



## 2.5 Recent Development

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Recently developed buildings within the NRZ, GRZ and TZ were excluded from the capacity analysis as they were unlikely to be redeveloped.

Recently developed properties were identified through Council's build year database, which included information on dwellings construction year for dwellings within the residential zones only. Dwellings with a construction year after 1991 were removed from the available land.

However dwellings that were developed after 1991 with low building site coverage (less than 20%) were included in the available land. It was considered that these properties could still be developed

to provide additional housing whilst retaining the existing building.

Similarly recently developed properties within the LDRZ and RLZ zones were included in the available land as the larger lot sizes would allow for the existing dwelling to be retained whilst providing additional housing.

Recent development in the MUZ and C1Z was also included in the available land. It was assumed that these properties would be redeveloped for a higher density and higher yielding mixed use development even if the property was recently developed.

Figure 6 identifies the recently developed lots that have been excluded from the available land.



## 2.6 Existing and Proposed Flooding Overlays

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The existing flooding controls within Ballarat Planning Scheme are limited and apply only to towns in the north western parts of the Shire. The flooding controls are currently being updated and will be extended across the central residential areas of Ballarat. Refer to Figure 7.

For the purpose of assessing the impacts of flooding on housing capacity both the existing and the proposed Floodway Overlays (FO) and Land Subject to Inundation Overlays (LSIO) were utilised.

These Overlays were intersected with lots across the municipality to identify parts of lots that are affected by flooding constraints.

Rather than excluding the entire lot from the available land (shown as light grey in Figure 8) only the area affected by the overlays was removed from available land (shown as dark grey in Figure 8).

Flooding constraints were not applied to C1Z and MUZ properties. Residential development on these properties is likely to be above the ground floor and therefore would not be affected by flood events.

Properties affected by the Special Building Overlay were not considered to be constrained for development. This overlay has fewer development requirements than the other flood related overlays and poses less of a constraint to development.







## 2.7 Existing Vegetation

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Existing vegetation was identified through the PSMA Geoscape dataset, which contains information on tree canopy cover and tree height. Tree cover data was collected for the NRZ and GRZ areas only.

Trees that were greater than 5m in height were removed the developable area of lots within the GRZ and NRZ areas.

Trees of 5m or greater were considered to be of a height where the tree canopy would protrude above the general single storey roofline. Retaining trees of this height would ensure that the treed character of some locations is maintained.

The arboricultural or ecological significance of the vegetation has not been considered as part of the Capacity Assessment

Tree cover data for TZ, LDRZ, RLZ and SUZ14 was not utilised in this assessment. Lots within these zones are larger and could more easily accommodate a dwelling without impacting on large trees.

For C1Z, MUZ and RGZ1 areas, trees were not considered to be a significant constraint for development. Land within these zones is less likely to include large trees and the more intensive development outcomes supported through the zones would generally require the removal of existing vegetation.







## 2.8 Small Lots

A number of properties were removed from the available land because the lot size would be too small to provide for a net increase in dwellings.

This took into consideration the applied dwelling densities which are outlined in Table 6 in Chapter 3. It also considered whether the land was vacant or had an existing dwelling. Refer to Table 4 for a summary of minimum lot size exclusions and Figure 9 which shows the lots excluded based on lot size.

Vacant land that was able support one or more dwellings based on the applied dwelling densities was retained as available land as it would result in a net gain in dwellings.

Lots with existing dwellings that were not able to support two or more dwellings were removed from the available land. These lots would not result in a net gain in dwellings.

A minimum lot size was not applied to C1Z, MUZ and RGZ1 sites surrounding the CBD. It was assumed that these sites would be developed for apartment buildings with dwellings on multiple levels, which can be provided on smaller sites.

Planning Zone and Condition	Minimum lot size exclusions for sites with an existing dwelling (sq.m)	Minimum lot size exclusions for vacant sites (sq.m)
Residential Growth Zone 1 (RGZ1) outside of CBD	< 400	< 200
General Residential Zone 1 (GRZ1)	< 666	< 333
General Residential Zone 1 (GRZ1) - Contributory Heritage Sites	< 1000	< 500
Neighbourhood Residential Zone 1 (NRZ1)	< 1600	< 800
Neighbourhood Residential Zone 2 (NRZ2)	< 1600	< 800
Township Zone (TZ)	< 1500	< 750
Low Density Residential Zone (LDRZ) - Sewered	< 4000	< 2000
Low Density Residential Zone (LDRZ) - Unsewered	< 8000	< 4000
Rural Living Zone (RLZ) - Larger Lots	< 80000	< 40000

**Table 4.** Minimum lot size exclusions for relevant planning zones and conditions

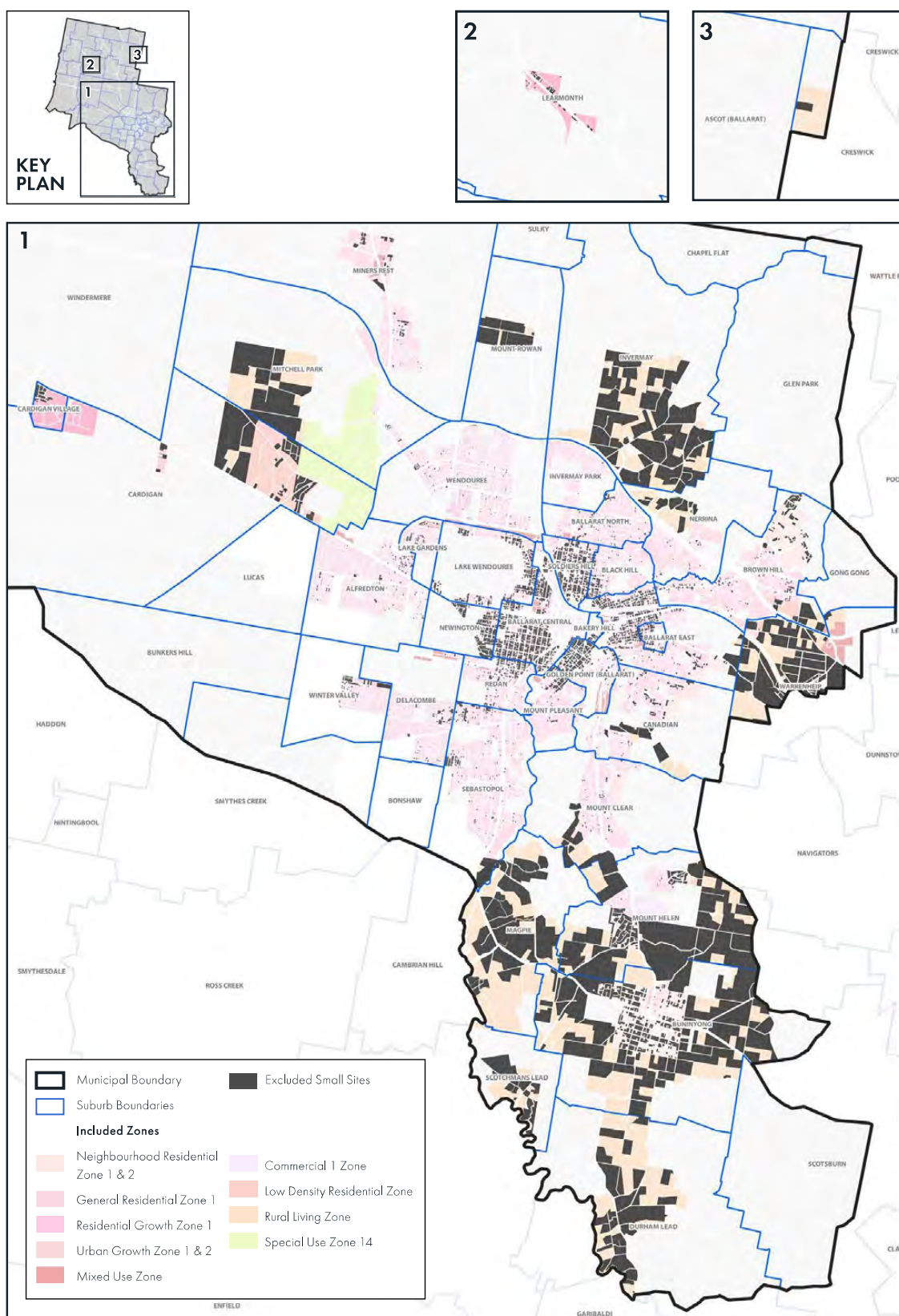


Figure 10. Map of excluded small lots

## 2.9 Known Developments

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Sites that have existing planning permits for residential development have been identified through data provided by Council. These sites are mapped along with a dwelling yield in Figure 10. It should be noted that this excludes large redevelopment sites of 1ha or greater that have separately been identified through the State Government's Urban Development Program.

The known developments have been identified separately from other available land in Ballarat. These sites have more certainty of the lot yield as a planning permit has been issued and therefore do not need to have a future dwelling density applied.

These sites have been itemised separately in the capacity assessment in Chapter 3.

## 2.10 Capital Improved Value Ratio

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Capacity assessments often adopt a benchmark ratio of Capital Improved Value (CIV) to Site Value (SV) to identify sites that are unlikely to redevelop. This is known as Capital Improved Value Ratio (CIVR).

Properties with high value capital improvements relative to the site value are typically less likely to be redeveloped because of the capital investment in the site. Properties with lower value capital investments relative to the site value are more likely to be redeveloped as the loss of the capital investment is likely to be exceeded by the financial return from the redevelopment.

Analysis of CIVR across Ballarat was undertaken to assess whether it can reliably be used as an measure for identifying sites that re unlikely to redevelop. Refer to Infill Feasibility Consideration Memo in Appendix A.

The analysis found that it was not a reliable indicator and that many sites with a relatively high CIVR (based on typical benchmarks) were still considered feasible to be redeveloped. Conversely, there were a number of sites with a relatively low CIVR that were not considered feasible for redevelopment.

On this basis, CIVR has not been used as a measure to exclude sites from the available land.





## 2.11 Available Land

The available land within the RGZ, GRZ, NRZ, MUZ, LDRZ, RLZ, C1Z & SUZ14 is outlined Table 5 below and shown in Figure 11 opposite. This takes into account all of the development constraints outlined in this chapter.

Planning Zone and Condition	Lot Count	Total area of available land (Ha)
Residential Growth Zone 1 (RGZ1) adjacent to CBD	155	11.9
Residential Growth Zone 1 (RGZ1) elsewhere	32	2.7
General Residential Zone 1 (GRZ1)	8072	864.4
General Residential Zone 1 (GRZ1) - Contributory Heritage Sites	456	58.7
Neighbourhood Residential Zone 1 (NRZ1)	144	70.0
Neighbourhood Residential Zone 2 (NRZ2)	108	28.4
Neighbourhood Residential Zone 2 (NRZ2) - Contributory Heritage Sites	8	3.6
Mixed Use Zone (MUZ)	382	76.6
Mixed Use Zone (MUZ) - Contributory Heritage Sites	75	7.8
Township Zone (TZ)	73	26.4
Low Density Residential Zone (LDRZ) - Sewered	75	130.9
Low Density Residential Zone (LDRZ) - Unsewered	23	42.7
Rural Living Zone (RLZ) - Larger Lots	23	145.3
Rural Living Zone (RLZ)	112	1181.5
Commercial 1 Zone (C1Z) - CBD	184	18.0
Commercial 1 Zone (C1Z) - CBD - Contributory Heritage Sites	330	15.4
Commercial 1 Zone (C1Z) - Outside of CBD	264	32.2
Commercial 1 Zone (C1Z) - Outside of CBD - Contributory Heritage Sites	161	9.4
Special Use Zone 14 (SUZ14)	1	23.5

Table 5. Available land



### 3 Capacity Assessment

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#### 3.1 Overview

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In order to understand housing capacity a potential dwelling yield has been calculated for each available lot identified in Chapter 2.

The first step in calculating potential dwelling yields is identifying an appropriate dwelling density for the site. This takes a number of factors into consideration including land zoning, planning controls and location. Table 6 outlines a range of dwelling densities that have been applied to the available across Ballarat.

After applying the dwelling density to the site, the potential housing yield is calculated.

The next step is calculating the net capacity for the site. This takes into account whether there is an existing dwelling on the site. If the site has an existing dwelling, then it is assumed that this dwelling is lost through redevelopment, so it needs to be subtracted from the potential yield to calculate the net capacity.

#### 3.2 Dwelling Densities

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A range of dwelling densities have been applied to available land based on the existing land zoning and other conditions. Table 6 outlines the dwelling densities that have been applied along with a rationale of why the density has been applied.

For established areas, a site density calculation has been used. Site density assumes that the entire site is available for residential development i.e. no land is required for public roads, open space or other land uses. However land for driveways and other internal access arrangements would need to be provided.

#### 3.3 Known Developments

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Council has identified a number of sites across Ballarat with approved and lodged planning permits. For these sites, no dwelling density has been applied as the future dwelling yield is already known.

Planning Zone and Condition	Proposed Site / Net Density (Dwellings / Ha)	Land per dwelling (sq.m)	Rationale for Density
Residential Growth Zone 1 (RGZ1) adjacent to CBD	140	N/A	Reflects density associated with low-scale apartment development (3-4 storeys)
Residential Growth Zone 1 (RGZ1) elsewhere	50	200	Reflects density associated with 2-3 storey townhouse development.
General Residential Zone 1 (GRZ1)	30	333	Reflects historical densities for unit and townhouse development across Ballarat
General Residential Zone 1 (GRZ1) - Contributory Heritage Sites	20	500	A lower density than GRZ areas to accommodate retention of existing dwelling
Neighbourhood Residential Zone 1 (NRZ1)	12.5	800	Reflects the zone schedule minimum lot size
Neighbourhood Residential Zone 2 (NRZ2)	12.5	800	Reflects the zone schedule minimum lot size
Neighbourhood Residential Zone 2 (NRZ2) - Contributory Heritage Sites	12.5	800	Reflects the zone schedule minimum lot size
Mixed Use Zone (MUZ)	50	200	Reflects density associated with 2-3 storey townhouse development.
Mixed Use Zone (MUZ) - Contributory Heritage Sites	50	200	Reflects density associated with 2-3 storey townhouse development.
Township Zone (TZ)	13.3	750	Reflects desired future lot sizes for TZ areas
Low Density Residential Zone (LDRZ) - Sewered	5	2000	Reflects zone schedule minimum lot size for sewered properties
Low Density Residential Zone (LDRZ) - Unsewered	2.5	4000	Reflects zone schedule minimum lot size for unsewered properties
Rural Living Zone (RLZ) - Larger Lots	0.25	40000	Reflects zone schedule minimum lot sizes
Rural Living Zone (RLZ)	0.5	20000	Reflects zone schedule minimum lot sizes
Commercial 1 Zone (C1Z) - CBD	150	N/A	Reflects low-scale mixed use apartment development of 4-6 storeys
Commercial 1 Zone (C1Z) - CBD - Contributory Heritage Sites	100	N/A	Assumes a lower density than non-heritage sites due to heritage constraints
Commercial 1 Zone (C1Z) - Outside of CBD	80	N/A	Reflects a low-scale apartment development of 2-3 storeys appropriate to areas outside of the CBD
Commercial 1 Zone (C1Z) - Outside of CBD - Contributory Heritage Sites	65	N/A	Assumes a lower density than non-heritage sites due to heritage constraints
Special Use Zone 14 (SUZ14)	4*	2000	Reflects future lot sizes identified in Schedule 10 to the Development Plan Overlay.

\* Assumes 20% of available land is required for roads to service low density development

Table 6. Dwelling Density Assumptions



### 3.4 Potential Dwelling Yield for Established Areas

Table 7 and 8 details the potential dwelling capacity for the established areas of Ballarat by zone and suburb. The potential dwelling yield for each site is also mapped in Figure 12 and Appendix B.

The capacity assessment identifies potential for an additional 30,261 dwellings within the established areas of Ballarat.

Table 7 shows that the General Residential Zone 1 (GRZ1) has the potential to provide for the greatest increase in housing in infill areas with 55.4% of total capacity.

The Commercial 1 Zone (C1Z) has second greatest amount of capacity with 22.8% and the Mixed Use Zone (MUZ) has the third greatest amount of capacity with 13.0%.

In terms of suburbs (Table 9), Ballarat Central has the greatest amount of capacity (16.1%) which is due to the C1Z land and small amounts of surrounding residential and mixed use land. Sebastapol has the second greatest housing capacity with 10.1%. This is due to a large amount of unconstrained GRZ1 land and substantial amount of C1Z land.

Planning Zone & Condition	Potential Net Dwellings	Net Dwellings from Approvals	Total	%
Residential Growth Zone 1 (RGZ1)	374	2	376	1.2%
Residential Growth Zone 1 (RGZ1) - CBD Surrounds	289	2	291	1.0%
General Residential Zone 1 (GRZ1)	15979	173	16152	53.4%
General Residential Zone 1 (GRZ1) - Contributory Heritage Sites	599	14	613	2.0%
Neighbourhood Residential Zone 1 (NRZ1)	693	7	700	2.3%
Neighbourhood Residential Zone 2 (NRZ2)	198	6	204	0.7%
Neighbourhood Residential Zone 2 (NRZ2) - Contributory Heritage Sites	32		32	0.1%
Mixed Use Zone (MUZ)	3578	4	3582	11.8%
Mixed Use Zone (MUZ) - Contributory Heritage Sites	340		340	1.1%
Township Zone (TZ)	289		289	1.0%
Low Density Residential Zone (LDRZ) - Unsewered	238		238	0.8%
Low Density Residential Zone (LDRZ) - Sewered	182		182	0.6%
Rural Living Zone (RLZ)	48		48	0.2%
Rural Living Zone (RLZ) - Large Lots	222	11	233	0.8%
Commercial 1 Zone (C1Z) - CBD	2600		2600	8.6%
Commercial 1 Zone (C1Z) - CBD - Contributory Heritage Sites	1379		1379	4.6%
Commercial 1 Zone (C1Z) - Outside of CBD	2389		2389	7.9%
Commercial 1 Zone (C1Z) - Outside of CBD - Contributory Heritage Sites	519		519	1.7%
Special Use Zone 14 (SUZ14)	94		94	0.3%
			<b>30261</b>	

Table 7. Net Dwelling Capacity by Zone

SUBURB	RGZ1	GRZ1	NRZ1	NRZ2	MUZ	TZ	LDRZ	RLZ	C1Z	SUZ14	Total Net Capacity	%
ALFREDTON		871			215				89		1175	3.9%
BAKERY HILL	93	3			7				777		880	2.9%
BALLARAT CENTRAL	172	178			187				4324		4861	16.1%
BALLARAT EAST	26	967	146		278				222		1639	5.4%
BALLARAT NORTH		787			33				16		836	2.8%
BLACK HILL		550									550	1.8%
BROWN HILL		1756	317		19		34				2126	7.0%
BUNINYONG		117		236	31			53	155		592	2.0%
CANADIAN		913	104		5			5			1027	3.4%
CARDIGAN						100	375	3		94	572	1.9%
CARDIGAN VILLAGE						11					11	0.0%
CRESWICK								13			13	0.0%
DELACOMBE		1076			373						1449	4.8%
DURHAM LEAD								31			31	0.1%
EUREKA		73									73	0.2%
GOLDEN POINT		359			149						508	1.7%
INVERMAY								52			52	0.2%
INVERMAY PARK		189									189	0.6%
LAKE GARDENS		12			24						36	0.1%
LAKE WENDOUREE		448			30						478	1.6%
LEARMONTH						178					178	0.6%
MAGPIE								46			46	0.2%
MINERS REST		933			277						1210	4.0%
MITCHELL PARK		474						28			502	1.7%
MOUNT CLEAR	33	777	96		6			5	100		1017	3.4%
MOUNT HELEN		166	37		4		6	16			229	0.8%
MOUNT PLEASANT		995			40						1035	3.4%
MOUNT ROWAN								1			1	0.0%
NERRINA		579						4			583	1.9%
NEWINGTON		73			1						74	0.2%
REDAN		502			87						589	1.9%
SCOTCHMANS LEAD								6			6	0.0%
SEBASTOPOL		1998			54				1003		3055	10.1%
SOLDIERS HILL		202			10						212	0.7%
WARRENHEIP		47			1346		5	18			1416	4.7%
WENDOUREE	343	1702			746				201		2992	9.9%
WINTER VALLEY		18									18	0.1%
	667	16765	700	236	3922	289	420	281	6887	94	30261	

Table 8. Net Dwelling Capacity by Suburb



## **Appendix A    Infill Feasibility Considerations Memo - Urban Enterprise**

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## MEMO (DRAFT)

<b>Project</b>	Ballarat Housing Capacity Assessment
<b>Client</b>	Tract
<b>Date</b>	6 July 2021
<b>Subject</b>	Infill Feasibility Considerations

### OVERVIEW

Tract is preparing a housing capacity assessment for the City of Ballarat and is seeking advice on selecting a suitable benchmark for identifying properties that are likely / unlikely to be redeveloped for medium density housing in established parts of the Ballarat urban area.

The following general comments are relevant:

- In general terms, the profitability of redeveloping a property (and therefore the prospect of a feasible development) usually increases if a site has lower value improvements compared with higher value improvements. That is, profitability increases when land value (Site Value – SV) comprises a higher proportion of total property value (Capital Improved Value – CIV).
- Capacity assessments often adopt a benchmark ratio of CIV to SV (known as CIV Ratio – CIVR, among other terms) to differentiate between properties with high value improvements that are less or more likely to be redeveloped within the planning period of a study as a way of adding 'market reality' to an assessment of potential housing capacity.
- Academic literature has found that the CIVR is significant to whether a site is redeveloped, based on an assessment of infill redevelopment sites in suburban Melbourne which generally had a CIVR of 1.25 or less. Recent initiatives of the City of Maroondah adopt a CIVR of 1.43 to identify sites in that municipality with infill redevelopment potential. Capacity assessments prepared for strategic planning purposes in Victoria generally adopt a CIVR of between 1.4 and 1.5.
- Residential capacity assessments require the use of broad assumptions to provide an indication of potential capacity of urban areas to accommodate new housing. In practice, the delivery of housing in infill areas is a particularly complex issue and feasibility will depend on a multitude of factors specific to the location, site, landowner, land developer and market conditions. A CIVR benchmark is not solely determinative of development feasibility – it is primarily a tool used to discount from a capacity estimate the theoretical capacity of a group of properties that are less likely to be redeveloped for infill housing over a particular planning period.

### BALLARAT CONTEXT

Urban Enterprise has considered indicators of redevelopment feasibility in the General Residential Zone in Ballarat, focusing on townhouses as the most likely infill housing product. The following comments are made regarding the Ballarat market:

- Sale prices for newly constructed townhouses generally range from \$300,000 to \$550,000 per dwelling, with common prices around \$400,000. This compares with the typical cost of constructing a townhouse in Victoria of approximately \$300,000 – \$350,000, leaving little surplus for site acquisition and developer profit.

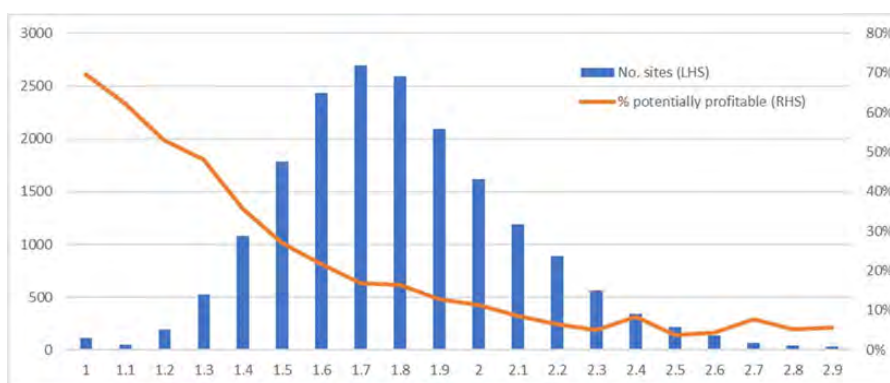
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- These circumstances mean that developer-led infill redevelopment is likely to be either unviable or a marginal proposition in many parts of Ballarat at present, except in suburbs where higher sales prices can be achieved. Other infill opportunities will exist where an existing dwelling can be retained and new dwellings constructed on under-utilised land (generally backyards). These opportunities will be limited to certain properties with conducive layouts, locations and landownership.
- Each suburb and site holds different prospects of infill redevelopment being feasible. The main variables are site size (and therefore the number of units possible), CIVR and potential sale price of the resulting dwelling.
- Over time, sales prices are likely to increase at a higher rate than construction costs, meaning that more sites and suburbs will become potentially attractive to developers seeking infill projects. This is likely to take several years, however, and will depend on the continuation of strong underlying demand drivers for housing in Ballarat over the medium to long term.

An initial analysis of sites which have indicative potential to be redeveloped in the GRZ in Ballarat was undertaken to consider the existing CIVR of those sites and the proportion of sites which may be feasible to develop at each CIVR. The results are shown in Figure 1.

#### F1. ANALYSIS OF POTENTIALLY DEVELOPABLE SITES



Source: Urban Enterprise. Base value data from City of Ballarat rates database, 2020. Note: sites analysed limited to: GRZ between 500sqm and 2,000sqm, residential land use, unsubdivided (i.e. no strata title or retirement village, etc) and CIVR between 1 and 3. Potentially profitable based on townhouse redevelopment at 250sqm per lot, developer purchase at CIV and resulting in at least positive profitability. Note: this is a broad brush assessment of potential feasibility over the period of a planning study only.

Implications for the capacity assessment are:

- Sites in Ballarat with low a CIVR are more likely to be feasible to development than sites with high CIVR, however sites with a range of CIVR could be feasible to develop.
- Feasibility is site specific and it is difficult to model all potentially feasible development sites given the variations across Ballarat, low unit and townhouse sales prices relative to construction costs and different methods by which land can be redeveloped in established areas.
- CIVR is a blunt tool that is best used to exclude sites with high improvement values from a capacity assessment, as opposed to seeking to specifically determine the CIVR at which development is feasible. CIVR should be used alongside other indicators of development potential, including site size and constraints.
- A CIVR of 1.5 is a reasonable benchmark to delineate between higher and lower value improvements relative to land value, noting that some sites with a CIVR of more than 1.5 will be viable and many sites with a CIVR of less than 1.5 will not be viable.
- If Council wishes to understand the locations and site characteristics where infill development is likely to be viable across Ballarat, this would be a considerably more complex assessment which could build on the initial comments and analysis above.

## Appendix B Potential Dwelling Yield Map Enlargements

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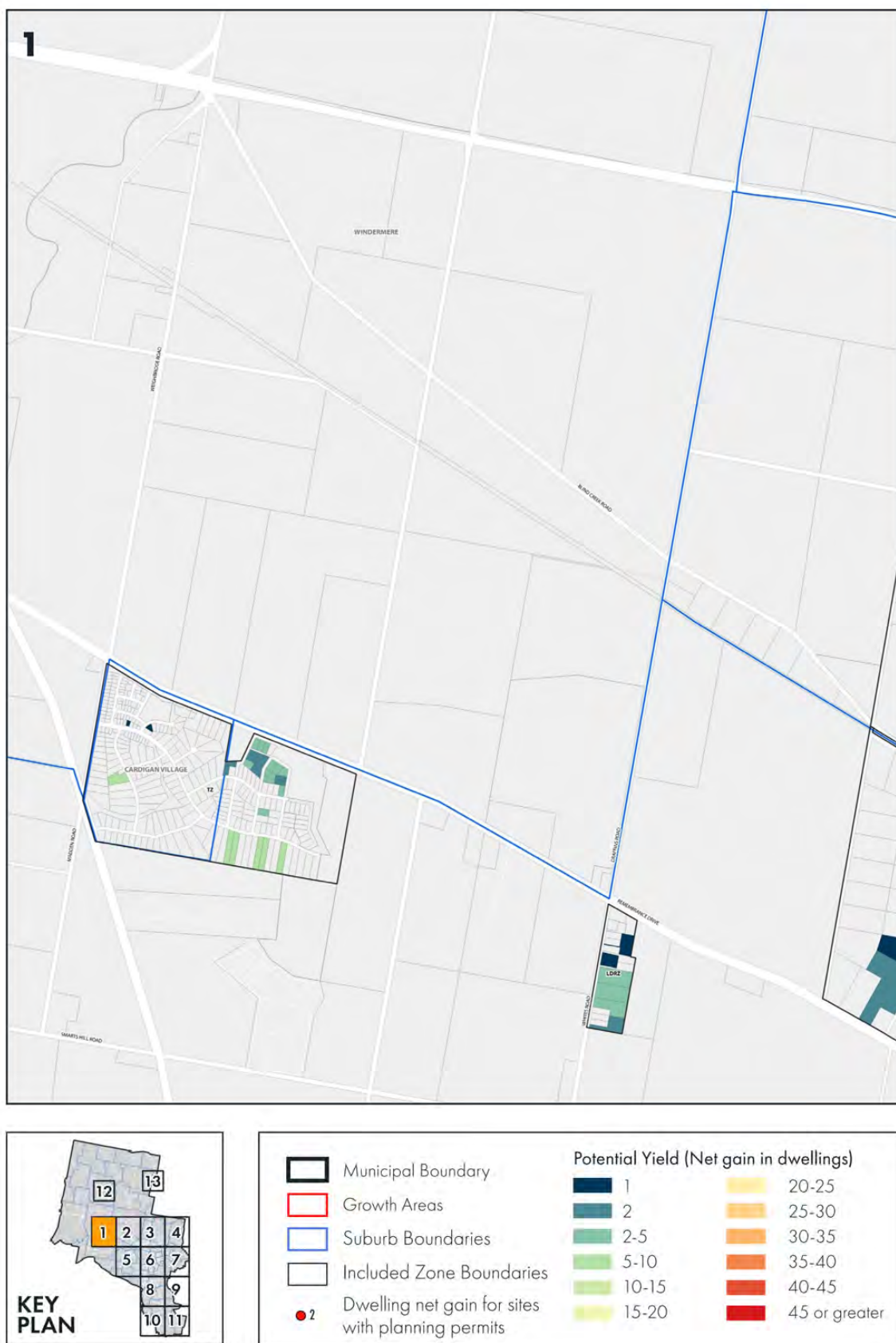


Figure 14. Potential yields (net gain in dwellings) - Map 1



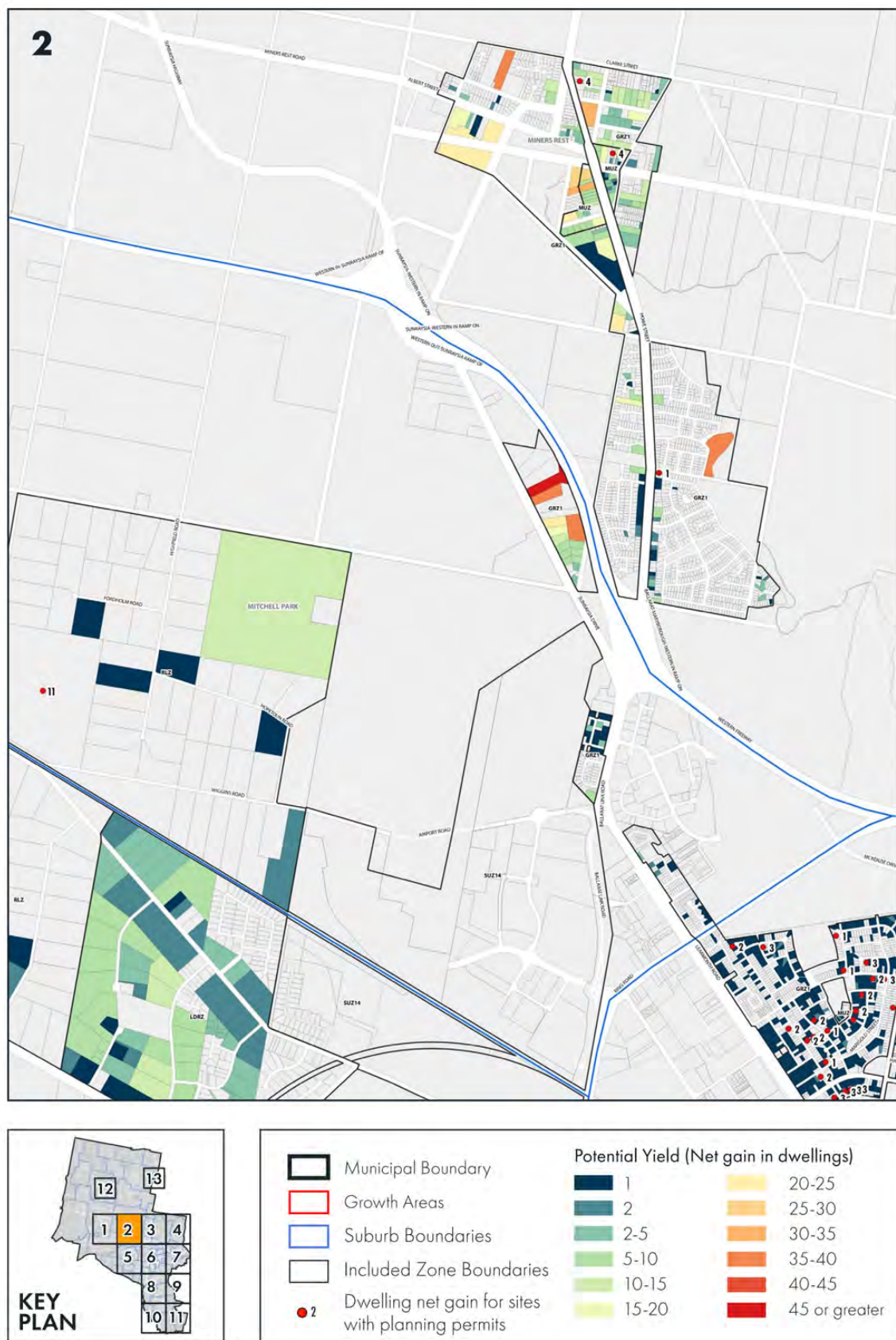


Figure 15. Potential yields (net gain in dwellings) - Map 2



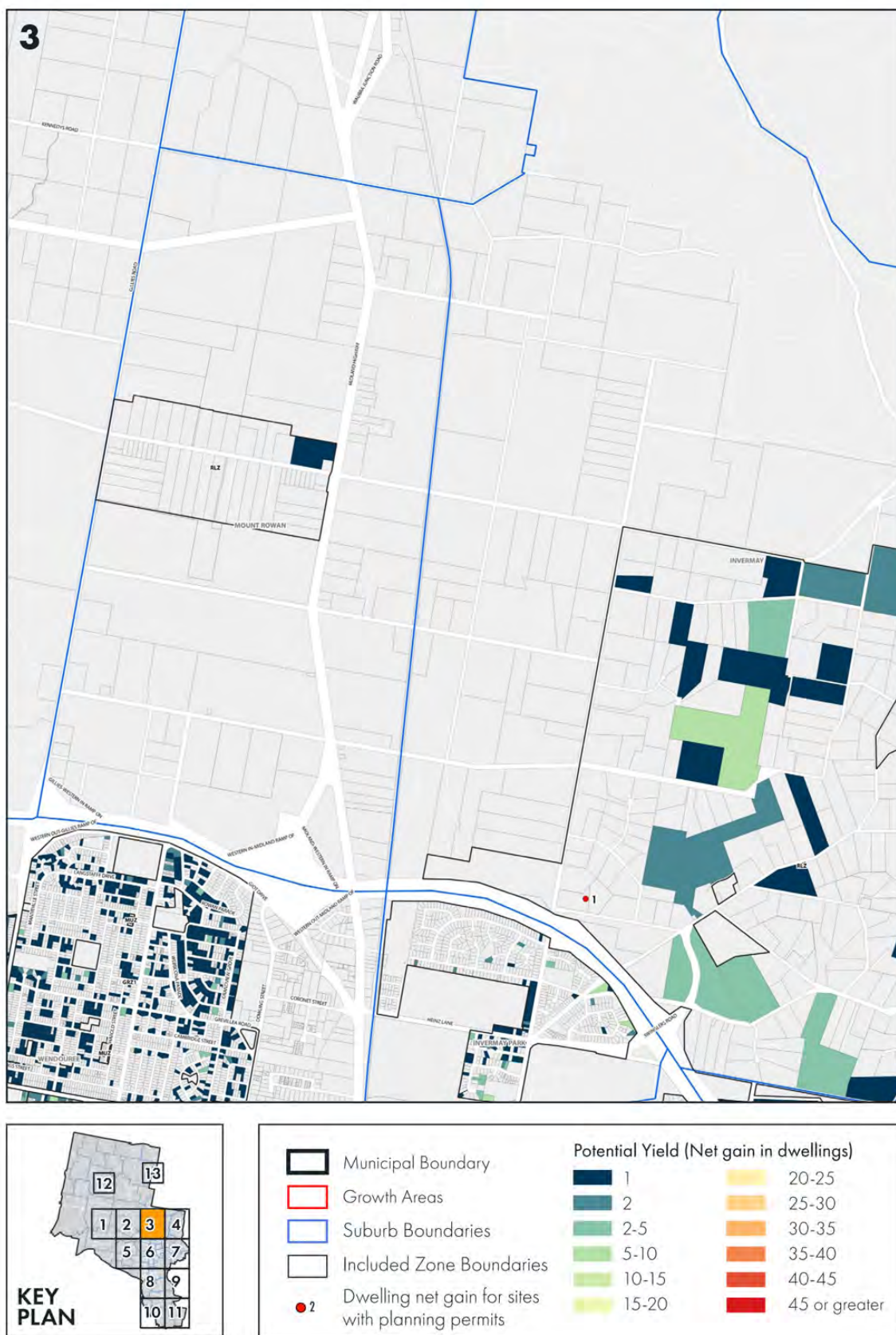


Figure 16. Potential yields (net gain in dwellings) - Map 3

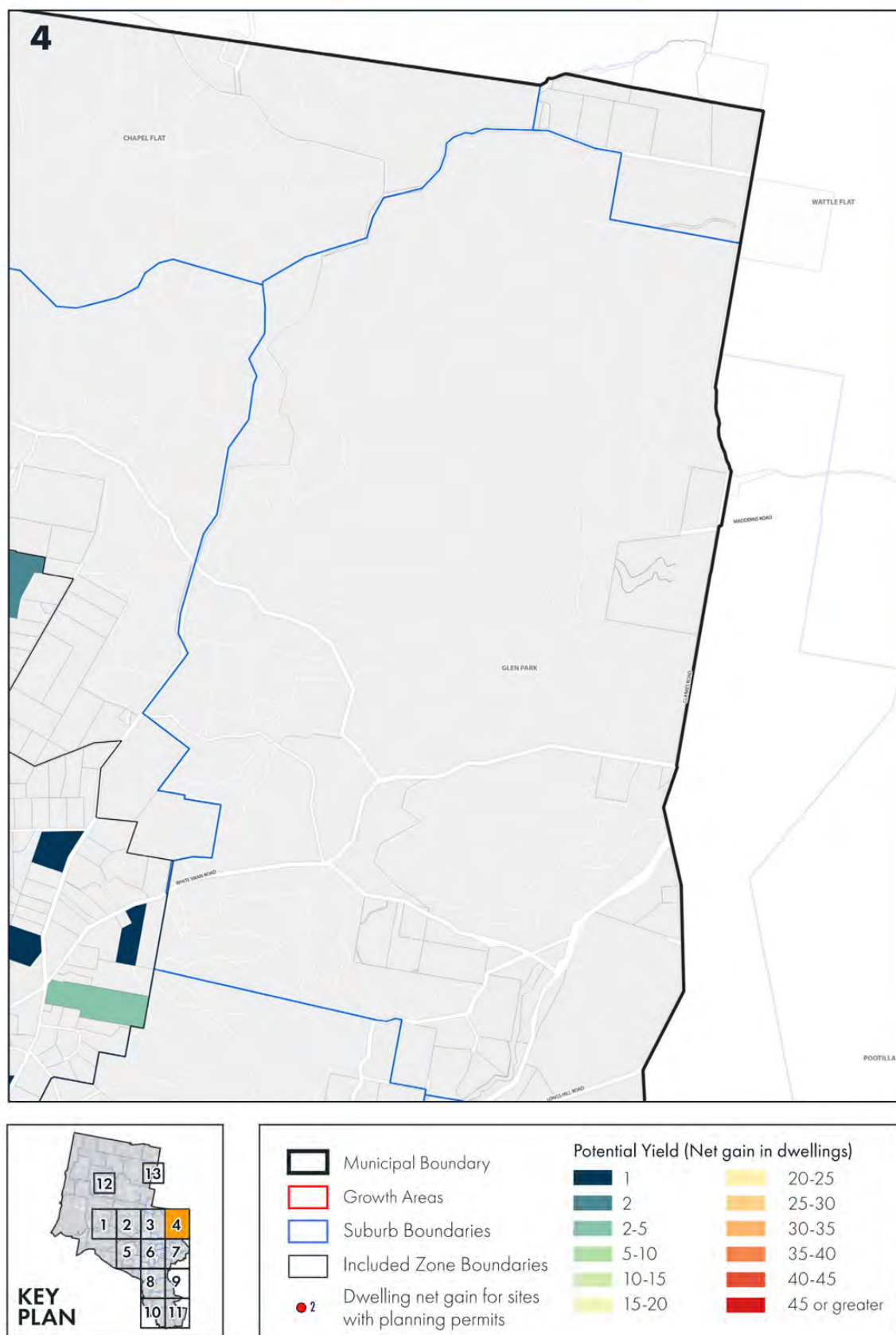


Figure 17. Potential yields (net gain in dwellings) - Map 4



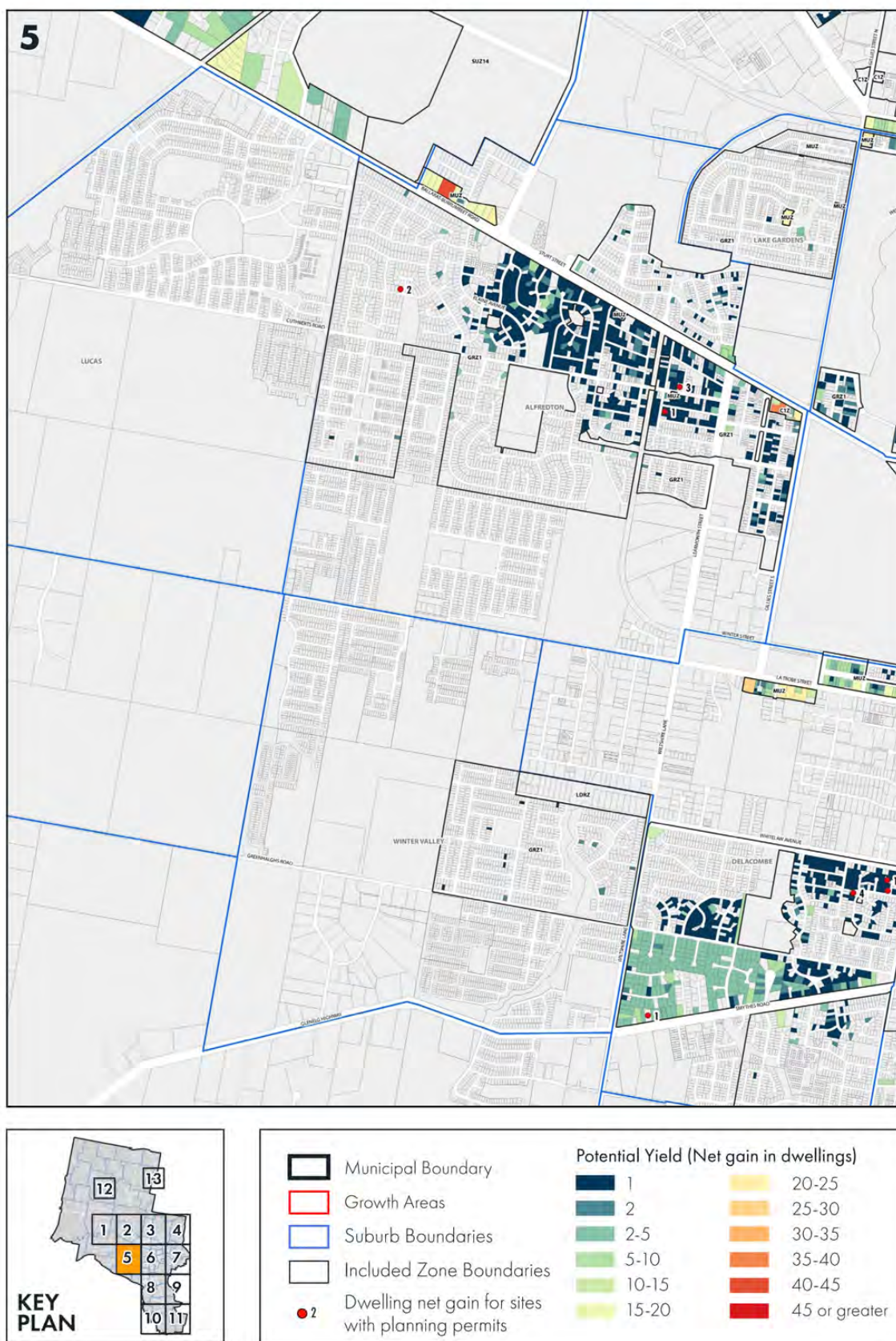


Figure 18. Potential yields (net gain in dwellings) - Map 5



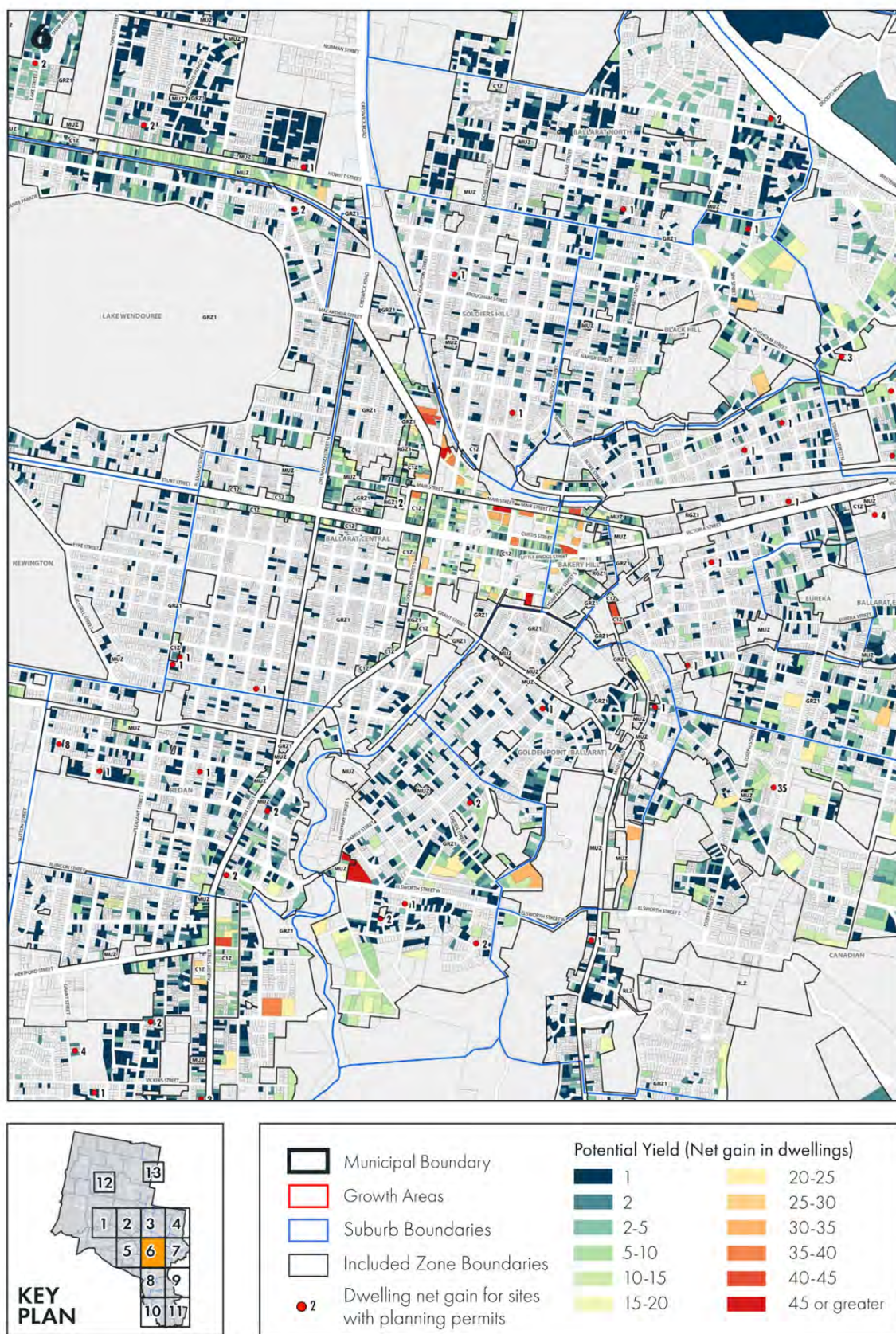


Figure 19. Potential yields (net gain in dwellings) - Map 6



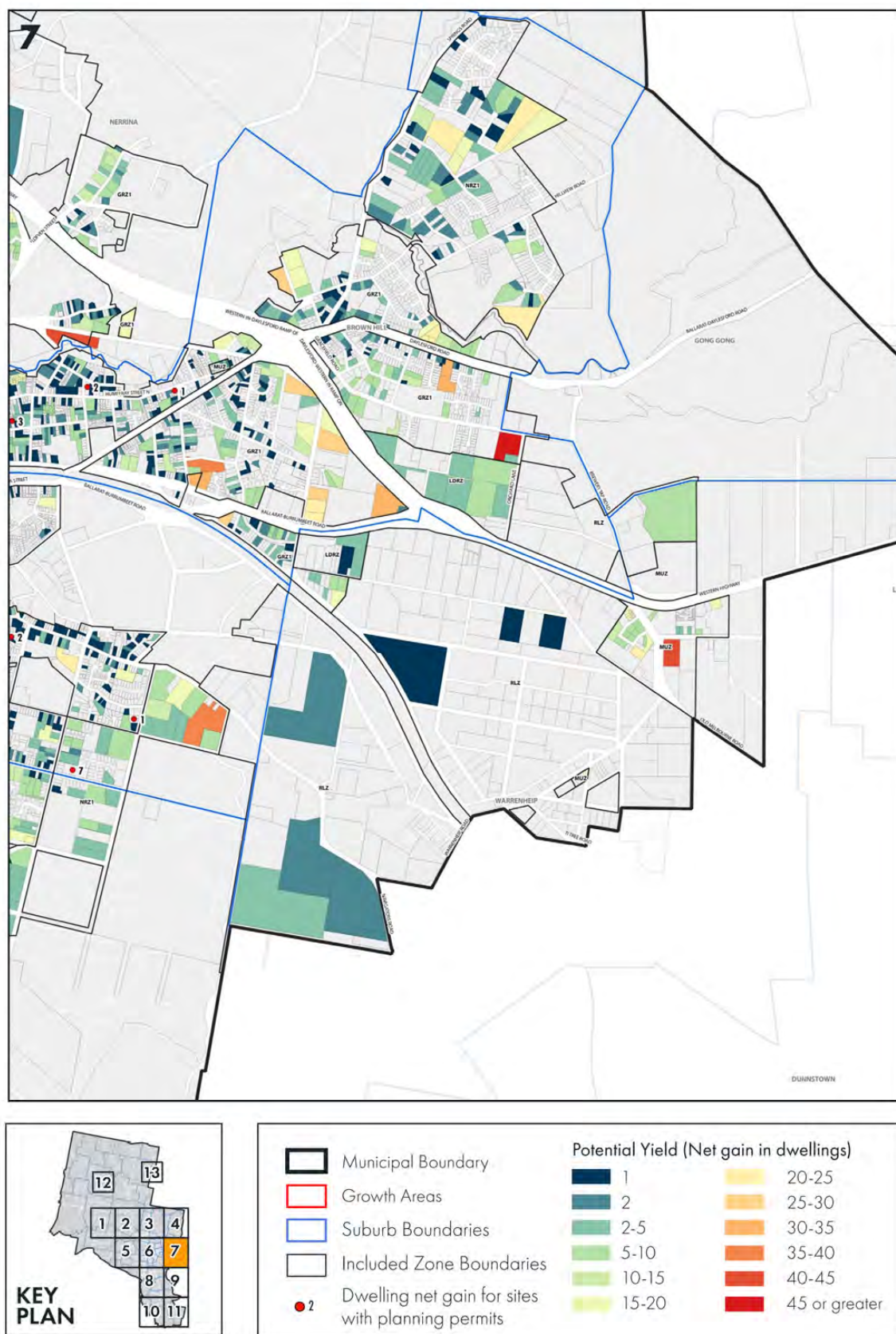


Figure 20. Potential yields (net gain in dwellings) - Map 7

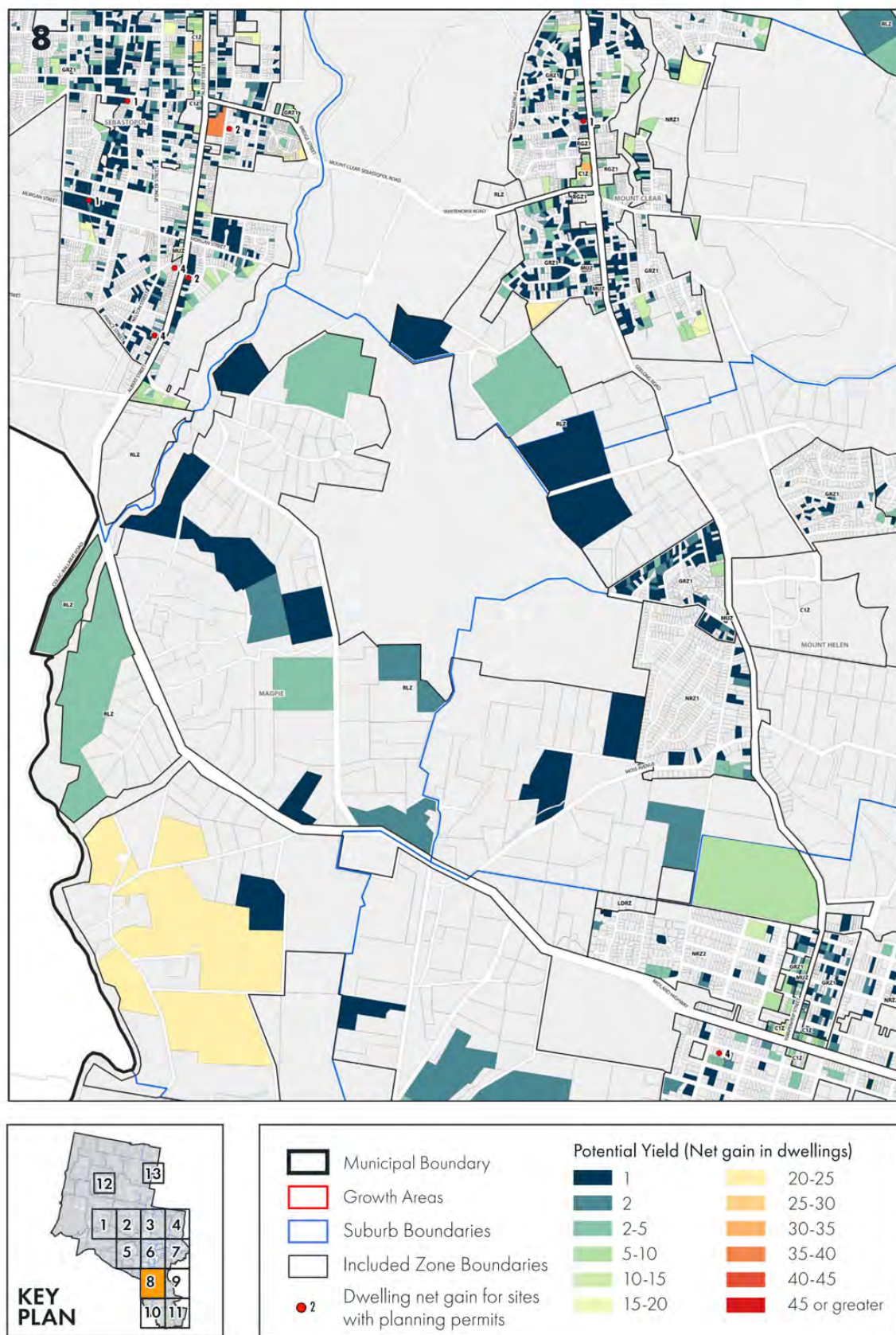


Figure 21. Potential yields (net gain in dwellings) - Map 8



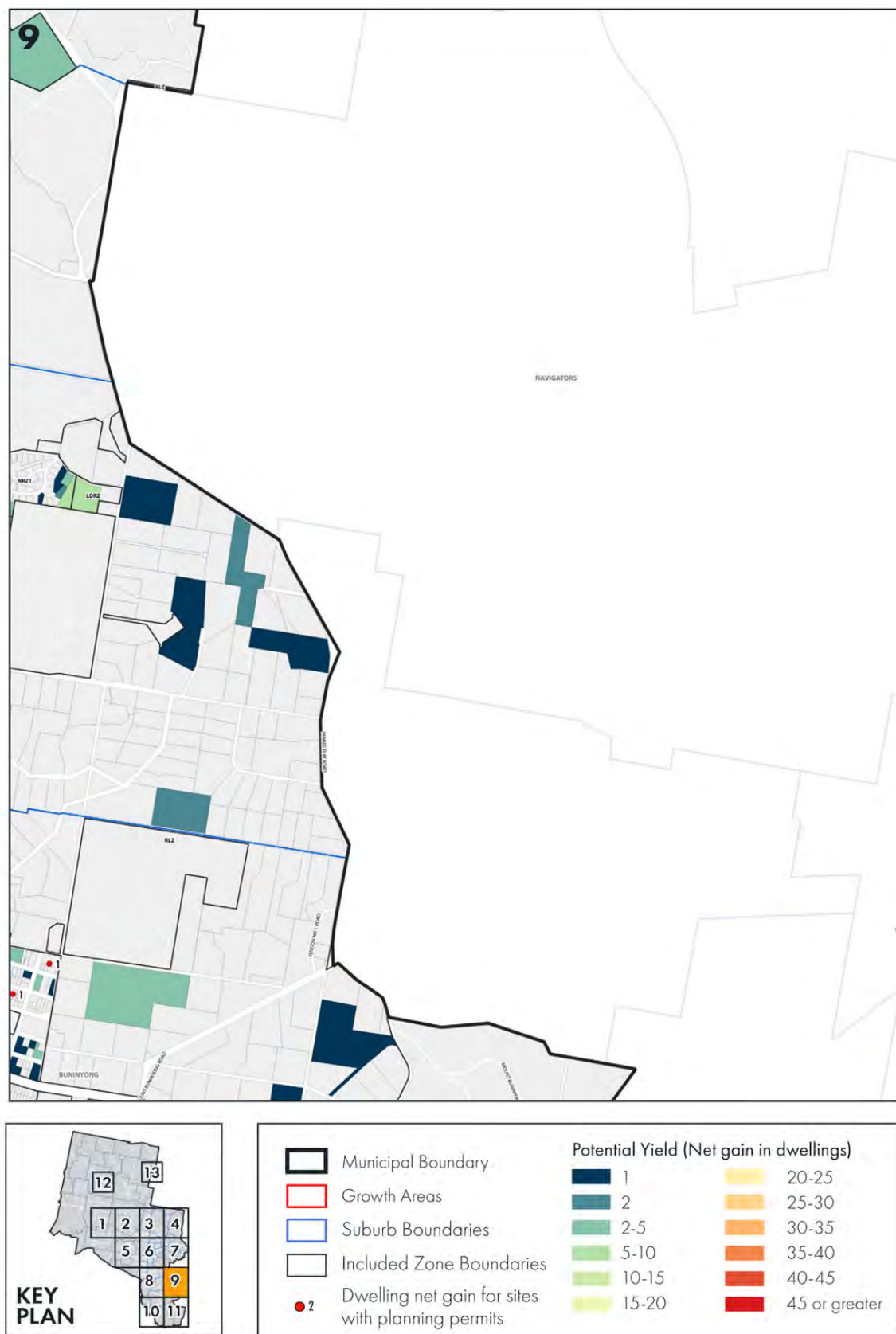


Figure 22. Potential yields (net gain in dwellings) - Map 9

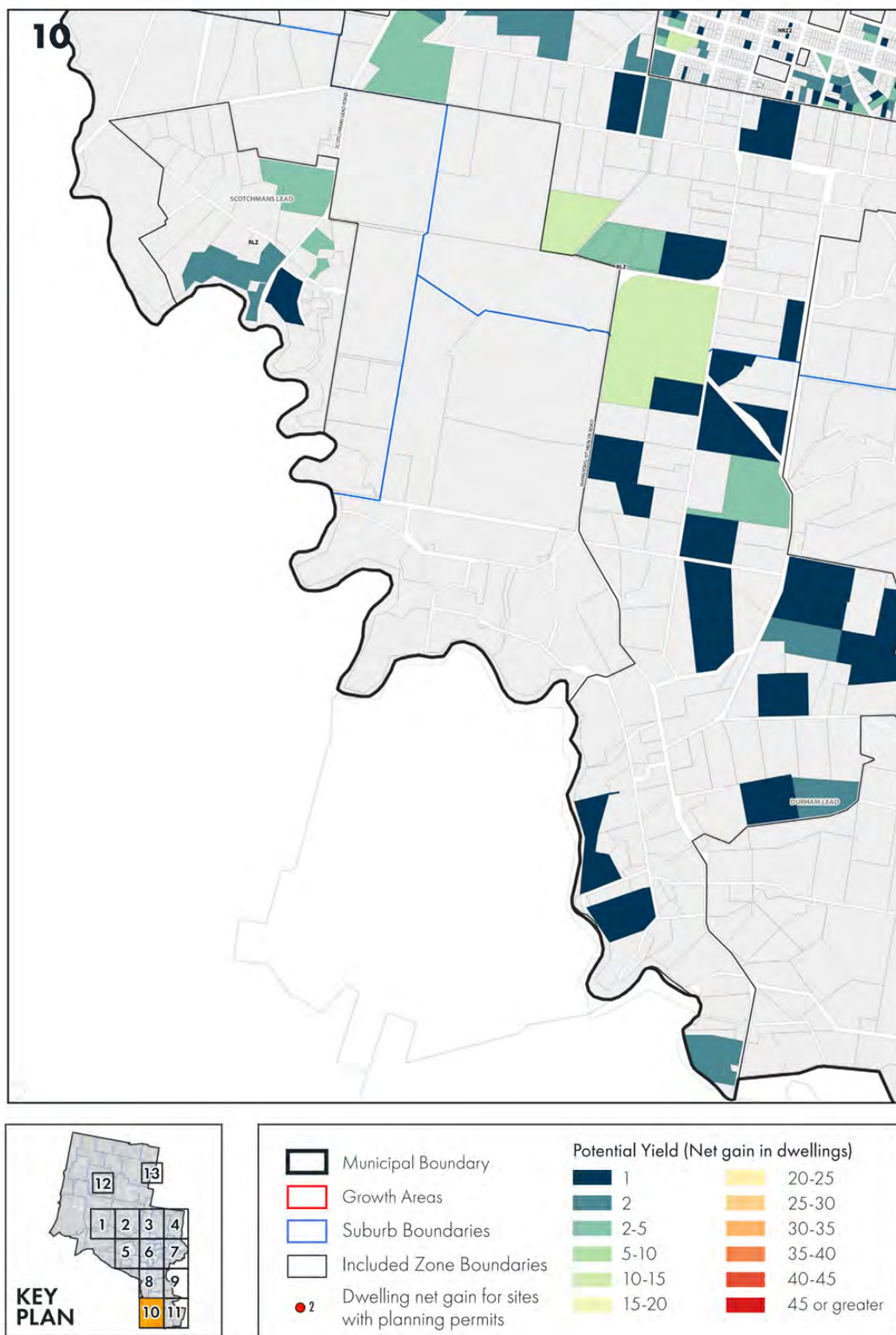


Figure 23. Potential yields (net gain in dwellings) - Map 10



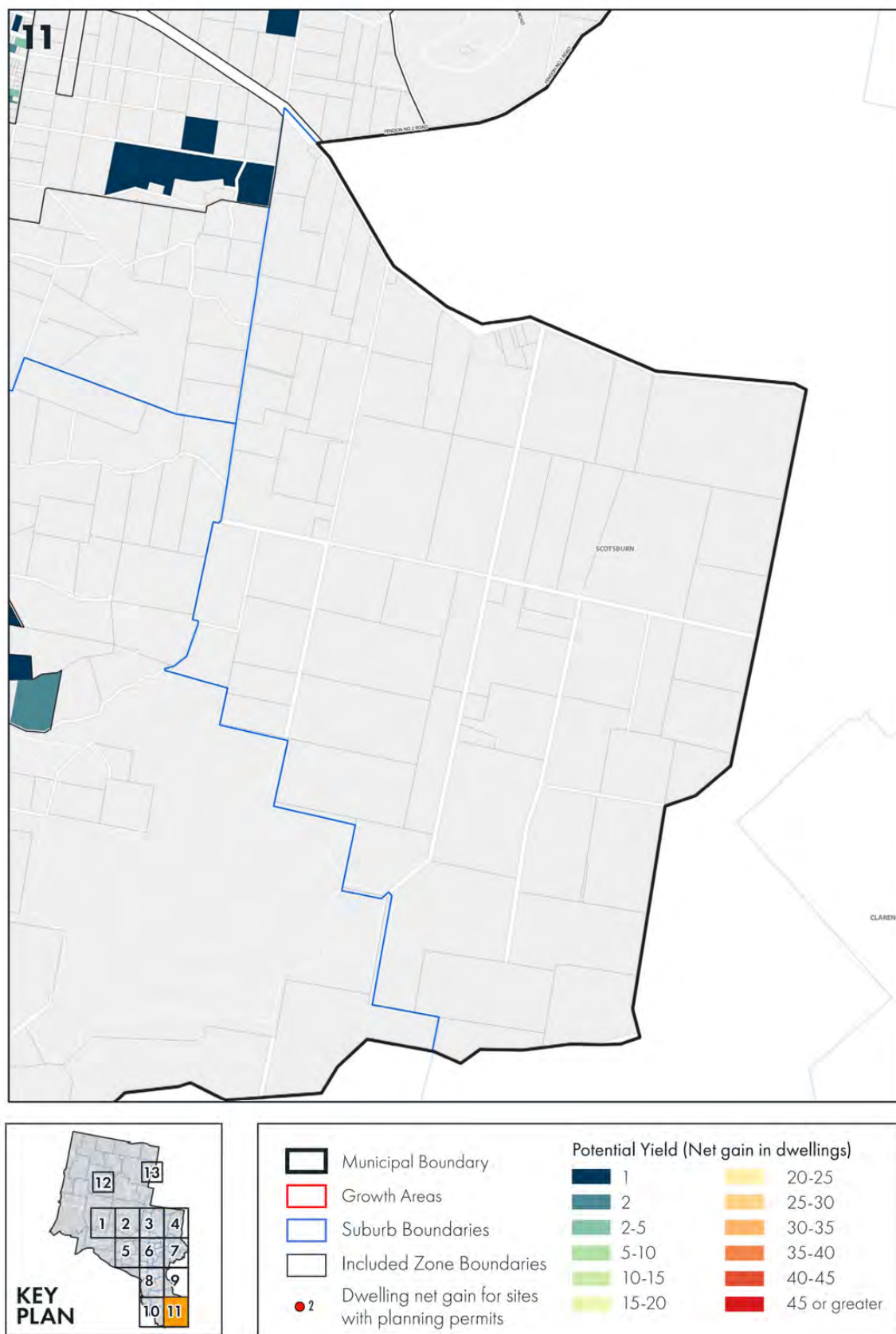


Figure 24. Potential yields (net gain in dwellings) - Map 11



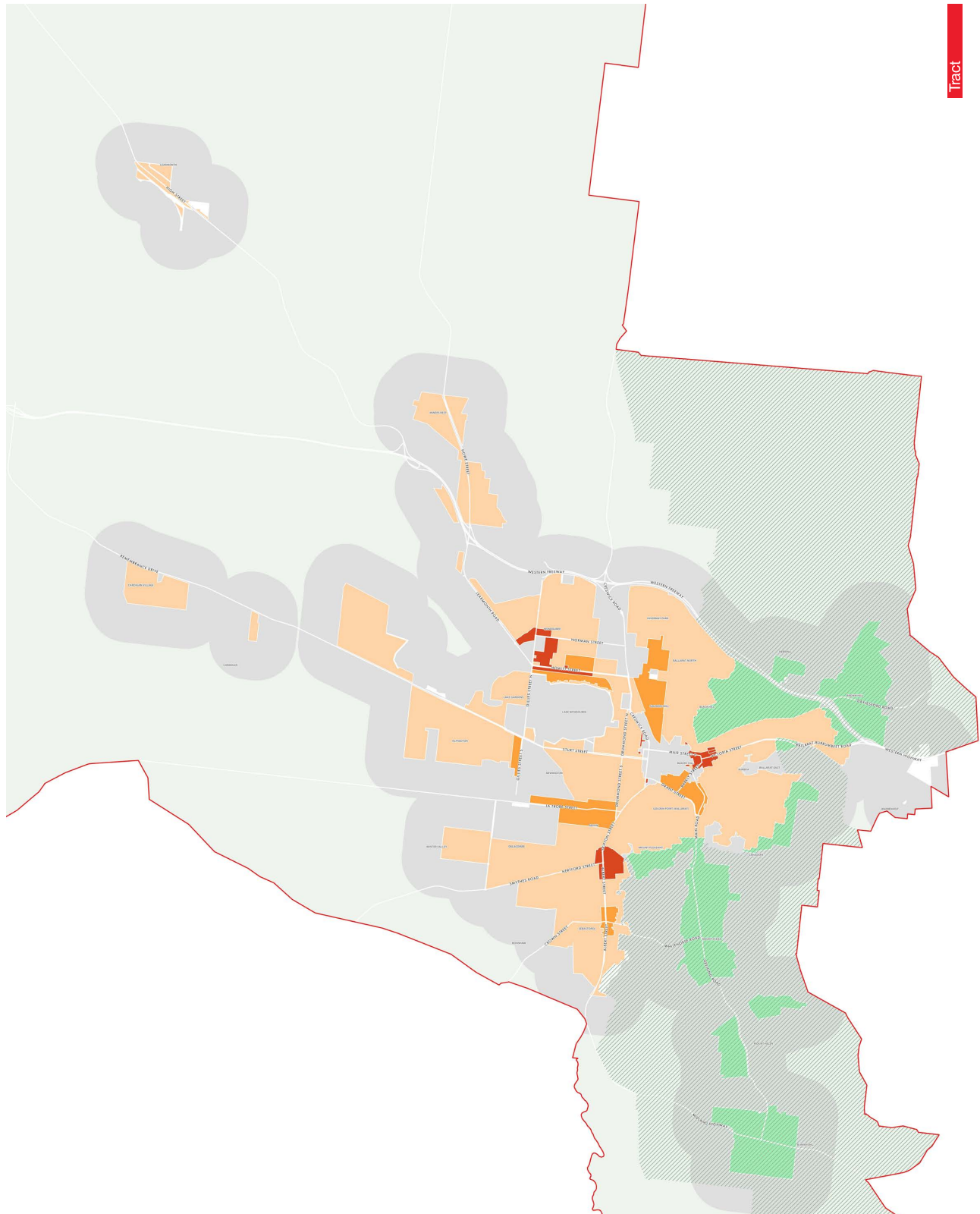
Figure 25. Potential yields (net gain in dwellings) - Map 12 &amp; 13

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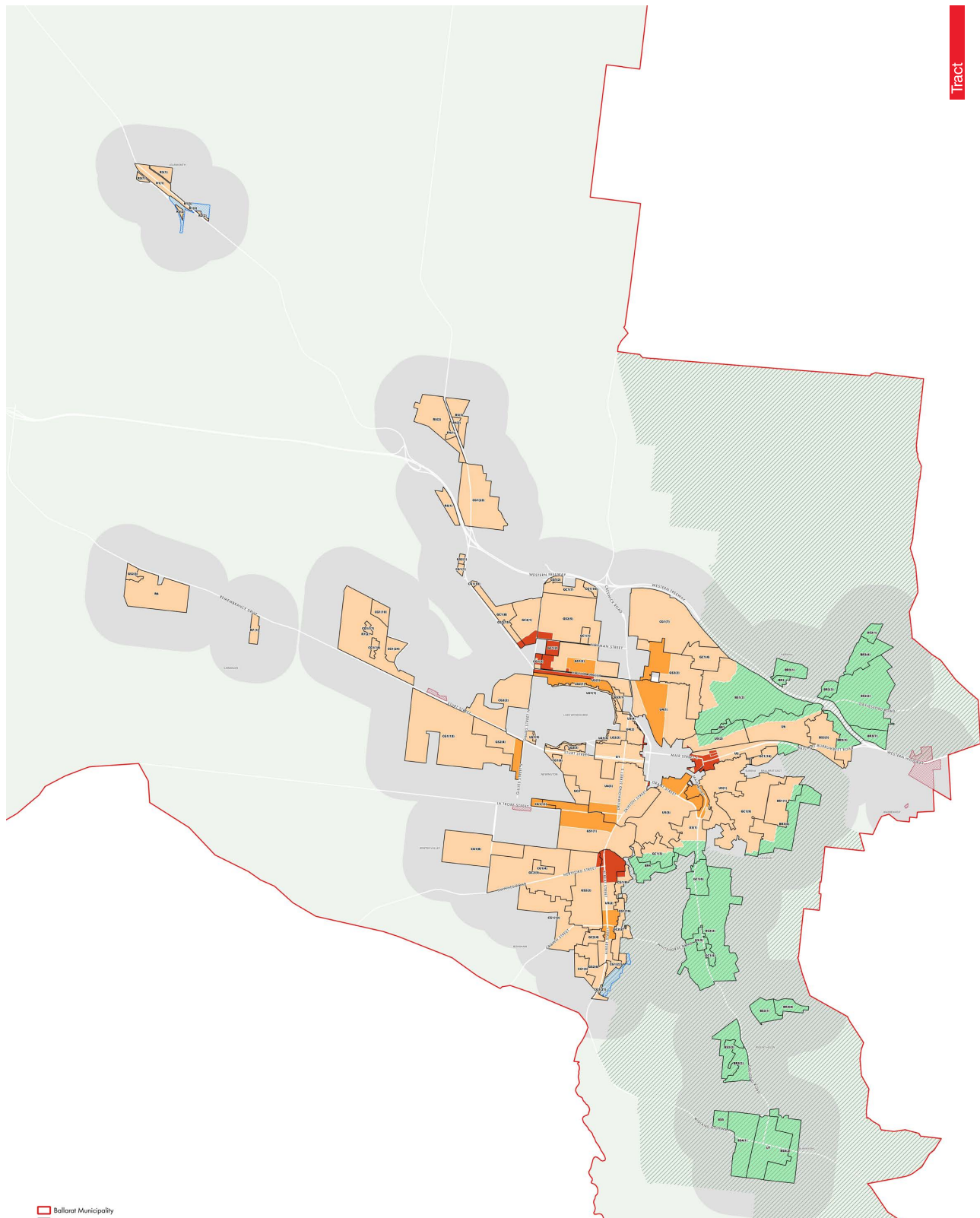


- Ballarat Municipality
- 1km Buffer from Residential Zones
- Landscape Type 3 and 4 Areas
- Change Areas**
- Substantial Change
- Incremental Change Type 2
- Incremental Change Type 1
- Minimal Change

Drawing Title	Project Name	Drawing No.	Revision	Date	Drawn	Checked	Project Principal	Scale
Ballarat Change Areas	Ballarat Housing Capacity Analysis	320.0780.00.U03.DR01	03	17/07/2023	KXS	KXS	MN	1:300,000 (A4)







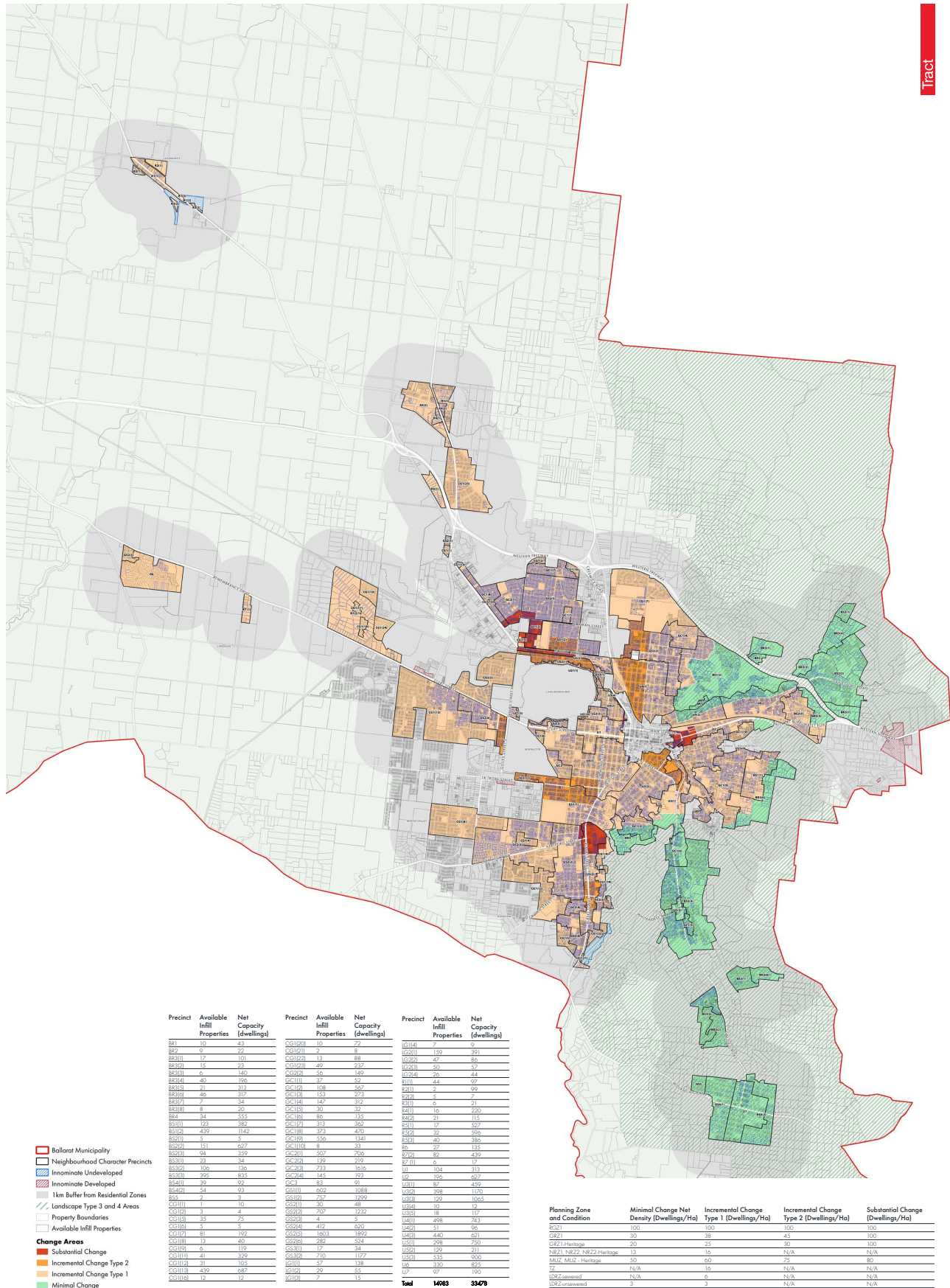
- Ballarat Municipality  
 Neighbourhood Character Precincts  
 Innominate Undeveloped  
 Innominate Developed  
 Landscape Type 3 and 4 Areas  
 1km Buffer from Residential Zones
- Change Areas**  
 Substantial Change  
 Incremental Change Type 2  
 Incremental Change Type 1  
 Minimal Change

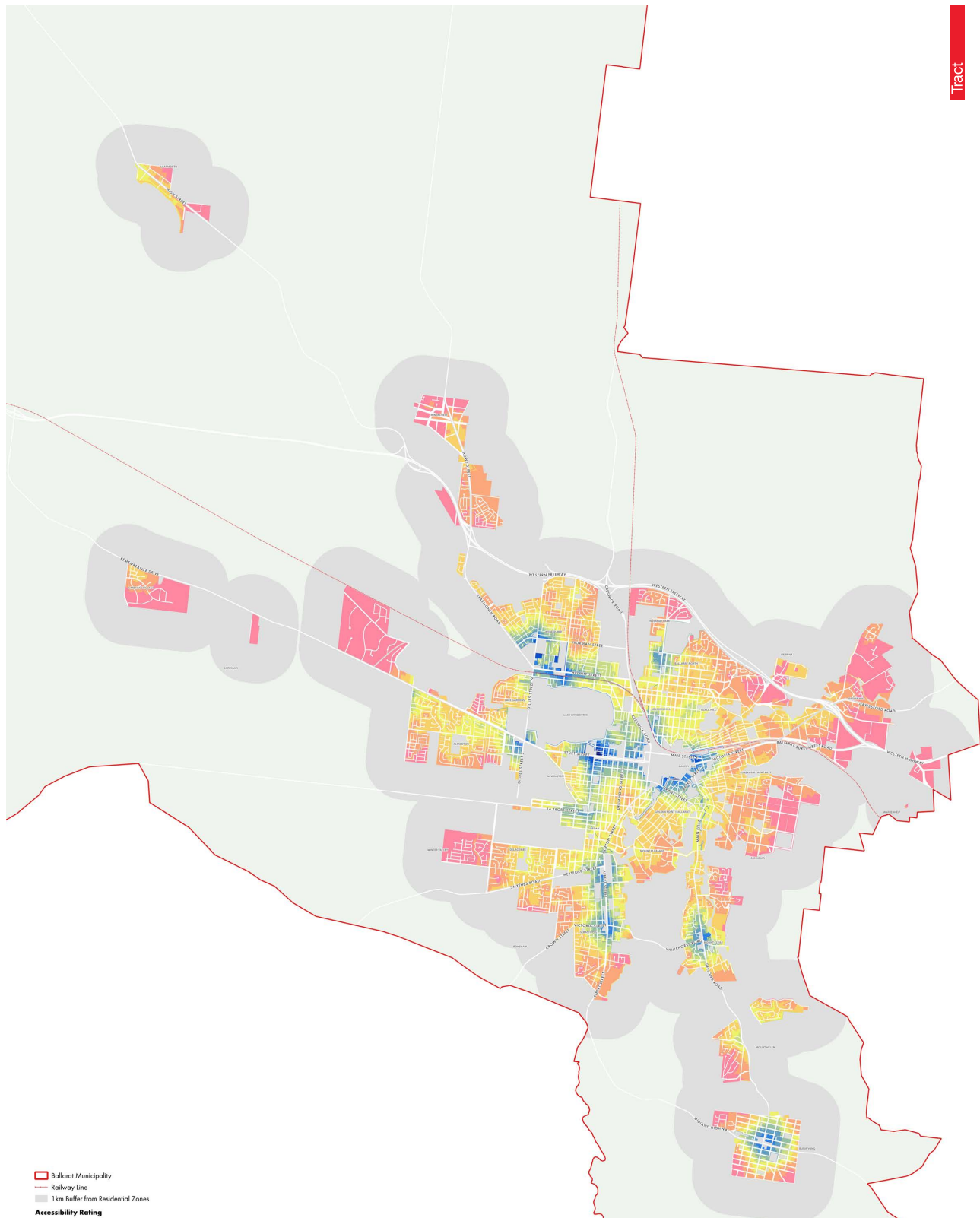
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Ballarat Change Areas and Neighbourhood Character Precincts	Ballarat Housing Capacity Analysis	320.0780.00.U03.DR01	03	17/07/2023	KXS	KXS	MN	1:300,000 (A4)



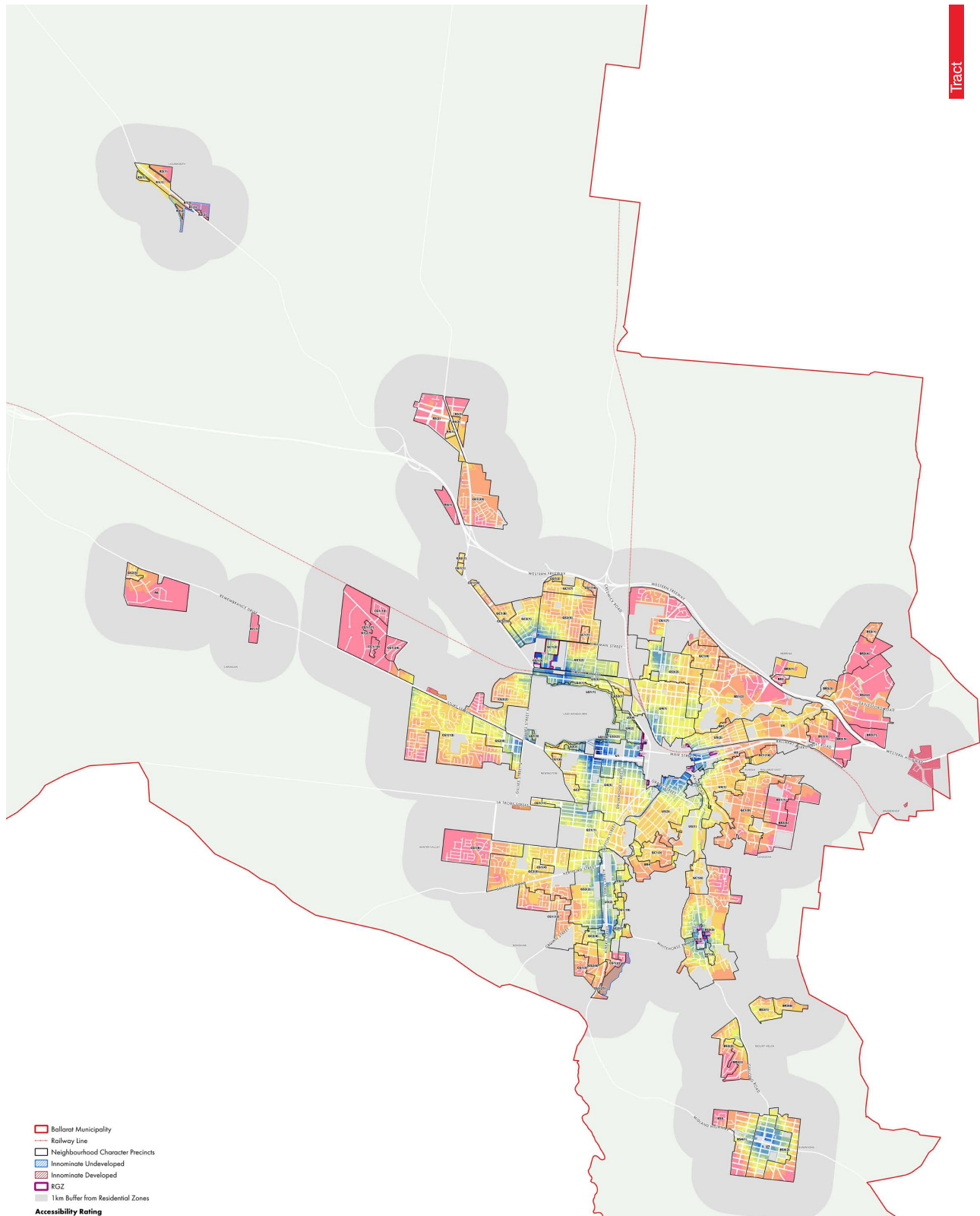


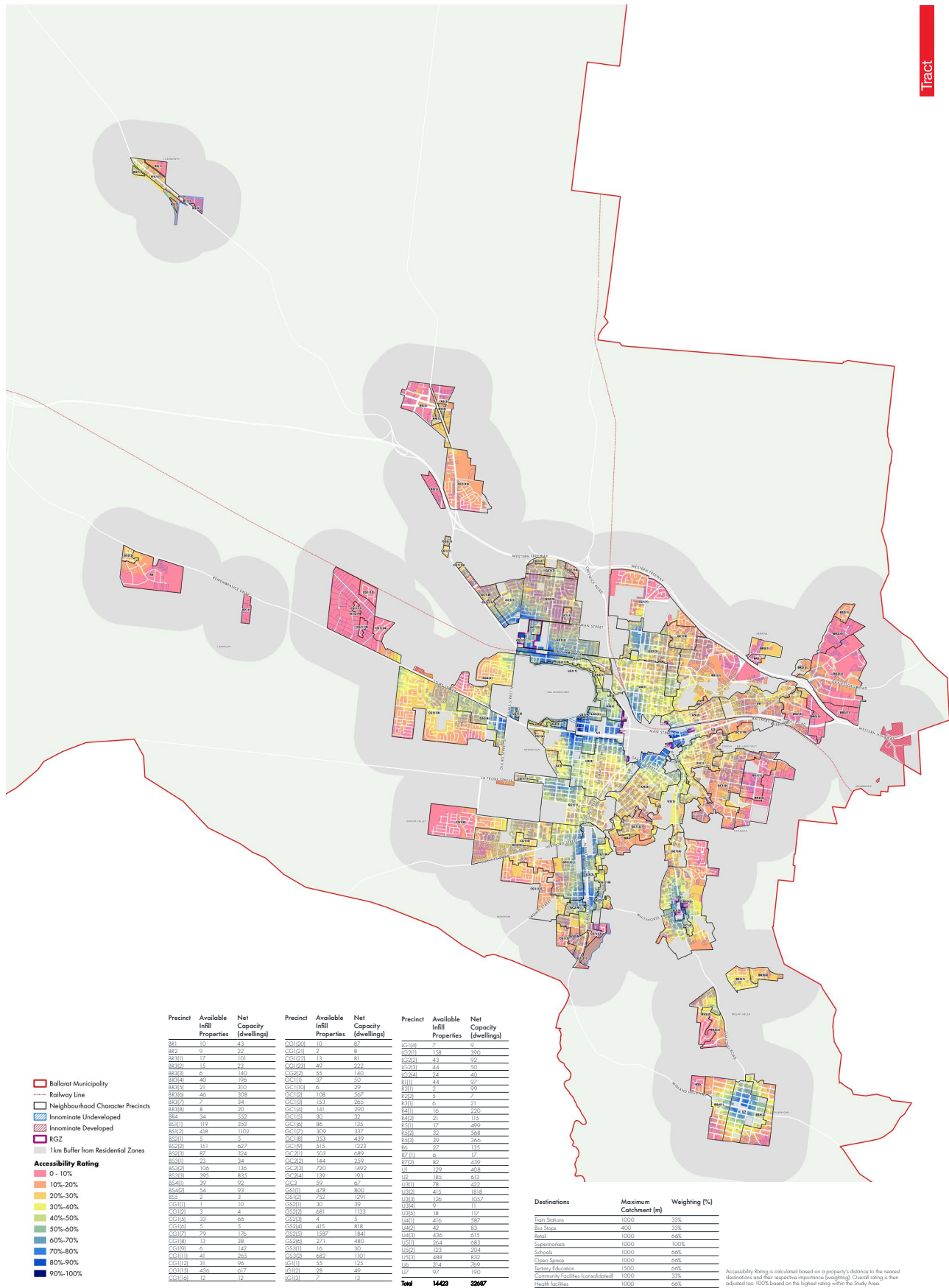


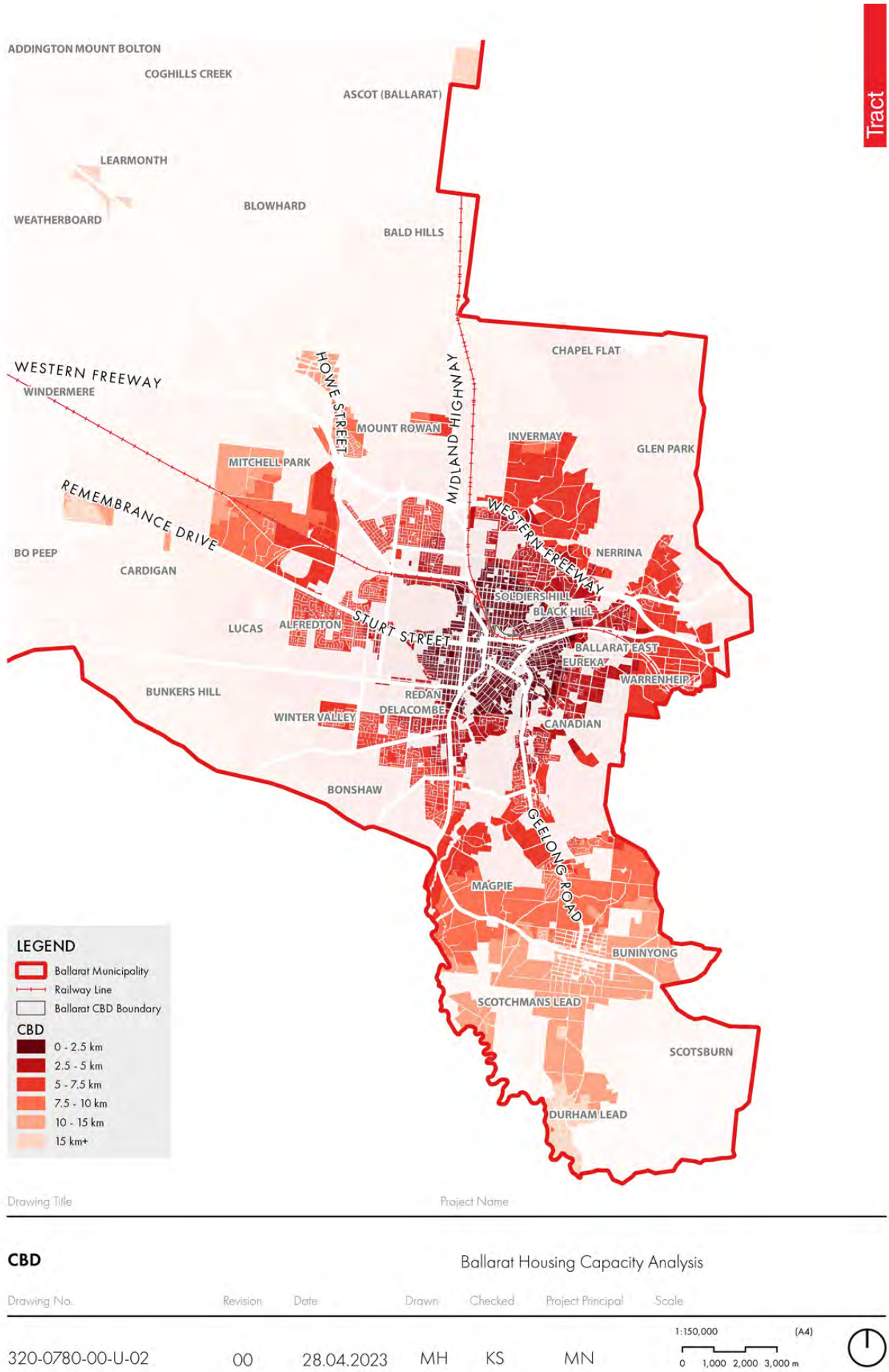
















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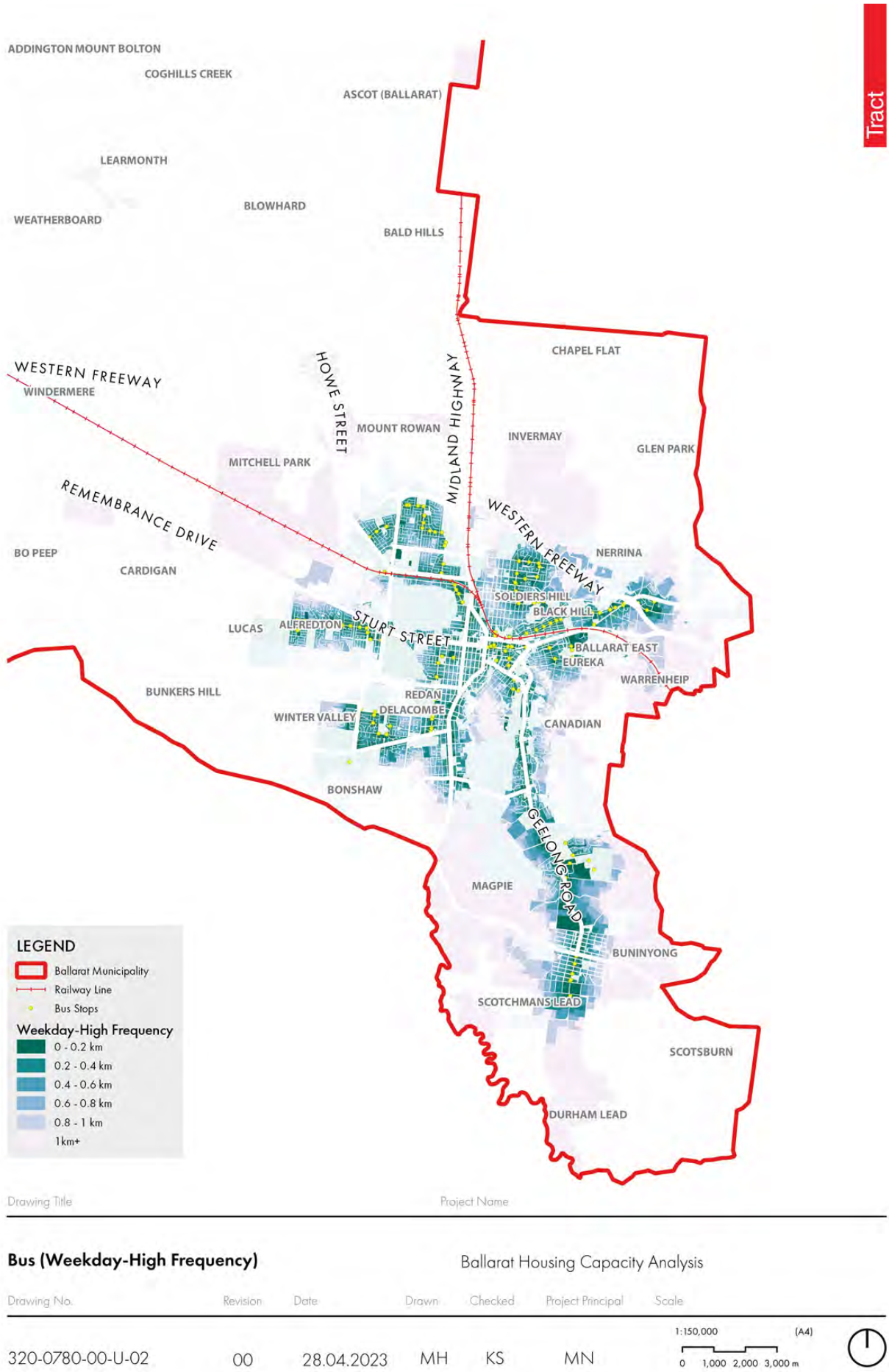
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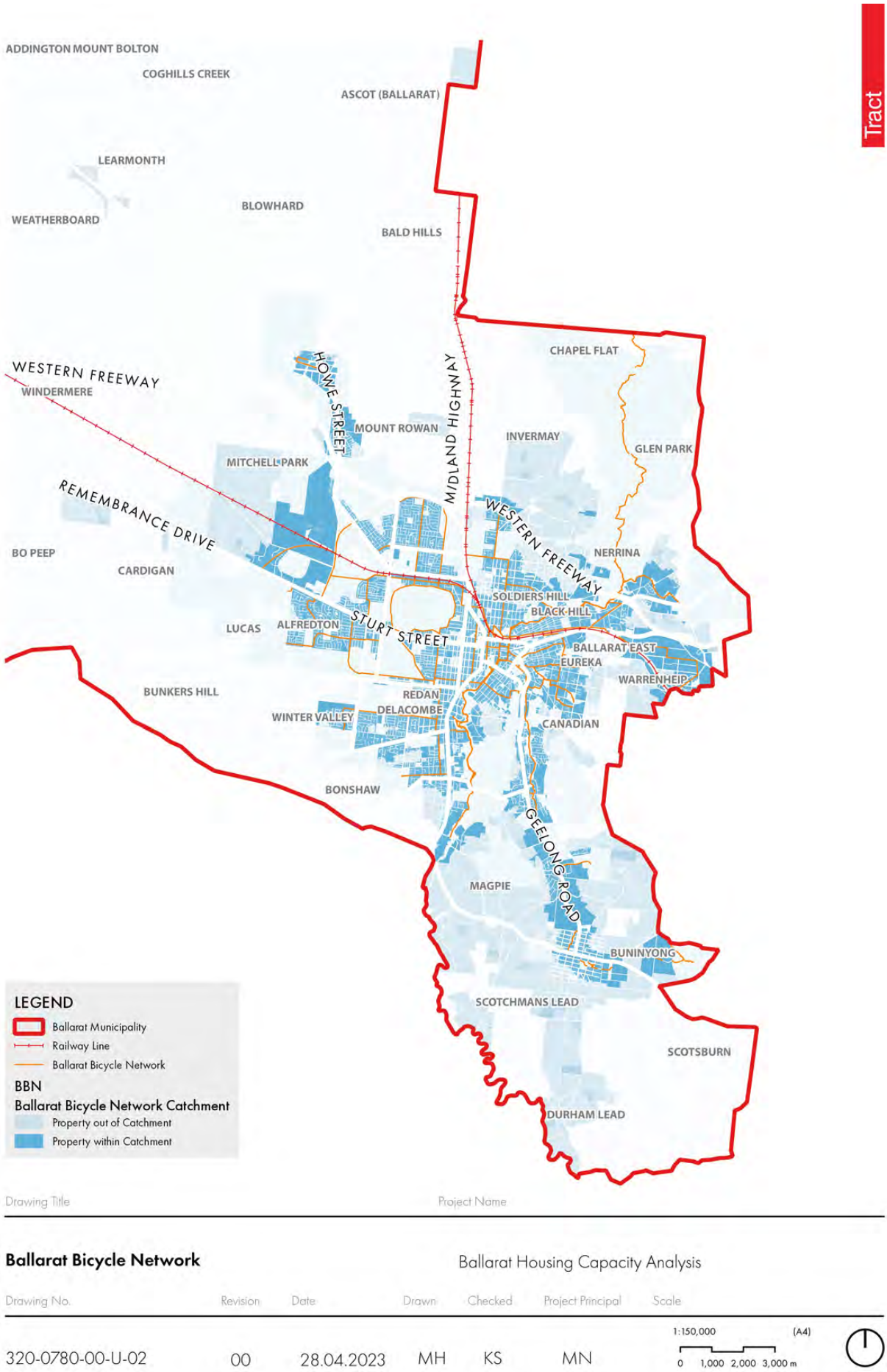
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Ballarat Housing Capacity Analysis

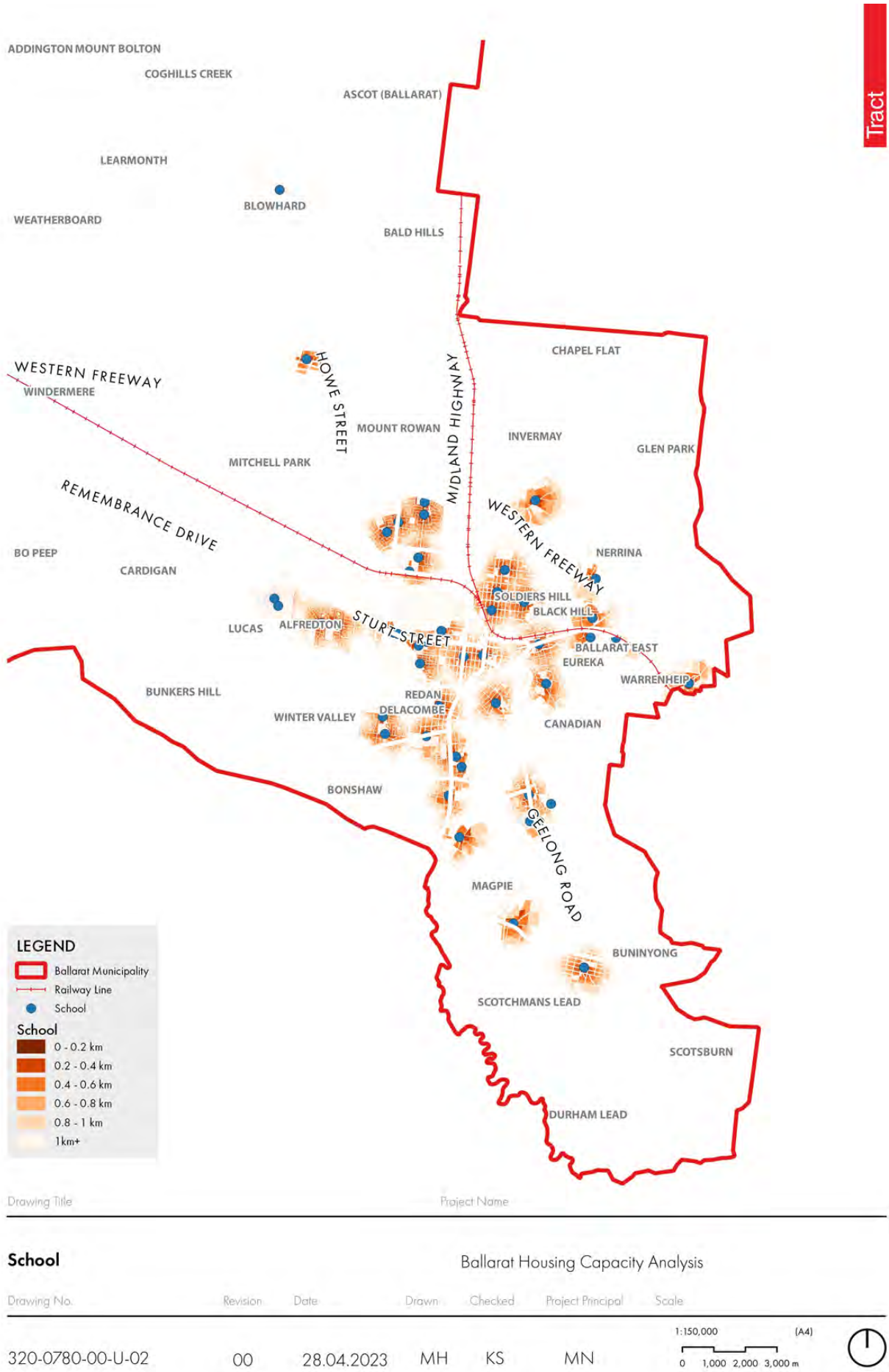
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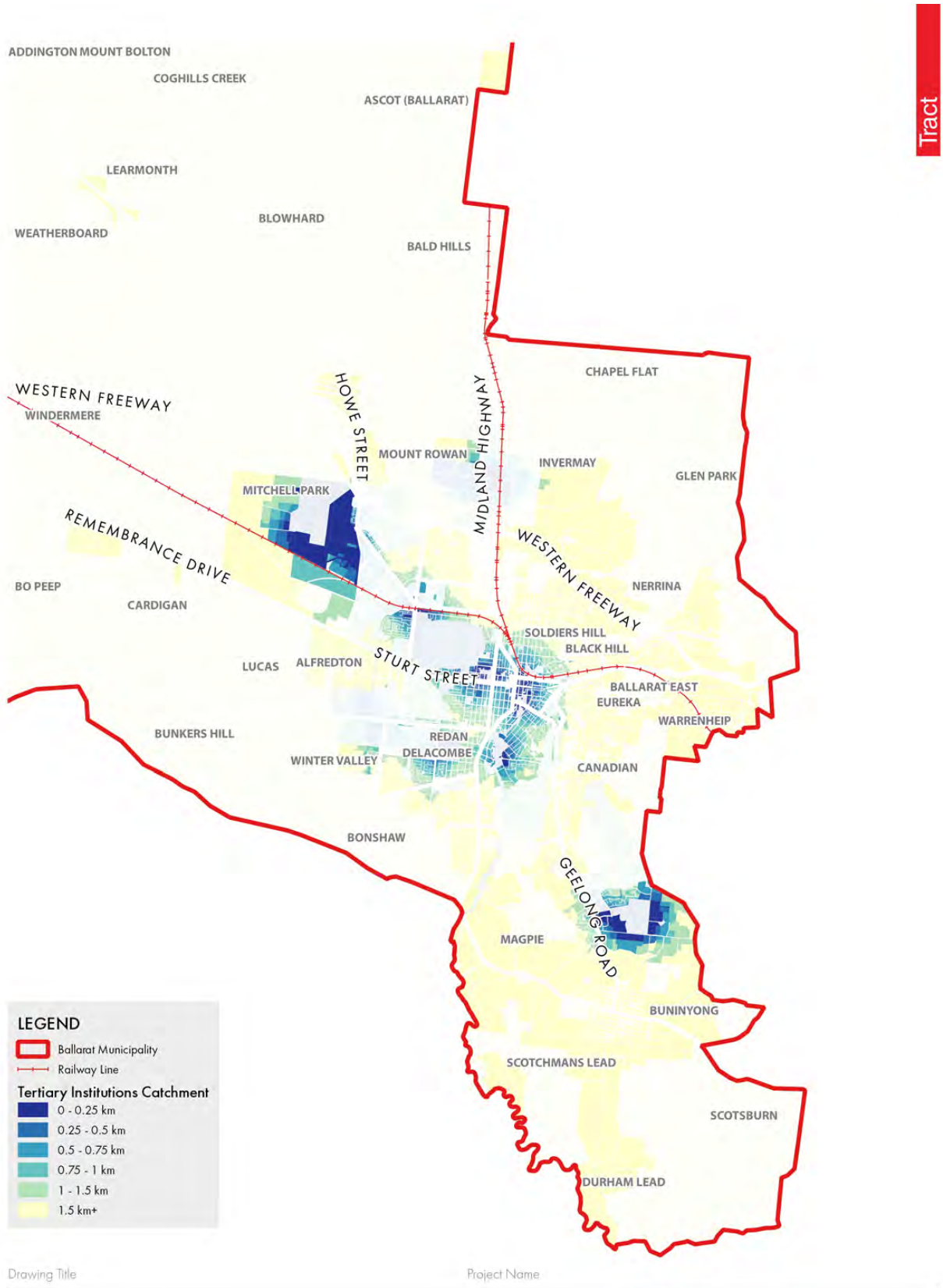








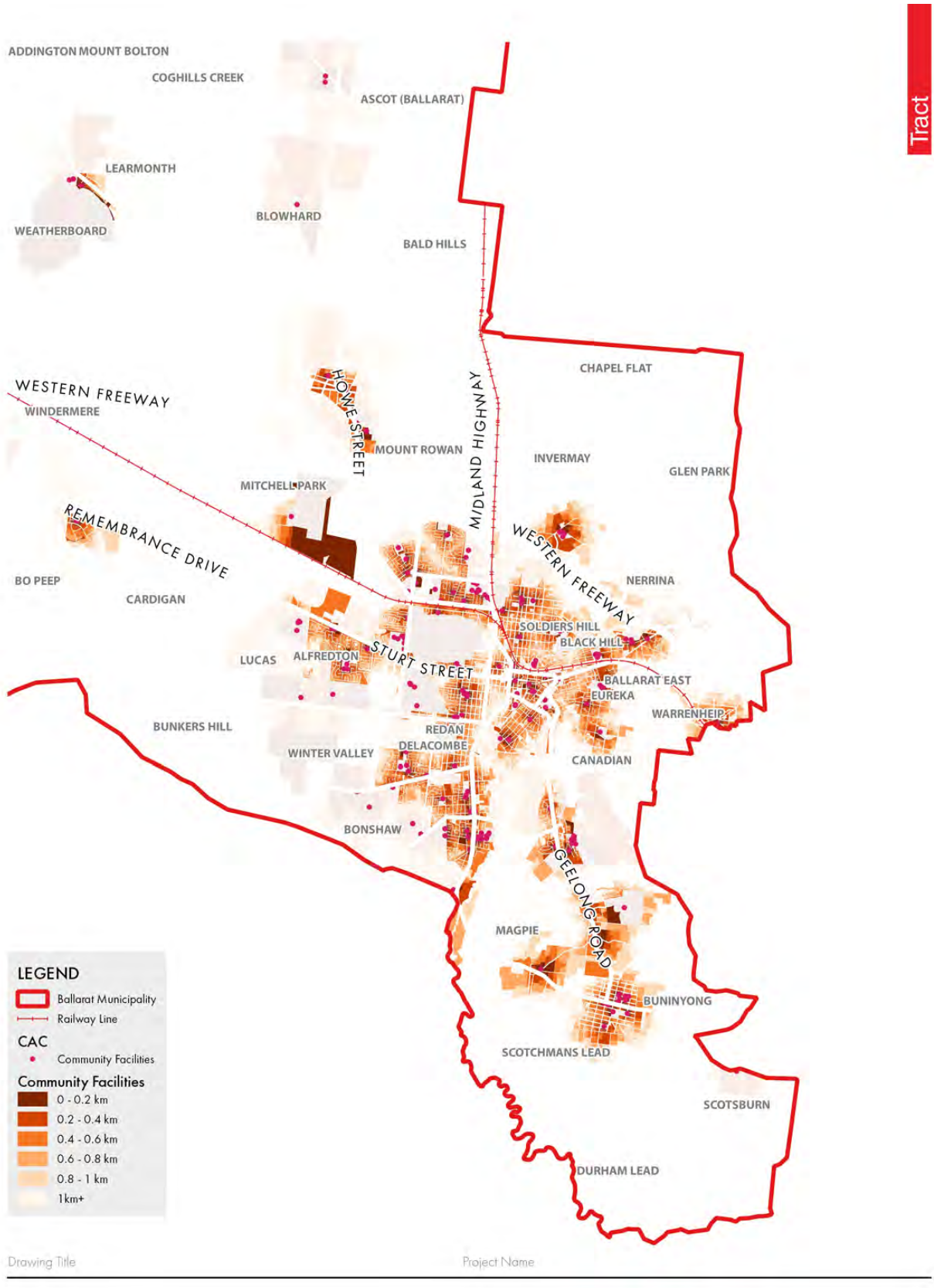




Tertiary Institutions

Ballarat Housing Capacity Analysis

Drawing No.	Revision	Date	Drawn	Checked	Project Principal	Scale
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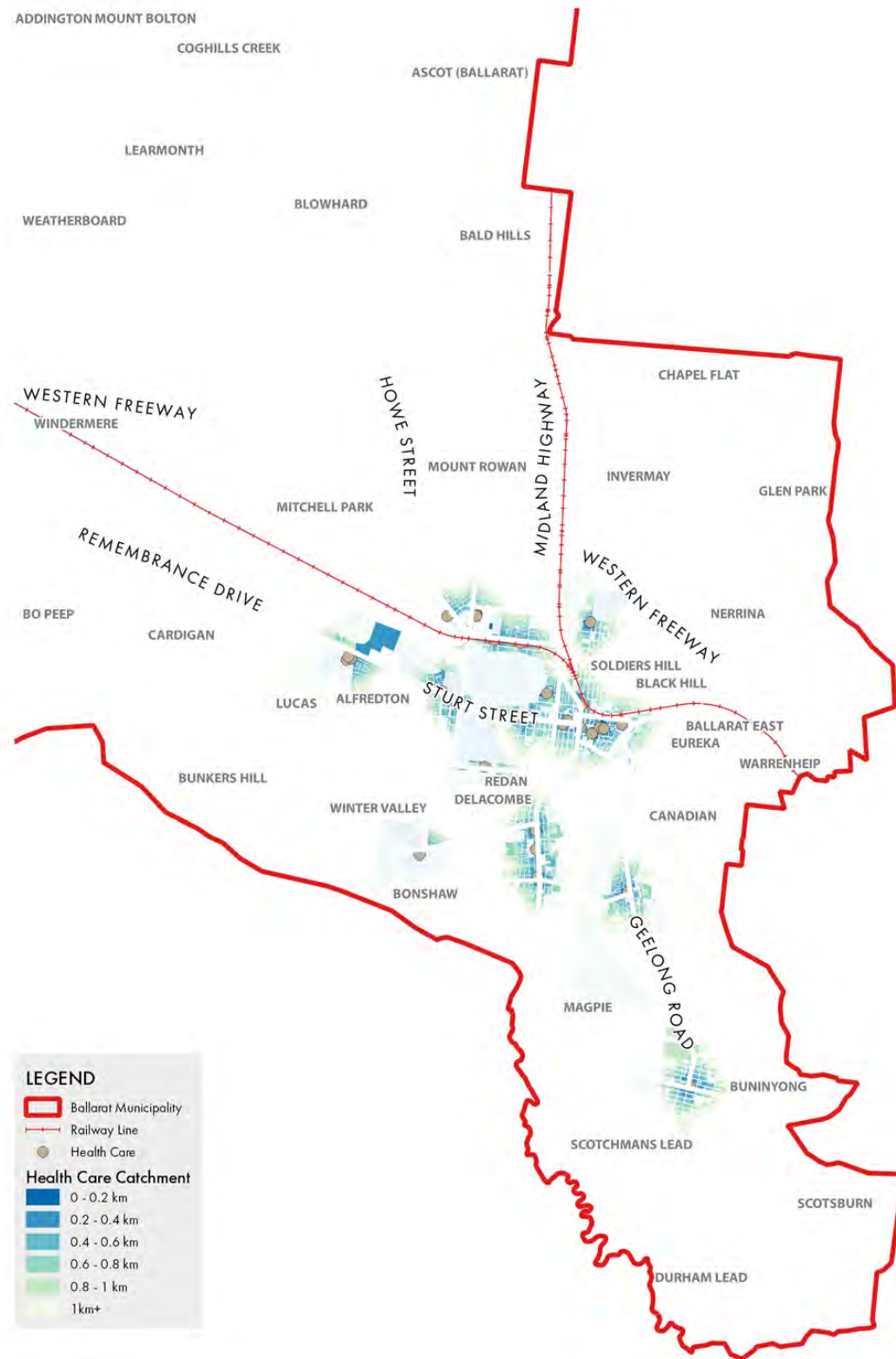


Community Facilities

Ballarat Housing Capacity Analysis

Drawing No.	Revision	Date	Drawn	Checked	Project Principal	Scale
320-0780-00-U-02	00	28.04.2023	MH	KS	MN	1:150,000 (A4)





Drawing Title

Project Name

**Healthcare****Ballarat Housing Capacity Analysis**

Drawing No.

Revision

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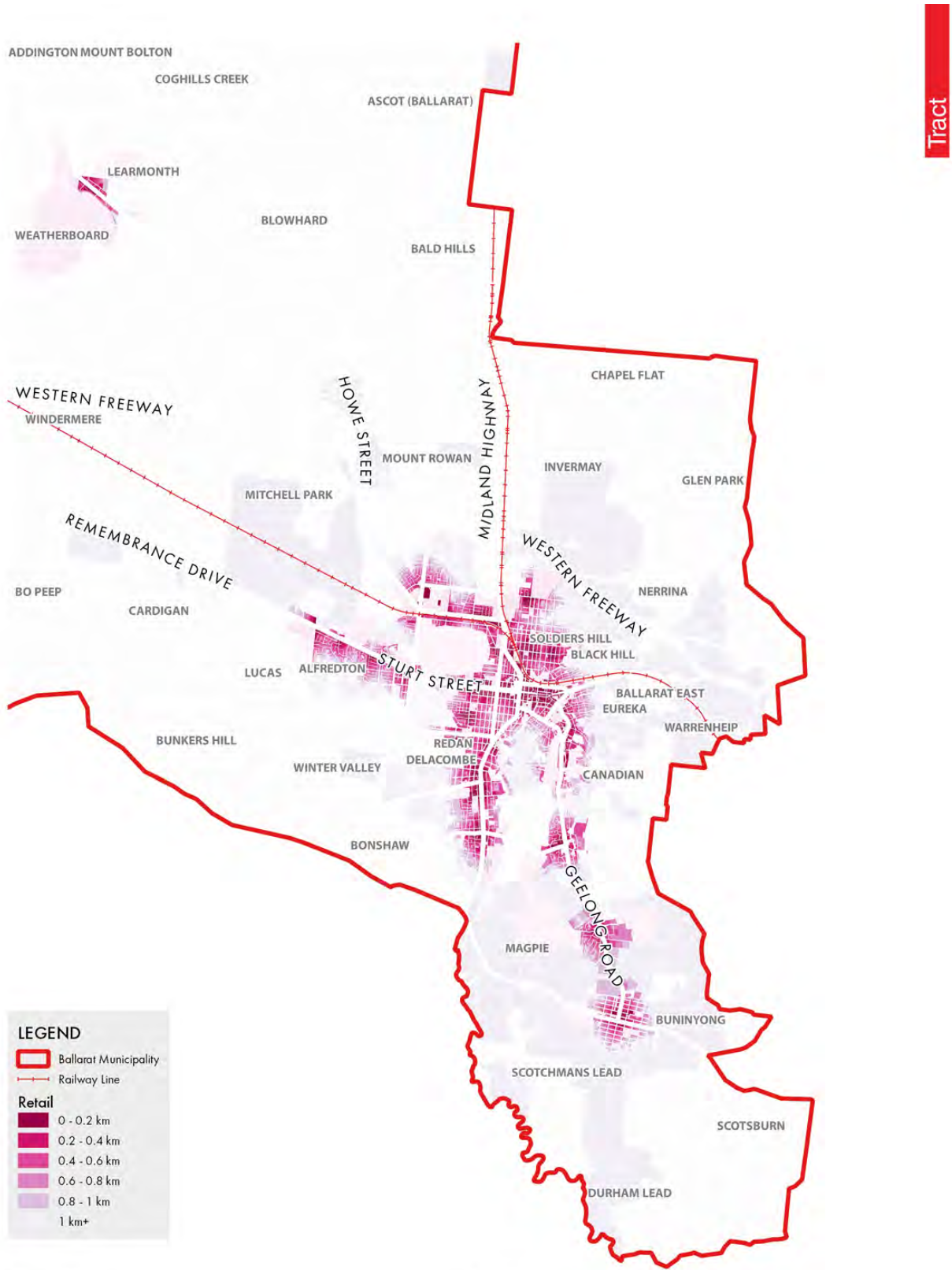
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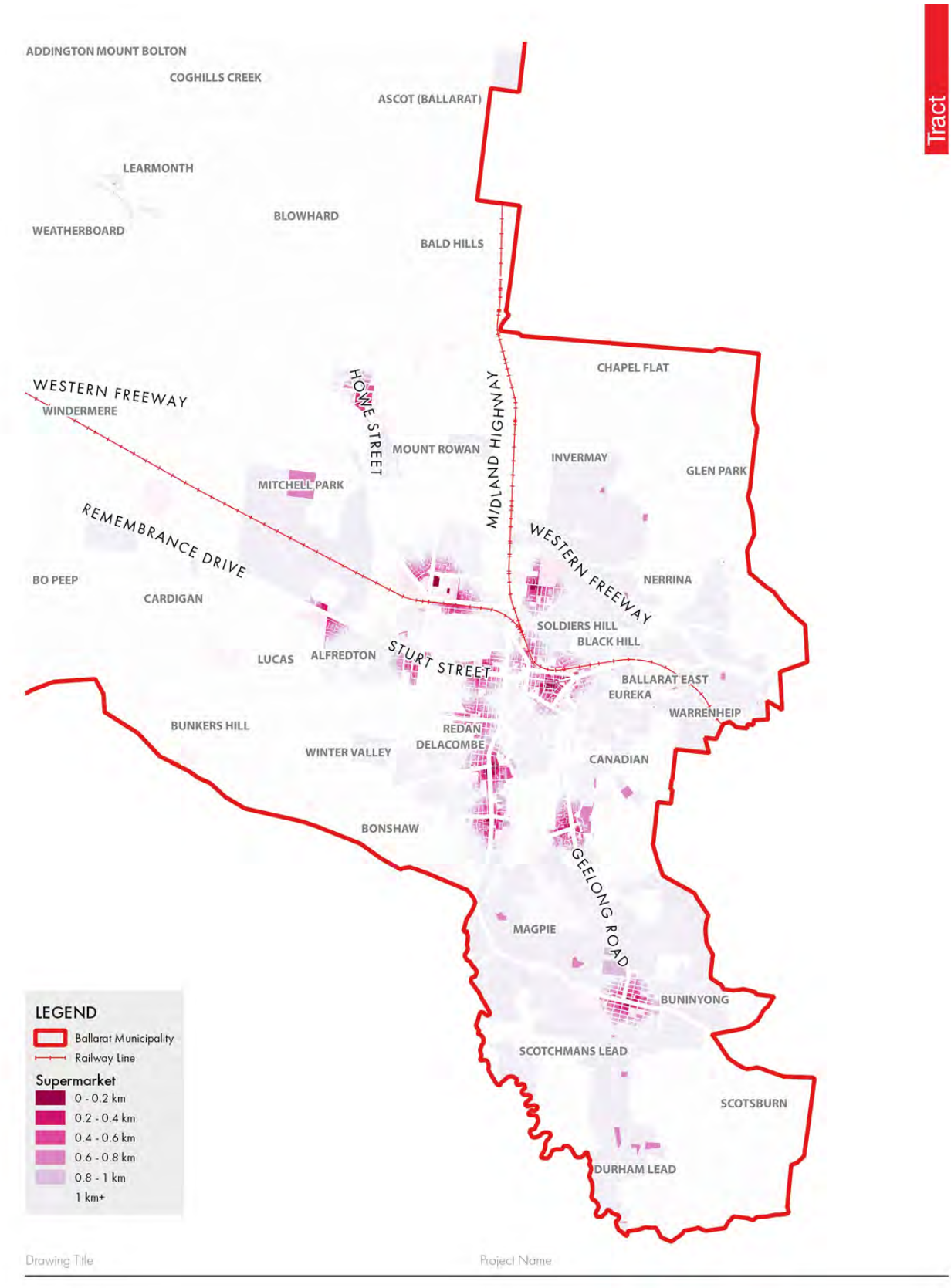
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Project Name

**Retail**

**Ballarat Housing Capacity Analysis**

Drawing No.	Revision	Date	Drawn	Checked	Project Principal	Scale
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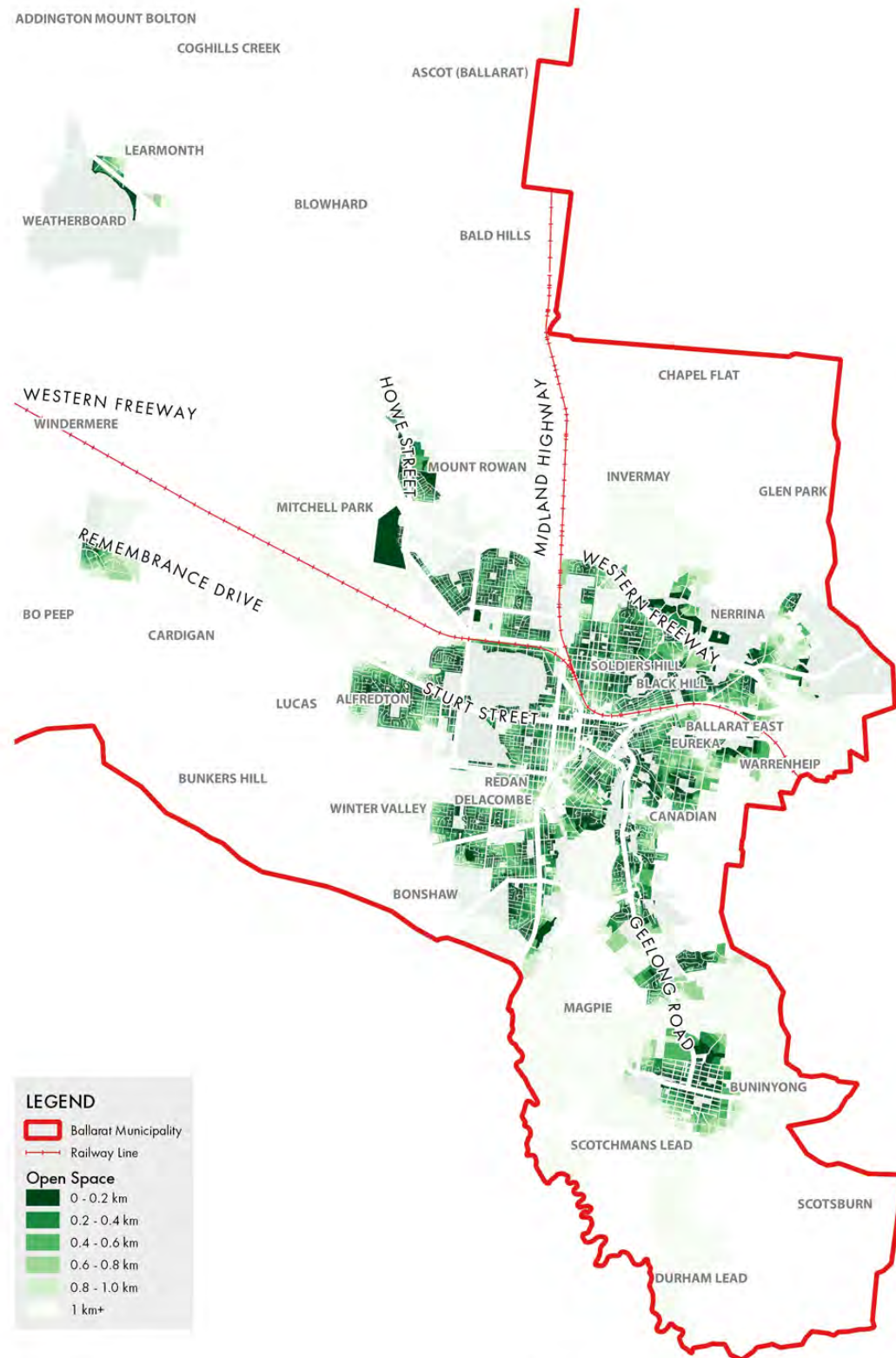


Supermarket

Ballarat Housing Capacity Analysis

Drawing No.	Revision	Date	Drawn	Checked	Project Principal	Scale	
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Drawing Title

Project Name

**Open Space****Ballarat Housing Capacity Analysis**

Drawing No.

Revision

Date

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Project Principal

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Kevin Hazell BUSHFIRE PLANNING

## **Strategic planning for bushfire in the City of Ballarat**

**PREPARED FOR THE CITY OF BALLARAT**

23 December 2020

Version 1

Kevin Hazell	BUSHFIRE PLANNING
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*Kevin Hazell Bushfire Planning* is a town planning service that works with public and private sector clients to understand and apply planning scheme bushfire policies and requirements. It is led by Kevin Hazell who is a qualified town planner with extensive experience working on bushfire planning at State and local levels in Victoria.

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#### Disclaimer

The views expressed in this report are those of the author. Information in this document is current at the time of writing. While all professional care has been undertaken in preparing the document, the author accepts no liability for loss or damages incurred because of reliance placed upon its content.

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#### Version control

Version	Date	Comment	Name
v0.1	21 July 2020	Bushfire Working draft for client review	Kevin Hazell Director
v0.2	5 August 2020	Working draft for CFA	Kevin Hazell Director
v0.3	4 December 2020	Further draft for client review	Kevin Hazell Director
v1.0	23 December 2020	Final report	Kevin Hazell Director



## Contents

1.	Introduction .....	1
2.	The bushfire context of the municipality .....	2
3.	Bushfire landscape areas .....	6
4.	Ballarat core areas .....	10
5.	Landscape type 1: Grasslands .....	12
6.	Landscape type 2: West of forest hazards .....	14
7.	Landscape type 2 or 3: Grasslands near forest hazards .....	16
8.	Landscape type 3a: Areas near forest hazards .....	18
9.	Landscape types 3b and 4: Forest hazards .....	20
10.	Locations for lower risk urban growth.....	22
	References .....	23
	Attachment 1: Bushfire Management Overlay and bushfire prone area .....	24
	Attachment 2: Regional bushfire planning assessment extract.....	25

## 1. Introduction

The City of Ballarat (the 'Council') seeks to embed bushfire considerations into the earliest stages of strategic planning projects and as part of preparing amendments to the Ballarat Planning Scheme (the 'planning scheme').

This document supports strategic planning by providing a starting point for how to consider bushfire at the beginning of strategic projects. By providing geographic (or spatial) information on the bushfire characteristics and landscape risk in different parts of the municipality, more detailed place-based strategic planning can emerge. This includes in the commissioning of further bushfire assessments.

By using this document and further locally specific bushfire assessments, information on the relative bushfire risk of different locations can inform how bushfire-related policies in the planning scheme are applied. This includes policies that seek to assess alternative locations for growth as part of settlement planning and that direct growth to locations that are lower risk.

See **Figure 1: Key planning scheme bushfire policies in the Ballarat Planning Scheme**

This document also identifies selected areas as being lower risk locations for urban growth and as suitable locations to direct greenfield urban development. This enables these areas to not need further assessment based on strategic and landscape factors as part of potential future planning scheme changes.

Strategic planning relevant to this report includes the setting of directions for growth and change that may be included into the planning scheme through the preparation, authorisation, adoption, and approval of a planning scheme amendment. It does not include decisions under the planning scheme (for example, planning permit applications and development plan approvals). Information in this document should only be used to inform strategic planning activities being undertaken by the Council.

The Country Fire Authority on 29 July 2020 participated in a discussion with the Council in conjunction with this document being prepared. A draft report was provided on 6 August 2020 for comment. The Council intends to work with the Country Fire Authority in taking forward the findings in this document and in on-going strategic planning for bushfire in Ballarat.

**FIGURE 1: KEY PLANNING SCHEME BUSHFIRE POLICIES IN THE BALLARAT PLANNING SCHEME**

c13.01-15 Natural hazards and climate change	c13.02-15 Bushfire Planning
<p>The objective is:</p> <p><i>To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.</i></p> <p>Strategies to meet the above objective include:</p> <ul style="list-style-type: none"> <li>Consider the risks associated with climate change in planning and management decision making processes.</li> <li>Identify at risk areas using the best available data and climate change science.</li> <li>Integrate strategic land use planning with emergency management decision making.</li> <li>Direct population growth and development to low risk locations.</li> <li>Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.</li> <li>Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented.</li> <li>Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.</li> </ul>	<p>The objective is:</p> <p><i>To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.</i></p> <p>Strategies that direct bushfire decision making include:</p> <ul style="list-style-type: none"> <li>Prioritising the protection of human life over all other policy considerations.</li> <li>Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.</li> <li>Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.</li> </ul> <p>Strategies that seek to direct new development:</p> <ul style="list-style-type: none"> <li>Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under <i>AS3959-2009 Construction of Buildings in Bushfire-prone Areas</i> (Standards Australia, 2009)<sup>1</sup>.</li> <li>Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.</li> <li>Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.</li> <li>Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009.</li> </ul>

<sup>1</sup> AS3959-2018 *Building in a bushfire prone area* (Standards Australia) has superseded the 2009 edition



## 2. The bushfire context of the municipality

### About the municipality

The Council's municipal fire management plan describes the municipality as follows:

*The City of Ballarat is in the Grampians Region, strategically located in the Central Highlands Region of Victoria, and surrounded by the municipalities of Hepburn, Pyrenees, Golden Plains and Moorabool. Ballarat is 115 kilometres west of Melbourne and just over one-hour drive on the Western Highway. Ballarat is one of Australia's largest inland cities and the third largest city in Victoria.*

*The municipality covers some 740 square kilometres of a wide range of land types from steep incised areas to the northwest and northeast of the City to the flatter basaltic plains of the southwest area, and to the south. Significant land managers in the municipality include the City of Ballarat and DELWP*

*(City of Ballarat, 2018).*

The eastern part of the municipality contains the settlement of Ballarat. The north east of Ballarat contains state forest, several small reserves and scattered small and rural-residential settlements. The south and south-eastern parts of Ballarat contain the hilly and undulating terrain of Mount Clear, Mount Helen and the foothills of Mount Buninyong. Plantations and heavily vegetated forests border the linear settlement pattern in these areas. The northern and western areas of the municipality are dominated by large lots generally devoid of expansive woodland or forest vegetation (DPCD, 2012).

### When are bushfires likely to occur?

The climate in the municipality is dominated by warm dry summers and cool wet winters. The bushfire season generally runs from December to April. Whilst bushfires can start any time of the year, most occur between October and April. The largest and most damaging bushfires generally occur from December through February, with about one-quarter of bushfires in January (DEWLP, 2015).

### Bushfire conditions anticipated in the municipality

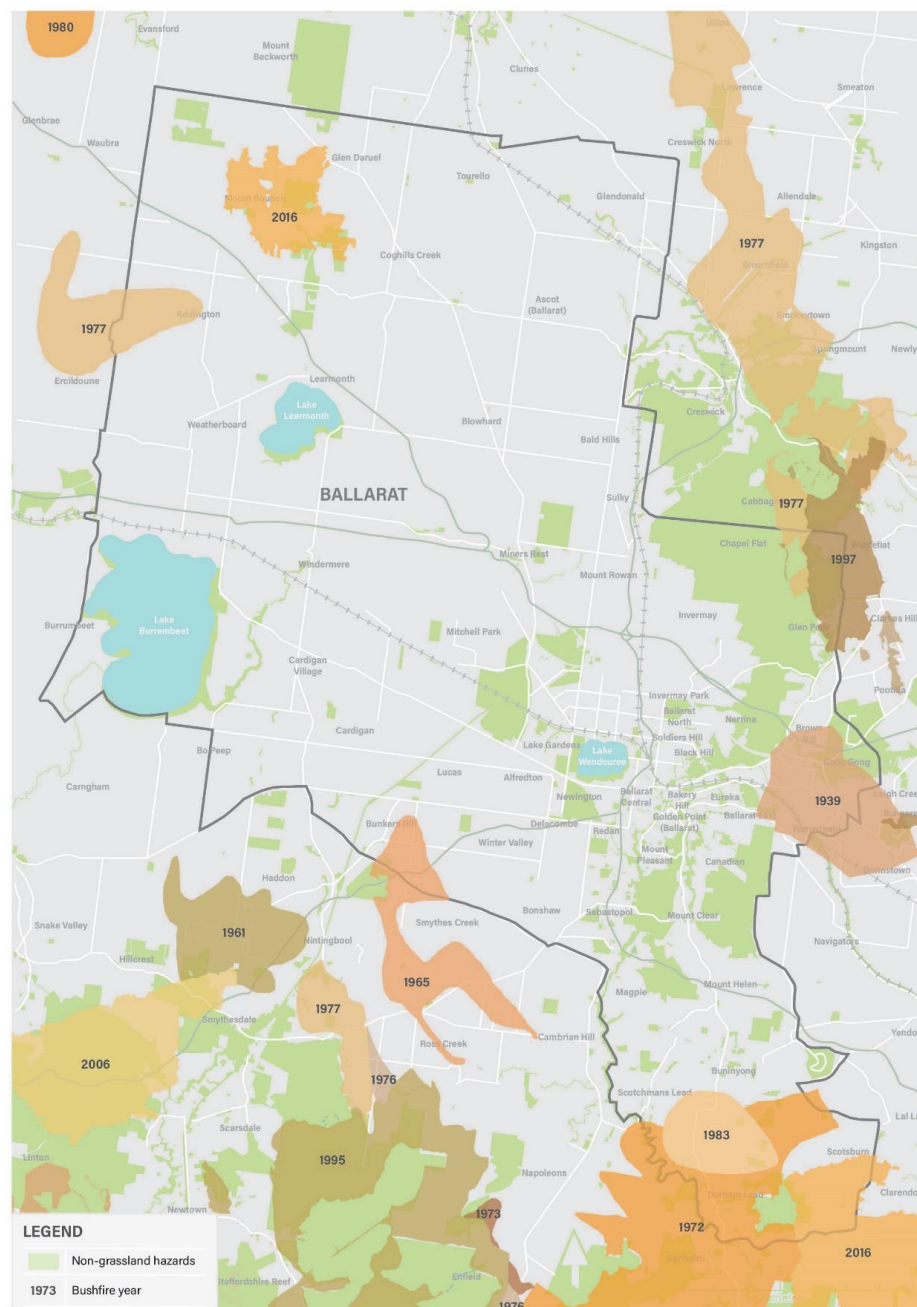
The Department of Environment, Land, Water and Planning identifies key features relevant to bushfires in the municipality. These include:

- A forest fire danger index of well over 100.
- Severe drought conditions.
- Temperatures above 40°C.
- Relative humidity below 10%.
- Strong to gale-force north-westerly winds.
- A strong to gale-force west-south-westerly wind change that turns the eastern flank of a running bushfire into a wide new fire front

These conditions can create bushfires with powerful convection columns. Ember storms, wind-blown debris, downbursts, fire tornadoes and explosive flares of igniting eucalyptus vapour are common. DELWP notes that these weather conditions are representative of where a bushfire does most of its damage in a single day.

Due to the fragmentation of native vegetation, bushfires in the municipality are not usually as protracted as they can be in the large forests in eastern Victoria. The main damage from bushfire occurs on the first day. The greatest loss of life and property have historically been caused by such single day bushfires (DEWLP, 2015).

## FIGURE 2: BUSHFIRE HISTORY



### Changing bushfire conditions

Long-term records show an increase in bushfire danger and the length of the bushfire season for Victoria in recent decades. Projections for Victoria's future climate indicate that the frequency and intensity of bushfires in south-east Australia will continue to increase (*DELWP, 2015*). It is predicted that there may be an increase in the number of extreme fire danger days (with FFDI greater than 75) by between 15% and 70% by 2050.

### How and where bushfires start

Bushfires can start from accidental causes, such as machinery, trains and escapes from campfires and burn-offs. Deliberate action by people can cause bushfire, and natural causes, such as lightning, also causes bushfires. A high proportion of ignitions occur around the population centre of Ballarat (*DELWP, 2015*).

See **Figure 2: Bushfire history in and around the City of Ballarat**

### Measures to reduce the impact of bushfire

The Council, Forest Fire Victoria and the Country Fire Authority (CFA) carry out fire management operations on public and private land in the municipality. This includes extensive interventions in public land to the east and north east of Ballarat.

### Potential for destructive bushfires

Areas most likely to be subject to larger bushfires include settlement areas of Ballarat that are in the path of bushfires that can start up to 50km away. The greatest-impact bushfires tend to start in agricultural land and become large by the time they enter forested areas. They then emerge from the forests to threaten residential areas to their east, such as Buninyong and the southern suburbs of Ballarat (*DELWP, 2015*).

The catchments' mostly undulating terrain is largely grassy/heathy dry forest with small patches of foothill forest. These are eucalypt forests with a shrubby understorey and potentially high bark hazard. Bushfires in these areas may be high intensity, with high levels of convection and ember production. Softwood plantations can increase the intensity of bushfires.

See **Figure 3: Spatial representation of bushfire in the City of Ballarat**

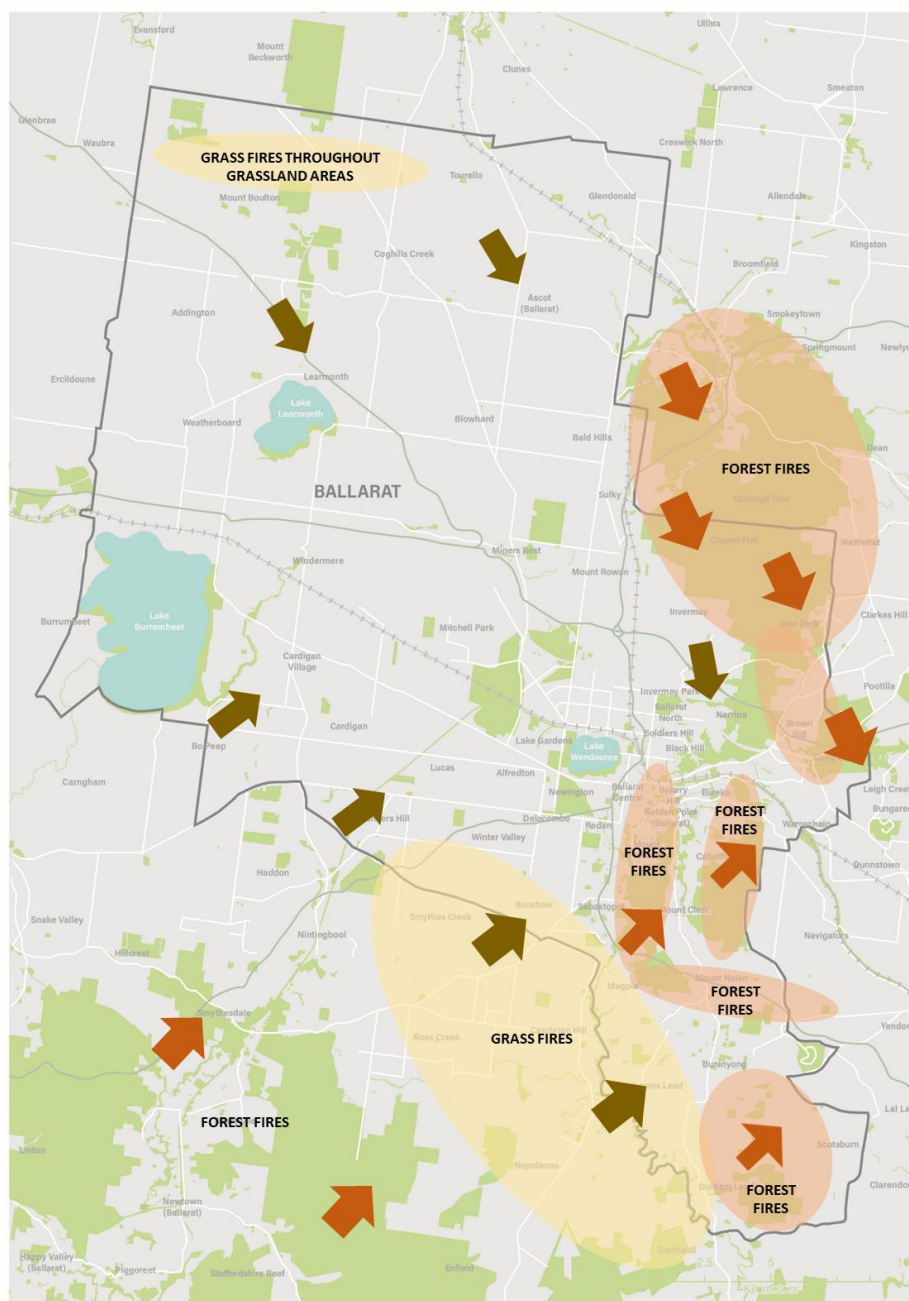
### Planning scheme bushfire designations

Planning schemes identify potentially bushfire affected land through the inclusion of land into the Bushfire Management Overlay or within a designated bushfire prone area (referenced in c13.02-1S Bushfire Planning and approved under the building regulations).

See **Attachment 1: Bushfire Management Overlay and bushfire prone area in the City of Ballarat**



### FIGURE 3: SPATIAL REPRESENTATION OF BUSHFIRE



### 3. Bushfire landscape areas

The following parts of this document identify bushfire landscape areas. These provide a spatial representation of how different parts of the municipality are affected by different landscape scale bushfire hazards. Based on this information, places that are relatively higher or lower risk emerge.

Bushfire landscape areas are described according to the landscape typology set out in *Planning Permit Applications Bushfire Management Overlay Technical Guide (DELWP, 2017)*. These typologies, when applied, provide a basis for considering the relative bushfire risk of different locations based on strategic factors. They therefore are an important tool to support strategic planning decision making.

See **Figure 4: An overview of bushfire landscape types**

The landscape areas are:

LANDSCAPE TYPE	DESCRIPTOR
Landscape type 1	Grasslands
Landscape type 2	West of forest hazards
Landscape type 2 or 3	Grasslands near forest hazards
Landscape type 3a	Areas near forest hazards
Landscape type 3b or 4	Forest hazards
The core area of Ballarat is not assigned a landscape type	

See **Figure 5: Bushfire landscape areas**

For each landscape area, the following is included:

- A description of the area, including whether they are likely to be within the Bushfire Management Overlay or a declared bushfire prone area.
- Whether the *Victorian Fire Risk Register* (Victorian Government) or the *Regional Bushfire Planning Assessment – Grampians Region* (DPCD, 2011) include the area as at risk.
- A high-level assessment against *c13.02-1S Bushfire Planning*, focused on the extent of landscape hazards and the availability of low fuel areas<sup>2</sup> for shelter.
- Mitigation that would likely need to accompany planning scheme decision making, focused on strategic justification for any proposals and impacts on environmental objectives and building construction.
- The outputs to be anticipated in preparing an evidence base to support bushfire decision making under the planning scheme.
- Key messages based on the landscape area that may be of assistance in the early stages of community engagement.

This report represents bushfire landscape areas in a schematic format. They are not intended to be scalable to property boundaries given the strategic purpose for which they have been prepared<sup>3</sup>.

<sup>2</sup> Low fuel areas referenced in this report are areas capable of being assessed as BAL-Low under *AS3959-2018 Building in a bushfire prone area* (Standards Australia) or areas that already comply with *c53.02 Bushfire Planning, Table 6 Vegetation management*

<sup>3</sup> The bushfire landscape areas do not provide sufficient information for the purpose of a bushfire hazard landscape assessment required under *c44.06 Bushfire Management Overlay* and the content of this report should not be used for that purpose.

**FIGURE 4: OVERVIEW OF BUSHFIRE LANDSCAPE TYPES**

*Planning Permit Applications Bushfire Management Overlay Technical Guide* (DELWP, 2017) identifies landscape types to inform decision making based on the risk from the landscape beyond the site. They enable landscape bushfire information to be described according to a simple framework to assist planning decision making.

Landscape types assist in:

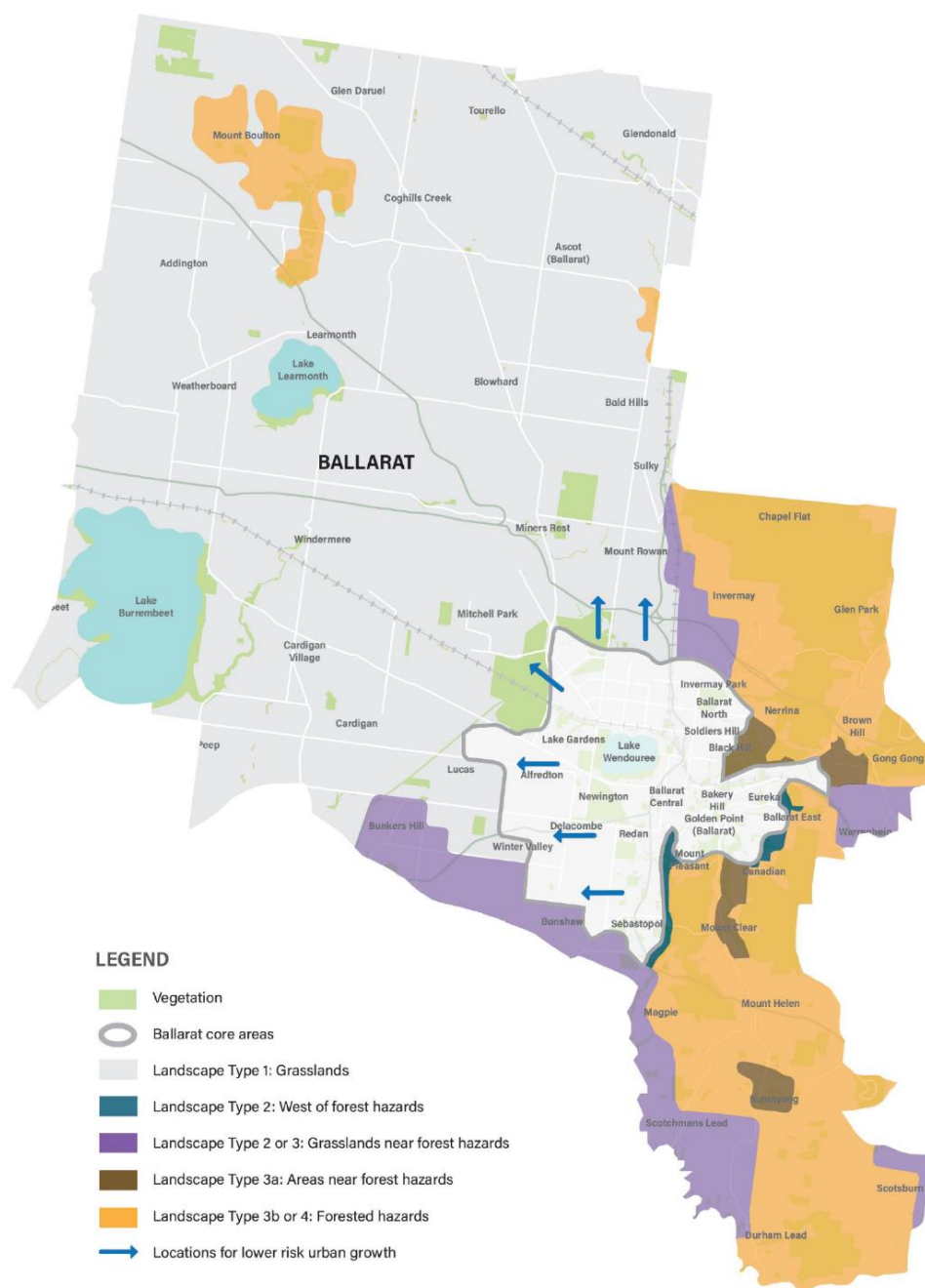
- Consistently describing landscape hazards. Landscape hazards are bushfire hazards more than 150m from an area that inform the likelihood of a bushfire threatening a location and its likely intensity and destructive power.
- Describing proximity and access to low fuel areas that may provide shelter from bushfire. In these areas, people may avoid flame contact and can withstand the effects of radiant heat from a moving bushfire.
- Understanding the relative risk between different locations.

The diagram below summarises landscape types. For this report, landscape type 3 has been adjusted into type 3a and 3b to better reflect access to low fuel areas and the variability of landscape risk within the landscape type 3 spectrum.

LANDSCAPE TYPE 1	LANDSCAPE TYPE 2	LANDSCAPE TYPE 3		LANDSCAPE TYPE 4
<ul style="list-style-type: none"> <li>▪ There is little vegetation beyond 150 metres of the site (except grasslands and low-threat vegetation)</li> <li>▪ Extreme bushfire behaviour is not possible</li> <li>▪ The type and extent of vegetation is unlikely to result in neighbourhood scale destruction of property</li> <li>▪ Immediate access is available to a place that provides shelter from bushfire</li> </ul>	<ul style="list-style-type: none"> <li>▪ The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site</li> <li>▪ Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition</li> <li>▪ Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area</li> </ul>	<ul style="list-style-type: none"> <li>▪ The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site</li> <li>▪ Bushfire can approach from more than one aspect</li> </ul>		<ul style="list-style-type: none"> <li>▪ The broader landscape presents an extreme risk</li> <li>▪ Bushfires may have hours or days to grow and develop before impacting</li> <li>▪ Evacuation options are limited or not available</li> </ul>
		<b>Type 3a<sup>4</sup></b> <ul style="list-style-type: none"> <li>▪ The area is located in an area that is managed in a minimum fuel condition</li> <li>▪ Access to an appropriate place that provides shelter from bushfire is available</li> </ul>	<b>Type 3b</b> <ul style="list-style-type: none"> <li>▪ The area is located in an area that is not managed in a minimum fuel condition</li> <li>▪ Access to an appropriate place that provides shelter from bushfire is not certain</li> </ul>	

<sup>4</sup> Adapted by author

FIGURE 5: BUSHFIRE LANDSCAPE AREAS





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## 4. Ballarat core areas

### Description

These locations comprise urban areas within Ballarat. They are developed low fuel areas that have minimal interaction with landscape hazard areas. Bushfire is not a relevant strategic planning factor in these areas. This is because they lack classifiable vegetation<sup>5</sup>, contain no riparian and vegetated corridors that create hazard paths into urban areas and they have a configuration of vegetation (including in open spaces) that is unlikely to carry a moving bushfire front. The potential for ember attack in these areas is low.

Subject to more detailed assessments as part of any strategic planning proposal, these areas can generally be defined as land more than 100m from the edge of a declared bushfire prone area. These locations are not included within the Bushfire Management Overlay or a declared bushfire prone area. These areas are sufficiently low risk that they do not fall within a landscape type.

### Joining up with other bushfire products

The Victorian Fire Risk Register (Victorian Government) does not include any human settlement at-risk assets in these areas. The *Regional Bushfire Planning Assessment – Grampians Region* (DPCD, 2011) does not include any 'identified areas'.

### Strategic assessment against c13.02-1S Bushfire

These locations are low risk as they have limited interaction with bushfire hazards. Planning proposals are likely to be favourably assessed against c13.02-1S *Bushfire Planning* because:

- There is limited (or no) exposure to large, landscape-scale bushfire.
- The potential for neighbourhood scale destruction is low.
- These areas are low fuel through their urban structure and extent of urban infrastructure.

### Mitigation to inform strategic planning decisions

Mitigation is delivered through the geographic separation from landscape hazard areas and the existing physical characteristics of these locations. Bushfire-related construction requirements do not arise in these areas as they are outside of a bushfire prone area.

### A bushfire evidence base for strategic projects

A bushfire evidence base for strategic projects should:

- ✓ Confirm the locality is consistent with the description identified in this document. It is anticipated the Council can confirm this in-house, without the need for further expert advice.
- ✓ Include descriptive content from this document into the bushfire section of a planning scheme amendment explanatory report.

<sup>5</sup> Classifiable vegetation is hazardous vegetation as defined in *AS3959-2018 Building in a bushfire prone area* (Standards Australia)

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BUSHFIRE PLANNING

### **Key messages for engagement activity on planning scheme changes**

The following can be considered for inclusion into communication material associated with strategic planning proposals:

*The bushfire risk according to planning scheme considerations is low. Planning scheme bushfire considerations do not impact on how the Planning Authority plans and delivers planning scheme changes in these areas.*

## 5. Landscape type 1: Grasslands

### Description

These locations comprise grassland areas in the western and northern parts of the municipality. Within these areas are the smaller settlements of Cardigan Village, Miners Rest and Learmonth.

Some of the grassland areas are in a managed setting because of agricultural activities. However, when considering the landscape risk associated with grasslands for strategic planning decisions it is prudent to assume that grasslands are unmanaged as they may become so in future.

Interspersed with grassland areas are areas of fragmented vegetation. These will include clumps of non-grassland vegetation, roadside vegetation, strips of trees (for example, along vehicle accesses and water courses) and the occasional smaller patch of non-grassland vegetation. The extent of fragmentation will be a factor when considering bushfire at the local scale but the impact on landscape-scale bushfire is minimal. The grassland vegetation will be the dominant driver of bushfire behaviour in these grassland areas.

Subject to more detailed assessments as part of any strategic planning proposal, these areas can generally be defined as areas with managed or unmanaged grasslands in the western and northern parts of the municipality. They will be within bushfire prone areas.

#### Figure 5: Key characteristics of grassfires (CFA, 2020)

- Grassfires can start and spread quickly and are extremely dangerous.
- Grassfires can travel up to 25 km per hour and pulse even faster over short distances.
- Grass is a fine fuel and burns faster than bush or forests.
- Grassfires tend to be less intense and produce fewer embers than bushfires, but still generate enormous amounts of radiant heat.
- The taller and drier the grass, the more intensely it will burn.
- The shorter the grass, the lower the flame height and the easier the fire will be to control.
- Grassfires can start earlier in the day than bushfires, because grass dries out more quickly when temperatures are high.

### Joining up with other bushfire products

The Victorian Fire Risk Register (Victorian Government) includes the settlements in these areas as a risk. The *Regional Bushfire Planning Assessment – Grampians Region* (DPCD, 2011) does not include any 'identified areas' relevant to these areas.

These grassland areas are not included within the Bushfire Management Overlay. Grassland areas are included within the declared bushfire prone area as referenced in *c13.02-1S Bushfire Planning*.

### Strategic assessment against *c13.02-1S Bushfire Planning*

These locations are lower risk compared to other parts of the municipality that have non-grassland landscape bushfire hazards. Planning proposals are likely to be favourably assessed against *c13.02-1S Bushfire Planning* because:

- There is limited (or no) exposure to large, landscape-scale bushfire.
- The potential for neighbourhood scale destruction is low, although the edges of grassland areas need to be separated from new development at the local scale.



- Settlements within these areas (Cardigan Village, Miners Rest and Learmonth) contain low fuel areas where protection from the harmful effect of bushfire is provided. This is typically achieved by walking away from grassland hazard edges deeper into settlement areas.

### Mitigation to inform strategic planning decisions

Mitigation is delivered through the geographic separation from non-grassland hazard areas, avoiding the potential for more destructive bushfires to arise in these areas. Mitigation is likely to include:

- Confirming that site-based exposure is no more than 12.5kw/sq.m of radiant heat.
- Confirming access is available to low fuel areas.

A low-fuel area adjoining grassland can ensure that a moving grassfire cannot approach development. Planning scheme changes should not introduce fuels that undermine a defined hazard edge to grassland areas or a low fuel area where people may move to for enhanced safety.

Bushfire-related construction requirements will arise throughout grassland areas and on the grassland hazard interface. Planning scheme changes should not impact on buildings and works being constructed to bushfire vegetation standards<sup>6</sup>.

### A bushfire evidence base for strategic projects

A bushfire evidence base for strategic projects should:

- ✓ Confirm the locality is consistent with the description identified in this document. It is anticipated that this can be confirmed by the Council in-house, without the need for further expert advice.
- ✓ Confirm that site-based exposure benchmarks can or will be met. This will require a bushfire hazard site assessment to be prepared.
- ✓ Confirm that low fuel areas are available.

The bushfire evidence base for strategic projects can draw on this document when preparing an explanatory report for a planning scheme amendment.

### Key messages for engagement activity on planning scheme changes

The following can be considered for inclusion into communication material associated with strategic planning proposals:

*Grassfires can be dangerous to people and assets throughout grassland areas. They move fast and you may not have much warning before it approaches. Planning scheme bushfire considerations require the Planning Authority to ensure grassfires cannot enter settlements or approach new development. To do this existing vegetation close to new development may need to be managed for bushfire protection purposes. Planning scheme changes need to demonstrate that these outcomes will be met.*

<sup>6</sup> Bushfire vegetation standards are defined in Table 6 in c53.02 Bushfire Planning

## 6. Landscape type 2: West of forest hazards

### Description

These locations are near forested areas where bushfires can start and grow large. However, they are located to the west of forests and comprise lower-fuel urban land. Despite their proximity to landscape scale hazards, they are at a lower risk to bushfire as any bushfire under Victoria's dominant bushfire weather would be pushing a bushfire away from these areas.

These areas can generally be defined as urban areas to the west of forested areas in Sebastopol, Canadian and Ballarat East. Parts are included in the Bushfire Management Overlay and/or a bushfire prone area because an ember protection buffer applies based on the forest hazards in the locality<sup>7</sup>.

### Joining up with other bushfire products

The *Victorian Fire Risk Register* (Victorian Government) does not include these areas as a risk. The *Regional Bushfire Planning Assessment – Grampians Region* (DPCD, 2011) reflects the interface with landscape hazard areas to the east.

### Strategic assessment against c13.02-1S Bushfire Planning

These locations are lower risk. Strategic planning proposals can be favourably assessed because there is limited exposure to large bushfires under Victoria's dominant north-west and south-west bushfire winds. These locations are mostly low fuel areas. The potential for neighbourhood scale destruction is limited.

### Mitigation to inform strategic planning decisions

Mitigation is delivered through the favourable location west of landscape hazard areas. The potential for large bushfires to impact on these areas is avoided. Mitigation is likely to include:

- Confirming that site-based exposure is no more than 12.5kw/sq.m of radiant heat.
- Confirming access is available to low fuel areas. Existing low fuel areas should be maintained.
- Confirming the edges of development are separated from forested areas.

Opportunities for environmental enhancements can be contemplated where they will not create a bushfire hazard to existing and new development.

Bushfire-related construction requirements will arise in these areas. Planning scheme changes should not impact on buildings and works being constructed to bushfire standards.

### A bushfire evidence base for strategic projects

A bushfire evidence base for strategic projects should:

- ✓ Confirm the locality is consistent with the description identified in this document. It is anticipated that this can be confirmed by the Council in-house, without the need for further expert advice.

<sup>7</sup> The Bushfire Management Overlay and bushfire prone area do not consider wind direction or aspect in applying the ember protection buffer

Kevin Hazell

BUSHFIRE PLANNING

- ✓ Confirm that site-based exposure benchmarks can or will be met. This will require a bushfire hazard site assessment to be prepared.
- ✓ Confirm that low fuel areas are available.
- ✓ Confirm with municipal bushfire experts that the Victorian Fire Risk Register (human settlement) does not identify any at-risk assets in an area proposed for planning scheme changes.

The bushfire evidence base for strategic projects can draw on this document when preparing an explanatory report for a planning scheme amendment.

### Key messages for engagement activities

The following can be considered for inclusion into communication material associated with strategic planning proposals:

*Urban areas west of forested hazards are favourably located as any bushfire would likely be pushed away under dominant bushfire weather. These areas are also lower fuel. The bushfire risk according to planning scheme considerations is lower because of this.*

*It is still important that development immediately adjoining hazard areas are carefully planned, and we should seek to keep fuels low. However, planning scheme bushfire considerations are not a significant influence on how the Planning Authority plans and delivers planning scheme changes in these areas.*

## 7. Landscape type 2 or 3: Grasslands near forest hazards

### Description

These locations comprise grassland areas that are influenced by forested areas<sup>8</sup> in the surrounding landscape. They include grassland areas on the south-west local government area boundary, in proximity to Mount Rowan, Warrenheip and east of Mount Helen.

These grassland areas are higher risk as they are influenced by nearby forested areas. Because of this, they are more susceptible to fire because bushfire in forested areas may run into them through continuous fuel paths and they may experience more grassfires through ember attack from forested areas.

These areas can generally be defined as managed or unmanaged grasslands that are exposed to bushfire in nearby forested areas. Areas closest to forested areas will be within a Bushfire Management Overlay and all these areas are within a bushfire prone area.

### Joining up with other bushfire products

The *Victorian Fire Risk Register* (Victorian Government) includes many of these grassland areas as a risk where there is development (for example, houses). The *Regional Bushfire Planning Assessment – Grampians Region* (DPCD, 2011) includes 'identified areas' associated with low density and rural living development.

### Strategic assessment against c13.02-1S Bushfire Planning

These locations have an elevated bushfire risk arising from being in proximity to larger hazard areas. These areas require a nuanced assessment because:

- There is potential for neighbourhood scale destruction through ember attack and ember ignited grassfires.
- There may or may not be immediate access to low fuel areas where protection from the harmful effect of bushfire is provided. Strategic projects need to consider whether such areas are available or should be provided.

### Mitigation to inform strategic planning decisions

Mitigation is not being delivered through the geographic separation from landscape hazard areas. There remains the potential for large bushfires to impact, including through ember attack. Mitigation is likely to include:

- Confirming that site-based exposure is no more than 12.5kw/sq.m of radiant heat.
- Confirming access is available to low fuel areas. Existing low fuel areas should be maintained.

The above may be difficult to achieve given the extent of bushfire hazards and the lack of low fuel areas. The advice of the relevant fire authority and municipal bushfire experts will be important inputs to decision making.

Planning scheme changes that have the effect of introducing fuels into these areas may create continuous hazard paths for a moving bushfire to move into and around these areas. This needs to be minimised in strategic planning proposals. Creating a defined edge to bushfire hazards will be important.

<sup>8</sup> For this report, forested areas includes areas that may be assessable under *AS3959-2018 Building in a bushfire prone area* (Standards Australia) as woodland vegetation or assessed as modified vegetation using *Table 2 to c53.02 Bushfire Planning*.



Environmental enhancements need to focus on win-win outcomes for bushfire (life safety) and environmental objectives. This will require strong partnership working with the relevant fire authority. Introducing new fuels can be contemplated where they can be assessed as low-threat and will not enable a bushfire to propagate through an area. Such fuels would be consistent with bushfire vegetation standards<sup>9</sup>. Proposals should not make it more difficult to provide bushfire vegetation standards.

Bushfire-related construction requirements will arise in these areas. Planning scheme changes should not impact on buildings and works being constructed to bushfire standards.

### A bushfire evidence base for strategic projects

A bushfire evidence base for strategic projects should:

- ✓ Confirm the locality is consistent with the description identified in this document. It is anticipated the Council can confirm this in-house, without the need for further expert advice.
- ✓ Confirm that site-based exposure benchmark of 12.5kw/sq.m of radiant heat is met by separating new development from bushfire hazards. Proposals that make achieving this outcome more difficult would not satisfy site-based exposure benchmarks.
- ✓ Confirm that an area of low fuel is available. For development in or close to an existing settlement, this may be available in nearby urban developed areas. It may also need to be created as part of the justification for planning scheme changes.

The bushfire evidence base for strategic projects can draw on this document when preparing an explanatory report for a planning scheme amendment.

### Key messages for engagement activities

The following can be considered for inclusion into communication material associated with strategic planning proposals:

*Grasslands areas that can be impacted by bushfires in surrounding forests are a bushfire risk. These areas can also be some distance from low fuel areas where shelter from bushfire can be provided.*

*Planning scheme bushfire considerations require the Planning Authority to plan for any proposals for new growth or change carefully. We will need to make sure people can find places where they can shelter from bushfire and survive its harmful effects. Because of this changes to the bushfire hazard need to be carefully managed. Where possible, reducing fuels is likely to be the priority.*

*Opportunities to enhance the environment are still possible, but these need to be carefully planned on a site-by-site and street-by-street basis. We especially need to make sure vegetation close to development are as bushfire ready as possible. Planning scheme changes that would increase fuels in these areas are unlikely to satisfy planning scheme bushfire policies.*

<sup>9</sup> Bushfire vegetation standards are defined in Table 6 in c53.02 Bushfire Planning

## 8. Landscape type 3a: Areas near forest hazards

### Description

These locations are near forested areas where bushfires can start and grow large. They are generally lower fuel where a moving bushfire front is unlikely. They will be subject to high levels of ember attack. This can create localised<sup>10</sup> fires throughout these areas. These locations will also be areas of movement before, during and after a bushfire as people closer to and within more hazardous areas seek enhanced safety.

These areas can generally be defined as areas outside of the Bushfire Management Overlay in Mount Clear, Mount Pleasant, Buninyong, and low fuel urban areas in Brown Hill. They will be extensively within a bushfire prone area. Some limited areas may not be in either the Bushfire Management Overlay or a bushfire prone area.

### Joining up with other bushfire products

The *Victorian Fire Risk Register* (Victorian Government) includes these areas as a risk. The risk reduces the further away from forested areas. The *Regional Bushfire Planning Assessment – Grampians Region* (DPCD, 2011) includes many 'identified areas' associated with proximity and interface with large hazard areas.

### Strategic assessment against c13.02-1S Bushfire Planning

There is an elevated bushfire risk from being in proximity to forested areas. The areas are mostly lower fuel developed areas that can provide shelter from the harmful effects of flame contact and radiant heat from a moving bushfire. They will be subject to ember attack and the potential for fires started by ember attack. But their low fuel existing characterises are a favourable locational attribute despite their proximity to forested areas.

Strategic planning proposals require a nuanced assessment against c13.02-1S *Bushfire Planning* to demonstrate the risk is not increased and, where possible, reduced, especially in response to ember attack.

### Mitigation to inform strategic planning decisions

Mitigation is mostly delivered through the geographic separation from forested areas, but the potential for ember attack into these areas and localised fires is on-going. Mitigation is likely to include:

- Confirming that site-based exposure is no more than 12.5kw/sq.m of radiant heat.
- Confirming access is available to low fuel areas. Existing low fuel areas should be maintained.

Changes should not introduce fuels that undermines a defined hazard edge or low fuel areas. Fuels should be consistent with bushfire vegetation standards. However, where they are consistent opportunities for environmental enhancements can be contemplated. These will need to be carefully planned on a site-by-site and street-by-street basis. Detailed analysis of changes arising from environmental initiatives should inform strategic planning.

Bushfire-related construction requirements will arise in these areas. Planning scheme changes should not impact on buildings and works being constructed to bushfire standards.

### A bushfire evidence base for strategic projects

<sup>10</sup> Localised fires can arise from ember attack creating fires in houses and other structures and in vegetation on roadsides, parks and gardens.

Kevin Hazell

BUSHFIRE PLANNING

A bushfire evidence base for strategic projects should:

- ✓ Confirm the locality is consistent with the description identified in this document. This may require further bushfire evidence to be prepared.
- ✓ Confirm that site-based exposure benchmarks can or will be met. This will require a bushfire hazard site assessment to be prepared.
- ✓ Confirm that low fuel areas are available.
- ✓ Respond to the ongoing risk of ember attack. This may require bushfire vegetation standards to be applied in areas proposed for change.

The bushfire evidence base for strategic projects can draw on this document when preparing an explanatory report for a planning scheme amendment.

### Key messages for engagement activities

The following can be considered for inclusion into communication material associated with strategic planning proposals:

*Areas near forest hazards perform a mixed role. They are themselves at risk of bushfire, including from ember attack. They also provide shelter for people moving away from more dangerous areas closer to the forest.*

*Planning scheme bushfire considerations require the Planning Authority to plan for any proposals for new growth or change carefully. We will need to make sure people in these areas and from nearby areas can find places where they can shelter from bushfire and survive its harmful effects. Because of this changes to the bushfire hazard need to be carefully managed. Where possible, reducing fuels is likely to be the priority.*

*Opportunities to enhance the environment are still possible, but these need to be carefully planned on a site-by-site and street-by-street basis. We especially need to make sure vegetation close to development is as bushfire ready as possible. Planning scheme changes to increase fuels need to be carefully considered.*

## 9. Landscape types 3b and 4: Forest hazards

### Description

These locations are within or close to forest hazards. Moving bushfire fronts and ember attack are likely in these areas. They include large areas that are not managed in a low fuel condition. Larger fires and neighbourhood scale destruction from bushfires are likely to arise in these areas. The ability for people to move away from hazardous areas is not certain, meaning people may need to shelter on their own land or they may have limited shelter options (for landscape type 3b) or no shelter options (for landscape type 4).

These areas can generally be defined as areas within or within 150m of forested areas. These areas will be extensively within the Bushfire Management Overlay and within a bushfire prone area.

### Joining up with other bushfire products

The *Victorian Fire Risk Register* (Victorian Government) includes urban areas, some low-density / rural living areas and smaller settlements as a risk. The *Regional Bushfire Planning Assessment – Grampians Region* (DPCD, 2011) includes many 'identified areas'.

### Strategic assessment against c13.02-1S Bushfire Planning

These locations are a high bushfire risk as they are in or in very close proximity to larger forested areas. There is potential for neighbourhood-scale destruction and because of this strategic planning proposals may be less favourably assessed against c13.02-1S Bushfire Planning. This is because:

- There is potential for neighbourhood scale destruction.
- These areas are not managed in a low fuel condition.
- Survivability and the ability to move away from bushfires is not certain and will be complex before, during and after a bushfire event. There is not typically immediate access to low fuel areas where protection from the harmful effect of bushfire is provided.

### Mitigation to inform strategic planning decisions

Mitigation is not being delivered through the geographic separation from hazard areas, so there remains the potential for large bushfires to impact. Mitigation is likely to include confirming that site-based exposure is no more than 12.5kw/sq.m of radiant heat.

Ensuring access is available to low fuel areas will be important. This may be within a development proposal or on nearby low-fuel land. Existing low fuel areas should be maintained and, where possible, enhanced. This may be difficult to achieve given the extent of bushfire hazards and the lack of low fuel areas. The advice of the relevant fire authority and municipal bushfire experts will be important inputs to decision making.

Environmental enhancements need to focus on win-win outcomes for bushfire (life safety) and environmental objectives. This will require strong partnership working with the relevant fire authority. Introducing new fuels can be contemplated where they can be assessed as low-threat and will not enable a bushfire to propagate through an area. Such fuels would be consistent with bushfire vegetation standards. Proposals should not make it more difficult to meet bushfire vegetation standards.

Bushfire-related construction requirements will arise in these areas. Planning scheme changes should not impact on buildings and works being constructed to bushfire standards.



### A bushfire evidence base for strategic projects

A bushfire evidence base for strategic projects will require further bushfire assessments. It will be necessary to:

- ✓ Confirm the locality is consistent with the description identified in this document. This will require further bushfire evidence to be prepared. It will be particularly important that further assessments determine whether a locality best fits within Landscape type 3 (a shelter option can be confirmed or created) or landscape type 4 (no shelter option is not available). Where not available, proceeding with changes need to be carefully considered.
- ✓ Confirm that site-based exposure benchmarks can or will be met. This will require a bushfire hazard site assessment to be prepared.
- ✓ Confirm that low fuel areas are available.

### Key messages for engagement activities

The following can be considered for inclusion into communication material associated with strategic planning proposals:

*Places in proximity to large, forested hazard areas are some of the most dangerous places in the municipality. Bushfire in these areas are a real possibility every fire season and protecting human life as best as possible is a priority when doing strategic planning in these areas.*

*Planning scheme bushfire considerations require the Planning Authority to be extremely cautious when contemplating increasing bushfire risk in these areas, either through new strategic growth proposals or through planning scheme changes that impact on bushfire safety. Where possible, reducing fuels is likely to be the priority.*

*Opportunities to enhance the environment are possible, but these will need to be managed to be bushfire ready. Planning scheme changes cannot have the effect of enabling a bushfire to spread more easily through these areas.*

*Planning scheme changes require the Planning Authority to work closely with the Country Fire Authority and the Minister for Planning. Only with their agreement can we proceed with proposals. We need to work with the community to identify proposals that can meet the needs of these other stakeholders and demonstrate the bushfire is fully considered and addressed.*

*The safety of the community will be paramount in decision making.*

## 10. Locations for lower risk urban growth

Locations for lower risk urban growth are shown schematically (using arrows) on **Figure 5: Bushfire landscape areas**.

Urban growth can be directed to these locations having regard to planning scheme bushfire policies that support growth being directed to lower risk areas. These areas are lower risk because they have:

- Limited exposure to large, landscape-scale bushfire.
- Minimal potential for neighbourhood-scale destruction.
- Good shelter options found in nearby low fuel urban areas or the ability to create shelter options as part of urban development.

The residual landscape risk, which is from grassland hazards, can be mitigated through passive measures as part of proposals for urban growth. This can include creating a permanent hazard edge that delivers exposure at no more than 12.5kw/sq.m of radiant heat by:

- Providing bushfire vegetation standards on the hazard edge to stop a grassfire from entering developed areas.
- Providing a perimeter road to create a well-designed interface with hazard areas.
- Ensuring open spaces and riparian corridors do not create continuous fuel paths into developed areas.

The lower risk is reinforced by the typology of development which is likely to include urban lots and urban style infrastructure. These have a reduced potential to carry increased fuels and are likely to provide future occupants with access on foot to low fuel areas.

Further information on these directions for lower risk urban growth can be found in *the Ballarat Northern Growth Area* (Bushfire Planning, 2020a) and *Ballarat Western Growth Area Bushfire Assessment* (Bushfire Planning, 2020b).

Kevin Hazell

BUSHFIRE PLANNING

## References

Ballarat Planning Scheme

*Ballarat Northern Growth Area Bushfire Assessment*, Bushfire Planning, 2020a.

*Ballarat Western Growth Areas Bushfire Assessment*, Bushfire Planning, 2020b.

*Grassfires – Rural*, Country Fire Authority, 2020 (access at [www.cfa.vic.gov.au/plan-prepare/grassfires-rural](http://www.cfa.vic.gov.au/plan-prepare/grassfires-rural)).

*Measuring Bushfire Risk in Victoria*, Department of Environment, Water, Land and Planning, 2015.

*Municipal Fire Management Plan 2018-2021*, City of Ballarat, 2018.

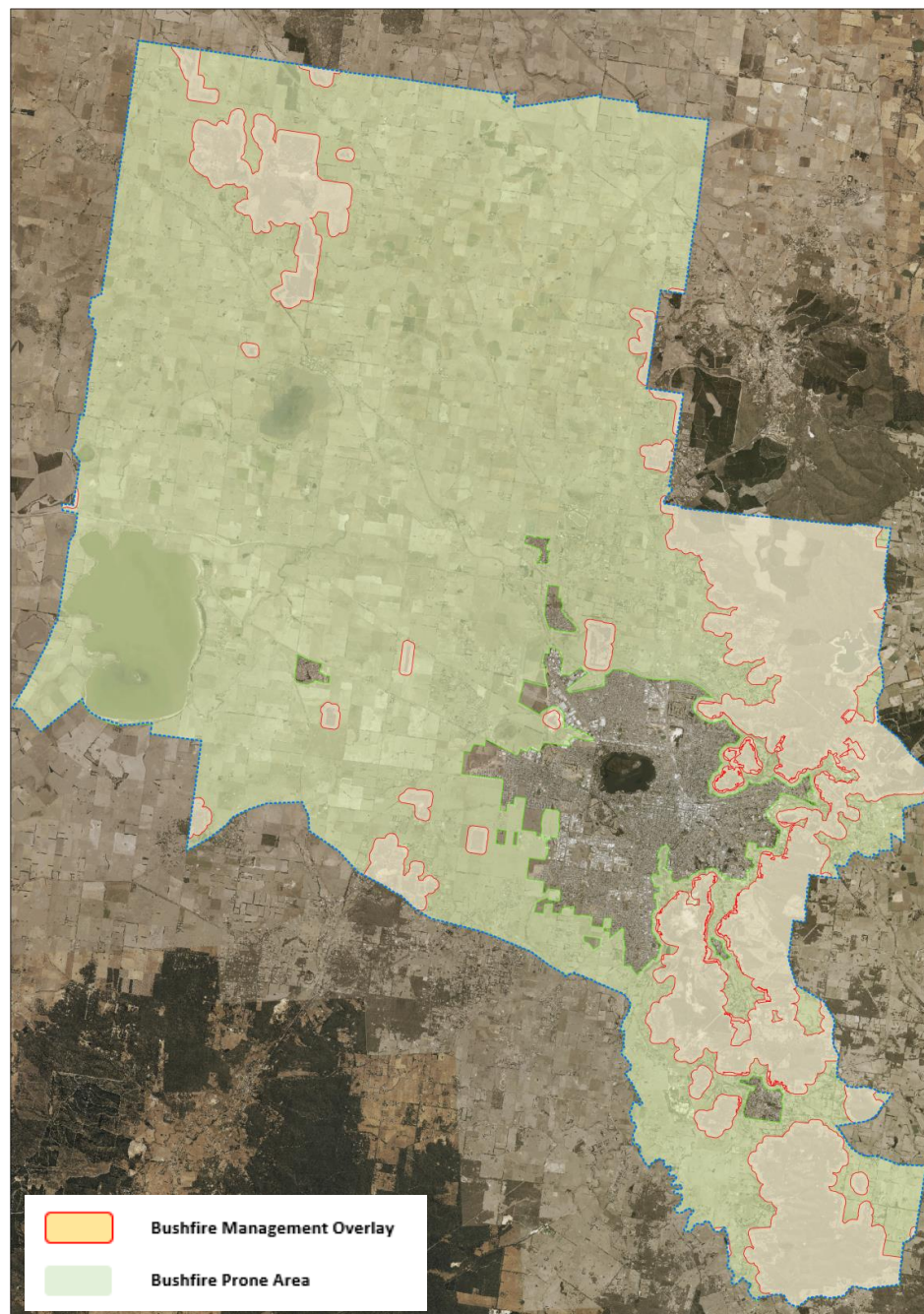
*Planning Permit Applications Bushfire Management Overlay Technical Guide*, Department of Environment, Land, Water and Planning, 2015.

*Regional Bushfire Planning Assessment – Grampians Region*, Department of Planning and Community Development, 2012.

*Strategic Bushfire Management Plan West Central*, Department of Environment, Land, Water and Planning, 2015.

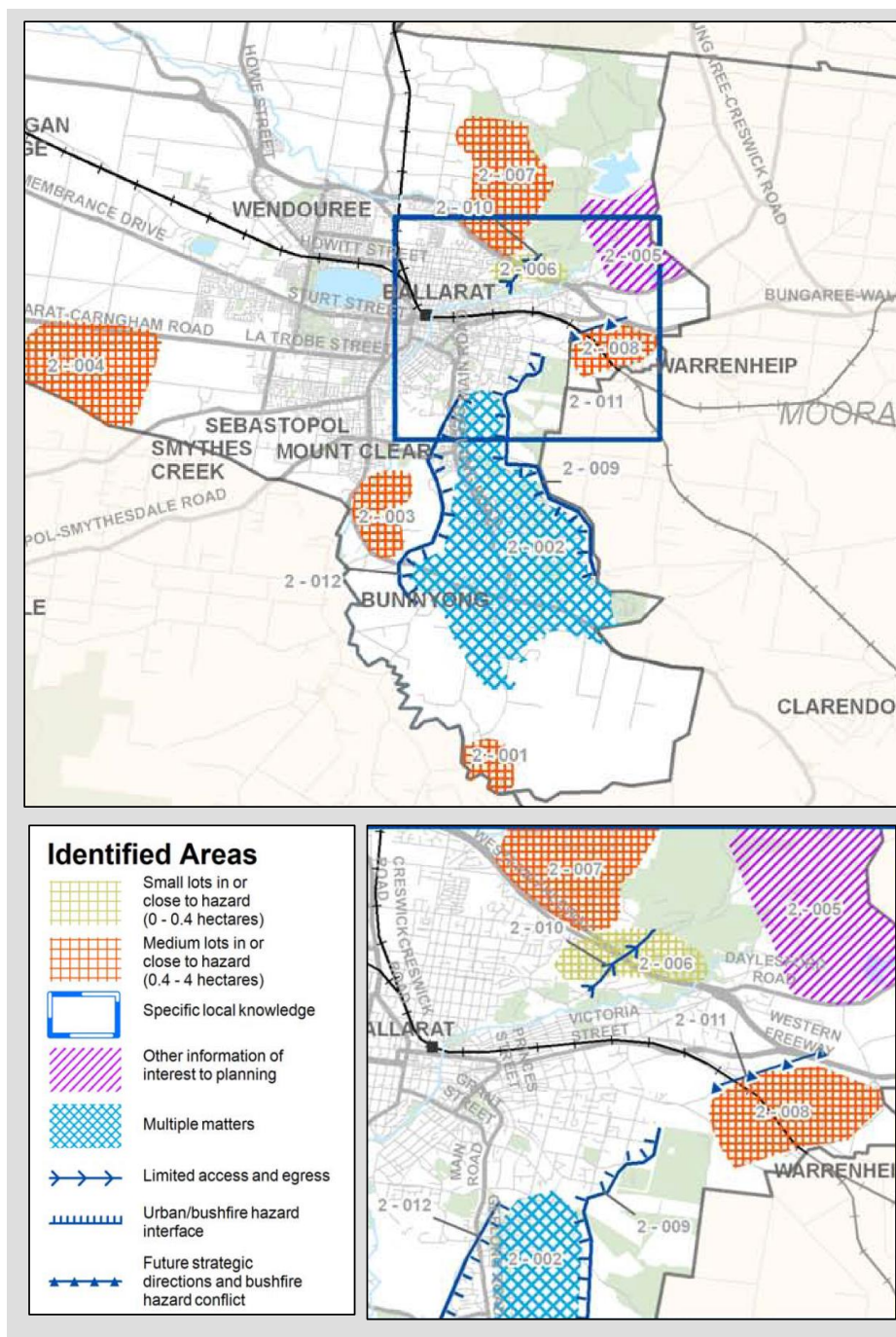
*Victorian Fire Risk Register – Ballarat Output 03 (human settlement)*, Country Fire Authority, 2020.

**Attachment 1: Bushfire Management Overlay and bushfire prone area**





## Attachment 2: Regional bushfire planning assessment extract



### 8.3. GROWTH AREAS QUARTERLY REPORT

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Chris Duckett – Manager Sustainable Growth

#### 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 which seeks an update on the rezoning of the UGZ and a project plan including timeframes for the Growth Areas Framework Plan.

## KEY MATTERS

### Rezoning of the Ballarat Northern Growth Area

4. On 22 June 2023, on behalf of the Minister for Planning, the Department of Transport and Planning confirmed that an amendment to rezone the core area of the Ballarat Northern Growth Area (BNGA) to the UGZ had been approved.
5. An additional area that Council requested be rezoned to UGZ was not included in the amendment and will need to be further investigated as discussed and shown in figure 1.

### Ballarat North Precinct Structure Plan and Development Contributions Plan

6. The amendment to allow the rezoning of the BNGA facilitates the preparation of a Ballarat North Precinct Structure Plan (PSP) and Development Contributions Plan (DCP) by the Victorian Planning Authority (VPA) as the planning authority appointed by the Minister.
7. Ongoing discussions on the PSP and DCP preparation are occurring between the VPA and all stakeholders including the City of Ballarat, other state government agencies, Wathawurrung traditional owners, and landowners. No immediate urban development will occur in the BNGA until the PSP and DCP have been prepared and incorporated into the Ballarat Planning Scheme. This is expected to have occurred by mid-2026.
8. In addition to preparing the PSP and DCP, the VPA will also consider whether all or some of the additional land in the BNGA can be included in the PSP. This will require further technical work including an assessment of environmental matters and the capability of the land to accommodate development and if it is agreed that it can be included in the PSP, the additional land will also be rezoned to UGZ.



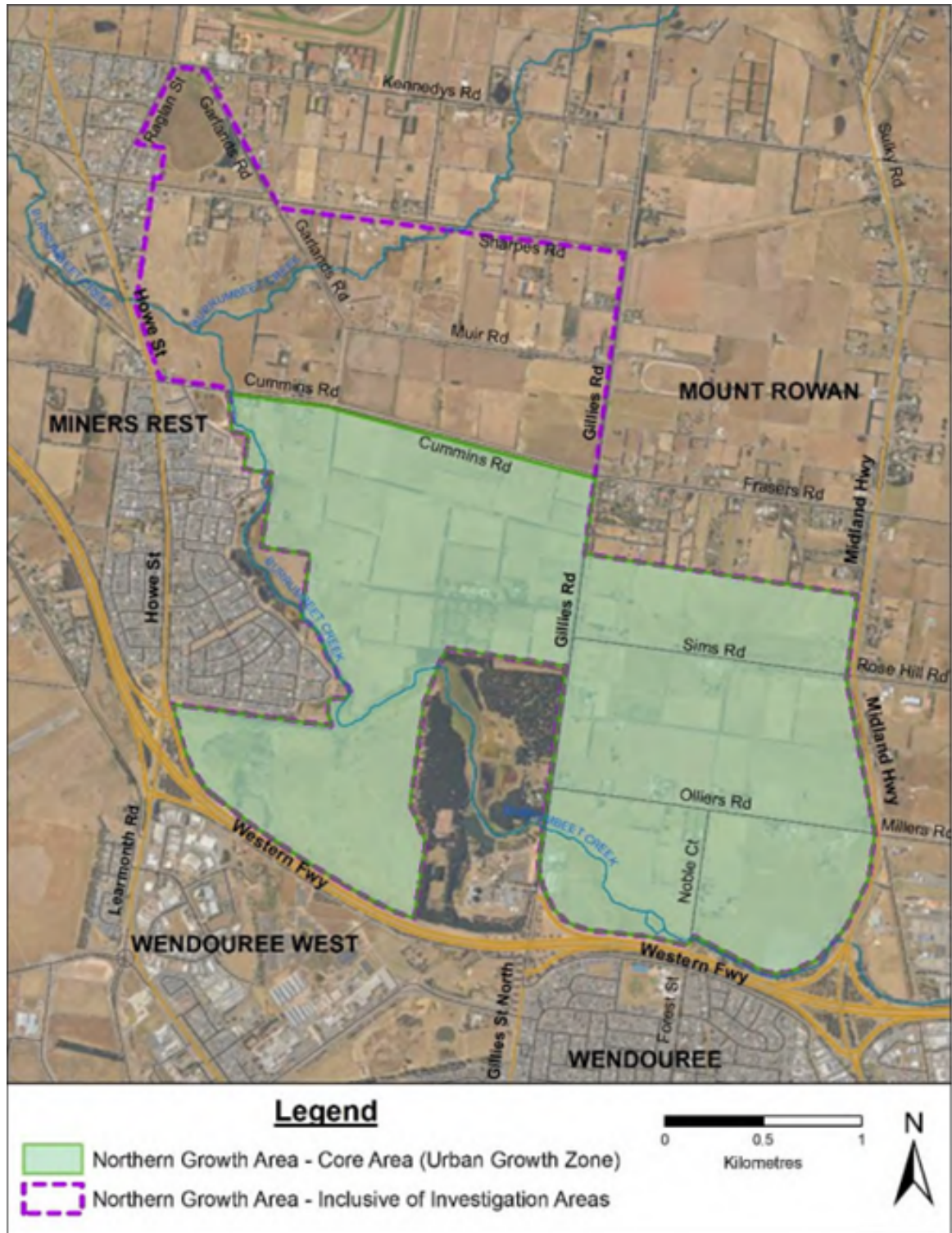


Figure 1: BNGA Rezoned UGZ and Investigation land

#### Infrastructure Growth Alignment Framework

- The Minister for Planning has requested that the VPA undertake a high-level strategic review of Ballarat's proposed greenfield and urban renewal areas. This report will be known as the Infrastructure Growth Alignment Framework (IGAF).



10. 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.

11. The VPA are nearing completion of the IGAF and it is anticipated that it will be provided as advice to the Minister in September.

#### Growth Areas Framework Plan

12. Officers are progressing background technical work that will inform the Framework Plan. This includes a high-level Infrastructure Servicing Strategy (including transport), and a Community and Recreation Infrastructure review.

13. Once this technical work is completed and any relevant advice is received from the Minister regarding the IGAF, officers will be able to advise on the next steps and timeframes on the Framework Plan.

#### **OFFICER RECOMMENDATION**

**14. That Council:**

**14.1 Note the contents of this update report.**

#### **ATTACHMENTS**

1. Governance Review [8.3.1 - 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. PSPs in Council's growth areas will seek to implement measures that will respond to the climate emergency and manage environmental sustainability implications.

**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.
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.

**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*.

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**COMMUNITY CONSULTATION AND ENGAGEMENT**

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

**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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#### **8.4. INTERNATIONAL TRAVEL 8TH ASIA PACIFIC URBAN FORUM 23-25 OCTOBER, KOREA**

**Division:** Economy and Experience  
**Director:** Martin Darcy  
**Author/Position:** Jeff Johnson – Executive Manager Arts and Events

##### **PURPOSE**

1. The purpose of this report is to seek consideration of City of Ballarat's representation at the **8th Asia Pacific Urban Forum (APUF8) - 23-25 October 2023**, Suwon Convention Centre, Suwon, Republic of Korea at the invitation of the City of Jajpur, India.
2. Officers will recommend that Tara Poole, Coordinator Creative City, attend the convention after being invited by Jajpur to attend an expert panel discussion at APUF8 on Urban and Territorial Planning and Policies.

##### **BACKGROUND**

3. APUF8 is an event that brings together urban development experts, policymakers, researchers, and practitioners from across the Asia Pacific region. It serves as a platform for knowledge sharing, collaboration, and discussions on key urban challenges and sustainable development solutions.
4. The panel discussion will focus on "Reforging post-pandemic pathways to sustainable urban development in Asia and the Pacific" aiming to explore innovative approaches, best practices, and policy recommendations to address urban challenges in the Asia Pacific region.
5. Jajpur has proposed a panel discussion at APUF8 on Urban and Territorial Planning and Policies. This panel will investigate spatial strategies of heritage, tourism and open space design which centre local crafts into the urban landscape and into the economic fabric of a city.
6. The direct benefits of participating in this forum will permit the development of best-practice guidance for the City of Ballarat in planning, provision of cultural infrastructure and the integration of design and creativity into civic practice.
7. Jajpur, India, is in the process of applying to secure UNESCO Creative City status and has established an international body to provide advice and share knowledge. Tara Poole currently sits on this international body as an advisor and is also a Member of the Global Advisory Board for the United Nations Human Settlements Program (UN Habitat).



## KEY MATTERS

8. Tara Poole has been invited to participate in the forum as a guest of Jajpur, which includes funding all travel and accommodation costs. It is expected that there will be visa charge (\$112) and daily costs (approx. \$100 per day). The total anticipated cost to City of Ballarat is \$412.
9. The basis for the request for the Officers' travel in accordance with the Travel and Related Expenses Procedure.
10. A Travel Report will be provided following international travel.

## OFFICER RECOMMENDATION

### 11. That Council:

- 11.1 **Approve Tara Poole, Coordinator Creative City, to travel to attend the 8th Asia Pacific Urban Forum (APUF8) on 23 October 2023 – 25 October 2023, in Suwon, Republic of Korea at the invitation of the City of Jajpur, India.**

## ATTACHMENTS

1. Governance Review [8.4.1 - 2 pages]
2. Parallel Sessions Criteria [8.4.2 - 2 pages]
3. APU F 8 Concept Note V 7 1.5.23 (002) [8.4.3 - 8 pages]

## OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. Aligns to Council Plan (2021-2025) Goal 5: A strong and innovative economy and city; Strategic Objective 7 – Ballarat as creative city - “enhance the reputation of Ballarat as a creative city”
2. Aligns to Creative City Strategy (2019 – 2030): Goal 2 – Ballarat is a city where artists and creatives can sustain professional careers and prosper. Action 13. Facilitate opportunities for creative practitioners to access technical expertise and equipment to continually inspire new skills and the development of their creative practice

**COMMUNITY IMPACT**

3. Ballarat’s status as a creative city through the UNESCO Creative City Network has had significant positive impact upon the creative community – with artists and makers invited to display and show their work in international forums. Attendance at the 8<sup>th</sup> Asia Pacific Urban Forum (APUF8) provides Council with another opportunity to introduce, advocate and promote the work of Ballarat craft practitioners at an international level.
4. The City of Ballarat has a growing reputation for embedding design and creativity at the heart of the city’s development. Discussing the city’s strategies on a global stage not only continues to enhance our reputation and build important relationships, but also provides vital opportunities to discover best-practice within the Asia Pacific region.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

5. It is considered that there are no climate emergency implications within this report.
6. It is considered that there are no environmental sustainability implications within this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

7. It is considered that attendance at the APUF8 will have both direct and indirect impact upon the creative sector’s economic sustainability.
8. To date we have received opportunities for our creative sector to:
  - a. Exhibit their work internationally
  - b. Be invited to apply for international residencies
  - c. Attend and present at international level conferences

**FINANCIAL IMPLICATIONS**

9. There are budgeted costs associated with this international travel. The City of Jajpur has offered to cover all travel and accommodation costs. It is expected that there will be visa charge (\$112) and daily costs (max \$100 per day). The total anticipated cost is \$412.

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**LEGAL AND RISK CONSIDERATIONS**

10. It is not considered that there are any legal and risk considerations associated with this report.

**HUMAN RIGHTS CONSIDERATIONS**

11. 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**

12. Council has consulted directly with the Victorian Creative Cities Network (VCCN) of Bendigo, Geelong and Melbourne.

**GENDER EQUALITY ACT 2020**

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

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

14. 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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### **Call for Parallel Sessions for the Eight Asia-Pacific Urban Forum (APUF-8)**

*“Reforging post-pandemic pathways to sustainable urban development in Asia and the Pacific”*

**23-25 October 2023, Suwon Convention Centre, Suwon, Republic of Korea**

**Parallel Sessions** provide an opportunity to discuss the overall theme of APUF-8, deepen practical knowledge on sustainable urban development solutions, identify new and emerging issues. Sessions occur

in parallel across all three days of the Forum and are for showcasing joint initiatives and projects and helping spread greater awareness of the New Urban Agenda and the urban dimensions of the 2030 Agenda for Sustainable Development. Parallel Sessions can showcase innovations, new data, research and solutions towards their accelerated implementation, including on themes directly related to the four main thematic tracks of the Forum.

Parallel Sessions are from 60 to 90 minutes in length and are in person events (facilities are not available for videoconferencing) hosted in rooms which accommodate between 50 to 80 persons with audio/video equipment for presentations. Detailed specifications on the room layout and facilities will be communicated to successful applicants.

**Submission of Parallel Session Applications is now open until Wednesday, 30 June 2023. Click [here](#) to submit your Parallel Session.**

Lead organizations will be informed of the status of their applications by 15 August 2023. The final list of Parallel Sessions selected will be available on the official APUF-8 website by 1 September 2023.

*For more information, please contact [apuf@un.org](mailto:apuf@un.org)*



**Criteria for Selection of Parallel Sessions:**

1. More than one organizer per Parallel Session application is required. Lead organizations are encouraged to identify a co-leading organization(s) and include stakeholders in their applications. Each organization can submit only ONE Parallel Session as LEAD applicant.
2. Parallel Sessions must be closely related to the theme of APUF-8, “Reforging post-pandemic pathways to sustainable urban development in Asia and the Pacific.”
3. Parallel Sessions must demonstrate innovation, foresight and “out of the box” approaches to urban challenges in the Asia-Pacific region.
4. The content of Parallel Sessions must demonstrate clear linkages with one or more of the following areas:
  - (a) Implementation of the New Urban Agenda, the 2030 Agenda for Sustainable Development and localization of the Sustainable Development Goals;
  - (b) the major thematic topics of APUF-8: Urban and Territorial Planning and Policies; Urban Climate Action and Resilience; Inclusive Urban Digitalization and Innovation; Urban Finance and Technical Assistance; and
  - (c) Cross-cutting spatial, social, economic and environmental dimensions of sustainable urban development, including the perspectives of vulnerable groups and people with special needs.
5. Geographical<sup>1</sup> balance within Asia-Pacific of speakers and content.
6. Gender and age balance in speakers and content.
7. Multi-stakeholder approach in speakers and content.
8. Private sector organizations applying for Parallel Sessions should be members of the UN Global Compact.

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<sup>1</sup> North and Central Asia; South and South West Asia, South East Asia; North and North East Asia; and the Pacific. For the complete list please access <https://www.unescap.org/about/member-states>



## Concept Note

### **8<sup>th</sup> ASIA PACIFIC URBAN FORUM (APUF-8)**

Reforging post-pandemic pathways to sustainable urban development in Asia and the Pacific

**23-25 October 2023, Suwon Convention Centre, Suwon, Republic of Korea**

#### **INTRODUCTION**

As we convene for the 8th Asia Pacific Urban Forum (APUF-8), we are presented with a crucial opportunity to collectively reflect, strategize and take action to address the pressing challenges posed by rapid urbanization, compounded by the impacts of the COVID-19 pandemic and the interconnected climate crises, leading to increasing disaster risks, environmental degradation and inequalities across the region. Through engaging in dialogues, sharing knowledge and fostering collaborative efforts, we can chart a path towards more resilient, inclusive and sustainable urban futures in Asia and the Pacific. It is imperative that we work together to shape urbanization that is responsive to the needs of people, respects the environment, and promotes equitable and inclusive development.

For the past three decades, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) has played a pivotal role in convening the region's premier multi-stakeholder forum on sustainable urban development, the Asia Pacific Urban Forum (APUF). Held every four to five years, the most recent Forum, APUF-7, was hosted by Penang City in Malaysia in October 2019.

The 'urban age' in Asia and the Pacific has witnessed unprecedented growth, economic development and technological advancements leading to the transformation of cities and significant shifts in the social, economic, political and environmental landscape across the region. Growing inequality across cities has become a concerning issue, with the rising cost of living, limited job opportunities and lack of affordable housing exacerbating inequality, leading to unequal access to opportunities, increasing vulnerability and social exclusion. The COVID-19 pandemic exposed and exacerbated entrenched vulnerabilities, both at the city scale and within cities and urban households, resulting in increased urban inequalities. This has put to the test the principle of leaving no one and no place behind,

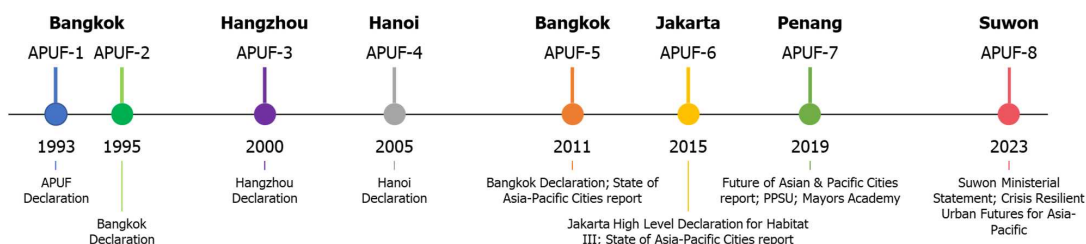
*As of 1 May 2023*

which underpins the Sustainable Development Goals. As a result, cities in Asia and the Pacific are grappling with the need to balance economic growth with sustainability, inclusivity and resilience.

The simultaneous occurrence and interplay of COVID-19 with other crises pose significant challenges to urban policymakers, leaders and communities, particularly in Asia and the Pacific, a region historically prone to disaster risks and already facing severe threats from the impacts of the climate crisis. The real-time convergence of health, climate, societal and geopolitical disruptions underscore the urgent need for multidimensional urban resilience and highlights the compounding effects of multiple system pressures on the most isolated, disadvantaged and marginalized populations.

Cities in Asia and the Pacific represented a wide spectrum of global urbanization trajectories and typologies. However, over the next 15 years of the Sustainable Development Goals, Asia and the Pacific are projected to account for nearly 60 percent of the world's urban growth, adding 0.7 billion people to the region's cities and towns, with a similar increase projected by the middle of this century. As stated by UN Secretary-General Antonio Guterres, "cities are where the climate battle will largely be won or lost," and "cities are central to virtually every challenge we face – and essential to building a more inclusive, sustainable and resilient future." Therefore, it is in Asia and the Pacific that solutions to these concurrent and interconnected global crises must be forged, implemented and scaled.

As we gather at the Asia Pacific Urban Forum, let us come together to strengthen our commitment to building urban resilience that prioritizes sustainability and inclusivity. Let us exchange knowledge, share best practices, and collaborate to develop innovative solutions that can transform our cities into resilient, inclusive and sustainable urban spaces. The time to act is now.



30 years of Asia Pacific Urban Forums (1993-2023)

*As of 1 May 2023*

## **OBJECTIVES & EXPECTED OUTCOMES**

The overarching objective of APUF-8 is to accelerate the implementation of sustainable urban development to attain the Sustainable Development Goals (SDGs) in the Asia-Pacific region. To achieve this, APUF-8 participants will:

- Engage in in-depth discussions on the four thematic areas examined and presented in the flagship publication titled 'Crisis Resilient Urban Futures for Asia and the Pacific.' The publication aims to continue to build on the existing comprehensive regional guidance and foundation created by previous reports and support future sustainable urban development processes, planning and advocacy in a contextually relevant manner.
- Provide a platform for promoting inclusive, sustainable, resilient, and safe urban solutions and best practices by engaging stakeholders, constituencies, experts and the public. This platform will strengthen regional cooperation and foster collaborative efforts toward sustainable urban development.
- Mobilize commitments to enhance city development, policies and planning processes through strengthened partnerships and regional actions prioritizing sustainable urban development across the Asia-Pacific region. This will involve fostering collaborative efforts and strategic partnerships among stakeholders to drive sustainable urban development at the regional level.
- Formulate a strategic and inclusive roadmap for intergovernmental and multi-stakeholder cooperation on sustainable urban development in the Asia-Pacific region. This roadmap will guide collaborative efforts among governments, international organizations, civil society, academia and other stakeholders toward achieving sustainable urban development goals in the region.

The Asia Pacific Urban Forum (APUF) aims to achieve three key outcomes:

1. Development of a strategic sustainable urban development high-level consensus, which will serve as a guiding framework for sustainable urban development in the Asia-Pacific region.
2. Declaration of concrete initiatives by partners to support the implementation of sustainable urban development. These initiatives will be informed by the discussions and outcomes of APUF-8 and will be aimed at informing subsequent regional and global fora. These initiatives will be tangible actions that contribute to sustainable urbanization in the region.



*As of 1 May 2023*

3. Strengthening existing platforms for sustainable urbanization to oversee, guide, and monitor the progress of commitments and initiatives made. This will involve creating mechanisms for tracking progress, evaluating outcomes, and reporting on the implementation of commitments and initiatives. This strengthened platform will also look towards the future, beyond APUF-9, to ensure continuity and sustained progress toward sustainable urban development in the Asia-Pacific region.

### THEMATIC FOCUS & INTERLINKAGES

The 8th Asia-Pacific Urban Forum (APUF-8) aims to bring together the experiences of multiple stakeholders to reflect on the colliding crises faced by cities in Asia and the Pacific, synthesize diverse approaches and actions to support urban resilience in the context of the New Urban Agenda and the decade for action for the Sustainable Development Goals (SDGs). High-level plenaries will draw insights from urban thought leaders, government officials and major stakeholder groups, based on real-world experiences of resilience-building and transformation through and beyond the pandemic. These plenaries aim to provoke, challenge, and invigorate participant understanding and commitment to sustainable urban development.

APUF-8 will be guided by four themes that will form the basis of the report, "**Crisis Resilient Urban Futures for Asia and the Pacific**," which will be launched on the first day of the forum and will inform the thematic dialogues and outcomes of the overall event.

1. **Urban and Territorial Planning:** Provide an overarching structure for integrating the breadth of strategies for addressing the multiple crises that cities and the world face. Comprehensive spatial planning approaches provide a platform for cities to impact areas of poverty and social exclusion, climate action, adequate housing, mobility, integrated digital transformation, cultural preservation and inclusive economic development. This thematic track aims to delve into the positive interplay between spatial planning and multi-level action to achieve the Sustainable Development Goals (SDGs) and the New Urban Agenda in a multi-crisis context. The discussion will emphasize ways to prioritize equitable spatial planning to lay the foundation for more inclusive, resilient, smart and sustainable urban development to mitigate the impacts of climate change and growing inequality and promote social cohesion, economic opportunity, urban health and well-being, and a better quality of life for all residents.

*As of 1 May 2023*

2. **Urban Climate Action:** Rapid urbanization in the Asia-Pacific region has led to increased inequality, economic growth and environmental damage. Almost 75% of energy-related greenhouse gas emissions originate in cities in Asia-Pacific, and many metropolitan populations are at risk from climate-related consequences. Cities that are resilient and low-carbon are integral for achieving sustainable urban development. These cities are essential for building strong communities that are socially and economically vibrant, environmentally sustainable and ready to meet the challenges of the 21st century. The thematic track on urban climate action and resilience intends to expedite the fundamental and necessary changes imperative to solve the climate problem and to improve urban planning, processes, and good governance. With the notion that achieving urban resilience requires swift adjustments to urban development, extensive retrofitting and regeneration of existing cities and towns and the provision of sustainable housing solutions, the session will assess the progress made in the thematic area since APUF-7 in 2019 along with looking ahead toward the role of cities in the context of loss and damage in the run-up to COP28.
3. **Inclusive Urban Digitalization and Innovation:** Urban digitization and innovation are transforming cities in the Asia-Pacific region, with key trends including smart city initiatives, digital infrastructure development, mobility solutions, e-governance, innovation ecosystem and sustainable urban development. As a result of these advancements, cities can plan better, improve urban services, transportation systems and energy efficiently, and enhance public safety. However, it is imperative that these solutions be inclusive, accessible and people-centred, particularly for marginalized and vulnerable communities. To achieve this objective, it is necessary to bridge the digital divide and promote inclusivity. This may involve initiatives such as expanding broadband access, offering affordable devices and internet plans, training in digital skills, and engaging diverse communities in designing and implementing digital solutions. This thematic track aims to explore the intersection between technology, sustainable development, and their impact on urban inequality, and how urban digitalization and innovation can be utilized to achieve the objective of "leaving no one behind" in Asia and the Pacific.
4. **Urban Finance:** Urban finance is the foundation for building financial systems that enable just and sustainable urban development while fostering economic expansion and enhancing the standard of living for locals. Nonetheless, municipal governments have been significantly impacted by public financing shortages, the impact of unforeseen events like the COVID-19 epidemic and the prevalence of informal urban development, making it difficult to finance operating and capital

*As of 1 May 2023*

costs. This necessitates quick fixes to enhance public budgets and draw in more funding. With a focus on recognizing the value of informality and bringing stakeholders together to achieve a shared vision for the city, this thematic track seeks to foster discussions about financing inclusive, safe, resilient and sustainable cities by investing in urban infrastructure, expanding service options, and developing innovative financing frameworks and instruments.

Parallel sessions during APUF-8 will provide an opportunity for participants to explore these thematic areas in detail, based on a specific city or sub-regional experiences or technical aspects of each sub-theme. These sessions will be developed through an open call to forum participants and run as hybrid events, allowing for virtual participation. Preference will be given to multi-stakeholder submissions, and in-person presentations, with a strong case required for online presentations to maximize the value of participating in sessions at the forum.

### **INTENDED PARTICIPATION**

APUF-8 has a primary target audience of urban policymakers and practitioners across Asia and the Pacific. This includes city leadership, public servants and technical experts at national and subnational levels, members of civil society engaged in cities and towns, representatives of key interest and stakeholder groups, the private sector, academia, representatives from development institutions, bilateral agencies, international agencies and other interested parties.

High-level participants will also be invited from the region's national governments with a focus on Ministerial representatives responsible for urban portfolios, as well as mayors and urban leaders from Asia and the Pacific's cities and towns.

APUF-8 and all associated events will emphasize gender and disability-inclusive participation. It will also welcome participants from outside the Asia-Pacific region, who will be invited to share comparable (and contrasting) case studies and good practices. The host city is encouraged to invite as many interested national and local participants to exchange with international participants.

The Forum is expected to attract approximately 2,500 participants in person, in addition to those taking part online. All sessions will strive for regional, gender and stakeholder balance in speakers, content and attendance, including the perspectives of people with special needs.

### **PROGRAMME**

A preliminary program for APUF-8 is presented below. The final program will be shaped in consultation with partners at the discretion of the Steering Committee of the Penang Partnership for Sustainable Urbanization (PPSU) and taking into account the emergent findings from the

As of 1 May 2023

2023 Flagship Cities Report, the High Level Declaration drafting process and the outcomes of submissions for events to be held in the parallel session time slots.

22 Sun		23 October 2023 Monday (Day 1)		24 October 2023 Tuesday (Day 2)	25 October 2023 Wednesday (Day 3)	26 Thu
Registration, Constituency Assemblies, Exhibition Booth Set up	07:00	Registration				Associated Events & Site Visits, Exhibition Pack Down
	09:00 – 10:30	Opening Session and Launch of Flagship Report		Plenary High-Level Panel 2 (City Climate Action)	Plenary High-Level Panel 4 (Urban Finance)	
	10:30 – 11:00	Exhibition Opening		Networking break	Networking break	
	11:00 – 12:30	Plenary High-Level Panel 1 – Urban and Territorial Planning		Parallel Sessions 2 (City Climate Action)	Parallel Sessions 4 (Urban Finance)	
	12:30 – 13:30	ESCAP-MoLIT VIP Lunch ( <i>by invitation</i> ) Lunch/Exhibition Events		Lunch / Exhibition Events	Lunch / Exhibition Events	
	13:30 – 15:00	Parallel Sessions 1 (Urban and Territorial Planning)		Plenary High-Level Panel 3 (Inclusive Urban Digitalization)	SDG City Awards, Voluntary Commitments, Declaration and Closing Session	
	15:00- 15:30	Networking break		Networking break		
	15:30 – 17:00	High-level Session ( <i>open to ministers and senior officials</i> )	Parallel Sessions 1 con.	Parallel Sessions 3 (Inclusive Urban Digitalization)	Exhibition Events	
	17:00 – 18:00	Exhibition Events		Exhibition Events		
	18:00	Suwon City Gala Dinner ( <i>by invitation</i> )		Social events	Social events	

Draft APUF-8 Program (subject to change)

As shown in the draft schedule, events will be grouped to run in sequence following the four thematic chapters of the Crisis Resilient Urban Futures for Asia and the Pacific report. On Day 1, the initial plenary and parallel sessions will be organized around the first theme: Urban and Territorial Planning, after the Opening Session (which includes the report launch) and an exhibition opening during the coffee break. This will be followed by a high-level ministerial plenary session, which will finalize the text of the High Level Declaration on Sustainable Urban Development for Asia and the Pacific. Day 1 will close with an invitational Gala Dinner hosted by Suwon City, including high-level representatives, key organizers and representatives from



*As of 1 May 2023*

the host city.

Day 2 of the Forum will address Themes 2 and 3: Urban Climate Action; and Inclusive Urban Digitalization and Innovation, in the morning and afternoon sessions, respectively. As with Day 1, various 'launch' events (such as for reports and new programmatic initiatives) will also be able to be held as part of the formal program during the lunch break, both within shared and break-out spaces.

Day 3 will conclude the forum, beginning by addressing the final theme of Urban Finance in the morning, before moving to a review of commitments made by participants and finalization of the high level declaration and convening of the SDG City Awards Ceremony with CityNet. The high-level closing session will also look forward toward and beyond WUF-12, setting out a path for ongoing engagement toward APUF-9.

### **LOGISTICS & SCHEDULING**

The Forum will be organized by ESCAP in partnership with the host government and city and other relevant organizations. It will seek both in-kind contributions and funding from partners to sponsor the participation of urban stakeholders and government representatives from the Asia-Pacific region and beyond. APUF-8 is timed to align with 'Urban October,' commemorating World Habitat Day (2 October 2023) and World Cities Day (31 October 2023).

The PPSU Steering Committee will act as a Reference Group for the process and provide expert peer review. Membership of the PPSU comprises: the Global Resilient Cities Network; Penang Island City Council; CityNet; the Asian Coalition for Housing Rights; the Commonwealth Local Government Forum; the European Union International Urban Cooperation Programme; the Huairou Commission; ICLEI-Local Governments for Sustainability; the Institute for Global Environmental Strategies (IGES) Japan; The Rockefeller Foundation; the United Nations Development Programme (UNDP); the United Nations Human Settlements Programme (UN-Habitat); the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP); Urbanice Malaysia (Chair); the University of Melbourne's Melbourne Centre for Cities (MC4C); and the Government of the Republic of Korea (ROK) as the host of the 8<sup>th</sup> Asia Pacific Urban Forum. The group will be co-chaired by RoK, Suwon City, and Urbanice Malaysia with ESCAP serving, in addition to being a member, a secretariat function.

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### **MORE INFORMATION**

APUF-8 website: [www.apuf8.org](http://www.apuf8.org) (available mid-May 2023)  
 General enquiries: [apuf@un.org](mailto:apuf@un.org)  
 Sustainable Urban Development Section, Environment and Development  
 Division, ESCAP  
 Venue/Logistics: Suwon Convention Center (<https://www.scc.or.kr/>)  
 Media Accreditation: [escap-scas@un.org](mailto:escap-scas@un.org)



## **8.5. BALLARAT FRIENDS OF AINARO COMMUNITY COMMITTEE CONTRIBUTION FOR PLAYGROUND**

**Division:** Community Wellbeing

**Director:** Matthew Wilson

**Author/Position:** Pete Appleton – Executive Manager Engaged Communities

### **PURPOSE**

1. This report responds to a request from the Ballarat Friends of Ainaro Community Committee that Council consider providing a donation of \$7,500 to match funds raised to meet the stage 1 cost of \$15,000 to deliver playground works in Ainaro, East Timor.

### **BACKGROUND**

2. The City of Ballarat's friendship with the Municipality of Ainaro in East Timor began with the formal Friendship Agreement signed on 1 July 2003. Since 2003 the Ballarat Ainaro Community Development Organisation Inc. and the Ballarat Friends of Ainaro Community Committee has been developing capacity building projects or responding to disaster relief, and continuing to enhance relationships at a government, municipal and community level between the two communities.
3. The Ballarat Friends of Ainaro Community Committee has actively been working to deliver a playground project in Ainaro as part of the friendship relationship between the City of Ballarat and Ainaro.
4. Together with the Ballarat Ainaro Community Development Organisation Inc. the Ballarat Friends of Ainaro Community Committee has progressed the playground project through fundraising activities and philanthropy, with all funds raised being held by the Ballarat Ainaro Community Development Organisation Inc.

### **KEY MATTERS**

5. As part of the fundraising for the playground project, the Ballarat Friends of Ainaro Community Committee is seeking Council consideration of a matching contribution of \$7,500 to meet the stage 1 cost of playground works. This represents a one dollar contribution for each one dollar raised for the project fund.
6. The above matter was tabled for discussion at the 17 July 2023 meeting of the Ballarat Friends of Ainaro Community Committee where it was resolved to formally make this request of Council. A letter addressed to officers has been received and is attached.
7. If Council considers approving the requested \$7,500 contribution, the funds will be drawn from the 2023/24 Cultural Partnerships budget.

## OFFICER RECOMMENDATION

### 8. That Council:

- 8.1 Endorses the Ballarat Friends of Ainaro Community Committee's request and commits \$7,500 towards the playground project in Ainaro, East Timor.**

## ATTACHMENTS

1. Governance Review [8.5.1 - 2 pages]
2. BFACC Application for funds to Co B 2023 20 07\_ [8.5.2 - 2 pages]

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**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. Aligns to Strategic Objective (2.8) Enhance Ballarat as a diverse, inclusive and compassionate community and relates to Strategic Action: Develop and implement priorities from a new Intercultural City Strategic Plan.
2. Aligns to Strategic Objective (6. 3) Advocate on behalf of our community and relates to Strategic Action: Develop and implement strong advocacy campaigns for community and Council priorities.

**COMMUNITY IMPACT**

3. The robust intercultural exchange between the various Timor Leste - Ainaro interest groups, organisations, businesses, schools and individuals of Ballarat with the Ainaro municipality has promoted mutual cultural understanding, exchange of resources in the areas of education, arts, tourism, economics and Local Government knowledge.
4. Through the sustained long-standing relationship with Timor Leste – Ainaro and strong community support for the continuation of these links, Council has been viewed to be actively contributing to the ongoing cultural development of the city.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

5. It is considered that there are no climate emergency implications within this report.
6. It is considered that there are no environmental sustainability implications within this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

7. It is considered that there are no economic sustainability implications

**FINANCIAL IMPLICATIONS**

8. If Council endorses the proposal, the \$7,500 requested could be accommodated within the 23/24 Cultural Partnerships budget.

**LEGAL AND RISK CONSIDERATIONS**

9. Community expectations have been raised through the Ballarat Friends of Ainaro Community Committee (BFACC), and Council needs to demonstrate and maintain its commitment to the Friendship Agreement with Timor Leste – Ainaro.
10. A negative response to Timor Leste – Ainaro could have an impact on the perceived value we place on the Friendship City relationship.

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#### **HUMAN RIGHTS CONSIDERATIONS**

11. 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**

12. There has been no broader community consultation or engagement regarding this request apart from consideration at the Advisory Committee meeting.

#### **GENDER EQUALITY ACT 2020**

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

#### **CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

14. 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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**Ballarat Friends of Ainaro  
Community Committee BFACC**

7.7.2023

Mr Matthew Wilson  
Director Community Wellbeing  
City of Ballarat  
PO Box 655,  
Ballarat VIC 3353

**Re: Request for donation to Ainaro Community Playground**

Dear Matthew,

I am pleased to report that the Ballarat Friends of Ainaro Community Committee is well advanced in its fund-raising goals and will reach its target goal of \$7,500 by the end of July.

As you are aware this year is the 20<sup>th</sup> anniversary of the partnership between the City of Ballarat and Ainaro. Funding has been approved by Council for a visit to Ainaro to celebrate this event and to recognise our partnership in September 2023.

The Committee's volunteer commitment (in time and money) has helped to develop the quality of life and education of the Timorese people.

Some examples of this are:

- Teachers for Timor – Pre and post covid a dedicated cohort of teachers who volunteer their time at their own cost to spend time in Ainaro delivering education programs for over 16 years.
- Another ex-teacher who again in his own time and personal expense is developing a formal hospitality training program and commenced delivery of the course in Ainaro this year.
- In 2021 the Ballarat Friends of Ainaro Community Committee raised over \$45,000 of which \$5,000 was donated by Council to flood relief. BFACC was recognised by the Timor-Leste Government as delivering financial relief for food and essential local needs quicker than any other agency in the country. This was because of the networks built up through BFACC.
- In 2022 in the post COVID era BFACC established a scholarship to allow for formal teacher training in the municipality. One student has already commenced this four-year course and we have already secured a donation of \$2,300 for the next scholarship.
- We have a relationship with three secondary schools in Ballarat who support BFACC with fundraising and community service projects in Ainaro. Visits by at least one of the schools will resume in September of 2023.

BFACC has just this week reached agreement with the Ainaro municipal government representatives on a Playground project detail to be developed in two or three annual stages. Council officers are fully briefed on the planning and costings of this project.



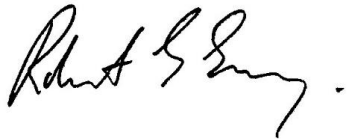
BFACC is seeking to raise \$15,000 (AUD) in 2023 to meet our share of the costs for stage 1 which we would like delivered by the time of the 20 Year Reunion later in 2023.

The Ballarat Friends of Ainaro Community Committee at its meeting on 17/7/23 endorsed a report to request a matching donation of \$7,500 from Council to meet the stage 1 cost of playground works. A copy of the meeting minutes will follow reflecting this endorsement.

Should the funds be approved they can be deposited in the account used to deliver the relief funds for the 2021 Cyclone Disaster Appeal mentioned earlier. This is held by the Ballarat Ainaro Community Development Organisation Inc at the Bendigo Bank and is a safe, audited conduit for funds to the Ainaro Administration.

BSB 633000 Acc No. 160 951 166

Regards

A handwritten signature in black ink, appearing to read 'Rob Gray', followed by a period.

Rob Gray

Committee Member

BFACC

## 8.6. KOORIE ENGAGEMENT ACTION ADVISORY COMMITTEE GROUP TERMS OF REFERENCE AND COMMITTEE MEMBERSHIP

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Pete Appleton – Executive Manager Engaged Communities

### PURPOSE

1. The purpose of this report is to seek Council adoption of the proposed updated Koorie Engagement Action Group Advisory Committee Terms of Reference, and to seek Council endorsement of two new Committee members.

### BACKGROUND

2. The Koorie Engagement Action Group (KEAG) as an Advisory Committee to Council has gone through various changes over the past 20 years:
  - a. 2003: The Unfinished Business Advisory Committee (UBAC) was established as an informal working group to enhance the opportunities for Aboriginal and Torres Strait Islander residents of Ballarat.
  - b. 2006: Council established UBAC as an Advisory Committee to Council with fixed membership to be appointed by Council. The re-launch provided Council with an opportunity to confirm its commitment to Aboriginal reconciliation by creating a formal relationship through a reconstituted committee.
  - c. 2009: Council worked with the local Aboriginal and Torres Strait Islander community on identifying several community issues and priorities as part of a Reconciliation Strategy review process. A central theme of the feedback provided was that UBAC was not representative of the local Aboriginal and Torres Strait Islander community and the Committee needed to operate within a different context.
  - d. 2010: UBAC unanimously endorsed a proposal to re-develop the group as the Koorie Engagement Action Group (KEAG). The Koorie Engagement Action Group remains an Advisory Committee to Council.
3. In 2022, feedback from existing Aboriginal and Torres Strait Islander committee members indicated that the Terms of Reference did not adequately incorporate cultural protocols nor provide an optimal framework to achieve the objectives of the committee.
4. Over 2023, a co-design process between Council and KEAG Committee Members took place to develop a Terms of Reference that would ensure cultural safety and facilitate committee objectives.
5. A key change within the proposed Terms of Reference relates to the membership composition of KEAG. This now includes a significantly higher proportion of members from the Aboriginal and Torres Strait Islander community plus representatives from the Wadawurrung Traditional Owners Aboriginal Corporation and DJAARA. Meetings will also be held monthly.
6. The attached Terms of Reference is the product of this co-design process.

7. The KEAG membership has also undergone some changes throughout 2022-23, with some members stepping down and, resulting from an EOI process over May to July 2023, two new members being proposed for Council endorsement.

## KEY MATTERS

8. As per Council's Committee Policy, the new KEAG Terms of Reference must be endorsed by Council to take effect.
9. As per the Terms of Reference, the new community members accepted through the EOI process must be endorsed by Council to become KEAG members. A complete list of members, including proposed new members is provided to Council for endorsement.
10. KEAG Advisory Committee membership to be endorsed is as follows:
  - a. Sarah Jane Hall (current Co-Chair)
  - b. Nikki Foy
  - c. Adina King
  - d. Deb Lowah Clark
  - e. Melissa Peters
  - f. Tarni Jarvis
  - g. Wadawurrung Traditional Owners Aboriginal Corporation representative
  - h. DJAARA (Dja Dja Wurrung Clans Aboriginal Corporation) representative
  - i. Shu Brown (proposed new member)
  - j. Luke Bosworth (proposed new member)

## OFFICER RECOMMENDATION

11. That Council:
  - 11.1 Endorse the updated Koorie Engagement Action Group Advisory Committee Terms of Reference.
  - 11.2 Revoke the Terms of Reference for the Koorie Engagement Action Group Advisory Committee endorsed by Council on 25 May 2022 by resolution R74/22.
  - 11.3 Endorse the Koorie Engagement Action Group Advisory Committee membership including new members in Shu Brown and Luke Bosworth effective of 24 August 2023.

## ATTACHMENTS

1. Governance Review [8.6.1 - 2 pages]
2. Koorie Engagement Action Group Advisory Committee TOR FINAL [8.6.2 - 7 pages]

## OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. The Council Plan makes several commitments to Reconciliation with the Aboriginal and Torres Strait Islander community including the development and implementation of a Reconciliation Action Plan.

**COMMUNITY IMPACT**

2. KEAG is an important Advisory Committee that provides City of Ballarat with expertise in Aboriginal and Torres Strait Islander matters to assist in decision making for the Ballarat community.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications from this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications from this report.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications from this report.

**LEGAL AND RISK CONSIDERATIONS**

6. Changing the membership composition of the Committee to include a significantly higher level of participation from the Aboriginal and Torres Strait Islander community reduces the risk of the Committee not being representative of the broader views and wishes of the local Aboriginal and Torres Strait Islander community.

**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. Existing KEAG members have been heavily involved in the proposed changes to the Terms of Reference. No broader community consultation or engagement has taken place on this issue.

**GENDER EQUALITY ACT 2020**

9. 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**

10. 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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# **Koorie Engagement Action Group Advisory Committee**

## **Terms of Reference**

OFFICIAL



## Contents

1.	Background.....	3
2.	Purpose .....	3
3.	Objectives .....	4
4.	Roles and Responsibility .....	4
5.	Membership .....	5
6.	Meetings .....	6
7.	Reporting.....	7
8.	Creation and Dissolution .....	7

## OFFICIAL



## 1. Background

- 1.1. By this Terms of Reference document, the Ballarat City Council (Council) establishes the Koorie Engagement Action Group (KEAG) Advisory Committee (Committee).
- 1.2. The term 'Koorie' in relation to the Advisory Committee's title is used to refer to Aboriginal and Torres Strait Islander peoples. The remainder of the Terms of Reference refers to Aboriginal and Torres Strait Islander peoples rather than Koorie peoples.
- 1.3. Throughout this TOR and all other KEAG documentation, the term Traditional Owners is an inclusive term referring to Traditional Owners and Traditional Custodians.
- 1.4. From time to time, Council will establish various Advisory Committees. The purpose of the Committee is to provide Council with expertise in relevant matters to assist its decision making for the municipality.
- 1.5. The Unfinished Business Advisory Committee (UBAC) was established in April 2003 as an informal working group to enhance the opportunities for Aboriginal and Torres Strait Islander residents of Ballarat.
- 1.6. Re-launched in 2006, Council established UBAC as an Advisory Committee to Council with fixed membership to be appointed by Council. The re-launch provided Council with an opportunity to confirm its commitment to Aboriginal reconciliation by creating a formal relationship through a reconstituted committee.
- 1.7. During 2009, Council worked with the local Aboriginal and Torres Strait Islander community on identifying several community issues and priorities as part of a Reconciliation Strategy review process. A central theme of the feedback provided was that UBAC was not representative of the local Aboriginal and Torres Strait Islander community and the Committee needed to operate within a different context.
- 1.8. At the UBAC meeting on 16 February 2010, the Committee unanimously endorsed a proposal to re-develop the group as the Koorie Engagement Action Group. The working group remains an Advisory Committee to Council.
- 1.9. The Committee is established by the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.10. These Terms of Reference are authorised by a resolution XXXX of Council passed on XXXX.

## 2. Purpose

The Committee is established for the purpose of:

- 2.1. Enhancing the opportunities for Aboriginal and Torres Strait Islander residents of Ballarat to contribute, participate and benefit from Ballarat's community life;

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- 2.2 Council receiving advice from Aboriginal and Torres Strait Islander stakeholders in the municipality on matters of engagement, support, advocacy, and services to Aboriginal and Torres Strait Islander peoples; and
- 2.3 Advising on the implementation of Council's Reconciliation Action Plan (RAP).
- 2.4 The Committee does not advise on behalf of Registered Aboriginal Parties or Traditional Owner organisations or replace the need for Council to engage with these entities on matters specific to Traditional Owners.

### 3. Objectives

The objectives of the Committee are:

- 3.1. Advise and provide recommendation to the City of Ballarat on matters of engagement for Aboriginal and Torres Strait Islander peoples in the region;
- 3.2. Provide advice to Council on the implementation of Council's RAP;
- 3.3. Enhance and promote understanding within the Ballarat community of Aboriginal and Torres Strait Islander cultures, society and heritage;
- 3.4. Identify issues affecting the health and wellbeing of Aboriginal and Torres Strait Islander peoples and develop responses in collaboration with key partners, agencies and other tiers of government;
- 3.5. Influence change processes in agencies providing services to Aboriginal and Torres Strait Islander peoples to assist in building cultural sensitivity and service integration that facilitates greater responsiveness to the needs of Aboriginal and Torres Strait Islander peoples; and
- 3.6. Advocate for and support key elements of the existing current service and support infrastructure in the municipality for Aboriginal and Torres Strait Islander peoples.

### 4. Roles and Responsibility

4.1. The role of the Committee is to:

- 4.1.1 Facilitate the operation of KEAG and ensure broad representation that provides relevant coverage for the items in these Terms of Reference;
- 4.1.2 Advise on ways that all Council activities, practices, plans, decisions and strategic directions are undertaken in a way that is responsive and inclusive of Aboriginal and Torres Strait Islander culture, issues and community;
- 4.1.3 Advise Council on advocacy to other tiers of Government and key bodies and agencies regarding issues impacting on Aboriginal and Torres Strait Islander peoples in the municipality;

## OFFICIAL



- 4.1.4 Work collaboratively with other KEAG members and their agencies to seek improved outcomes for Aboriginal and Torres Strait Islander Peoples in the municipality;
  - 4.1.5 Increase the Ballarat community's level of awareness of Aboriginal and Torres Strait Islander matters;
  - 4.1.6 Advise and support the Council and broader Ballarat community in the recognition and celebration of Aboriginal and Torres Strait Islander cultures; and
  - 4.1.7 Inform the Council of member agency activities and upcoming opportunities to progress Aboriginal and Torres Strait Islander culture and issues within the municipality.
- 4.2 Committee members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee.
  - 4.3 Committee members are expected to attend meetings whenever possible and provide a notice of apology prior to the meeting if not able to do so.
  - 4.4 All Committee members will be issued a copy of Council's Committee Governance Manual. The manual will provide direction regarding the Code of Conduct for Committee members and detail a Complaints procedure.

## 5. Membership

- 5.1. Membership will include Aboriginal and Torres Strait Islander Community Members, Representatives of both Traditional Owners groups and a Councillor Co-Chair. The Committee recognises the diversity of Aboriginal and Torres Strait Islander Peoples and will undertake reasonable efforts to ensure the Committee membership is reflective of this.
  - 5.1.1 Community members of the Committee will consist of up to ten members from the Aboriginal and Torres Strait Islander community with strong connections to the municipality or organisations within it.
  - 5.1.2 Two additional seats will be reserved for Aboriginal representatives from Wadawurrung Traditional Owners Aboriginal Corporation and DJAARA, respectively. These organisations can nominate an Aboriginal and Torres Strait Islander individual as proxy with voting rights if regular representatives are unavailable.
  - 5.1.3 A Councillor is nominated as the Co-Chair and is a voting member of the Committee.
  - 5.1.4 Any Councillor can attend the meetings of the Committee as an observer. KEAG can invite the Mayor and/or the CEO and Directors to upcoming meetings where items that may be pertinent are to be discussed.
- 5.2. The Chief Executive Officer shall appoint the Director Community Wellbeing or delegate to attend meetings as an observer.



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- 5.2.1 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee.
- 5.2.2 Council Officers who are invited to attend the meetings of the Committee are to provide advice and support to the Committee and are not considered Committee members and do not have voting rights.
- 5.3. The Co-Chair's plus each individual member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.4. Council will revise the membership and voting rights of each Committee member as it sees fit.
- 5.5. There is no limit on the number of terms a member can be on the Committee. Membership terms will be for two years. Members need not reapply at the end of a term if they wish to remain on the Committee. When casual Committee vacancies appear during the two-year term, positions can be filled at any time via an Expression of Interest (EOI).
  - 5.5.1 When EOIs are received, they will be tabled at the next KEAG meeting. Members will vote on the EOI with majority vote required to support a new member. This recommendation will then be tabled at the next Council meeting for consideration.
- 5.6. A Councillor will be appointed as a Co-chair through delegation by Council, and a community member will be elected by the Aboriginal and Torres Strait Islander members as Co-chair at the first meeting of the Committee each calendar year.
- 5.7. If both Co-Chairs are absent from a Committee meeting, the Committee will select a temporary Chair to chair the Committee meeting.
- 5.8. Any member complaints will be directed to City of Ballarat's Complaint Management Policy.
- 5.9. If a Committee member is absent from three consecutive meetings without apology or reasonable explanation, their membership will be reviewed by the Co-Chairs, where a recommendation may be put to Council for their consideration.
- 5.10. Committee members are required to attend at least 75% of meetings over a calendar year unless they have reasonable explanation, or their membership will be reviewed by the Co-Chairs where a recommendation may be put to Council for their consideration.

## 6. Meetings

- 6.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
  - 6.1.1 The City of Ballarat's Committee Policy

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- 6.2 The Committee will meet monthly as agreed by the Committee, and from time to time every two months.
- 6.3 A quorum of the Committee will be half of the members plus one
- 6.4 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. In the event of a tied vote, a second vote will be taken to seek to resolve the matter. If the vote remains tied, the agenda item will be deferred to the next meeting to enable more context and information to be circulated to group members.
- 6.5 On occasion voting may be undertaken in writing via email. In this instance, the vote via email will be conducted prior to the scheduled commencement of the meeting and sent to the nominated City of Ballarat officer for collating and presenting to the Chairs of the meeting.
- 6.6 Sub committees may be appointed by the Committee and may meet between Committee meetings and as authorised or directed by the Committee.

## 7. Reporting

The appointed Council officer is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:

- 7.1 Minutes of Committee meetings must be forwarded to the Statutory Compliance Unit immediately after adoption by the Committee.
- 7.2 In accordance with Council's Governance Rules, a Council Record of the matters discussed at meetings organised or hosted by Ballarat that involve Councillors and Council staff will be kept. The Record must be completed and sent to Statutory Compliance within 48 hours.

## 8. Creation and Dissolution

- 8.1 By these Terms of Reference, the Committee is established.
- 8.2 These Terms of Reference:
  - 8.2.1 come into force immediately when the resolution of Council adopting them is made; and
  - 8.2.2 remain in force until Council determines to vary or revoke it.
- 8.3 Dissolution of the Committee must be by a resolution of Council.
- 8.4 The Terms of Reference will be reviewed as required.

Dated: INSERT DATE (INSERT RESOLUTION NUMBER)

## 8.7. GOVERNANCE POLICY REVIEW

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

### PURPOSE

1. The purpose of the report is for Council to adopt the following updated policies:
  - Lease and Licensing Policy
  - Lake Wendouree Boat Shed Policy

### BACKGROUND

2. To ensure compliance and continuous improvement, the policies have been reviewed as part of a rolling program of policy review.

### KEY MATTERS

3. The Lease and Licensing Policy has been reviewed and the following changes have been made:
  - Changed references to DELWP to DECCA
  - Added 5-year incremental options and 3-year incremental for licensing
  - Removal of Council imposed transfer fees
  - Administrative updates to the policy template
  - Deleted the definition of “rates”
  - Changed the policy name from Leasing and Licensing to Lease and Licensing
3. The Lake Wendouree and Boat Shed Policy has been reviewed and the following changes have been made:
  - Changed references to DELWP to DECCA
  - Removal of Council imposed transfer fees
  - Administrative updates to the policy template
  - Removed the definition Municipal Land Rates
  - Inclusion of the definition Successor in law
  - Legislation updates

**OFFICER RECOMMENDATION****4. That Council:****4.1 Adopt the following attached policies:**

- Lease and Licensing Policy
- Lake Wendouree Boat Shed Policy

**4.2 Rescind the following policies:**

- Lake Wendouree Boat Shed Policy adopted by Council on 1 April 2020 (R86/20)
- Leasing and Licensing Policy adopted by Council on 22 November 2017 (R428/17)

**ATTACHMENTS**

1. Governance Review [8.7.1 - 1 page]
2. Lake Wendouree Boat Shed Policy [8.7.2 - 7 pages]
3. Lease and Licensing Policy [8.7.3 - 7 pages]

## OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. Accurate and up to date policies are a statutory requirement of Council to ensure compliance and continuous improvement achieved through regular review.

**COMMUNITY IMPACT**

2. In accordance with the community engagement and public transparency principles, Council is required to make available certain documents such as policies on Council's website.

**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. There are no legal and risk considerations for the subject of this report.

**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. No community consultation and engagement are required for the subject of this report.

**GENDER EQUALITY ACT 2020**

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

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

10. 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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# LAKE WENDOUREE BOAT SHED POLICY

## 1.0 Purpose

The purpose of this policy is to guide the management and use of boat sheds located at Lake Wendouree.

## 2.0 Scope

The Policy applies to boat sheds on Crown land at Lake Wendouree, occupied by community groups, schools or private individuals. It does not apply to boat sheds or other structures occupied by the City of Ballarat (Council).

The Policy recognises that Council cannot exceed the powers conferred on it through Victorian government legislation. It is also guided by the advice and policies of various government agencies.

The objectives of this policy are to:

- Clarify Council's role as Trustee or Committee of Management in relation to boat sheds;
- Clearly set out the rights and obligations of boat shed licensees;
- Protect the amenity, use and enjoyment of the Lake and surrounds by other users;
- Provide for a fair and financially viable approach to boat shed licensing and management arrangements;
- Provide a framework for management and use of boat sheds including repairs, alterations, relocation and removal of the structures; and
- Ensure compliance with related Legislation.

This policy only applies to properties that Council has delegated authority to manage. This policy applies to staff that prepare leases, licenses and occupancy agreements for Council controlled properties. This policy affects community groups and tenants of Council controlled properties. This policy does not apply to casual users of facilities.

Council must have Department of Energy, Environment and Climate Action (DEECA) approval for any lease or Licence of Crown Land. When premises become vacant or at the expiry of the term, Council officers will consider the ongoing future use of the premises and determine a suitable tenant for the premises with appropriate Council departments. The occupation of Council's premises may be subject to an expression of interest or a tender process and satisfying all statutory or legislative requirements.

In the event that the existing tenant does wish to extend their occupancy, the default position will be for a further 3 year Licence to be issued to the existing tenant, subject to that party having reasonably met all terms and conditions of the Licence in the previous terms.

## 3.0 Policy Statement

This Policy outlines the tenure, management, maintenance and use of community and privately occupied boat sheds at Lake Wendouree, Ballarat.

### Land Owner, Manager and Occupier

The Crown – represented by the Minister and Department – is the land owner. Council, whether as Committee of Management or Trustees, is the delegated Manager of the land. A licensee of a boat shed has no ownership rights, and is simply an occupier of Crown land, for a period of time as stipulated in the licence.



### 3.1 Management principles

Boat sheds have been part of the history and use of Lake Wendouree for over a century. Well maintained boat sheds provide a point of interest to visitors and can contribute to the visual amenity of the lake and surrounding land:

- The boat sheds are located on Crown land managed by Council. The structures are fixtures on the land and belong to the land owner.
- Boat sheds should benefit the wider community as far as practicable, have multi-functional shared use, and enable optimal public use of the Lake and surrounds.
- Private occupation of a boat shed is a privilege, not a right. Tenure arrangements will recognise this and be structured to avoid a boat shed becoming a form of private investment in a public resource.
- New private structures on Crown land that provide no public use benefit (such as privately occupied jetties or boatsheds) will not be permitted.
- Over time as opportunities arise, private occupation of existing boat sheds should be phased out in favour of community use based on clearly demonstrated benefit and demand.
- Any new boat shed proposed for community use should be based on a sound business case, benefit a wide range of community members, be located without impeding the landscape value, views or access to the Lake and be in character and scale with existing boatsheds.

### 3.2 Tenure

#### *Grant of Licence*

All boat shed occupations will be formalised through a licence agreement. Section 17B of the *Crown Land (Reserves) Act 1978* allows for licence agreements for a period not exceeding 10 years. However, the land manager is not obliged to offer the maximum term.

Occupation of boat sheds located on Crown land at Lake Wendouree will be formalised through a licence under section 17B of the *Crown Land (Reserves) Act 1978*. The term of the licences will be for a maximum of three (3) years.

#### *Renewal of Licence*

At Council's discretion, licences may be renewed at the end of the tenure period for a further term where:

- licence conditions are met;
- the structure is well maintained;
- the structure is in an appropriate location and not subject to storm surges, flooding, siltation or erosion;
- the structure is not at risk and/or contributing to the instability of the area; and
- Council has not determined to remove the structure or use the structure in another way.

#### *Cancellation of Licence*

A breach by a Licensee of the licence or this policy, including failure to pay Council fees and charges, and which is unremedied after reasonable notice of the breach is given to the Licensee, may result in cancellation of the licence.

Licences which become available as a result of cancellation may be offered for reallocation by Council.



### *Transfer of Licence*

Licences may be transferred subject to approval from Council. A licence may not be transferred by bequest.

Transfer of licence will be subject to:

- acceptable condition of the boat shed structure as determined by Council;
- approval for any alterations;
- no increase in licensed footprint;
- maintenance repairs, including external painting, as determined by Council;
- payment of outstanding charges including rates, taxes and licence fees;
- payment of prescribed transfer fees; and
- Council having not determined to remove the structure or use the structure in another way.

### **3.2.1 Fees and Charges**

#### *Licence Fees*

The licence fees for boat sheds will be determined by Council on an annual basis. Fees and charges for boat shed licences are payable annually in advance. The method of determining the licence fees will be determined by Council from time to time and is subject to any relevant legislation, policies and strategies.

#### *All Fees and Charges*

Licensees are responsible for payment of all municipal land rates and taxes on the licensed site. Failure to pay municipal land rates, licence or direct costs relating to a license transfer may result in Council to pursuing recovery of such money and cancellation of the licence.

### **3.2.2 Rebuilding a structure**

Where an existing boat shed is substantially damaged (greater than 50% loss), building of a new boatshed may be permitted within the existing footprint of the structure at the discretion of Council. The building of the replacement boatshed must be completed within the timeframes specified within the permit or permission may be deemed to have lapsed.

The style, form and materials of any rebuilt boat shed should be consistent with DEECA's Standards for Bathing Box and Boatshed Construction Guidelines and should take into account the character of the adjoining bathing boxes and boatsheds and the surrounding foreshore environment.



### 3.2.3 Removal of structures

Boat Sheds may be removed in any of the following circumstances as determined by Council:

- The structure is dilapidated, beyond repair or is a hazard to public safety;
- The tenant fails to give effect to notices issued by the Council;
- The structure does not comply with the relevant construction standards;
- The area is subject to changes including storm surges, flooding, loss of water in the Lake, siltation or erosion;
- The structure is at risk or may contribute to land or water changes;
- The area around the structure is unsafe to access;
- Removal is planned through any Management Plan or Policy for the area; and
- All heritage considerations are appropriately met.

## 3.3 Occupancy conditions

### 3.3.1 General Maintenance

To provide a consistent and fair framework for the conduct of maintenance on Council premises, maintenance schedules have been developed and each tenant is required to maintain the facility in accordance with the maintenance schedule attached to the Lease or Licence. The maintenance schedule will specify the responsibilities of Council and the tenant including responsibility for maintaining the structure, the building fixtures and fittings and grounds. The level of maintenance responsibility outlined in the relevant schedule will be determined by the tenant category and any special maintenance requirements by the tenant.

Generally, the Licensee must maintain the boat shed in good condition to the satisfaction of Council and ensure the boat shed does not prejudice the safety of its users, and other lake users and visitors. The Licensee must ensure that:

- Any improvements are kept in good order and condition;
- Graffiti is removed from the structure within the period specified on notification by Council: general graffiti 28 days and offensive graffiti 7 days. Council reserves the right to remove offensive graffiti where it is in public view and likely to cause distress to the community;
- The site is kept free of rubbish, pest animals and weeds; and
- Every default of which notice is given by the Council to the Licensee is remedied within a reasonable time specified in the notice.

### 3.3.2 Risk and Occupational Health and Safety

Council will require appropriate risk management measures in all Leases and Licenses which will include requiring tenants to:

- Release and indemnify Council for all claims resulting from any damage, loss, death or injury in connection with the premise unless such claims arise out of Council's negligence;
- Maintain adequate public liability insurance;
- Ensure that appropriate documentation and insurance is in place for occasional or hired use of the premises by third parties;
- Implement appropriate emergency evacuation procedures;
- Implement a risk management plan that identifies the risks associated with the tenant's use of the premises and how such risks will be addressed; and
- Only use appropriately qualified tradespeople to undertake repairs.



### 3.3.3 Condition Audits

Tenants may be required to participate in a regular condition inspection and report of the premises as determined by Council. The regularity of the review will depend on the use and type of tenant. Council or Council's agent may also enter the premises at any reasonable time after giving the tenant a minimum of one weeks' notice to conduct condition audits.

### 3.3.4 General Occupancy Conditions

- No construction works are to be carried out by the licensee without firstly obtaining the permission of Council as land manager under the *Crown Land (Reserves) Act 1978*, and secondly, obtaining any permission required from Council as the Responsible Authority under the *Planning and Environment Act 1987*. This includes any erosion or siltation control works or jetty construction.
- The Licensee must hold public liability insurance over the licensed site to a minimum value specified in the licence and supply evidence of the current policy to Council on request.
- No services such as power, water, drainage, sewerage, gas or telecommunications are to be connected to a boat shed. This includes solar or wind power generation or other infrastructure, without the consent of Council.
- Boat sheds shall not be used for overnight stays or any other sort of residential accommodation.
- Boat sheds shall not be used for any commercial purpose without Council permission.
- No fuel or chemicals are to be stored in any privately occupied boat shed. Where the storage of fuel in other boat sheds is permitted by Council, relevant Australian Standards must be adhered to and will be included as a condition of the Licence.

### 3.4 Compliance responsibilities

The Executive Manager Property Services and Facilities Management will ensure all tenants comply with relevant terms and conditions contained within this policy.

### 3.5 Charter of human rights compliance

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

### 3.6 Commitment to child safe standards

All Tenants and their staff are expected to ensure they understand Council's commitment to the Child Safety Standards and that everyone has a role to play in protecting children from abuse. Tenants and their staff are expected to understand how to identify, assess and minimise risks of child abuse and to detect potential signs of child abuse. They will also be expected to ensure that their behaviour towards children is in accordance with the Child Safe Standards.

## 4.0 Supporting documents and references

### 4.1 Legislation

- *Local Government Act 2020*
- *Crown Land (Reserves) Act 1978*
- *Planning and Environment Act 1987*
- *Charter of Human Rights and Responsibilities Act 2007*
- *Gender Equality Act 2020*
- *Occupational Health and Safety Act 2004*





#### 4.2 Associated Documents

- Risk Management Policy
- Asset Management Policy
- Approved Master Plans
- Capital Works Program
- Council Plan –2021 - 2025
- Community Engagement Policy
- Standard Council Lease and Licence Templates
- Standard DEECA Lease and Licence Templates
- Child Safe Standards

#### 4.3 Definitions

<b><i>Annual Licence Fee</i></b>	The annual fee payable to Council as owner or manager of the property.
<b><i>Boatshed</i></b>	A shed or similar structure erected on the lake foreshore managed by Council and generally used for the storage of boats, watercraft and accessories, and for the comfort and convenience of licensees.
<b><i>Commercial Occupier</i></b>	Any occupier who operates a business or commercial enterprise other than a sporting, educational, recreational or community group. This includes Not for Profit organisations that hire or retail goods or services.
<b><i>Community Occupier</i></b>	Not for Profit bodies which provide or promote community, cultural, educational, sporting, recreational or similar activities
<b><i>Council</i></b>	The City of Ballarat and any successor in law.
<b><i>DEECA</i></b>	The Department of Energy, Environment and Climate Action and its predecessors, successors and assignees, the Victorian Government department representing the Crown as the landowner of Crown land.
<b><i>Existing Boatshed</i></b>	A boat shed that exists at the date of this policy.
<b><i>Lease</i></b>	A lease is a right granted by the owner of land (landlord) to another person, community group or incorporated organisation (tenant) to have exclusive possession of that land, or part thereof, for a fixed duration in return for rental payment. Council may grant a lease where the premises will be occupied exclusively by the one user and Council considers that granting a lease is in the best interests of the community.
<b><i>Licence</i></b>	A Licence permits a person, community group or incorporated organisation (licensee) to occupy land (or part thereof) on particular conditions. The main feature that distinguishes a Licence from a lease is that a Licence does not permit exclusive occupancy of the land.
<b><i>Licensee</i></b>	A person holding a current licence for any Council owned or managed property
<b><i>Property</i></b>	Land or building owned or managed by the City of Ballarat and any successor in law.
<b><i>Site</i></b>	Council freehold land or Crown land managed by the Council allocated to a tenant whether or not that site has any structure on it

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<b>Structure/Facility</b>	Any structural improvement on the land.
<b>Successor in law</b>	An entity that has replaced a predecessor by acquiring the assets and carrying out the affairs of the predecessor under a new name.

### 5.0 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.

### 6.0 Policy owner

The owner of this policy is the Executive Manager Property Services and Facilities Management.

### 7.0 Applicability

The Policy applies to all Council Officers of the City of Ballarat, regarding land and/or facilities that the City of Ballarat has delegated authority to manage.

### 8.0 Authorisation

Adopted by Ballarat City Council on

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# LEASE AND LICENSING POLICY

## 1.0 Purpose

The purpose of this policy is to guide the framework of the tenancy management of Council's property portfolio.

## 2.0 Scope

The Policy applies to all property assets being both land and structures on Crown and Council freehold land, occupied by community groups, not for profit organisations, private individuals, and commercial entities. It does not apply to structures occupied by the City of Ballarat, or sporting clubs or other entities with seasonal service agreements.

The Policy recognises that the Council cannot exceed the powers conferred on it through Victorian government legislation. It is also guided by the advice and policies of various government agencies.

The objectives of this policy are to:

- Provide clarity of Council's role as Owner, Trustee or Committee of Management;-
- Clearly set out the rights and obligations of tenants;
- Provide for a fair and financially viable approach to the tenancy of Council property;
- Provide a framework for management and use of Council's property assets including repairs, alterations, relocation and removal of the structures; and
- Ensure compliance with related Legislation.

This policy only applies to land and properties that Council owns or has the delegated authority to manage. This policy applies to staff that prepare leases, licenses and occupancy agreements for Council owned or managed properties. This policy is relevant to community groups and other tenants of Council owned or managed properties. Council must have Department of Energy, Environment and Climate Action (DEECA) approval for any lease or licence of Crown Land. When premises become vacant or at the expiry of the term, Council officers will consider the ongoing future use of the premises and determine a suitable tenant for the premises with appropriate Council departments. The occupation of Council's premises may be subject to an expression of interest, or a tender process to satisfy all statutory and legislative requirements.

## 3.0 Policy Statement

### 3.1 Management Principles

Council is the owner and manager of a significant number of public assets contained within its property portfolio. Well maintained and managed property assets present a significant benefit to Council.

- Council must strive to ensure its property portfolio is performing and providing the maximum return
- measured by varying outcomes.
- Outcomes derived from offering tenancy of the Council property portfolio must be considered in accordance with expectation of revenue and community benefit.
- Private occupation of Council assets is a privilege, not a right. Tenure arrangements will recognise this, and be structured to avoid any Council asset becoming a form of private investment from a public resource.

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- New private structures on Crown land that provide for single occupancy/exclusive use will generally not be permitted unless Council considers the structure integral to deriving economic or community benefit.

### 3.2 Crown Land and Council Land

	Type	Default Tenure	Rental	State Government Direction
Crown Land	Lease	Up to 21 years	Commercial Market Terms	<ul style="list-style-type: none"> <li>Extended Terms</li> </ul> Note: Council can use discretion on rental return
	Licence	3 years	\$104 per year (set by Crown)	<ul style="list-style-type: none"> <li>Extended Terms</li> </ul>
Council Land	Lease	5 years with 5 year incremental options	Commercial Market Terms	<ul style="list-style-type: none"> <li>Term of Lease</li> <li>Rental</li> </ul>
	Licence	3 years with 3 year incremental options	Commercial Market Terms	<ul style="list-style-type: none"> <li>Term of Lease</li> <li>Rental</li> </ul>

#### 3.2.1 Tenure

All tenancies offered on Council owned or managed land will be formalised through a binding tenancy agreement.

Prior to any tenancy being offered, the status (ownership) of the land must be clearly defined and understood as that will determine what instrument is to be used to formalise the tenancy.

The Policy recognises that the Council cannot exceed the powers conferred on it through Victorian Government legislation. It is also guided by the advice and policies of various government agencies.

Consideration must be given as to whether a market rental is to be obtained to either set the rental or present options to Council, and should Council wish to discount the rental demanded to less than market rental this must be documented and supported for purposes of auditing financial responsibilities.

#### *Grant of Tenancy*

Occupation of Crown land or Council owned land will be formalised through a lease or a licence in accordance with the requirements of relevant Acts, advice and policies of various government agencies.

#### *Licence*

The default position of Council is that the term of the licences will be for a maximum of three (3) years unless significant investment in a new structure or significant maintenance of the existing is required to return the condition of the structure to the satisfaction of Council.

#### *Lease*

The term for leases will reflect the level of exclusivity required by the prospective tenant in combination with investment. Lease tenures will be offered in five year initial terms and 5 year incremental options unless a decision of Council is adopted to alter these terms on an individual basis.

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*Renewal of Tenancy*

At Council's discretion, tenancies may be renewed at the end of the tenure period for a further term where:

- There are no breaches of term or conditions;
- the structure is maintained to the satisfaction of Council;
- the structure is in an appropriate location and not subject to storm surges, flooding, siltation or erosion;
- the structure is not at risk and/or contributing to the instability of the area;
- Council has not determined to remove the structure, or use the structure or site in another way, or transfer tenure to another party; or
- other circumstances that do not support processes to renew occupancy of an asset.

*Cancellation of Tenancy*

A breach by a tenant of the terms and conditions or of this policy, including failure to pay Council fees and charges, and which is unremedied after reasonable notice of the breach is given to the tenant, may result in cancellation of the tenancy.

Other instances where tenancies may be cancelled are to be contained within the tenancy document and the provision of any regulating legislation.

*Transfer of Tenancy*

Tenancies may be transferred subject to approval from Council. A tenancy may not be transferred by bequest. An Application to Transfer Tenancy Form must be used and all required information provided as part of any application to Council for the transfer of a tenancy.

**3.2.2 Rental Fees and Charges***Rental*

Depending on the terms and conditions of the tenancy a market rental assessment can be commissioned to determine the annual rental amount. Increments commensurate with annual CPI Melbourne will be incurred annually with market review undertaken at the completion of individual terms (default 5 years).

*Fees*

The fees for tenancies will be determined by Council on an annual basis. Fees and charges for licences are payable annually in advance.

The method of determining the licence fees will be determined by Council from time to time and is subject to any relevant legislation, policies and strategies.

*All Fees and Charges*

Licensees are responsible for payment of all municipal land rates and taxes on the licensed site (if applicable). Failure to pay municipal land rates, licence or direct costs relating to a licence transfer will enable Council to pursue recovery of such money and cancel the licence.



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**3.2.3 Rebuilding a structure**

Where an existing structure is substantially damaged (greater than 50% loss), building of a new structure may be permitted within the existing footprint of the structure at the discretion of Council.

The building of the replacement must be completed within the timeframes specified within the permit or permission may be deemed to have lapsed.

The style, form and materials of any building should be consistent with Council requirements. In the case of boatsheds surrounding Lake Wendouree, any building should be consistent with DEECA's Standards for Bathing Box and Boatshed Construction Guidelines and should take into account the character of the adjoining boatsheds and the surrounding foreshore environment.

**3.2.4 Removal of structures**

Structures may be removed in any of the following circumstances as determined by Council:

- The structure is dilapidated, beyond repair or is a hazard to public safety;
- The tenant fails to give effect to notices issued by the Council;
- The structure does not comply with the relevant construction standards;
- The area is subject to changes including storm surges, flooding, loss of water in the Lake, siltation or erosion;
- The structure is at risk or may contribute to land or water changes;
- The area around the structure is unsafe to access; or
- Removal is planned through any Management Plan or Policy for the area.

**3.3 Occupancy Conditions****General Maintenance**

To provide a consistent and fair framework for the conduct of maintenance on Council's premises, maintenance schedules will be developed, and each tenant is required to maintain the facility in accordance with the maintenance schedule attached to the lease or Licence. The maintenance schedule will specify the responsibilities of Council and the tenant including responsibility for maintaining the structure, the building fixtures, fittings, and grounds. The level of maintenance responsibility outlined in the relevant schedule will be determined by the tenant category and any special maintenance requirements by the tenant.

Generally, the Licensee must maintain the structure in good condition to the satisfaction of Council and ensure the structure does not prejudice the safety of its users. The Licensee must ensure that:

- Any improvements are kept in good order and condition;
- Graffiti is removed from the structure within the period specified on notification by Council: general graffiti 28 days and offensive graffiti 7 days. Council reserves the right to remove offensive graffiti where it is in public view and likely to cause distress to the community;
- The site is kept free of rubbish, pest animals and weeds; and
- Every default of which notice is given by the Council to the Licensee is remedied within a reasonable time specified in the notice.

**Risk and Occupational Health and Safety**

Council will require appropriate risk management measures in all leases and licenses which will include requiring tenants to:

- Release and indemnify Council for all claims resulting from any damage, loss, death or injury in connection with the premise unless such claims arise out of Council's negligence;
- Maintain adequate public liability insurance;

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- Ensure that appropriate documentation and insurance is in place for occasional or hired use of the premises by third parties;
- Require tenants to comply with emergency evacuation procedures and risk management practices implemented by Council;
- Require tenants to implement a risk management plan that identifies the risks associated with the tenant's use of the premises and how such risks will be addressed;
- Only use appropriately qualified tradespeople to undertake repairs.

**Condition Audits**

Tenants may be required to participate in a regular condition inspection and report of the premises as determined by Council. The regularity of the review will depend on the use and type of tenant. Council or Council's agent may also enter the premises at any reasonable time after giving the tenant a minimum of one weeks' notice to conduct condition audits.

**General Occupancy Conditions**

- No construction works are to be carried out by the licensee without, firstly, permission of Council as land manager under the *Crown Land (Reserves) Act 1978*, or Council as land manager of Council owned asset, and secondly, any permission required of Council as Responsible Authority under the *Planning and Environment Act 1987*. This includes any erosion or siltation control works or jetty construction.
- The Licensee must hold public liability insurance over the licensed site to a minimum value specified in the licence, and supply evidence of the current policy to Council on request.
- No services such as power, water, drainage, sewerage, gas or telecommunications are to be connected to any Council asset without prior approval. This includes solar or wind power generation or other infrastructure.
- Council assets shall not be used for overnight stays or any other sort of residential accommodation without prior approval.
- Council assets shall not be used for any commercial purpose without Council permission.
- No fuel or chemicals are to be stored in any Council asset without Council permission. Where the storage of fuel in other boat sheds is permitted by Council, relevant Australian Standards must be adhered to and will be included as a condition of the licence.

**3.4 Compliance Responsibilities**

The Executive Manager Property Services and Facilities Management will ensure all tenants comply with relevant terms and conditions contained within this policy.

**3.5 Charter of Human Rights Compliance**

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights Act 2006*

**3.6 Commitment to Child Safe Standards**

All Tenants and their staff are expected to ensure they understand the City of Ballarat's commitment to the child safety standards and that everyone has a role to play in protecting children from abuse. Tenants and their staff are expected to understand how to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse. They will also be expected to ensure that their behaviour towards children is in accordance with the Child Safe Standards.

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## 4 Supporting documents and references

### 4.1 Legislation

- *Local Government Act 2020*
- *Crown Land (Reserves) Act 1978*
- *Planning and Environment Act 1987*
- *Charter of Human Rights and Responsibilities Act 2007*
- *Gender Equality Act 2020*
- *Occupational Health and Safety Act 2004*
- Child Safe Standards

### 4.2 Associated Documents

- Risk Management Policy
- Asset Management Policy
- Approved Master Plans
- Capital Works Program
- Council Plan 2021 - 2025
- Community Engagement Policy
- Standard Council Lease and Licence Templates
- Standard DEECA Lease and Licence Templates

### 4.3 Definitions

<b><i>Boatshed</i></b>	A shed or similar structure erected on the lake foreshore managed by Council and generally used for the storage of boats, watercraft and accessories, and for the comfort and convenience of licensees.
<b><i>Commercial Occupier</i></b>	Any occupier who operates a business or commercial enterprise that is other than a sporting, educational, recreational or community group. This includes Not for Profit organisations that hire or retail goods or services.
<b><i>Community Occupier</i></b>	Not for Profit bodies which provide or promote community, cultural, educational, sporting, recreational or similar activities
<b><i>Council</i></b>	The City of Ballarat and any successor in law.
<b><i>DEECA</i></b>	The Department of Energy, Environment and Climate Action and its predecessors, successors and assignees, the Victorian Government department representing the Crown as the landowner of Crown land.
<b><i>Existing Boatshed</i></b>	A boat shed that exists at the date of this policy.
<b><i>Lease</i></b>	A lease is a right granted by the owner of land (landlord) to another person, community group or incorporated organisation (tenant) to have exclusive possession of that land, or part thereof, for a fixed duration in return for rental payment.
<b><i>Licence</i></b>	A Licence permits a person, community group or incorporated organisation (licensee) to occupy land (or part thereof) on particular

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conditions. The main feature that distinguishes a Licence from a lease is that a Licence does not permit exclusive occupancy of the land.

**Licensee**

A person holding a current licence for any Council owned or managed property. Sporting clubs with seasonal service agreements are not included in this Policy.

**Property**

Land or building owned or managed by the City of Ballarat and any successor in law.

**Site**

Council freehold land or Crown land managed by the Council allocated to a tenant whether or not that site has any structure on it

**Structure/Facility**

Any structural improvement on the land.

**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.

**5 Policy owner**

The owner of this policy is the Chief Executive Officer.

**6 Applicability**

The Policy applies to all Council Officers of the City of Ballarat, regarding land and/or facilities that the City of Ballarat owns or has delegated authority to manage.

**7 Authorisation**

Adopted by Ballarat City Council on

## 8.8. 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 [8.8.1 - 1 page]
2. QT77/23 - Merle Hathaway [8.8.2 - 1 page]
3. QT78/23 - Dean Hurlston [8.8.3 - 1 page]
4. QT81/23 & QT82/23 - Jennifer Robson [8.8.4 - 2 pages]
5. QT83/23 Frank Williams [8.8.5 - 1 page]



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Outstanding Question Time Items					
Meeting	Status	Requested	Question	Officer Responsible	Response
28/6/2023 QT77/23	Completed	Merle Hathaway	I'm just wondering why in pursuing a masterplan for the Buninyong Botanic Gardens that would destroy many of its or much of its social heritage, environmental features. Why is the Council ignoring the Victorian Heritage Register and the wishes of many of the local groups that have a lot of expertise between us? Such as the Friends of Buninyong Gardens, Ballarat Heritage Watch, Buninyong Historical Society Community Association.	Natalie Robertson, Director Development and Growth	Natalie Robertson - Director Development and Growth provided a written response (see attached)
26/7/2023 QT78/23	Completed	Dean Hurlston	Can council please advise the dollar (\$) amount of "cost shifting from State Government" they estimate they incurred in 2022/23 Financial Year?	John Hausler, Director Corporate Services	John Hausler, Director Corporate Services provided a written response (see attached).
26/7/2023 QT81/23	Completed	Jennifer Robson	I would like to ask the council to explain their contradictory manner in dealing with the matter of obtaining an EES for the tailings dam application? We were informed an EES was not required as it would have already been addressed by ERR before reaching the council. However, during the approval meeting, it was stated that the council DO have authority to request an EES.	Natalie Robertson, Director Development and Growth	Natalie Robertson - Director Development and Growth provided a written response (see attached)
26/7/2023 QT82/23	Completed	Jennifer Robson	Can council explain why they sidestepped the EES process which has effectively avoided a thorough assessment of the potential environmental and social impacts of the mine?	Natalie Robertson, Director Development and Growth	Natalie Robertson - Director Development and Growth provided a written response (see attached)
26/7/2023 QT83/23	Completed	Frank Williams	My two questions relate to the small Inagawa Delegation, 8.2. The Ballarat City Council stresses the importance of public participation in decision making, also the consultative nature of the organisation and the value of community input and support. Therefore, my two questions relate to the following: Given the significance of the milestone event (the 35th Anniversary) why didn't the Council delegation invite public participation in the exchange?	Matthew Wilson, Director Community Wellbeing	Matthew Wilson, Director Community Wellbeing provided a written response by mail (see attached).

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PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 31 July 2023

Our Ref: NR:kr

Your Ref: QT77/23

Enquiries: (61) 03 5320 5500

Direct Email: [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)

Merle Hathaway

Email: [REDACTED]

Dear Merle,

**RE: OUTSTANDING QUESTION TIME ITEM – QT77/23**

I refer to your question asked at the 26 July 2023 Council Meeting.

**Question**

I'm just wondering why in pursuing a masterplan for the Buninyong Botanic Gardens that would destroy many of its or much of its social heritage, environmental features. Why is the Council ignoring the Victorian Heritage Register and the wishes of many of the local groups that have a lot of expertise between us? Such as the Friends of Buninyong Gardens, Ballarat Heritage Watch, Buninyong Historical Society Community Association.

**Answer**

The Buninyong Botanic Gardens Masterplan is based on wide-ranging community input, expert advice and a deep consideration of place and context. Extensive engagement has occurred with specific local groups, as well as other local residents to set the future direction for the gardens.

Heritage Victoria have provided high level review of the Masterplan and are comfortable with the intent. We will continue to engage with them on specific projects and matters that arise in respect of the implementation of the plan as required.

Council has ultimately decided to adopt the Masterplan and so City of Ballarat look forward to progressing with its implementation.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson  
Director Development and Growth

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DocuSign Envelope ID: 7318CAFB-1AE9-4F10-960B-FB6BD5F3DBC4

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PO Box 655  
Ballarat Vic 3353  
AUSTRALIA  
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[info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)



Date: 31 July 2023

Mr Dean Hurlston

[councilwatchaus@gmail.com](mailto:councilwatchaus@gmail.com)

Dear Mr Hurlston,

**Re: Public Question Time – 26 July 2023**

In response to your question of:-

*“Can Council please advise the dollar (\$) amount of ‘cost shifting from State Government’ they estimate they incurred in the 2022/23 Financial Year?”*

I am able to advise that the City of Ballarat does not measure the annual amount of cost shifting from State to Local Government.

Yours sincerely

A handwritten signature in cursive script that reads "John Hausler".

John Hausler  
Director Corporate Services

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PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Jennifer Robson

Email: [REDACTED]

Date: 31 July 2023

Our Ref: NR:kr

Your Ref: QT81/23 & QT82/23

Enquiries: (61) 03 5320 5500

Direct Email: [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)

Dear Jennifer,

**RE: OUTSTANDING QUESTION TIME ITEM – QT81/23 & QT82/23**

I refer to your questions asked at the 26 July 2023 Council Meeting.

**Question 1**

I would like to ask the council to explain their contradictory manner in dealing with the matter of obtaining an EES for the tailings dam application?

We were informed an EES was not required as it would have already been addressed by ERR before reaching the council. However, during the approval meeting, it was stated that the council DO have authority to request an EES.

**Answer 1**

Prior to the lodgement of any planning application proposing mining activities, a Work Plan Variation process is required to be undertaken through DEECA [(The Department of Energy, Environment and Climate Action)]. As part of this process the EPA [(Environment Protection Authority)] assessed the proposed tailings dam along with other relevant agencies such as the Department of Environment, Land, Water and Planning (or DTP now). These authorities did not raise any objections to the proposal and have included conditions that form part of the Work Plan statutory endorsement.

Based on the previous review of the Work Plan by the relevant agencies, which by way of Statutory Endorsement has considered the thresholds for requiring an Environmental Effects Statement (EES) and determined the threshold for requiring an EES has not been met and is therefore not required.

Council officers have previously advised both Council and the public that if it were to seek an EES the resulting recommendation would not differ as the relevant agency has advised the threshold for requiring an EES has not been met. What remains the ambit of discretion to us in planning consideration triggers in this matter does not give call to mandate and EES.

**Question 2**

Can council explain why they sidestepped the EES process which has effectively avoided a thorough assessment of the potential environmental and social impacts of the mine?

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**Answer 2**

Natalie Robertson, Director Development and Growth, responded that, as well as partly being answered in the response to the previous question, the Council has now made a decision on this planning matter based on the requirements of the Ballarat Planning Scheme. Any party to the proceeding who opposes the decision may exercise their right to appeal to the Victorian Civil and Administrative Appeals Tribunal.

Yours sincerely



Natalie Robertson  
Director Development and Growth

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PO Box 655  
Ballarat Vic 3353  
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Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 31 July 2023

Our Ref: QT83/23

Your Ref:

Enquiries: (61) 03 5320 5500

Direct Email: [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)

Mr Frank Williams



Dear Frank

**RE: OUTSTANDING QUESTION TIME ITEM – QT83/23**

Thank you for your question submitted to the Ordinary Meeting of Council on Wednesday, 26 July 2023, in relation to the Council delegation to Inagawa.

**Question**

*Given the significance of the milestone event (the 35<sup>th</sup> Anniversary) why didn't the Council delegation invite public participation in the exchange?*

**Response to Question**

*Public participation was invited through contacting six secondary schools regarding their interest in travelling to Inagawa, and Council received advice from Mt Clear Secondary College that they were anticipating visiting Inagawa during the September School Holidays.*

If you wish to discuss this matter further, please do not hesitate to contact me via City of Ballarat's Customer Service number (03) 5320 5500.

Yours sincerely

A handwritten signature in black ink, appearing to be "MW", followed by a horizontal line.

Matthew Wilson  
Director Community Wellbeing

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**9. NOTICE OF MOTION**

**10. REPORTS FROM COMMITTEES/COUNCILLORS**

**11. URGENT BUSINESS**

**12. SECTION 66 (IN CAMERA)**

**13. CLOSE**