 2021. The Station South Side Master Plan by Ballarat City Council and the Victorian Planning Authority appears permanently stalled. HUL provides no heritage protection - it has never been incorporated into the Scheme. Is Buxton right?</p> <p>Why are the outstanding strategic studies mentioned incomplete, when do you expect to have them completed, and what is Council's target date for the submission of planning scheme amendments to the Minister for these and other studies Council considers will deliver a Ballarat Planning Scheme capable of protecting Ballarat's future development?</p>	Natalie Robertson, Director Development and Growth	Response provided by Natalie Robertson, Director Development and Growth

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PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 28 March 2023

Our Ref: QT 16/23

Your Ref:

Enquiries: (61) 03 5320 5500

Direct Email: info@ballarat.vic.gov.au

Sean Mulcahy

Dear Sean

Thank you for your questions submitted to the Ordinary Meeting of Council on Wednesday, 22 March 2023 in relation to gaps in Council's Public Art Collection and planning of a creative installation in the city for Pride month 2024.

I can confirm my responses, which I provided on the night below:

1. Gaps in Council's Public Art Collection

A complete audit on the entire public art collection has been completed which reviews the level of priority of maintenance required on each piece, the creator and the narrative behind each piece. The complete catalogue is now uploaded on to Victorian Collections database for full public scrutiny. Under the LGBTIQ+ Inclusion Plan, and working together with the new Inclusion Officer, we have supplied the latest data on commissions made in the last four years to identify gender and LGBTIQ+ identification (where shared voluntarily). This data revealed that we have worked with ten female artists, three non-binary artists and six male artists on new commissioned projects. The issues covered in our permanent and temporary collection over the last four years include refugee stories, Traditional Owner narrative, LGBTIQ+ histories and site responsive works. Current permanent works about to be commissioned include the second sculpture for the Indigenous Sculpture Garden in North Gardens, the next Prime Ministerial bust and the Continuous Voices Memorial. Planned temporary works include the next Gallery Annexe Wall and a community led public art activity merging the energies of youth and older people at the Len T Fraser Skate Park.

In addition, the Public Art team is happy to include LGBTIQ+ stories within the permanent and temporary works collections where site specific and relevant. To this end we are now overseeing the PhD candidate from ACU who is studying queer histories on the Ballarat Goldfields. We anticipate that the research of this student will certainly inform the future of the collection.

2. Creative Installation for Pride Month 2024

We are committed to this action. Given a 14-month lead time to Pride Month 2024, planning for this action in conjunction with the LGBTIQ+ Advisory Committee and led by the LGBTIQ+ Community Inclusion Officer will begin later in 2023.

Additionally, a Progressive Pride creative floral display will be installed in Sturt St, adjacent to the Titanic Memorial Bandstand for the duration of Pride Month 2023.

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If you wish to discuss this matter further, please do not hesitate to contact me via Council's customer service number (03) 5320 5500.

Yours sincerely



Matthew Wilson
Director Community Wellbeing

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PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 28 March 2023

Our Ref: NR:kr

Your Ref: QT17/23

Enquiries: (61) 03 5320 5500

Direct Email: info@ballarat.vic.gov.au

Rebekah Isaacs

Email: [REDACTED]

Dear Rebekah,

RE: OUTSTANDING QUESTION TIME ITEM – QT17/23

I refer to your questions asked at the 22 March 2023 Council Meeting.

Now that Ballarat Gold Mine is in administration, Natalie Robertson has publicly commented that Council have not spoken to mine operators. When will Council begin speaking to the administrators to discuss remediation of the land?

The City of Ballarat have not had any direct correspondence with the administrator of the mine. We will continue to liaise with the applicant for the planning application in relation to this specific matter.

Remediation/rehabilitation in relation to mining forms part of the Work Plan they operate under and is a State Government process lead by Earth Resource Regulation.

If Council do not intend to speak to the mining company during its administration phase, and therefore limit any legal avenue to have the mining company pay to do any remediation, when will Council consult with the community about the cost and process to ratepayers?

The City's role at this time is limited to the consideration of the current planning application only. We will continue to liaise with the applicant in relation to this matter.

In terms of the remediation of the site following the completion of mining activities, the cost associated with this rests with the landowner.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson
Director Development and Growth

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PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Margaret Rich

Email: [REDACTED]

Date: 28 March 2023

Our Ref: NR:kr

Your Ref: QT21/23

Enquiries: (61) 03 5320 5500

Direct Email: info@ballarat.vic.gov.au

Dear Margaret,

RE: OUTSTANDING QUESTION TIME ITEM – QT21/23

I refer to your question asked at the 22 March 2023 Council Meeting.

Since the Ballarat Gold Mine is currently closed due to financial uncertainty, whose responsibility is it for ongoing onsite management, dust suppression and monitoring?

These obligations still fall to the Mine and the Administrator.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson
Director Development and Growth

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PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 28 March 2023

Our Ref: NR:kr

Your Ref: QT23/23

Enquiries: (61) 03 5320 5500

Direct Email: info@ballarat.vic.gov.au

Linda Zibell

Email: [REDACTED]

Dear Linda,

RE: OUTSTANDING QUESTION TIME ITEM – QT23/23

I refer to your questions asked at the 22 March 2023 Council Meeting.

Schedule 21.09 -3 (12) of the Ballarat Planning Scheme states: "Require areas previously affected by mine workings at Mount Clear to be the subject of an environmental audit prior to use for sensitive purposes." Ballarat Gold Mine's fourth tailings dam is a sensitive purpose being far too close to a suburban community including schools, aged and childcare. Its own planning scheme requires it, so why isn't the City of Ballarat requesting an environmental audit?

The provision requires an environmental audit to be undertaken prior to use for sensitive purposes. This is required to be considered when a new sensitive use is proposed. This is not the case in this instance.

The City of Ballarat is required to consider the application before them, including the location which the applicant must demonstrate is an appropriate location as part of its supporting documentation.

While the Ballarat Gold Mine is closed, are the recently installed continuous fine particulate dust monitors still actively recording data. Is the data available for public access?

Matters in relations to dust monitoring are overseen by Earth Resource Regulations.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson
Director Development and Growth

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OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 28 March 2023

Our Ref: NR:kr

Your Ref: QT25/23

Enquiries: (61) 03 5320 5500

Direct Email: info@ballarat.vic.gov.au

Jennifer Robson

Email: [REDACTED]

Dear Jennifer,

RE: OUTSTANDING QUESTION TIME ITEM – QT25/23

I refer to your questions asked at the 22 March 2023 Council Meeting.

Ballarat Gold Mine has a poor record with regard to safety, it's not hard to find references to their safety breaches in the media.

Gold miners are at particular risk for developing silicosis due to the high concentration of silica in the rocks they mine.

We know they are required to comply with Occupational Health and Safety protocols or risk being fined but are the Ballarat Council aware if BGM are complying with current onsite OH&S standards and supplying workers with appropriate Personal Protective Equipment including respirators?

The City of Ballarat is currently only involved in the assessment of a planning application for a Tailings Storage Facility and cannot provide any comment on this matter. For any concerns about workplace health and safety measures, the appropriate authority is Worksafe Victoria.

Considering the lifespan of the proposed tailings dam is only around 10 years, what are the future plans for this site and if there are no future plans, why allow such a short term potentially hazardous proposal to proceed?

As part of the Work Plan Variation that is assessed by Earth Resource Regulation, consideration of future requirements, including rehabilitation is undertaken.

As part of the planning application that the City of Ballarat is currently considering we are not required to consider additional lifespan.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson
Director Development and Growth

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PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 28 March 2023

Our Ref: NR:kr

Your Ref: QT26/23

Enquiries: (61) 03 5320 5500

Direct Email: info@ballarat.vic.gov.au

John Barnes

Email: [REDACTED]

Dear John,

RE: OUTSTANDING QUESTION TIME ITEM – QT26/23

I refer to your questions asked at the 22 March 2023 Council Meeting.

RMIT Emeritus Professor Michael Buxton claims Ballarat's Planning Scheme can't protect Ballarat's unique urban character without substantial modification and strengthening (Courier). Strategic studies on the CBD Urban Development Framework and the Ballarat Skyline & Views Study have gone into limbo since 2021. The Station South Side Master Plan by BCC and the Victorian Planning Authority appears permanently stalled. HUL provides no heritage protection - it has never been incorporated into the Scheme. Is Buxton right?

The Ballarat Planning Scheme is currently under review. The current strategic program of work includes the development of a housing strategy, neighbourhood character studies, CBD planning controls and heritage gaps updates. In combination, these strategic projects will further strengthen built form outcomes for the City of Ballarat.

The strategies and studies listed by RMIT Emeritus Professor Michael Buxton are not our full program of work and it is correct to say that not all strategies have been implemented into the planning scheme. Council's strategic planning team now has a strong implementation focus and strategies as appropriate, will go through the process of a planning scheme amendment.

Why are the outstanding strategic studies mentioned incomplete, when do you expect to have them completed, and what is Council's target date for the submission of planning scheme amendments to the Minister for these and other studies Council considers will deliver a Ballarat Planning Scheme capable of protecting Ballarat's future development?

Strategies are being prepared as identified in the Ballarat Council Plan 2021-25. As noted, these will provide strategic justification for amending the Ballarat Planning Scheme within the coming years (several of these projects are multi-year projects).

These studies include:

- Housing strategy and Neighbourhood Character Study (focussing on planning for future housing needs in Ballarat while managing Ballarat's Character)
- The Employment Lands Strategy (focussing on future industrial land requirements and industrial land that may better used for other uses)
- Heritage Gaps Review (a focus on the extent and significance of Ballarat's Heritage Places to ensure these are up to date)

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- CBD Structure Plan (provision of Built Form and Land use controls in the CBD with a view to increasing activity and housing in the CBD while managing heritage assets).
- Flooding amendment (identifying areas in Ballarat liable to flooding and responsive development controls).

Yours sincerely



Natalie Robertson
Director Development and Growth

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9. NOTICE OF MOTION**10. REPORTS FROM COMMITTEES/COUNCILLORS****11. URGENT BUSINESS****12. SECTION 66 (IN CAMERA)****8.1 TENDER 2022/23-463 BAKERY HILL REDEVELOPMENT - LANDSCAPING AND CIVIL MAIN WORKS**

Division: Development and Growth

Director: Natalie Robertson

Author/Position: Phillip Barnett - Acting Manager Major Projects

(confidential information)

13. CLOSE